TORONTO – At-Large Future Challenges WG Public Workshop
Monday, October 15, 2012 – 15:30 to 16:45
ICANN - Toronto, Canada

GISELLA GRUBER: Welcome to everyone. The At-Large Future Challenges Working Group Public Workshop is about to start on Monday the 15th of October at 3:30 PM. Thank you, if I can also please remind everyone to state their names when speaking.

We have our lovely interpreters here at the back in the booth, with French and Spanish interpretation. And unless you say your name, they are not able to identify the speaker on the other language channel. And also just remember to speak at a reasonable pace because they are doing simultaneous interpretation. Thank you.

JEAN-JACQUES SUBRENAT: Bon jour. May I suggest that you use your earphones if French is not your native language or if you think you may not understand everything? I am going to address the crowd in French for now. My name is Jean-Jacques Subrenat. I am a member of ALAC and I'm Co-Chair of this working group on the future challenges. The other vice-chair, Evan Leibovitch, just arrived and he's actually sitting down.

Our agenda today is the following: first we will talk about the document that we all put together. It's archery, because its title is "*Making ICANN Relevant, Responsive and Respected".* There are two under chapters.

First of all, I repeat, it's a document that has been previously used by ICANN during a meeting which will take place in a few days.

And secondly, what are the next steps that we could plan for this archery document? Second on the agenda, the new revenues of ICANN. And I'm asking this question: should it be an opportunity for better serving the public interest by ICANN? Third, question of the contractual questions within ICANN and that theme will be introduced by Evan. And the fourth element...before I start with the agenda, is there anyone who would like to suggest another element to the agenda?

Any other business? I do not see anyone wanting to speak. We will then think that this agenda is adopted. Now we will come back to the discussion of the first element, the document called archery, and the staff of ICANN gave us, in a blue folder I believe, the document itself which is titled *Making ICANN Relevant, Responsive and Respected*. And this is what we're talking about right now.

There are two aspects that we would like to examine today. First of all this paper is already going around, as you know, and I want to give you information. It is the basics of a discussion which will take place this Wednesday, October 17th from 9:00 AM to 10:00 AM at Dockside 5. And this is a session which will be organized by NPOC and the subject will be the Multi-Stakeholder Model within ICANN and within the Internet. And this is just information for you.

Now we will go to the Point B of this first point. What is the follow-up, the feedback, that we could give after the work that we've done together in order to publish this archery paper. The idea is such we thought that it was necessary that within ALAC, as we pursue the

precious work and precise work that we are doing, while we are reacting, making decisions with the board of ICANN, we also had to have a general view, a more elevated thought, and longer term than simply the work that we do day-by-day with ALAC.

And this is why we have written this paper together and we hope that it will be the basis of a wide discussion within ICANN but also further down within other groups. Institutions that are interested, not necessarily by the Internet, but also by the more vast subject of governance that applies to the Internet.

This is just a fast introduction to start the debate. But before doing that, I'm going to ask Evan to complete what I said. Especially on Point B of the first part of the discussion.

EVAN LEIBOVITCH: Thank you Jean-Jacques. I have to speak a few words in French because I'm in Canada. But I am very, very sorry but I will have to continue in English. That's as far as I get.

In terms of how far we go with contacts, one of the things that's very important to us, to this document, is to make sure that it is not just an ALAC document and indeed not just an ICANN community document. One of our goals with this is to try and put it out to a broader audience to try and deal with some of the internal as well as external comments, pressures, and other influences right now that are looking at ICANN with a very, very sharp viewpoint and have made a lot of commentary, a lot of criticism.

A significant amount of which has at least some justification, and R3 is our attempt to try and open a new dialogue. And so one of the things that we want to try and do is to try and find out different ways to get other contacts to engage with this and to try and get this in to the hands of as many people as possible.

So one of the things that I would like to do within the group here is to try and identify different ways to get this out. I know I've personally tried a couple of instances, there have been some individuals within the ICANN Board, and as a result of introducing this paper at the last GAC meeting a number of governmental representatives have asked for it. In fact the R3 paper, before it was adopted by ALAC unanimously, was in fact distributed to the entire Governmental Advisory Committee after the last ICANN meeting in Prague. So we are starting to get the distribution we want.

What we need is to do now is to start to turn this in to a wider distribution that is not just putting the paper in the hands of other people, but also starting to engage in a dialogue. Some initial contact that I've had with members of the domain media have had, shall we say, mixed results.

Kieren McCarthy, who used to be an ICANN staffer and now runs a web site...I believe it's NXT.com. I sent the document to him sometime back, went back and forth with him a number of times. He said he was too busy for it, but then after that seemed to have enough time to come in to NARALO and start looking in to personal conflicts that were happening, which seemed to him to be more important than a document we thought was critical to the evolution of ICANN.

We can't affect that, but we can try and do our best to contact other journalists, other influencers, other perhaps bloggers. And so one of the things we'd like to try and do at this meeting is to ask the rest of this committee who you think we should be talking to and especially in cases where you know the people yourselves and are capable of helping us spread this as a community effort.

JEAN-JACQUES SUBRENAT: Thank you Evan. This is Jean-Jacques Subrenat now speaking. Just that we take stock of the fact that this paper exists in now several languages. I think it's in all the six languages of the UN, the working languages.

So I think the first step would be to have your advice on the credibility of those translations, because although we go through professional translators they are not all necessarily very savvy about the intricacies of the Internet, nor indeed familiar with all the acronyms and the implication of those acronyms in the Internet world.

So for instance Xue Hong, Professor Xue, would give us advice, and we look forward to that, on how she sees now the presentation of that in Chinese. Someone from the Spanish language world, someone from Arabic, someone from Chinese and someone from French. I can do the French part, I think. So that would be...and Russian. So I think we need to do that, but we won't stop all the other work because of that.

What I'm suggesting is that you get in touch with Evan or myself or with our staff members here to point out any mistakes or corrections you would like to suggest, so that it becomes an easily understandable document in all those six languages. Now having said that, we would

like to open the floor to your comments on how to continue to pursue this discussion.

And we insist on the fact that it should not be limited only to ICANN circles, because I think that the crux of our session today is to underline the importance of governance aspects which are common to many of the most important human challenges today. For instance, availability of energy, of clean water, of public health, of fairness, etcetera. So governance is in itself one of the greatest challenges.

And if we look at it, first in this group from the point of view of the Internet, we should be able to relate with the wider picture of governance issues world-wide. The floor is open; I saw a first hand there. Please give your name when you start.

SIVASUBRAMANIAN MUTHUSAMY: I'm Sivasubramanian from ISOC India Chennai ALS. Since this working group is examining the future challenges of not only ALAC and At-Large but of the whole of ICANN, my first thought is to suggest that we take this working group to another level and probably consider making it a cross-constituency working group.

And the second thought that I would like to share relates to what our CEO, Fadi, spoke this morning. And he was mentioning, and not in these exact words, that the way the constituencies are organized in ICANN is not in the ultimate manner. It's not the Holy Grail. He meant that there is some scope for improvement, and could this working group also look at the way the stakeholder groups are all organized in ICANN?

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So for example, on the user side we have At-Large, NCUC and different constituencies, and on the business side we have a separate constituency for registrars, a separate constituency for registries and is there some way by which this group can also look at the way the stakeholder groups are classified and organized? Is there a possibility that we can suggest a structure in the long-term? Thank you.

EVAN LEIBOVITCH: There's two answers...oh, sorry. This is Evan. Siva, there's two different ways...well there's two things. One of which, is the issue of working between communities and the elimination of silos, is mentioned in the paper itself. I'm very happy to hear the new CEO of ICANN already start to make new directions in that regard anyway. But there's two different things. One of which is for the presentation...are you talking about the presentation of the paper in multiple constituencies or are you talking about the structures themselves that we need to evolve?

SIVASUBRAMANIAN MUTHUSAMY: Both are different points. One is that the group could be made in to a cross-constituency working group so that it gains greater significance and greater participation and there would be greater acceptability of the ideas proposed.

And the other point was that whether it's a cross-constituency working group or an ALAC working group it could look at the way stakeholder groups are organized in ICANN. Stakeholder groups emerged in a certain way. They probably didn't emerge in a very scientific way; there was no master plan behind it.

So is there some way by which we can look at the way gTLD...the way business constituencies are organized. gTLDs are organized in a separate way. ccTLDs are organized in a separate way. There is a registry constituency, a registrar constituency, and so on. Could there be a single constituency and could there be a single users' constituency? Could there be a single government constituency and so on?

JEAN-JACQUES SUBRENAT: Thank you Sivasubramanian. Yes, staff is asking us to point out that we must speak at a regular rate and, if possible, a bit slower than that for the purposes of interpretation. Please, and give your name when you start, please.

PETER KNIGHT: Peter Knight. I've just been scanning this paper now and it strikes me that it's extremely relevant and it's the kind of issue that attracts me to this group and to ICANN in general. However, my immediate reaction as a sometimes journalist is that it's written in ICANNese. In the language of ICANN, full of acronyms and that the general public can't possibly understand.

And that if you want to get any broader discussion on it outside of ICANN, it needs to be translated and it needs an executive summary. A very brief and coherent thing, why this is important, why you should be concerned, and so forth. If you take this to journalists who specialize in telecommunications and Internet issues, they may pick it up and write something.

But for...this is really important stuff. It's really worth a broader discussion. But then the question is: is this, at this point, not the position of ICANN? This sounds like what Fadi was talking about this morning and what he said to us here earlier.

So if it...I mean, can we take it out or is this something to be discussed in small circles and then somehow pushed up the bureaucracy and approved by the management? Because if it's something that's worth having a serious discussion at an international level then it ought to be translated, and I know lots of people that I could put it out to.

EVAN LEIBOVITCH: Peter...oh, sorry. This is Evan. Peter, your points are well taken. I don't know if it would make a difference to let you know that this is indeed itself the executive summary and that there are supporting documents much, much lengthier than this that are behind it. The original R3 document was on the order of about 50 pages. What started then as the executive summary to that eventually became the paper itself, once we realized that most people would not read beyond three pages.

PETER KNIGHT: Most executives won't read beyond one page and a sound bite is nine seconds.

EVAN LEIBOVITCH: Your point is well taken, and so in fact one of the things we need to do in order to get this out to the community. I guess the first audience are people that know ICANN; at least well enough to know that it needs

rework. Or to know it well enough to know what works and what doesn't, to which hopefully this paper will resonate. This may be not only ICANN insiders, but also people outside in the telecom community, in the ITU, in the IGF, and people that are aware of the issues and are at least somewhat comfortable with the jargon, at least enough to be able to work with it.

Does it need further reworking to be able to go in like, for instance, *The Guardian* or *USA Today*? Certainly this is not in that realm, and it needs that kind of work. But before it can get there, Peter, we need the discussion even on the higher-level of the people that are at least halfway there on the substance.

PETER KNIGHT: Just so that I can reply...please not *USA Today*. It's for fourth-grade English but that's, unfortunately, what too many Americans can read these days.

JEAN-JACQUES SUBRENAT: This is Jean-Jacques. Peter, I'd like to reassure you that all the co-authors, and the two co-chairs, have no intention of limiting this to the North American continent. Right from the start, the purpose was to be as international as possible and to take on board the preoccupations of the Internet user world-wide with a very confirmed slant, or bias, which is the global public interest. Underline global.

So I'd like to suggest that now we see what other reactions there are. We've had two interesting points, which we have taken note of, and would there be others? Not necessarily around this table, but in the

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hall? There's a microphone which can certainly be brought to you or you can come to the table. If you have any comments and suggestions, please, give your name first.

RANDY GLASS: Hi, Randy Glass, AmericaAtLarge. I'm trying to, as we're discussing, refine my thought on this. And basically, I guess to throw it out there, Evan and everybody else on the document, of course, I trust 100% on what you all say. And so the relevancy of the document, of course, is very good.

I'd question the fact of do we want, just like Mr. Knight was saying, we don't want it in like *USA Today* or *Good Housekeeping*. I would leave all that up to the ALS's, and I think a document like this would be more suited toward getting it out to all the ALS's and letting them maybe synthesize a little further. Maybe even to the point of we want to keep it within the constituency realm, something that gears toward the Internet society basically, rather than the globe at large. Thank you.

JEAN-JACQUES SUBRENAT: Thank you for that interesting suggestion. Please give your name.

MAUREEN HILYARD: Hi, Maureen Hilyard from the Pacific. I agree with you. I think it's a great paper to be putting out to people who already have some understanding about ICANN, and I'm also thinking about my group. I think I mentioned before that we've got 22 countries, 22 different countries with about 100 plus languages and dialects.

We'll stick to English, I mean this is the way that most of the stuff that we hand out to our members...but I can see...like we have a big INET at the end of November. And I can sort of see...we've got about nearly 800 members in our society.

And with our INET coming up at the end of November I can sort of see us putting this out on a weekly...like one section a week until the INET, and having a session with the ICANN representatives who are going to be there and others of us who have actually been...to get some dialoging going.

And also to...at the moment we only have two ALS's in the Pacific and one of the things I've actually been really trying to do is to encourage more of our island communities to get their IT groups to formalize their relationship with ICANN. And by introducing this paper, this could be a very good way of actually getting them involved and I think we might be able to do something here.

JEAN-JACQUES SUBRENAT: Thank you Maureen. Glenn? Could you give your name?

GLENN MCKNIGHT: Glenn McKnight. I'm just going back to the workspace that's posted on the website, the ICANN website, and it said that the comments have been closed so you're continuing to look for comments from this meeting or are they actually...? According to this they were closed back on June 14th.

Second of all I'd like to know; how many comments did you actually get? And on your same page, further down in what looks like Scribus, it has a Big Pulse survey as well and I'm just curious...that was wrapped up on September 29th. What was the...is it an independent, verified process? Maybe you can clarify that. Thank you.

EVAN LEIBOVITCH: Okay. This is Evan. Glenn, the comment period that you're talking about is the public comment period that was done after the last final draft of the R3 document was done. It was put out for comment in advance of an ALAC vote to endorse it. So we've been working on this for a long time. There have been a number of different iterations that this has gone through and some cases where it's gone through substantial rewrites, in fact, to take into account.

What you see there is the final comment period that was done in advance of the actual ALAC endorsement ratification vote. That is the Big Pulse vote that you see at the bottom of the screen, is the link actually to that vote, which I'm happy to say was done by a vote of 15 in favor and none against and none abstained. To go back to some of the other comments, in terms of how this gets out: going out to ALS's is an absolute natural. In fact, it's absolutely incumbent on us as the At-Large Advisory Committee to make sure that this gets that kind of...at the very least, the kind of distribution that's required.

I can also say that this has already gone out to every AC chair, every Advisory Chair, every Supporting Organization Chair within ICANN right now. That is far from a complete distribution, but at least it's the start. It's put it in the hands of some of the other communities. We've had a

little bit of feedback. Some of that has resulted, for instance, in the consultation and the presentation we're doing together with the non-profit constituency this week.

But it's also been put forward to NCUC, it's been put forward...we put it in the hands of many of the other constituencies in the anticipation of starting a dialogue. Siva, in terms of what form that dialogue takes, if it's a cross-constituency working group or takes some other form; I don't think we've got to that level of structure yet. But the first thing to do has been to put the word out.

One of the next things we need to do is put this out in some of the email blasts that ICANN has now started to do, such as David Olive's policy mailings and so on. So we're just now starting to scratch the surface of how we are distributing that within ICANN. And so I guess what we're looking, also here, is for how to distribute this outside of ICANN.

JEAN-JACQUES SUBRENAT: Thank you, Evan, for that explanation. I'd like to add two things. Staff has just reminded me that it was put out for comments, actually, that was on the...

[background conversation]

JEAN-JACQUES SUBRENAT: At-Large   comments.   Not   public   comments,   that   was   At-Large comments. The other thing I wanted to point out before going on with

the general debate here is to repeat the names of the co-authors of this R3 paper, which was initiated by Evan and myself.

The co-authors are: Rinalia Abdul Rahim, who is here. Yrjö Länsipuro, who is busy in another session. Evan Leibovitch, here. Carlton Samuels, who is busy in another meeting. Jean-Jacques Subrenat, that's myself. And Xue Hong, who is here. So the floor is yours, Hong.

HONG XUE: Thank you. I'm Xue Hong. I've noted that ALAC had a vote on this paper, so now it is an official document of ALAC and I'm glad to hear from Evan that it's being circulated for the chairs of a couple of constituencies. That's really good.

I want to know what is the current status of this document, and what would be the next step? Would it be submit it to the board? And I guess this is about some very high-level concept, it would not initiate the PDP. So what can we push forward for implementation? We want to make it concrete.

JEAN-JACQUES SUBRENAT: Peter, is it on the same subject? So I'll reply to both of you together. Please, go ahead Peter.

PETER KNIGHT: Some people say you raise two hands when you want to piggy-back. The Dubai Conference is in December, right? And we're now in the middle of October. If this is going to have an influence on let's say elite, if not public, opinion then it's time to reach out beyond ICANN.

If it can't be done yet then it ought to be pushed up in ICANN so that Sally Costerton and the media specialists and so forth can get to work on getting it out, because this is a global battle in which major actors...this is a geo-political issue and it's not a minor technical question. And therefore, this is already an amazing document. As an internal critique, it lends credibility to the organization that such a process has gone on. If there's a 50 page paper, I'll certainly read it. If it's this long paper, it's still too long for getting out without more explanation on top.

And all I'm trying to put in...I think we need a little more sense of urgency on this issue in terms of getting it ventilated, if you want it to do any good outside the people...I mean, you're preaching to the choir, as we say in English. Everybody in ICANN is more or less in favor of this stuff. If the Chief Executive seems to be in favor of it then let's get on with it.

JEAN-JACQUES SUBRENAT: Right. Before Evan or I reply to these two comments, Rinalia? Would you like to say something?

RINALIA ABDUL RAHIM: Thank you Jean-Jacques. Rinalia Abdul Rahim, for the transcript record. A few thoughts. I'll start with the suggestion that we push it out to the ALS's and it can be easily done. I think, as Evan said, it's almost a natural progression. But I think to have meaningful engagement, it requires a facilitated discussion.

And I think, with Maureen's help, in terms of the event that will happen in our region we can certainly plan to have presentations of the paper engaging our RALO members, our ALS's, and getting their feedback on it so that they can individually provide their input on the issues that they feel interested in.

And this also applies to the next ICANN public meeting in Beijing, because we're going to have all of the APRALO ALS's. Now you might think that this is too far away to have any impact, but the changes that we're talking about may not be immediately remediable. Some of it may be so because Fadi is pushing for it, but there are various things that need to be done.

And I think progress may not be all at once. It could be on different parts of what had been addressed in the paper. And now, I move on to Siva, your suggestion: can we please form a working group to work on these things? I think that on some parts of it, the ICANN leadership will initiate some kind of mechanism. Let's tackle this problem, let's tackle this aspect of the problem.

In particular, the multi-stakeholder balance, which weights on their minds because they're already asking for how is the New gTLD Program going to affect the structure and processes of ICANN? So I can imagine that they are going to initiate a process whereby that would be worked on. So we can...

[background conversation]

RINALIA ABDUL RAHIM: Okay, sorry. So we can certainly send representatives from the working group, or even from At-Large itself, in to that. But there will be other issues that are not worked on. And in that regard, this group could think about what is the strategy for engaging on those topics? So I actually think that action on the things that are being discussed, the issues that are being discussed in this paper will require sort of like a longer term follow-up.

JEAN-JACQUES SUBRENAT: Glenn?

GLENN MCKNIGHT: Glenn McKnight. My cousin at the end there, his name is Knight and mine is McKnight, at first I thought he was making sense. Then I started thinking about it and I said, "Yeah, we need clear and direct language so people understand what we're talking about." Then I thought...I was going through the document, unfortunately I didn't have it prior to this meeting so in the last couple of minutes I've been scanning it quickly.

Then I realized, "Wait a second. Yeah, it was a choir book to the converted. It was speaking to us as a community. So it makes sense that it speaks in the language that we understand." So at first I was saying my cousin was absolutely right, and then I said, "Well no wait a second, I think the people who would read this would understand it." Thanks cousin.

JEAN-JACQUES SUBRENAT: Thank you Glenn. Before we go back to Siva, Evan?

EVAN LEIBOVITCH: Hi there. I just wanted to; now that we can...the conversation has gotten to a point now where we can start to come up with some specific action items. And some of this can be on staff and some of this can be on, for instance, members of At-Large and ALAC. In fact as it is, three of the authors of this are on the executive of ALAC, so putting this forward in a very strong fashion should be possible. Now one of the things that has been mentioned is there has now been a change of management within ICANN's communication staff.

[background conversation]

EVAN LEIBOVITCH: Now it's up to me to slow down, sorry. Sally, who has just joined on to spearhead the new communications efforts, I think can be a part of this strategy. So in other words, they have the channels, they have media contacts, they perhaps have external contacts to other organizations. Now having said that, I would want to have caution that this is not an ICANN-endorsed document. This is something that ALAC is putting out.

And the fact that the CEO of ICANN has said some things that are strongly aligned with what we are advocating does not mean that this has the consent of the Multi-Stakeholder Model within ICANN right now. I'm quite sure that there are some constituencies that might take issue with it, and I've heard from some that agree with some and disagree with other components of it. And so we're going...this is a starting point. This is not an ending point.

But the point I'm making also is that this is not an ICANN document, this is an At-Large document trying to provoke a discussion inside, and in fact outside, about ICANN. So the communications efforts are necessary, but I would also want very, very strongly to caution you this is not an ICANN document. It's nowhere near broad consensus. It has that consensus within ALAC, and so we are very much, I think, along these lines.

But I would not assume simply because the CEO has indicated that he's in line with a lot of it, I would not take this right now to be any kind of an ICANN consensus. It's a good start, but it is only a start. And in terms of turning this in to an action item: so I'm going to ask staff to work with the chairs of this working group to make sure that we put every possible wheel in motion to have ICANN's own communications machinery, if you would, get engaged to help distribute information about this.

Knowing that, again, these are not official ICANN statements. So because they can't use the normal ICANN news release, it's because they're not official ICANN statements so there will be limitations on how much we'll be able to do this. But we can push for the maximum extent possible, that this is something that one of their major constituencies is putting out, we've asked to put it out to the wider community and we're asking for their help in it.

JEAN-JACQUES SUBRENAT: Avri, and then Siva, and then Peter.

AVRI DORIA: This is Avri. I have a quick question and maybe this was covered while I was out hunting for coffee so if so, I apologize. Has Fadi been given this specifically and have you had actual conversations with him about it or requested a conversation with him about it?

JEAN-JACQUES SUBRENAT: I'll answer that a bit later. So Siva and then Peter.

SIVASUBRAMANIAN MUTHUSAMY: Sivasubramanian, for the transcript record. What Evan was talking about is that this is still not an ICANN document and so the suggestion is to make it an ICANN document by having a dialogue within ICANN. And once it's made in to an ICANN document, take it outside ICANN to a wider circle of Internet governance audience, or Internet governance participants, because the future challenges of ICANN are in a sense the future challenges of the Multi-Stakeholder Model itself.

So it is very important that this document gets discussed in a wider forum. So one action item that I would suggest is to take a look at the possibility of either having an open forum at the IGF, if possible, to discuss this. Or if an open forum is not possible, have a side event like the academic community has, once a year, an event called GigaNet. And maybe one or two of our discussion meetings on the future challenges, that could also be a good idea. Thank you.

JEAN-JACQUES SUBRENAT: Thank you Siva. Peter?

PETER KNIGHT: I couldn't agree more with what the two previous speakers have said. As a newbie to ICANN I said, "Well what is the bureaucratic procedure for getting this thing endorsed as an ICANN document?" Do you submit it to the board? Does the management submit it to the board? How do you turn it from an ALAC document in to an official ICANN position?

Because it would be a lot stronger document from the public's point of view if it was an official document and all the official media machinery, true professionals, I've been reading Sally's CV here...I mean she comes from one of the best public strategic communication firms in Europe, etcetera, etcetera. These people are professionals; they know how to get stuff out. They know where to get to the right journalists.

And we're rank amateurs, and of course we can spread it in a very capillary fashion but I would certainly recommend taking whatever procedure with a due urgency given the time table for these major international meetings. Thank you.

JEAN-JACQUES SUBRENAT: Thank you Peter. Now I think it's time to wrap up on this item of the agenda. I'll try to do this in the following way: we've listened carefully, Evan and I, and taken notes of all this and staff has as well. And I would like to suggest the following points: first, the whole idea of turning an ALAC white paper in to a general document approved by the whole of ICANN is, I think, another step.

But I'm not sure that even going to that extent would really give it more clout because we have to know the reality of how ICANN works. It takes not weeks, but months, in all sorts of processes which are called for by

the internal rules, by the bylaws, consultation periods, to'ing and fro'ing, etcetera.

One important point that Rinalia pointed out a few minutes ago is that we are aiming at something which has significance in a fairly short time scale. We're aiming, more or less, at the next ICANN meeting. That's ICANN 46 in Beijing. So we have to get a certain number of things achieved by then and I'm, unfortunately, not sure that we can do that while aiming to get it done in a general ICANN paper.

Why? Because what we are defending in this paper, you have noticed Peter, is very strongly the user community viewpoint and defending the global public interest. As opposed to, or at least in addition to, very legitimate other concerns whether they be copyright lawyers or let's say trademark holders.

So for those two reasons, Peter, I'm prepared to continue the discussion outside of this current meeting because we have other points on the agenda. But I take the liberty of suggesting that we be realistic about this because we do have a time constraint.

Now my second point is that I think the way forward, and this is what I submit to all of you, is that we ask the chair of the ALAC to convey what is now an approved ALAC white paper to the chair of the board with a copy to the CEO. And in that way it will be officially distributed and hopefully reacted upon. Now the idea which was proposed by several of you, of going to the new senior vice-president or Advisor for Communications, etcetera, in other words, Sally, I think is a good one.

But it would not be in order to obtain the status of a full ICANN document. We would go to her as a resource for facilitation because, as you said Peter, she's a professional in communication and she could give us the addresses, if she agrees, and facilitate our dissemination of this work.

The next point is that we want to give a sense to the leadership of ICANN, both the board, the CEO, but also Tarek Kamel and Sally Costerton, that in this letter from the chair of ALAC we could perhaps suggest to Olivier Crépin-Leblond, our chair, that in this letter he inform his interlocutors of the state of thinking.

So we can mention the possibility of aiming at a general ICANN paper, things like that. But at this stage I don't think it's achievable. And also, we could mention the idea of creating a cross-constituency working group in order to carry this subject yet further. Another point which has been brought up in our discussion today is the importance of communicating this to our ALS's.

This I think is a very important point. It's perhaps not done sufficiently and not automatically throughout At-Large and ALAC, so yes, we will do this. With, here again, a suggestion to the ALS's that they take the trouble of disseminating this in their regions with the means that they consider appropriate because they have the right addresses to journalists and to civil society much more than we do centrally.

My last two points are webinar and Beijing, which were mentioned by Rinalia. Yes, this would be a very good idea, in the coming weeks and months, to try to organize a webinar in order to respond to possible questions and suggestions from a wider public of which you are

representative but, of course, numerically we are quite limited at this table. So the idea would be to get this out in a bigger way and to organize a webinar. Staff, do you think that's possible? And in very specific terms, what would be a reasonable timeline for that?

HEIDI ULLRICH: This is Heidi from ICANN staff. I think as soon as everyone's back...then again we do have the IGF in Baku in early November. So perhaps mid-November would be a good time.

JEAN-JACQUES SUBRENAT: Thank you Heidi. This is Jean-Jacques speaking. So Heidi indicates that mid-November would be a good thing to aim at. Let's try to do that. And in the meantime, please send your suggestions to Evan and myself, with a copy to the staff on the ALAC lists about your ideas on the content of the webinar, in other words the agenda, but also perhaps on methodology if you have any specific points you want to bring up. And the last point I wanted to mention in my summing up was that we have to keep in mind two timelines.

One is a longer term view of really contributing to the improvement of ICANN working methods, but much more widely on governance on the Internet in general. And that goes way beyond, of course, ICANN alone. But that is the medium and long-term perspective. In the shorter term I would suggest that we do have a flag or a marker, which we have to respect, and that is ICANN 46 in Beijing. Rinalia?

RINALIA ABDUL RAHIM: Regarding ICANN 46 in Beijing, my understanding of what we would do is we would revisit the paper and have an update in terms of the assessment, whether there have been improvements on the areas that we've discussed. I think that would be interesting and I think it merits its own session where we do a presentation and engage the community at ICANN.

JEAN-JACQUES SUBRENAT: Thank you Rinalia. I'm afraid we have to stop the discussion here. My concluding remark is that what Rinalia has just pointed out is in fact very important because we have a new structure with a new CEO who gave us a very thorough indication of what is important to him.

And of course, it's only fair and it's in the interests of everyone that we be very attentive to how he implements his future plan, as it were, and to give him credit for whatever progress will be made between now and Beijing. But Beijing, in fact as Rinalia pointed out, will be a very good opportunity to take stock of any changes which will occur between now and Beijing. Thank you very much.

My last point about this R3 paper is just a reminder, which I gave at the beginning of this session, which is to say that there is a session open to the public which is organized by the NPOC. The chair of which is Alain Berranger, and this is on Wednesday, the 17th of October from 9:00 AM to 10:30 AM and it is located in Dockside 5. Thank you. Now I hand over the chair to Evan.

[background conversation]

JEAN-JACQUES SUBRENAT: Oh yes, sorry. This is Jean-Jacques again. I got carried away by my interest in compliance and I was anticipating and wanting to switch to Item 3 but no, we're on Item 2 now. And I have the pleasure to present to you a pet subject I've been having in my mind for some time, which is that now ICANN is in this very curious and interesting situation of having potentially much larger earnings in the coming months and years. Mainly because of the financial benefits of launching the New gTLD Program.

And that is why I have entitled this point of the agenda "Increased Revenue at ICANN: An Opportunity to Serve the Global Public Interest". So just a few words about that. The idea I submit to you is that we should take this opportunity to suggest the formation, the creation, of a fund which is publically accountable, completely transparent and populated, at least in the early stages, only by unpaid volunteers.

The other point I would like to underline is that, in my thinking at least, it could start off by eliciting or by asking for funding from ICANN, but in my mind it would not be limited to funding by one organization alone, be it ICANN. It would be Internet centric, but not ICANN centric.

The idea would be to retain sufficient flexibility in order to respond to the requests and identified and legitimate demands of our world-wide community for whom, in some cases, it's very simply access to a stable energy...localized energy source or access, or broadband or whatever it is. In other cases it may be educational or vocational. In some other cases it may be, for instance, how to introduce a measure of governance in to the local method of using the Internet in some country or some province.

So I would suggest that we keep an open mind on this, a flexible approach, in order to meet real demands rather than starting off and saying, "This is only about improving broadband." or only about training people to be able to speak English on the Internet, or things like that. So this is, in very rough terms, what I wanted to submit to you. And now the floor is open for about ten minutes. Please, and state your name. Then Garth next.

JACEK GAJEWSKI: Jacek Gajewski, Internet Society. I would say we...I'm on the committee which assigns grants which we have a small funding for community grants. So twice a year we distribute something like $100,000, not very much. And one of the pre-conditions of getting it is to have a co-funding from any other organization or private person even.

And so we very much value any matching grant idea, and welcome any cooperation with any other organization who would be eager also to embark on granting Internet related projects. Many of our activities very clearly overlap with what ICANN is doing, so I think we are talking to the same community and, to a great extent, we are talking the same ideas, so maybe we can tackle the same projects. Thank you.

JEAN-JACQUES SUBRENAT: Thank you very much, that's very encouraging. Any others? Oh, Glenn.

GLENN MCKNIGHT: Glenn McKnight. Can you clarify...how much money are we talking?

JEAN-JACQUES SUBRENAT: One Canadian dollar to begin with. I'm putting that on the table, or 100 or 1,000. If the idea flies I'm willing to put the first small amount. But it really depends, actually, on definition. What is the scope? The scope has to be a modest start, but no limit to ambitions. I don't think that we require a starting sum of 1,000,000 or 10,000,000 units of a count of any currency. That depends really on how we start.

For instance, if we are capable of starting off by presenting one or two very concrete projects and we can calculate the necessary funding for that, we submit it to ICANN with the reasoning, which I suggested at the outset, which is in a phase in which ICANN is coming in to new and considerable revenue it may be a good idea that ICANN, as a body, look at the possibility of financing things which were not in their mainstream preoccupation.

So Glenn, my reply to you is that at this stage I have not yet proposed any...neither to you nor to anyone else, any specific project. This is just floating the idea to see if there is any response, otherwise I will take it to other quarters of the world, outside of ICANN perhaps.

GLENN MCKNIGHT: Okay, so let me respond to that. I do understand that I can't commit you to a number, but I'd like to share with you the same challenge was faced with us with IEEE and we created a foundation. And the way we approached that whole issue of raising funds for the data connectivity challenge, which is a UN challenge, is we went after funding from USAID, GVOS, DFAIT, Soros Foundation, there was a number of organizations that are dealing with the digital divide issues and other issues that I think are at the heart of what you're saying.

JEAN-JACQUES SUBRENAT: Thank you Glenn. Yes, Rinalia, and then Evan.

RINALIA ABDUL RAHIM: Thank you Jean-Jacques. Exactly on this point, as far as I'm aware, the initiatives that Jean-Jacques touched upon fall under the rubric of ICT for Development, which has been around for a decade or more. And I think that if we are to pursue this idea, we need to do a little bit of brainstorming in terms of what's a unique value proposition of what we're putting on the table? Because it cannot be the same as what everybody else is doing, because there are tons of initiatives out there as well as the agencies that are funding specific things.

JEAN-JACQUES SUBRENAT: Yes, naturally, Rinalia. Thank you. Evan first and then Avri.

EVAN LEIBOVITCH: Actually Rinalia, the challenge that we're going to face is going to be even deeper than that. Not only are we going to have to figure out a way to do this in a way that doesn't duplicate existing things, we're going to have to develop a rational within ICANN that's going to have to deal with the status quo which, as of right now, the GNSO is on the record of having said that the gTLD program is intended to be revenue-neutral.

And so if the program is intended to be revenue-neutral as according to current ICANN policy, if at the end of this there is excess revenue then the GNSO is going to come back and say, "Well if this is supposed to be

revenue-neutral and you collected too much money, then perhaps you should give some of it back to the people that paid."

I'm simply acknowledging that this may be a reality that we're going to have to deal with and when we present this to ICANN we're going to have to make a very strong rational of why that particular status-quo should not be followed, because as of right now, by my understanding, that is current ICANN policy.

Avri, would you agree that the concept of cost-neutrality was a central point of the gTLD expansion program? So if ICANN incurs less expense than the revenue it received, actually I'm not even sure if the policy says what to do in case it gets excess revenue. But it is a policy that the program was supposed to be revenue-neutral. Avri, do you have...?

AVRI DORIA: This is Avri. Since I was going to speak anyhow I'll start there. Indeed, I think the policy in effect...I think we've seen several times that there's a commitment to looking at it and to put it to public comment to see how any excess revenue should be spent. And various things have been mentioned over time, from the creation of a fund to the giveback that you suggest to the putting it on account for the next round, etcetera.

So there have been various opinions floating in the air. There has certainly been a conversation about getting a fund started for awhile. I think the board got several request along the way that they really should start talking about doing it. Certainly one came out of the SARP group, there was a conversation and that was part of the

recommendations there. We should probably go back to that and check the wording.

And so I'm very much in support of doing that, I'm very much in support of getting that on the table and keeping that on the table until it succeeds. One place, though, that I would like to question the proposal is in the application of it to general ICT for Development as opposed to things that are specifically related to the creating of registrar/registry capacity in developing areas.

That basically, if it's ICANN money...and that also is a remediation as it were of some of the lax we see now of no registrars in various places, no registry service providers in various developing economies. And so I would like to suggest that we consider it be a directed thing as opposed to a general ICT for Development.

JEAN-JACQUES SUBRENAT: Thank you Avri, and thank you all for this...this is Jean-Jacques speaking. Thank you all for these remarks. Obviously, we are at the very beginning of this discussion. I am aware that this is not about reinventing the wheel. Actually, Avri, to respond to your remark...when I was a member of the board of ICANN, over the three years I spent there on and off this question came up and it died each time.

So I would like us to look at this more carefully and to see the reasons why it didn't fly. Because I think the necessity or the need for that exists, we just have to get the means to do it right. So we are far from having exhausted this subject, I am aware. But for time constraints we

should move on and now I pass the chair to Evan for the third point and also any other business.

EVAN LEIBOVITCH: Thanks Jean-Jacques. Although this particular item was put on the agenda before this week's meeting, various conversations that we've had specifically...

[background conversation]

EVAN LEIBOVITCH: Sorry, this is Item #3 on the agenda, and it has to do with compliance. And although the wording on this item of the agenda was written before this meeting took place, conversations that have taken place between ALAC and the Compliance Department which proved to be extremely fruitful I think give this particular item some urgency. And I'll give a little bit of detail about that. Maguy, I forget her last name.

[background conversation]

EVAN LEIBOVITCH: Maguy Serad, who is now the Vice-President of Contractual Compliance, came to talk to ALAC on Sunday and it was an extremely spirited discussion and of a somewhat different tone than we'd been used to having, which had previously been asking questions and getting back either incomplete or evasive answers.

The tone this week was extremely different. It was cooperative. It was attempting to try and fix things. And there were even conversations that happened after that particular discussion took place, where it was brought to the attention of myself and some other people that Compliance very much wants to work with us on an ongoing basis. Not just to work on individual breach reports and things like that, but essentially to take a broader view of what it is we consider to be bad actions happening and what the RAA has to do to fix that.

So this tackles a number of things. It tackles not only compliance, but it also tackles RAA and it tackles the process for fixing the RAA. One of the things that came out towards the end of the session was our frustration at how opaque the current process is of RAA negotiations. How little of the public interest is being represented during those negotiations. And that we don't even know what we can ask about because we don't know...the negotiations are being held totally in private.

So the suggestion has been made that perhaps the Future Challenges Committee, as part of its mandate of initiating agendas as opposed to simply replying to them, perhaps ought to take an initiative here and to start to think of a broader approach that doesn't just think about, "What other wording changes are we going to make to a clause of the RAA?"

But actually look at this in a sense of, "What are the bad actions that are harming the public interest? How does the RAA currently address them? What changes are made at a broader level and what can At-Large do to drive this agenda forward to make sure that ICANN, if it is indeed to be as responsible as its supposed new season is indicating,

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will it be responsible enough to actually address this very, very core issue of what At-Large has seen as a big problem with abuse?" I'll leave it at there because obviously there's many people, I think, that have something to say on that. Okay I have Carlton and then Holly.

HOLLY RAICHE: I'd say ladies before gentlemen, but I'm too unsexist. We just came from a really interesting meeting. I don't agree with you, the fix is totally in. There were a couple of bits and pieces that sort of fell out, they were discussing the RAA. Apparently the word "revocation" has been applied to registrars in the new RAA contract, which I wasn't aware of. The representative from GoDaddy was very upset about it, which made me feel very good.

There was also, I suppose a statement by Michaela, he left unanswered but I think I summarized what we wanted out of an RAA WHOIS, which is I don't care whether you use Michaela's words which were "data quality" or the words we've been using which is "accuracy".

What we want is the fact that somebody who rocks up for a domain name is a real person and that there's enough data there in the WHOIS so that they can be contacted if they have to be. Now I've got to actually go through my notes, which I'm going to do, and see what else we found out. Unfortunately there's no modified text from June for us to see, but I think there's actually sort of some movement at the ranch, which I'm really interested in, which may make me feel a little bit better than I did yesterday.

EVAN LEIBOVITCH: And so just to clarify, are you saying that perhaps the movement that we seek is already happening and that may not drive what we need to do here? Or does it simply inform what we want to do?

HOLLY RAICHE: I think it means we absolutely do not in any way stop what we're doing here. I think we have to continue with the mood that we had yesterday, which is there almost must be a letter to the CEO saying, "You stood up today, early, and said you were interested in the public interest. This is what we're thinking." I'm just saying that there have been some layers added to the knowledge that we have, I hope.

EVAN LEIBOVITCH: Was there mention, at the meeting, made of the opacity of the process?

HOLLY RAICHE: Yes.

EVAN LEIBOVITCH: And? How was it...?

HOLLY RAICHE: Same answer. It's commercial negotiation, and Carlton stood up...Steve Metalitz was there, who also had some really good points. But it was exactly the same answer. It came from the registrars which essentially was, "Look, these negotiations are so complex and we want to know what parties we're negotiating with, otherwise it would be too complex."

But we've heard that before. It's exactly what we've heard before. So that hasn't changed at all. However, Kurt did pipe up and say, "We want the negotiations finished by the end of December. It will go out for public comment. We're looking for a response. There will be a PDT." as if to say, "We actually hope to hear from you." But I still think it would be a good idea for them to hear from us beforehand.

EVAN LEIBOVITCH: Okay. Carlton?

CARLTON SAMUELS: Thank you. Carlton, for the record. Yes, Holly mentioned that we were in the RAA negotiations update meeting and it was quite interesting. The flashpoints seem to be the issue of revocation of licenses, which was a big thing for the registrar...one fellow got up and said, "We are adamantly against that." And then there was the issue of the WHOIS accuracy data.

And there was a long discussion about whether or not WHOIS enforcement was necessary to take in to consent the national laws. In this case they were merely making a distinction between European data privacy and American data privacy, which is to say the rest of the world didn't exist for all intents and purposes, which irritated the hell out of me.

The other issue that seems to be a lightning rod is the issue of data retention, and there is there some quarrel there. Whether or not you should have significant portions of the WHOIS data record retained for six months as opposed to two years. I am already on record in saying

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most of what they're asking for to be retained for two years was not necessary.

In any event, once the domain name is no longer in play then that data is not required, in my view. What disturbs me is there seems to be, now, a movement to have a bipolar world with respect to WHOIS data. And it would probably make the folks in Tehran very happy because that has always been their contention.

And what is of concern to me is that ICANN staff seems to be inching along that way. That's a concern to me. There is the issue of WHOIS accuracy. When Holly got up and asked a clarifying question of Michaela, "So you don't like the word 'accuracy'. You say let's talk about data quality. Let us talk about our objective. Our objective is to have a piece of data that we can use to contact some human person. That's our simple requirement."

And I was expecting, at that time, maybe one of the ICANN people, Kurt or somebody to get up and say, "That is the real objective, so if you're talking about the quality of the data and making sure it's right it's definitely within the parameters of what we call quality." No pushback. At some point there was even a sort of [voucher] response that says, "We don't want to break any national laws and we don't want to force registrars to break national laws."

So that answer, for me, is indicative of a mindset that I think is just wrong because if we go back to the bipolar world that seems to be developing here, every time I see something that comes up that blasts the [Tehan] or blasts [Piong Yang] or anywhere else I'm going to say "hypocrites".

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EVAN LEIBOVITCH: Okay. Unfortunately we have a hard stop in less than five minutes so what I'd like to do is get another few comments and then start to come up with some action items of something that we can do to move this forward before concluding the meeting.

Does anyone have something to add to this particular discussion? Wolf? Did you...? No? Okay. Anybody? Okay, going once, going twice, okay. So that having been said, having heard now what Holly and Carlton have had to add to this, what I'd like to do is to start to move forward.

We have two separate issues. One of which is dealing with the immediate December deadline that we have of the RAA negotiations that are currently underway. But what I'd hoped from what the Future Challenges Group was going to do was, again, not totally be reactive to that particular deadline but to start to have a higher-level view on what needs to be fixed.

Whether this is something that we need to look at at a higher level, the idea of under what circumstances is harm being done? And to have a look at it that way, rather than start to look at it from the detail and move up, of what is this fixing?

So what I'm going to ask, with your consent, is that Holly and Carlton, if possible, could you two get together and, to use Avri's term, hold the torch...no, hold the token...that essentially, start something rolling. Even if it's just enumerating the ideas, tossing them out, and see if we can start to gel that in to a position that we can then advance and offer

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a rational that turns in to a statement to advice and so on. At least to start somewhere that gives us something to work from.

HOLLY RAICHE: I would love to. I would like to involve Garth though, just because Garth has so much data on what the problems are in terms of what it is we want to say is necessary. Too soon to pack up, mate.

GARTH BRUEN: Try to escape the room...I accept. I just do have to meet somebody. But I accept.

EVAN LEIBOVITCH: Okay, so having said that then Carlton, you're okay with this as well?

CARLTON SAMUELS: Oh yes, I'm very much okay. I think we have to continue at the higher level with this thing. It really needs that.

EVAN LEIBOVITCH: Okay, so we'll start that discussion forward and I guess the chairs of the committee will work with both of you to try and get a timeline of how we can start to move forward and what the next steps are, what gets presented in Beijing and what discussions happen between now and then. Okay. Thanks, with that having been said I'll pass the mic to Jean-Jacques to conclude.

JEAN-JACQUES SUBRENAT: Thank you Evan. This is Jean-Jacques. To conclude, I'd just like to make a general remark. Here we are in the Future Challengers Working Group. It was set up as a suggestion in the Los Angeles meeting of the ICANN and it was set up quite quickly.

Our first assignment, which we gave ourselves, was actually a thought piece. A sort of concept paper which is now known under the acronym of R3. And now we have just been working on something completely different, which is how to get around the difficulties which have been bugging ICANN for so long, regarding compliance.

I point this out because I think it's very representative of the potential of a group of people like us in a working group, which can address both concepts: looking at the future and especially looking outside of our little group. The reason why this group was formed was to look at challenges way outside of ALAC, of course, way outside of ICANN, in fact. It was things which may happen to the Internet whether we like it or not, and which would affect the Internet and therefore the Internet users we represent.

The second thing, which Evan has just chaired, is something much more concrete, which has direct implications in the very short term. So I just want to underline that I think we are capable of doing both and it is the link between the two, between the concept paper but also the repair mechanisms which we are thinking about, which accounts for what I consider the value of the work we are doing and which we in the future can do together. Thank you very much.

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Before ending, I would like to thank staff and the interpreters for the fine work they're always doing with us. Thank you so much. The meeting is over, it's 16:53.

[End of Transcript]