ICANN67 | Virtual Community Forum - Public Forum 1
Monday, March 09 2020 - 09:00 to 10:30 EST

>> This meeting is being recorded.

BRAD WHITE: Hello, ladies and gentlemen. Welcome to the first Virtual Community Forum in general and specifically the first virtual public forum. My name is Brad White, and I'm the director of communication.

I would like to introduce Board chair Maarten Botterman.

MAARTEN BOTTERMAN: Thank you, Brad. Thank you, everybody, for joining us for the first public forum of ICANN67 and our first-ever entirely virtual public forum. These public forums are very important to us. We cannot do our job well if we don't hear from you. It is our responsibility to act in the collective interest of all stakeholders and to hear directly from you about what's on your mind. This is a special public forum, and it will be different from other forums we've held before. The focus of this session is the proposed transfer of ownership of the Public Interest Registry, PIR. There has been tremendous interest and concern expressed by the community about the proposed transfer. The board of directors felt it was important and necessary for the community to have the

opportunity to provide input that will become part of the public record.

ICANN and the Board are committed to being as transparent as possible as we've been throughout this entire process. This commitment is not just the view of the Board, it is also set out in ICANN's bylaws. We believe it's important and necessary to be factual and correct any misconceptions about ICANN's role, authority, and commitments to the community.

Neither the Board nor ICANN org can address to questions and issues that relate to ISOC, PIR, Ethos Capital, or other parties involved in this proposed transfer. We will provide you with an update on the matter. And after that, we will open the floor for your comments and statements.

Today's public forum will last an hour and 30 minutes. Again, it is the first time we've ever conducted the public forum entirely remotely. ICANN org is working hard to ensure it goes as smoothly as possible as this is our first time conducting the meeting in this fashion. I do ask that you be patient if things don't go exactly as planned.

This is a learning experience for all of us. And please remember, this is not a replacement for public comments that ICANN is seeking on various interests and policies.

Please also don't had hesitate to take advantage of the skilled interpreters we are having here to support us. If you wish in addition to English, you may ask your questions in either Spanish or French. Brad White, the session moderator, will explain in more detail how to participate, including how to use our interpretations when needed.

Thank you for being here, and I look forward to hear your comments.

Before we begin, Ombudsman Herb Waye will speak about ICANN's expected standards of behavior which also govern this session. And then ICANN general counsel John Jeffrey will provide a short briefing regarding the proposed transfer after that.

So, Herb, the floor is yours.

HERB WAYE: Thank you, Mr. Chair. I'm hoping everybody can hear me. Good morning, good afternoon, and good evening. My name is Herb Waye, and I'm the ICANN ombudsman. I'm joined today by Barb Curwin, the adjunct ombuds. On behalf of the ombuds team, I would like to welcome you to ICANN67 and our first virtual community forum.

I would like to remind everyone to adhere to the ICANN expected standards of behavior, not just during this public forum but throughout all of your interactions in this diverse community.

We are delving into unchartered water with this experiment in online social behavior. We must never allow our behavior to fall victim to the illusory permissive safety of the keyboard and a computer screen. But besides the unique elements of virtual meetings, this particular public forum also has a unique purpose. We are here to talk about PIR and .ORG.

I have been around ICANN for a surprisingly long time, going on 15 years. The memory of several controversial elements in ICANN history remain fresh in my mind, events that caused conflict, events that we should collectively learn from. Emotional reactions fueled by issues that unsettle fundamental core values and beliefs can easily cause people to do and say things that are not in their or others' best interests.

The following usually results in multiple incidents being reported to the office of the ombudsman about abusive words and disruptive actions.

I will repeat, we are hear to listen to your thoughts about PIR and .ORG. People have strong opinions about this topic because they have fundamental beliefs and values related to social justice and not-for-profit organizations, human rights, health and safety, social development, youth, elders, and the list goes on. Please help us keep this session civil and productive. The ICANN expected standards of behavior require nothing more than your consideration of others to ensure the respect and safety everyone deserves.

Anyone who wishes to contact the ombuds team during ICANN67 can find the details from the ombuds office hours and link to our zoom room on the main ICANN67 schedule page in the discussion forum. Thank you very much. Have a great day.

Brad.

BRAD WHITE: Thanks, Herb. First, allow me to underscore the point that between today's public forum and Thursday's, there will be a total of about three hours for your comments. So if you don't get a chance to speak today, you will have another chance on Thursday.

This particular public forum is a little different than others, as Maarten had explained previously.

First, we'll explain ICANN's role in the PIR/ISOC transaction. Then in the spirit of transparency, the Board wants to hear your inputs on the issue. John Jeffrey, ICANN's general counsel and secretary, will talk more about that in a few minutes.

Allow me to talk a little bit about how to voice a question. Click on the "raise hand" icon, which is located at the bottom of your screen, and you'll automatically go into the speaker's queue.

I should note at this point that everyone's mic will be muted by us to avoid extraneous noise.

Now, when you see that it's your turn, you will be sent a note requesting that you unmute your mic. This lets you know that it's your turn to speak.

When your name is called, that's your cue to make your comment. And, again, please make sure your mic is unmuted at that point.

The time rules are the same as they have always been in the public forum. There will be a two-minute timer on the screen, which is how long you have to make your comment.

Now, if you prefer not to voice your comment and have it read, we will have the same system we've always had. Submit your comment to publicforum@icann.org as you can see on the screen, and we will read your question. Like all public forums, we will not be taking questions or comments in the chat pod. So if

you have a comment, please send it to the email address I just mentioned.

Now, at this point, I should note that we have interpretation for our first virtual public forum in Spanish and French. And for the sake of our interpreters, we're respectfully requesting that if you want to ask a question in French or Spanish that you please send it to us at the email address I mentioned, publicforum@icann.org. We're doing this because of some technical limitations and the convenience of getting the questions to our interpreters.

Allow me to state the obvious. And Maarten had touched on this. This is the first session of our first-ever virtual meeting. And while we've done everything we can to foresee and solve problems, it's almost certain that there will be a few hiccups along the way. So please bear with us. We haven't had a lot of time to switch this over to a virtual-only meeting. But our technical teams have done an amazing job. And, believe me, we want this session -- and, in fact, this whole meeting -- to go as smoothly as you do.

So with that, I will now turn it over to ICANN's general counsel and secretary, John Jeffrey. John.

JOHN JEFFREY: Hello, everyone. Welcome to our first public forum during a virtual meeting. I look forward to this week being a very

important one for all of us to move forward in a different way despite the coronavirus.

We're going to be begin talking just briefly about the approval process that the ICANN Board and the organization is following regarding ICANN's Registry Agreements with PIR, Public Interest Registry. And we think this is -- as noted by all of the interest in it, this is an important topic for the community. And it's important to explain the scope of ICANN's role in this matter and provide you with an opportunity to provide feedback. So we're using this forum not in the typical way that we would do a public forum where it's just questions and answers to the Board but rather an opportunity for you to make presentations to the Board and tell the Board what it is that you're interested in them understanding about this while they're in the middle of the deliberative process.

So please note that we have about -- what is it -- 535 current people listening in. And I believe this will be also available at a later point. And there will be -- we believe there will be some interest in this, and there will be continued opportunity for input on this. The Board is very interested in the community's input, and they are all here waiting to hear from you.

The proposed -- just a little bit about our role, the proposed acquisition of Public Interest Registry by Ethos was announced on

the 13th of November, 2019, by PIR, Ethos and The Internet Society, ISOC.

On November 14, 2019, PIR formally notified ICANN of the proposed transaction.

ICANN is not a party to this transaction. However, under PIR's contract, they have an obligation to seek approval from ICANN regarding any change of control.

PIR must obtain ICANN's prior approval. They also have other Registry Agreements beyond the one that we're just talking about, .ORG, that require the same prior approval.

A direct or indirect change of control of a registry operator is defined in the Registry Agreement and generally means there will be a change to entities or individuals that have a role in controlling the registry operator. In this proposed transaction, control of PIR, the registry operator, would change from ISOC to Ethos Capital.

ICANN's role in this matter is not to decide on the acquisition of PIR or to decide if someone else should operate the registry. The ISOC decision to sell PIR to Ethos Capital and to convert PIR from a nonprofit to a for-profit entity was made solely by ISOC and does not require ICANN's approval.

ICANN's role comes from ICANN's authority under the .ORG Registry Agreement with PIR to manage the .ORG registry. Under the terms of the .ORG Registry Agreement, ICANN may only evaluate whether it will permit the change of control over the party to ICANN's agreement, PIR, from ISOC to Ethos.

Information ICANN considers includes the following: Information about the party acquiring control, so information about Ethos; its ultimate parent entity, who controls Ethos, what is the relationship that it has relating to its controls; whether it meets ICANN's adopted registry operator criteria; the financial resources and wherewithal to manage the registry or to operate it; and the operational and technical capabilities.

It is ICANN's understanding that even if ICANN approves the change of control, PIR must still get permission from the Pennsylvania Attorney General to change its status from a nonprofit entity as it is today to a for-profit LLC before any such entity conversion is deemed finalized.

Let's go over the time line a little. Although much of the activity that has occurred between PIR, ISOC, and ICANN is well documented and publicly available, it is worthwhile to provide a time line of those activities to date.

According to the .ORG Registry Agreement and our processes for reviewing such requests, ICANN org initially had 30 days from 14

November to request additional information about the proposed transaction or provide or withhold consent to PIR's proposed change of control. Because of the public announcements made by PIR, ISOC, and Ethos Capital, and the fact that they contain relevant facts that were not set forth in the request for approval that ICANN received on December 9th, ICANN org -- on December 9th, ICANN org sent PIR an additional information request to ensure that we had a full understanding of the proposed acquisition. PIR was asked to provide information relating to the continuity of the operations of .ORG, the nature of the proposed transaction, how the proposed new ownership structure would continue to adhere to the terms of our current agreement with PIR, how PIR intends to act consistently with its promises to serve the .ORG community with more than 10 million domain registrations.

On 20 December, 2019, PIR submitted confidential responses to ICANN's request for additional information regarding the proposed acquisition which in normal circumstances typically would remain confidential. As a result of the questions and concerns being raised and directed to ISOC, PIR, and ICANN relating to the change, ICANN urged PIR, ISOC, and Ethos to act in an open and transparent manner throughout this process to ease those concerns.

We indicated our willingness to publish the request and related materials involved in ICANN's review, including the request for approval, the request for additional information, and PIR's responses.

In response to ICANN's request for transparency, on 10 January, PIR provided ICANN a revised and redacted version of its response to ICANN's additional information request.

That version is also available on icann.org.

On 17 January, PIR and ICANN mutually agreed to an extension to 17 February from ICANN's time to review and respond to PIR's submissions.

This allowed us more time to look at it.

On 30 January, ICANN announced that the Office of Attorney General of the State of California had requested information from ICANN regarding the proposed transfer in order to, quote, analyze the impact to the nonprofit community, including ICANN, end quote.

ICANN is a California public benefit nonprofit corporation. Although a global organization, that's how we're structurally and legally organized. We are not subject -- we are subject to regulation of the California attorney general and are responsible

for responding to requests such as this, which have the force and effect of a subpoena.

The attorney general of California is the responsible acting authority for supervising charitable organizations inside California.

ICANN is fully cooperating with the attorney general's request for information. We have begun the process of sharing the information requested and have had regular contact with the attorney general's office ever since.

In addition to this request for information, the California attorney general asked for more time, surpassing the agreed-to 17 February deadline. Accordingly, ICANN asked PIR to give additional time to 20 April 2020 to allow both the California attorney general and ICANN more time to conclude their reviews.

PIR initially agreed to a further extension to 29 February 2020.

On the 21st of February, PIR agreed to a new deadline of 20 March. ICANN is working to that 20 March date but continues to seek further time from PIR to allow both our review and the California attorney general's review to complete.

ICANN has continued its diligence in its review of PIR's request to its proposed change of control.

On 19 February, ICANN provided an additional set of PIR and PIR has responded to those questions as of the 4th of March. Those materials are also now available on icann.org in a nearly unredacted fashion.

Recognizing that some questions might be better addressed to ISOC, on 13 February, the chair of the ICANN board sent a letter to the ISOC board chair setting out our questions to ISOC and asking for a response that can be shared publicly. ISOC's chair responded on the 24th of February. And those are also available on icann.org.

Throughout this inquiry, ICANN will continue to conduct thorough due diligence in its consideration of the proposed change of control and related conversion of PIR from a nonprofit to a for-profit.

With that, I turn the session over to Becky Burr, who will facilitate the discussion.

BECKY BURR: Thank you, John, this is Becky Burr. And welcome to all of our many participants in this first virtual public forum.

First, as John indicated, we're here to listen to your views and comments. And I'm going to turn it over to Brad White to introduce the first participant.

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BRAD WHITE: Thanks, Becky. Before I do that, I'd like to say what I always say at these public forums, which is, when you -- when I introduce you, please say your first and last name. I will, of course, announce your name. But I'll probably mispronounce it in many cases. So please state your full name and who you're representing, if anyone. Speak slowly and clearly for the sake of the scribes.

So with that, it looks like the first question is from Swe. I hope I'm pronouncing that correctly.

BECKY BURR: Please go ahead, Swe.

You may have to unmute yourself. You were unmuted.

I am not hearing anything. Swe, you can come back in the list. Why don't we go to the next person on the list, which, Brad -- go ahead.

BRAD WHITE: Okay, Becky. It looks like the next person in the queue is Mitch Stoltz.

Mitch.

MITCH STOLTZ:	Hello. This is Mitch Stoltz.
	Thank you for convening this.
	I wanted to indicate that we still have significant concerns about this transaction, which should be of significant concern to ICANN. While Public Interest Registry and Ethos Capital have proposed voluntary public interest commitments and a stewardship council, we don't believe those are going to be adequate to safeguard the interests of .ORG registrants, particularly nonprofit organizations, for a number of reasons. But most importantly, the public interest commitments proposed by Ethos and PIR are not substantive; they are procedural. They simply require the organization to maintain a stewardship council. That stewardship council, though, has no guaranteed access to information about the decisions of the organization, is composed of people picked by the PIR board, and future members will be subject to a veto of the PIR board, which means that stewardship council is going to be not willing to disagree with management very often.
	So for that and other reasons, we're still very concerned and we recommend that ICANN disapprove the change of control.

BECKY BURR:	Thank you, Mitch.
	The next person in line is Cara Gagliano.
CARA GAGLIANO:	Hi. This is Cara Gagliano, also from Electronic Frontier Foundation, along with Mitch.
	And my question concerns some of what we've heard about the protections of the public interest commitments. The question is, can public interest commitments (garbled audio).
BRAD WHITE:	Cara, your connection is breaking up a little bit.
	Try and reenter the queue. We'll bring you back. But apparently we're having some technical issues with your line.
	The next person in the queue to ask a question is Stephen Ryan. Stephen.
STEPHEN RYAN:	Good morning. I'd like to ask Mr. Jeffrey to make public the analysis that limits ICANN to solely doing the analysis of whether the registry function contract is the scope of

review. For example, Mr. Jeffrey indicates that there's no intention to evaluate whether a change from profit to nonprofit status is implicated in this.

I understand that Mr. Jeffrey wants to keep his privilege with regard to his communications to his clients. But the analysis that shows why his scope of review or ICANN's scope of review legally is so limited I think would be very helpful to the community.

Thank you.

BECKY BURR: Thank you very much.

The next speaker is Suada Hadzovic.

SUADA HADZOVIC: Good afternoon. My name is Suada Hadzovic. I'm ICANN67 fellow, and I'm speaking in my own capacity.

First, I would like to thank (saying name) and ICANN staff for supporting the fellows.

My ambition is to help (indiscernible) common good to the private .ORG.

I was very surprised by the letter from Laureen K. Boglivi to John Jeffrey. But it was said that PIR's conversion from a nonprofit to a for-profit entity is beyond ICANN's scope under the .ORG registry agreement.

Additionally, it was written that as a courtesy, PIR will agree to another extension until 29 February. But an extension to 20 April is neither necessary nor granted at this time. And as of the date of that letter, ICANN has spent 81 days. So is this letter some kind of threat of teaching ICANN what ICANN should be or it is something else? I don't know.

I was also surprised by Gonzalo Camarillo's letter to Maarten Botterman, where it was said that the Internet Society is not selling PIR. So we have that Internet Society has approved PIR converting from a nonprofit corporation to a limited liability company, and with the LLC interest held by Connected Giving Foundation, a nonprofit organization, and then the foundation will then sell its LL interest in the converted PIR to Ethos.

So we should be conveying that this is not a sale.

My question is, is it possible to be convinced that this kind of communication, that everything will be all right if .ORG is sold?

Another one, in this light, how important to your -- for your decision are letters and concerns by many, especially about

UNESCO and U.N. special -- the office of the united nations commissioner for human rights.

Thank you.

BECKY BURR: Thank you very much.   I will just say that as in all public comments, we take the input from the community very seriously.

With respect to your other questions, we will pass them along to the proper people. And thank you for your input.

I believe we have a written comment, Brad.

BRAD WHITE: We do, Becky.

Our first written comment is from Elliot Harmon, with the Electronic Frontier Foundation.

What relevance, if any, does ICANN believe the 2002 criteria for the redelegation of the .ORG domain and ISOC's commitments hold today?

BECKY BURR: Thank you for that comment. As Maarten and John indicated, we are not able to speak about the specific issues in this instance, but we appreciate the comment.

The next person in the queue is Jonathan Zuck.

Jonathan?

JONATHAN ZUCK: Sorry. I thought you were just going to mute and unmute me. And I realize you have to do both.

This is Jonathan Zuck, vice-chair of the ALAC. And we are very interested in seeing the -- if the solution to this is going to be via PICs, I think we're interested in a couple things, some additional PICs potentially that have to do with, as was raised earlier, the makeup and operation of that oversight committee, as well as the -- you know, some commitments related to DNS abuse and other things that should be enshrined in the PIC spec. But I think beyond that, there's a kind of a broad pessimism about the success of PICs in the past.

So the ALAC believes that in order for a solution like this to be functional, it would actually require some reform to how PICs are handled and also the PIC DRP process itself. So we're generally supportive of this way of enshrining some protections for nonprofits in the contract, but we'd like to see more commitments in the contract as well as some reforms to the PIC DRP process itself.

BECKY BURR: Thank you very much, Jonathan. I believe the Board is paying attention to the general PICs issue as well, and that point is well made.

I will turn to Milton Mueller now.

MILTON MUELLER: Greetings, everybody.   This is Milton Mueller of the Internet Governance Project at the Georgia Institute of Technology. I want to say that I think a benchmark for this is frequently not correctly conceived. In terms of what's the best way to go forward, we have to compare what Ethos is doing and its PICs with -- not with some idealized nonexistent version of nonprofit utopia that presumably some people think existed before but we have to compare it with what PIR was before and after the sale.

When we look at this, we see that the PICs has a potential to bring us into actually a somewhat better space than the presale PIR in the sense that the Stewardship Council proposed potentially -- if the composition were made more representative, could be stronger than the old .ORG advisory council.

If we get certain substantive commitments to freedom of expression in the PICs, that is, again, an improvement over what we had before. And in terms of the sort of financial commitment that Ethos is proposing to make to support noncommercial

activities in ICANN, again, we see the potential for quite a big improvement over what happened before.

So I made my views clear. We've written an analysis in a blog post of the proposed PICs. We do not like the proposed composition of the .ORG Stewardship Council. We think the composition cannot be entirely selected by the PIR Board. That does not provide any accountability.

We would like to see -- in addition to the ability of this council to veto policy, we'd like to see a positive substantive commitment to freedom of expression and privacy embodied as principles in the PIC.

And we would, again, like to -- the issue of extended terms for registration, which is actually the most important form of economic protection, to be considered. And we'd like to get a commitment from Ethos that they will support a policy development process to allow 20-year terms for registrations rather than just ten-year terms.

I think that in general, we would be willing to support a PIC if the modifications that we've outlined in the blog post -- and we've discussed these directly with PIR. If those modifications are made, I think that's a solid basis for going forward. Thank you.

BECKY BURR:	Thank you very much for those concrete suggestions, Milton.
	This will all be made part of the record. We appreciate your input.
	Bill Woodcock is next.
	Bill, we don't hear you.
	While Bill is regrouping, perhaps -- Bill, I see you're back online.

BILL WOODCOCK:	You just unmuted me. Thank you.
	So we heard John Jeffrey describe a newly constrained view of ICANN's role in this process. I don't believe there's any basis in policy for this diminution of ICANN's role and responsibility.
	Maarten has already acknowledged that the 2002 criteria are applicable, but that seems to me to pose a contradiction. How can the 2002 criteria still be applicable, yet ICANN no longer have any responsibility for implementing the process by which the 2002 criteria apply, right? How can we have on the one hand the criteria still matter, yet on the other hand, there's nobody in the role to enforce them? That's it.

BECKY BURR:	Thank you, Bill.
	That question -- we will take that offline.

The next person -- I believe there's another written comment, Brad?

BRAD WHITE: Yes, Becky. We've got a comment from Patrick Woodall with the Americans for Financial Reform.

PIR has said that the transaction will maintain its financial viability because it generates 50 million in operating revenue, and its annual interest-only loan payments are only about 20 to 25 million.

Using PIR's generous 50 million income assessment, which is higher than any other prior year, and assuming its promised 10% annual price increases, PIR will still only generate 380 million in revenue over the term of the loan but will owe over 480 million, about 120 million in interest payments and 360 million in principal. How will PIR repay the 360 million principal when it comes due without compromising the stability of PIR or imposing additional costs on its users?

Secondly, many private equity firms extract dividend recapture payments after the transaction is completed, forcing the target firm, here PIR, to borrow additional money to repay the private equity firm for its equity stake in the purchase. This additional

debt often makes the financial viability of the target firm even more precarious.

Will Ethos Capital commit today to not imposing a dividend recapitalization on PIR?

BECKY BURR: Thank you very much for that comment. As Maarten indicated at the beginning of this, we are not going to comment on the specifics of this transaction; but we note and appreciate your comment.

The next in the queue is Elliot at eff.org.

ELLIOT HARMON: Hello, my name is -- well, first, thank you for convening this meeting. My name is Elliot Harmon. Excuse me. I'm the activism director at the Electronic Frontier Foundation. And I would like to talk about the process of public engagement around the change of ownership of PIR.

Since The Internet Society made the announcement back in November, Ethos and PIR's communication with the public has been largely one-directional. Ethos and PIR have kind of made attempts at seeing themselves as being engaged with the public. They've hosted several Webinars, but they've consistently failed

to adequately respond to most of the questions raised by leaders in the NGO sector.

I think that as the steward of the TLD system, ICANN itself should lead public engagement on the issue of the PIR sale and it should be leading engagement specifically with global NGO sector leaders and listening to their feedback before it approves the transfer of ownership.

This public forum is a really good start, and I hope that ICANN thinks of it as a start and not a conclusion. ICANN, not PIR, should be the one collecting and evaluating written public comments on this issue.

Thank you.

BECKY BURR: Thank you very much for that perspective. Duly noted. And obviously we are listening carefully and want everybody to have the opportunity to provide their thoughts.

I see Cara Gagliano is back in, and hopefully we've resolved the line issue.

Go ahead, Cara.

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CARA GAGLIANO: Hi. This is Cara Gagliano. Hopefully you can hear me better this time.

BECKY BURR: Yes, much better. Thanks.

CARA GAGLIANO: Okay, good.

So my question -- and, again, I'm also with Electronic Frontier Foundation -- is whether public interest commitments in a Registry Agreement can later be revised or revoked through bilateral negotiation between the registry operator and ICANN staff, as ICANN has stated is the case for other contractual terms. Thanks.

BECKY BURR: Thank you very much and duly noted.

Next person in the queue is Carolyn. I seem to have lost Carolyn.

Brad, let's go to another written comment and hopefully we can get -- Carolyn is back. Carolyn, are you able to speak? You probably have to unmute yourself. Okay.

Brad, let's go to a written comment and see if we can get Carolyn back.

BRAD WHITE: Sure. We have a comment from Rey Barry who states he's not affiliated with any particular organization. For 25 years I've had an .ORG site devoted to free things called the freeware hall of fame, www.freewarehof.org.

You are human. We are human. We humans understand each other. We all know that the motivation to monetize .ORG is greed.

If you ranked a list of things you personally could do to sew evil in the world, turning over the .ORG to private grasp would top that list.

BECKY BURR: Thank you very much for that comment. It will be part of the record as we go forward.

The next person in line is Amr. Amr?

AMR ELSADR: Thanks, Becky. This is Amr Elsadr calling in from Cairo, Egypt. I was just curious about where the ICANN Board and ICANN org stand on the proposed public interest commitments that PIR and Ethos came up with. Members of the broader community are also engaging with PIR and Ethos on the same topic.

And like Milton said earlier, some of us are very encouraged with what is being proposed. It would be helpful to us to also have an

understanding of where ICANN is on this and sooner rather than later because this helps us in our own discussions with PIR.

If this is going to work, we would like to see it work out in a way that is constructive to the rights of .ORG noncommercial registrants. And it seems to me that community, PIR, and Ethos and ICANN org and the Board need to sort of work together to see that happen.

So the sooner and more regularly we hear from ICANN, the better that would be. So if you could give us some indication right now on where the current thinking is, I think that would be very helpful. Thank you.

BECKY BURR: So I think we indicated that we're not going to make any comments specifically on the deal.

If you are asking whether the Board is open to considering PICs, I think the Board remains open to any number of approaches here and is listening carefully to all of them. But we're not going to comment on the specific PICs that have been offered at this point.

Thank you. Thank you for your input, though.

Jonathan Zuck.

JONATHAN ZUCK: Thanks, Becky. Jonathan Zuck for the record.

I wanted to follow up a little bit on Milton's comment. Not to get anything started, but he was saying that we shouldn't overidealize the status quo. And I'm inclined to agree generally.

But one of the important aspects of the status quo that I think that is easily forgotten is that currently the Board members of PIR are selected by ISOC. And so there's a reasonable expectation that those Board members are selected specifically because they'll have the interests of nonprofits in mind. And so one of the ALAC requests is actually some reserved seats on the Board for representatives of the nonprofit community. And so I just wanted to put that out there as one of the things that could be done to kind of preserve the nonprofit nature of .ORG even if it's not absolute. That is a protection that exists currently, and it would be great if there was some way to enshrine that. Thanks.

BECKY BURR: Thank you, Jonathan. Concrete suggestion. Noted. And we appreciate it.

Kathy Kleiman. Kathy?

I'm not hearing you, Kathy, if you are speaking.

Let's go on to Greg Shatan and see if we can get Kathy back. Go ahead, Greg.

GREG SHATAN:

Hi. This is Greg Shatan, for the record. And I'm not from the Electronic Frontier Foundation. I'm -- as so many have been. I'm with Moses & Singer in New York. And thank you for having this forum right at the top of the virtual meeting.

My point and concern here is that there has been a relative lack of information about PIR post-sale, about the economics between PIR and Ethos which I think are relevant to judging the sale. And as with many vacuums, the void of information has been filled with speculation and bad information. Just as one example, I can't believe that there would be a declining balance payment that would result in the entire principal being left at the end, as one of the previous speakers assumed.

But in any case, I would like to encourage the Board to make sure that it understands the economics so that it can judge whether PIR post-sale will be financially well set to manage and hopefully improve the status of PIR and its operations and hopefully can also work with the other parties to dispel some of the more lurid rumors about failures --

[Timer sounds.]

-- in the .ORG operations. Thank you.

BECKY BURR: Thank you very much, Greg. As I'm sure you know, stability is -- stability and security is ICANN's mission and DNA and certainly we pay attention to it in this and all other matters.

I believe we have another online comment, Brad.

BRAD WHITE: Yes. We have Rick Cohen from the National Council of Nonprofits who puts to put a question on the record. On behalf of the National Council of Nonprofits, the United States largest network of nonprofit organizations, I'm submitting this question.

As part of the process of the renewal of the registry contract last year, it seemed that ICANN was indicating an interest in exiting its prior role in price regulation for the registries. The PIC proposed by Ethos would put ICANN right back into the role because ICANN would be the only body empowered to enforce the proposed PIC.

Is this a role ICANN is willing to play? And what commitments to the .ORG community -- what commitments to the .ORG community to uphold the PIC will ICANN make?

EN

BECKY BURR: Thank you very much for that question. Again, we're not going to comment on the specifics, but I can say that enforcing a contract provision is a different role than being a price regulator.

Let us go on to Olivier.

OLIVIER CREPIN-LEBLOND: Yes. Hi. Thank you very much. Olivier Crepin-Leblond speaking, and I'm from At-Large. And I'm speaking on my own behalf.

The ALAC is on record for having asked for strong and enforceable public interest commitments in the past -- and "enforceable" here being the keyword -- either through ICANN compliance or through the PIC DRP.

Now, ICANN has a specific, narrow, and well-defined remit. And so if a registry operator was to commit in their PICs, let's say, that they would cure the world of the coronavirus, this would, indeed, probably be outside ICANN's remit. So would this be enforceable, if not within ICANN's remit?

And the reason why I'm asking this question is because a number of commitments offered by Ethos in the public interest commitments that they have proposed might well be outside ICANN's remit. Thank you.

BECKY BURR: Thank you very much, Olivier. This is a question -- a topic of great animated discussion. If Kathy Kleiman was able to speak, I'm sure we would hear more from her on this point. But we definitely hear your point. Again, we are looking carefully at all of these issues.

Bjorn. I'm not even going to try to pronounce your last name. Bjorn, apologies for that. But please go ahead.

BJORN HEIJILGERS: Hi there. This is Bjorn Heijilgers from the Netherlands. I totally respect your not trying to pronounce my last name.

I'm representing a company called Rockstars, and I see myself as a concerned global citizen living in the Netherlands. And I've been called forth by this opportunity to share my perspective.

Right now the opportunity to shape the organization of actual self-organization in the world is huge. The impact of this single decision of how should the management and organization of organizations online be administrated is one that should not be underestimated in a global context.

So the primary question I put forward is: Can a for-profit company ethically and responsibly manage the organization and interest of not-for-profit entities?

In doing so, I want to bring a primary challenge to the foreground, and that's the transitioning of the world economy from an unlimited growth model to a sustainable growth model where capitalist-based entrepreneurship and value-based stewardship as demonstrated by many .ORG organizations is in contest.

The interoperability of different value systems must be taken into account in order for this transition into a new world economy.

So the questions that I have for the ICANN Board --

[Timer sounds.]

-- are met with some desirable answers for Ethos Capital. The primary question for the ICANN Board is: How is Ethos Capital going to honor its value of intellectual honesty in light of the destructive potential of unlimited capitalism?

BECKY BURR: Thank you very much for that question, Bjorn. As we indicated, we are not responding to specific questions on this deal. But we are listening very carefully, and all of these will become part of the record in our consideration.

I believe we have another written comment or question, Brad.

BRAD WHITE: Thanks, Becky. We do.

Before I read the question, I might point out that we're not seeing a lot of hands raised in the queue. So by way of a reminder, if you'd like to voice a question, please click on the "raise hand" icon at the bottom of your screen and you'll go into the speaker's queue.

Now as to the written question, we have -- or written comment, rather, we have one from Luna Jernberg, a Mozilla contributor. You reminded me of adding my name to the EFF protest list about this case, savedotorg.org. I think it's horrible a private company should own the .ORG TLD and it should belong to the nonprofit organizations. It should be under ISOC. It's horrible they want to sell it.

BECKY BURR: Okay. Thank you, Brad, for bringing that comment to us.

As Brad indicated, we don't seem to have -- Oh, we have some hands. I see Kathy. Kathy Kleiman, are you with us?

KATHRYN KLEIMAN: I think I might be. Can you hear me, Becky?

BECKY BURR: Yes.

KATHRYN KLEIMAN: Kathy Kleiman. Okay, terrific. So I will be coming back in the queue to talk about PICs. Thank you for the invitation.

But what I wanted to talk about now -- and you're hearing a course of this, is this conversion of nonprofit to for-profit and the fact that the nonprofit, The Internet Society, appointed the PIR Board. And over the years, they appointed many, many wonderful, deeply caring individuals, people who truly, truly cared and fostered the environment of the noncommercial community, including people in this virtual room today.

The conversion of the nonprofit to the for-profit should concern all of us greatly. What we're seeing is that Ethos is already showing kind of signs of how a for-profit works. We're seeing, as others have commented, one-way communication, backroom dealings, and bilateral discussions but not really that robust transparency in discussion and engagement that we expect in the ICANN community and that we should certainly expect in the .ORG community.

I was wondering what more ICANN can do and what more the ICANN Board will do to encourage not just this forum, which we deeply appreciate, but to encourage a more neutral engagement forum to help the discussion between ISOC, PIR, Ethos, and .ORG registrants and .ORG users to better communicate. Right now it's

going through a filter straight through frankly Ethos' business interest filter.

So what can we do to create a more neutral engagement forum so that what's -- the energy and effort that's being spent around the world by ICANN registrants and users actually becomes part of the commitments. What can the Board do? Thank you.

BECKY BURR: Thank you, Kathy. Very interesting and important question, and we are certainly open to all suggestions. And we are certainly encouraging a fulsome discussion with all of the relevant parties here. So in addition to forums like this, we are happy to be helpful where we can.

And I just want to say, noting that people have mentioned unanswered questions in the chat, we are noting all of the questions, including the question that Cara asked. And where we are able to answer those questions, we will respond, although not in this forum.

Let us turn to Amadeu. Amadeu? Okay. We're not hearing Amadeu.

AMADEU ABRIL i ABRIL: Can you hear me now?

EN

BECKY BURR: Yes, now I can hear you.

AMADEU ABRIL i ABRIL: Okay. So sorry about that. But dealing with this application with voiceover, the screenreader for blind people, is not very easy. I have to go on and off all the time. Otherwise, it's reading all the screens at the same time. Okay.

Amadeu Abril i Abril from CORE but talking in my personal capacity. Disclaimer, I was a member of the ICANN Board at the time of the .ORG redelegation. But I did not take part in the discussions or the decision because I excused myself for possible conflicts of interest.

Second, I was member of the PIR Board from November 2003 onwards but I was not part of the discussion on that side either because the decision was really taken in the delegation already in place when I joined the Board.

Having said that, I would say that, you know, I would prefer the status quo, even if I don't idealize that. I understand the circumstances.

I am not in principle against for-profit managing this. But my concerns are for .ORG registrants and ICANN.

EN

From the side of .ORG registrants, we discussed that -- price caps, yes or not, this advisory council.

And here I have one piece of advice for ICANN, which relates much more to the credibility of ICANN as a process. I still believe we all understood the 2002 commitments were part of it, even if not in the agreement. We also understood during the ICANN .ORG renegotiation of the agreement that PIR being a not-for-profit was part of the current (indiscernible). This has changed. Perfect. Let's change the agreement. I think that's very important not just for the .ORG registrant, that this is not a voluntary commitment of PIR but this is back to the agreement where it belonged and where it was changed with promises that probably were done in good faith most likely. I tend to believe that.

But nobody else in the world, when you explain what happened to the (indiscernible) believes that, you know -- nobody knew what was going on --

[Timer sounds.]

-- about to happen Ethos.

The second one -- and I will be very fast on that one -- is, again, I don't believe that anything illegal was done by any former ICANN employee or officer. But, still, if you look at what happened in the community, ICANN is based on legitimacy in what it's doing. So

illegal is not the same as -- but it can be perfectly legal but still be bad for the organization.

I would encourage the Board also not just to revisit what we do with the agreements, what we can enforce or not, but also what happens regarding the behavior of former officers, especially key officers, regarding operations which ICANN is involved.

Again, I'm not saying that anything illegal happened. I'm convinced not. But, still, I think we believe to look closer to that and to prevent the real disaster for ISOC, in this case most especially for ICANN, this operation is being. Thanks.

BECKY BURR: Thank you so much, Amadeu, for those important observations.

I am now going to turn the facilitator microphone over to my colleague, Leon Sanchez.

LEON SANCHEZ: Thank you very much, Becky. This is Leon Sanchez. And we have, of course, more people in the queue, and the next speaker is Z Revai.

Z Revai, if you are speaking, we are not hearing you. So maybe we can go to Kathy Kleiman, who is our next speaker.

KATHY KLEIMAN: Hi, Leon. Can you hear me? This is Kathy.

LEON SANCHEZ: We do hear you, Kathy.

KATHY KLEIMAN: Okay. Thank you.

So I wanted to talk about PICs for a second and go back to the public interest commitments and private public interest commitments.

Some people, including some people in this room, have called the private public interest commitments and the process by which they were accepted one of the worst processes ever created in ICANN. It happened without -- it wasn't part of any process that we had ever created, multistakeholder process, it wasn't part of the original applicant guidebook.

Unlike the UDRP, unlike the URS, the PIC dispute resolution process also is completely outside the multistakeholder process. We didn't define it. We didn't create it. We didn't analyze it. We didn't write it in the multistakeholder process.

Further, it's absolutely not designed for human rights. I mean, we didn't -- for human rights, for content management. No arbitration system can handle every question under the world.

This one was not created for all the content issues that can arise and that some people seem to be wanting to put into their private PIC commitments.

So we don't trust PICs, private PICs. And we shouldn't. We have no process for really understanding what they are, for reviewing them together, for dismissing ones that are out of scope. And then the PIC PRP process is not one, again, that we designed together or scoped together. So....

But there are real ways -- and I talk both to the board and to the public -- there are real ways that if PIR and Ethos wanted to create legally binding commitments that the community could also enforce and drive home, they could do several things. They could go back to the original contract, which kept them out -- which had provisions against content management, also no URS, which doesn't belong in the noncommercial/commercial dispute, and other reasonable limitations.

They could put -- Ethos and PIR could put clear and specific statements into its articles of incorporation as a public benefit corporation, clear and specific.

And they could add, as a member, they could add the public community, they could create a structure in which there are real representatives of org registrants and the org community chosen

by the org registrants and community, that could be a separate member of the PIR LLC, the commercial side that's being created.

There are some real, serious, legally binding, and enforceable mechanisms to protect the nonprofit community. But they're structural and they're substantive, and we're not seeing them.

So if the ICANN board could help encourage something more than PICs, we'd appreciate it.

Thank you.

LEON SANCHEZ: Thank you very much for this input, Kathy. As Becky mentioned before, we are definitely taking this into account and putting it in the record for consideration.

Next in the queue, I have Milton Mueller. But before we go to Milton, I will toss it to Brad White, because we also have a written comment.

Brad you, could you please read the written comment.

BRAD WHITE: We have a question that KiKi L'Italien of Tecker International wants to put on the record.

EN

I wanted to know if the secret group, unnamed and hidden, buying .ORG are the same people trying to buy controlling interest of Twitter.

LEON SANCHEZ: Thank you very much, Brad.

Of course, I don't think we can answer that question. But it is, again, on the record.

Next, we have Milton Mueller.

MILTON MUELLER: Hello. This is Milton Mueller again.

I want to pick up Kathy Kleiman's comments about PICs. And I think she -- Kathy made some very good points about some more sweeping structural changes. I think those would be nice if we could get them. But I think it's unlikely.

So what -- what's happening with PICs is, we have been arguing for some time that whatever protections org registrants have, are going to get out of this process have to be put into the registry agreement.

One of the sort of -- I don't know, maybe "hypocritical" is too strong a word. But one of the strange things about this whole controversy is that many of the things that people don't like about

the new PIR were happening with or without the sale. Okay? We don't like the removal of price caps. We don't like some of the URS and other things in the registry agreement. And, you know, price -- price increases were happening before this sale.

So, again, we cannot be comparing this to some idealized and fictional Utopia that existed before. What we're comparing it with is the PIR pre- and post sale. And so in that respect, the PICs is a pretty good way of getting things into the registry contract. I don't know why -- you know, the origin of PICs does, indeed, have some bad elements to it. But the problem was that registries were being committed to do things that they shouldn't have been done. But I don't see any reason why a PICs can't be used to commit registries to do things that we want them to do.

So there's no real debate about the efficacy of PICs, in my opinion.

LEON SANCHEZ: Thank you, Milton. Again, your comment is noted and very welcome.

Next in the queue, we have Paul Tattersfield.

Paul.

Paul, if you are -- if you are talking, we can't hear you.

Okay. So while we wait to see if Paul can come back to the mic, I'd like to go to another written question which Brad.

Brad, could you please read the written question.

BRAD WHITE: Yeah, Leon.

We have a comment from Jorge Cancio, who is the Swiss GAC rep.

There are two main building blocks for addressing the many reactions in the community we have witnessed so far to the transfer.

One, including clear and enforceable safeguards to protect the public interest, including on prices, privacy, and freedom of expression. And, two, engaging with the community in a meaningful manner that renders the measures to protect the public interest truly legitimate.

I personally hope the ICANN board will do its utmost to tackle these two points in the coming days and weeks.

LEON SANCHEZ: Thanks, Brad, for that written question.

I'd just like to point that Paul Tattersfield is signaling that he doesn't have a mic, so I'm going to read it.

It says, comment for the record. The problem is the underlying business model of a monopoly, ICANN, unparenthesis, granting a series of noncompeting monopolies for each gTLD string. Simply because the mains are not substitutable, i.e., the cost of switching for (indiscernible) any price/prices the registries could ever dream up. This is not new. It is a big problem in new gTLDs. This is the first time this model has been rolled out to legacy gTLDs, .INFO, .BIZ, and .ORG, hence the number of people who are now concerned.

Thank you, Paul, for your comment. It is now on the record. And I have read is it, as you have asked.

And next in the queue, we have Mitch Stoltz. Mitch, you are muted.

MITCH STOLTZ: There, I think now I'm unmuted.

Mitch Stoltz from the Electronic Frontier Foundation.

I just wanted to respond to some points made about the difference between the old PIR and PIR after the proposed transaction happens. Even if the contractual commitments stay the same, the structural incentives of PIR's new owners are going to be vastly different. And this is not simply a matter of for-profit versus nonprofit ownership. It's, rather, a matter of the need to

recoup a 1.1 billion dollar investment in the time frame expected of a private equity investor group.

And it's for that reason that additional structural -- either -- additional restrictions on PIR in the contract are so important. Or beyond that, ICANN needs to take a hard look at what those structural incentives are.

Thank you.

LEON SANCHEZ: Thank you very much again, Mitch.

We have another written question. And then I will go to the next person on the queue.

So, Brad.

BRAD WHITE: Thank you, Leon. Before I read the question, I'd like to make one reminder. Some people, as you've noted, are asking questions in the chat room. We would respectfully request that if you have a question in writing, please submit it to publicforum@icann.org so we can have it properly placed in the written queue.

With that, we have a question/comment from Kieren McCarthy of the register.

In his summary of ICANN's legal position in the sale of .ORG this morning, the general counsel made no mention of the registry's public interest role and whether that would be a factor in the board's decision-making.

The .ORG registry is operated by a company called Public Interest Registry, and as was noted, ICANN is a public benefit company. Does the lack of any mention of public interest or public benefit in the legal analysis of ICANN's role indicate that it will not be a factor in subsequent decision-making?

Thank you.

LEON SANCHEZ: Thank you very much, Brad, for that question. It is noted for the record. And as noted before, it will be answered in time.

So next in the queue, we have NetChoice.

STEVE DELBIANCO: It's Steve DelBianco, Leon, with NetChoice.

And it's my intent to try to set our memories correct on public interest commitments or PICs in general.

If you recall, they didn't exist at the beginning of the 2012 round. However, within a few months of governments and GAC being able to file objections, we saw a situation where applicants for

new gTLDs were making promises to governments and to the GAC, to implement certain commitments in order to overcome objections to their application. The BC and several members of GNSO were concerned about that and said that global registrants and users would want to know about those commitments and have confidence that they could be enforced.

That is part of what drove us to say that commitments, what they call private public interest commitments made by an applicant to a government, should become part of the contract, since that government would fully expect ICANN to enforce those commitments, particularly in the broader community that would count on those commitments and rely upon those commitments in order to be sure that if I made an investment in a new domain name, that I'd be able to count on those commitments going forward.

So the -- that story began with governments objecting to applications and morphed into the public interest commitments being enforceable by ICANN. And we are aware that in 2013/2014, additional broader public interest commitments that arose in many cases from GAC advice also became part of every TLD's general commitments. So both private and general arose in that fashion.

So we can attack whether we think they're appropriate, but the process itself is one that probably doesn't deserve the criticism that I'm hearing, suggesting that it was all done behind the scenes and without appropriate public visibility.

Thank you.

LEON SANCHEZ: Thank you very much for this comment, Steve. And I imagined it was you behind the NetChoice user, but I just want sure. Thank you.

Next in the queue, we have Kathy Kleiman.

Kathy.

KATHY KLEIMAN: Can you hear me? This is Kathy.

Kathy Kleiman. So responding to Steve DelBianco. Steve, let's fill in the rest of the story. And I'm glad you're starting it.

There were two large categories of objections from the Governmental Advisory Committee. you'll remember they were called category 1 and category 2 advice. And we got them in the Beijing communique.

There were dozens and dozens of early warnings against highly regulated strings, strings which many governments felt were highly regulated groups or industries, like hotel or bank or charities.

Category 2 advice was on closed generics. So many top-level domains had been applied for by a dominant competitor in the industry or business, not in the brand name, a .SONY, for example, but under the generic name, a .MOBILE or a .CLOUD or .SEARCH. So we got a lot of information from GAC about this. And we created something called the mandatory PICs, the specification 11, we'll call it the top of the line, the mandatory PICs.

And that has -- even though it didn't go through the whole multistakeholder process, clearly, it had a lot of discussion.

What we're referring to here is a private PICs. Some people have called them the kitchen sink. Others have called them voluntary nonsense. Others have called them voluntary garbage. We actually held a discussion at American University, Washington, (indiscernible) last year on this topic. And it's a horrible history of how these private commitments to single stakeholder groups were thrown into agreements not unreviewed and signed. And that's -- that's the history of where Ethos and PIR are now coming in, not under the mandatory PICs that in some case we had -- many of us had, you know, bought into or definitely worked out

in public, but these private PICs that cater to individual stakeholders, often defy due process, and even by half pass legal rights.

LEON SANCHEZ: Thank you, Kathy.

I just want to remind everyone that on the agenda for this meeting, in the -- on the Web site, you can see a series of documents that actually address many of the questions that have been raised.

I have another written question. So, Brad, could you please read out that question.

BRAD WHITE: Yes. This is from George Kirikos.

I would just like to go on the record that ICANN was warned about the potential for private equity taking over by me, George Kirikos. Yet ICANN staff did not put that in the summary of public comments for the board.

This reinforces the ongoing incompetence of ICANN and its staff. I told you so.

I believe that it is ironic that the people who have been historically long about policy, be it pricing caps, presumptive renewal, or

other major issues, continue to feel that they have the competence to make the call on this issue or other important issues in the future. They should permanently remove themselves. Otherwise, what is the cost of being wrong if those people continue to have involvement? This is an existential threat for ICANN, and more powerful entities than ICANN will hold it accountable should it make the wrong decision.

LEON SANCHEZ: Thank you very much, Brad, for reading out that question. And the question and the comment is noted.

Next, we have John Curran. John.

JOHN CURRAN: Yes, this is John Curran.

I'd like to thank folks for making this session available.

And I'd like to point out three points that were in recent communication from the Address Supporting Organization to ICANN.

The five RIRs, the regional Internet registries, as the ASO, did, indeed, ask the ICANN board about the process by which the assignment of the .ORG registry agreement would be considered. While we do not normally engage in policy matters related to

DNS, we consider ICANN's handling of the proposal to be an important Internet governance decision, with bearing on the community's trust in ICANN and the legitimacy of ICANN's model.

The ASO values our relationship with ICANN and views ICANN as a critical component of the global Internet governance ecosystem. Hence, our interest in ICANN's legitimacy and the legitimacy of ICANN's processes.

The above points were all in the communication from the ASO to ICANN.

Personally, I'd like to observe that many on this call are not asking about the details or merits of the transaction, but, rather, are seeking ICANN to concretely identify the criteria that it will apply in approving the assignment request and the process by which it will evaluate those criteria. This is not in any of the communications from ICANN, and it is not a question for .ORG or PIR or the Ethos team. It is a question for ICANN. To the extent that ICANN can concretely identify the criteria and lay those out and the process by which it will evaluate, I believe it will go a long way to improving the community's understanding of the process we're now following.

Thank you.

LEON SANCHEZ: Thank you very much for your comment, John.

Next, I have Milton Mueller.

MILTON MUELLER: Yes. This is Milton Mueller again.

I want to reinforce what John just said in certain respects. We -- I have been unable to understand why ICANN has taken, in this forum, a policy that they can't comment on certain things that do not seem to me to be legally sensitive. People are talking about the role of PICs and about the role of, you know, the 2002 RFP. I think ICANN does need to tell us more about how they're going to settle this. You know, what basis will they make a decision? And what criteria will they use?

Aside from that, again, I want to go back to the PICs issue. I just don't understand the sort of original sin theory of PICs, that because they had a bad or a confused origin, that this cannot possibly be a useful vehicle at this moment.

I think that the PICs are enforceable. They put something into the registry agreement. And I don't buy the idea that the whole notion of a PICs is now tainted or dysfunctional because it was used in a bad way. The question -- in the past.

The question now is, can you put things into a PIC that will create binding commitments on Ethos Capital to do the things we want to do. And it's kind of odd that Kathy was complaining that these PICs were targeted at particular stakeholder groups. Well, yeah. We want our stakeholder group, civil society, noncommercial registrants, to be targeted with certain commitments in this PIC. That's exactly what we want. That's exactly what we're demanding. And I think there's no reason we shouldn't get it.

Thank you.

LEON SANCHEZ: Thank you very much, Milton.

So I -- of course, I hear you and we hear you as a board, the request for answers. I just would like to remind you that we are in the middle of considering these requests. And answers to your questions will be provided, of course, with a proper rationale when we come to making a decision. This session is designed to gather your input, to listen to your input. So we will take that into account when, of course, making our decision.

Next, I would like to go to Brad White for another written question. And then we have Sebastien Bachollet and Kathy Kleiman, and I will be closing the queue with Kathy Kleiman.

Thank you.

BRAD WHITE: Thanks, Leon. Katie McINNIS of Consumer Reports has a question she would like to put on the record.

Some members of the board have current or past business relationships with contracted parties or other companies in the domain name industry. Does any member of this board stand to gain financially from the sale of PIR and its future operation by Ethos Capital?

Number two, PIR has proposed voluntary public interest commitments, but they do not contain any substantive guarantees against censorship. Does ICANN considered PIR's proposals sufficient to safeguard the interest of the .ORG registrants?

LEON SANCHEZ: Thank you. We will answer this question in writing and, of course, will submit the -- the answer to it.

Next, I have Sebastien Bachollet.

SEBASTIEN BACHOLLET: Hello. Sebastien Bachollet speaking.

Thank you, Leon.

This time, you will not hear me in French, as I am in the English channel. But I wanted to take this opportunity to thank ICANN

and specifically ICANN staff, ICANN org, to have organized the fact that both in Spanish and in French, people can listen to this public forum. And that's good. I hope in the future that we will be able, if it happens again, that we go for more language, as we have when we are face to face.

I am EURALO within At Large chair. And I am also an honorary chair of ISOC France, but I am talking on my own behalf.

And I want to thank ICANN to organize this exchange. I will not answer to specifics here, but I would have really preferred to have this discussion or part of this discussion within ISOC prior to all that.

I feel that as ISOC didn't take that into account and is putting a very hard topic within ICANN, who could have been taken care by ISOC prior and decrease complexity of the situation for us here to discuss.

At the same time, I really feel that the people who are a member of ISOC need to raise a lot of the issues here within ISOC and not within ICANN. And when I talk about the member, both org member or individual members or chapter must push for that within ISOC.

Once again, thank you very much for organizing this virtual meeting and this public forum like it is very nice today.

Thank you, Leon, and thank you, all.

LEON SANCHEZ: Thank you very much. I would also have liked to speak in Spanish. But -- since I am already in Mexico. But, you know, technical challenges don't allow us to do that.

We have two more people in the queue. The first one is Kathy Kleiman, then Public Interest Registry.

So, Kathy, you have spoken a couple of times already, so I would like to go to Public Interest Registry for the benefit of providing, of course, diversity in the speakers.

So, Public Interest Registry, you have the floor.

BETH BACON: Hi. This is Beth Bacon from Public Interest Registry. We just wanted to say thank you very much for all the really helpful and insightful comments we've heard today in the public forum. We did post earlier the key points about .ORG public engagement survey that is now open, and it's open until March 13th. We really hope that everyone puts the comments they made today into that forum as well so we can respond and address them.

Thank you very much.

LEON SANCHEZ: Thank you. And thank you for attending the public forum.

Kathy, you have the last word.

KATHY KLEIMAN: And I've been given an unmute button, too.

Thank you, Leon, and thank you, everyone, for this tremendous conversation.

I wanted to make a quick statement and then ask the board a question.

The quick statement is to laugh at Milton's wonderful term, "original sin." And it's more than original sin, Milton. It's really that the foundation of the private PIC house is structurally unsound and it's not what we want to build, I don't think, the rights of the .ORG community and .ORG registrants atop, especially since this is kind of the greatest cauldron or cradle ever created of global noncommercial speech. And I say that, having been honored to be the director of .ORG for a period of time.

So let me ask the board a question: You have raised, and we thank you for raising, the 2002 commitments that were made when .ORG was passed from a young Verisign to the Internet Society. I should note, Verisign did not have the ability to edit content in its agreements. So the question to the board, if you could please

answer it, is what you consider to be the 2002 commitments to be and how you're going to work to see the 2002 commitments that were made on behalf of the .ORG registrants and the .ORG user community, which has now grown to over 10 million, how you're going to work to see them put into this contract.

But going back to the original question, what do you see them as? So that we can all know, have a sense of what we're all protecting.

Thank you.

LEON SANCHEZ: Thank you, Kathy, again. This has been a session to gather input. We will provide answers accordingly and appropriately when the time comes.

And just to reinforce that we have listened carefully to all your questions and all your comments. They are now on the record.

We have raised many of the issues. You have raised -- ourselves in our questions to PIR, ISOC, (indiscernible). And we will be taking into account what has been said. So we thank you very much for your input and for your thoughts. This has been a very fruitful public forum.

And I would like now to thank everyone and toss it back to our chairman, Maarten Botterman, for closing.

MAARTEN BOTTERMAN: Thank you, Leon. Thank Becky for facilitating. And thank you, all, for your excellent input and for all those who participated today. We are grateful for all your input and will consider this when moving forward. And this conversation will fully become part of the record.

We will get back to those questions we can answer shortly. And as I understand, do we also have the link to a survey for those who want to share thoughts to the session? Brad, can you -- oh, that's here. There's a link here forward in the screen, for those who want to do the survey, which is on the schedule.

As a reminder, the next public forum will be held on Thursday. And please refer to the ICANN67 schedule for details on how to join that session remotely. Again, thank you for participating. Wish you well in the week throughout with the other meetings you will attend, and see you at the next public forum.

Thank you, everybody.

The session is closed.

[END OF TRANSCRIPT]