
DUBLIN – European Coordination Session
Wednesday, October 21, 2015 – 17:30 to 18:30 IST
ICANN54 | Dublin, Ireland

JEAN-JACQUES SAHEL: Ladies and gentlemen, this is the European Coordination Session, so all Europeans are welcome to stay. If you're not intending to stay, which would be a grave mistake, but still, please do leave now so that people can take your seat. Thank you. But I would rather you stay, but if you don't, please go away. Thanks. Sorry.

All right. If I could ask I think it's Yulia Morenets is going to speak for EURALO. I don't know if Yulia is around, if she wants to join us at a top table. Nina, maybe for CENTR, if you want to come next to us, it might be easier. You can sit anywhere.

NINA ELZER: [inaudible]

JEAN-JACQUES SAHEL: Oh, okay. Okay, thank you all very much for coming. This is the European Coordination Session. We have had not had one for two meetings now for the simple reason that the schedules for the previous meetings were so heavily laden with IANA stewardship transition discussions that we decided to have

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

cocktails instead. But this time we're happy to go back to the usual format, where we have a European Coordination Session.

This is, as you may recall, an opportunity for us all to hear short updates, in particular from the [ISTAR] activities that we've been doing or that they are planning in Europe, and just generally to have really an open discussion between European stakeholders to get to know each other better, but also to raise any particular issue that is of specific common interest to Europeans.

We will stop around 6:30. As you know, we have a joint networking cocktail to together with EURALO, who have just finished a general assembly, as you could all see because we started our meeting as they were just finishing. There will be a small ceremony and a couple of VIPs in our cocktail, so please come to that.

What I will propose to do is – I don't know if Yulia is here. I was going to ask her to start with EURALO, but she's – oh, you are.

YULIA MORENETS: [inaudible]

JEAN-JACQUES SAHEL: Yeah. Maybe you can start, Yulia, so people will stop hearing my voice too much. Then I'll give an update and pass onto Nina of CENTR [inaudible]. I think we'll do it that way. Thank you.

YULIA MORENETS: Thank you, Jean-Jacques. I was not sure if [inaudible] for myself. My name is Yulia Morenets. I'm departing, actually, EURALO Secretariat, but I'm still the representing an ALS, so a member of EURALO, which is the European Region At-Large Organization, part of the At-Large family composed of – we just actually counted and 33 ALSes, which are At-Large Structures, working mainly with Internet users or somehow being in touch with the users or consumer organizations, and related to ICANN issues or Internet governance issues.

I want to say EURALO is composed of a number of ALSes from the European area to speak about big Europe, not only the European Union countries, but the countries from central and eastern Europe, including the Russian Federation, Ukraine, Moldova, etc., etc.

We have actually the new elected Chair of EURALO because we've just ended the general assembly. He's in the room, as well as the new Secretariat is here in the room. They will able to give you more details on how to become the ALS if you're interested

in it, if you work with internet users [who] represent civil society organizations or an organization working the consumers.

To be very brief on what EURALO members do, actually they participate in discussions around the policy issues as well as a number of working groups related to ICANN issues and deliver the words of Internet users to the ICANN community coming from the European region of, as I said, big Europe, including central and eastern European countries.

Just to highlight a few very important events which took place and where the ALSes from EURALO participated, I would start with the EuroDIG, which is the European Dialogue on Internet Governance, which is an annual event organized in one of the European countries, and EURALO, the European Region At-Large Organization. It was one of the founding members. And obviously every year a number of ALSes are actively involved in EuroDIG. We have Sandra Hoferichter, who's one of the organizers, and Wolf Ludwig. They will be able to give you more details on how to participate this year and how to be engaged, etc.

Also I have to say that due to the outreach CROPP Program of ICANN, a number of ALSes have a chance to participate in EuroDIG this year, which was very beneficial in order to outreach and to recruit new ALSes, which became part of the EURALO.

Another outcome I would like to underline is the ICANN Leadership Training Program, which was developed by EURALO members as well. We have Sandra Hoferichter once again who is a leader of this program, so I'm pretty sure she'll be able to and happy to give more details.

Of course, another very important event, which is finished with – actually, it was the general assembly of EURALO. We had the election of the new leadership and a very interesting discussion which was launched actually this morning about the public interest, and I'm happy that EURALO was somehow a leader in this discussion coming from users' perspective.

That's all. I'm happy to answer any questions. Thanks.

JEAN-JACQUES SAHEL:

Thank you very much. Indeed, I think one of the things that people may not realize is that a number of national IGFs and certainly the Europe and IGF EuroDIG are in fact very much driven by the EURALO community, and we should all thank them for this. I think this is also perhaps the official announcement of a new SO/AC which is the creation of Sandra Hoferichter organization, because she does so much work for us. Thank you.

Any comments or questions for Yulia for the EURALO that has just been described? Okay. Thank you.

What I would just ask you perhaps, Nina, to be ready to talk about CENTR's activities? Thank you.

NINA ELZER:

I'm Nina. I'm working for CENTR. We represent the European country code top-level domain registries. What we do is we represent our members at European level, and also at international events, like ICANN, for instance.

What we do for our members is we provide a platform for the exchange of best practices and legal affairs and security issues, administration, and so on. At European level, we help them find their way through the European policy decision making, and of course try to involve them as much as possible and help them out and also engage them a lot.

Our activities not only at European level are for instance in the IGF, so we organize a workshop there for European ccTLDs also engaging other European stakeholders. For instance, we have also a member of the European Parliament present. We hope to have somebody from the European Commission, and of course our members will be there. We are also engage in EuroDIG, and as you know, EuroDIG will be in Brussels next year, so we'll be present there.

Of course, our members are engaged in national IGF activities, and something else that we do is at European level we engage with our friends from ICANN and RIPE and [inaudible] and everybody else involved in the Internet ecosystem.

Yeah, I think that's about it.

UNIDENTIFIED MALE: [inaudible]

NINA ELZER: IGF is one, of course. We have some internal working group meetings on the different sections that I mentioned: security and technology an administration and marketing. Yeah, I think the next one...

UNIDENTIFIED MALE: [inaudible]

NINA ELZER: The general, indeed. Yeah, we had the general assembly just recently, also involving European stakeholders, and also somebody like other actors in the Internet ecosystems, the registrars, and trying to be as open as possible and involving them and listening to them and exchanging points of views.

JEAN-JACQUES SAHEL: Thank you. I think that's looking like it might be an annual event where the CENTR community opens its doors to registries and registrars and government representatives. Certainly having been now to two editions, I think it was a great opportunity for, again, European stakeholders to meet and to exchange on common issues. So it's a very good exercise.

There was some [inaudible] as well, and there's a number people who will recognize, such as for instance Mathieu Weil and Lise Fuhr for their contribution over the past year to the IANA transition.

Okay. Any questions or comments or additions to what Nina has said? There are a number of CENTR members here. Okay. All right. Thank you.

Our friends from RIPE were hoping to come and talk about their activities. I hope they'll turn up a bit later. In case they don't, just to flag up that as some of you will know they have an event coming up in Bucharest, mid-November, which might be of interest to some of you. Of course, increasingly, our respective organizations, EURALO and RIPE and ISOC, try to sync up and help each other when we do events in country, benefitting from collective brain power and also collective memberships that we have.

Maybe let me just give you a quick update from an ICANN perspective and the work that our team, the Global Stakeholder Engagement Team, does in Europe.

In our team, there's Andrea and myself. You've probably known Andrea for a while. We all work on Europe as a whole, but Andrea focuses very much on southern Europe and southeastern Europe. We have also in the room at the back Gabriella Schitteck. Raise your hand again maybe. Gabriella has been with ICANN for a number of years serving the ccNSO as part of the ICANN policy team, having come before that from CENTR and Nominet herself. So she's a great new addition to the team. She started in summer with us, and she will be covering Central and Eastern Europe, all the way up to the Baltics. So you will hear more from her, especially if you're from that region.

To give you an idea, similar to CENTR perhaps and to people like ISOC and RIPE, we do a number of activities around Europe, quite often in partnership with people on the ground. They're usually awareness raising sessions. We want to try to go out there and educate people, inform people about ICANN as a step towards increasing European participation in ICANN and diversity of participation in ICANN, which is in line with our bylaws and our mission.

There are actually quite a number of European stakeholders in ICANN. There are quite a lot of us around the room today, but there's dozens more. We have good numbers, but there's still parts of Europe that don't see many people represented in ICANN meetings or in ICANN working groups, and we're working to address that to help people understand what ICANN does, why it's relevant to them, why they may wish to participate, and once we have their interest and they intend to participate, we try to help them understand how to participate and how to have an impact in policy discussions or technical discussions in ICANN.

For all of those, we very much welcome working with you and your input. So we do this very regularly in partnership, as I said, both with the ISTARs, which involves people on the ground. I look here at [inaudible] for instance. We had I think two or three sessions at this year's fifth edition of the Serbia Domain Names Conference, and we're hoping to participate again on the 10th and 11th or March that we had sessions on Internet governance and new gTLDs among servers and IDNs, I believe in Belgrade in March in front of an audience of 300 people and thousands following us live. It was a great event. It's just one of many events organized the region. We had of course many in Bulgaria thanks to EuroDIG and the host, Elia, who's here. There's many more activities being planned.

Just to finish and give you an overview of how much we've done, over the past year between July and June 2015, we've covered 17 countries in Europe out of 35 in our geography, and we hope to go to more countries and really raise awareness about ICANN generally. We've organized or co-organized or participated in something like 75 different events over the year, again, to try to raise awareness and make sure that Europe gets properly involved in ICANN and truly has an impact. So we are very much hoping to continue that, to expand it and do it better. For that, we need your support. So if you have good ideas, if you're organizing a conference somewhere around Europe, for instance, or you'd like to, please come to us. We'd very much like to help.

In terms of activities, there's a lot where trying to make sure that we advertise them properly. We have a mailing list. If you're not on the Europe mailing list, just write to us at Europe@ICANN.org. Please let us know so you get our newsletter and you get warning of our upcoming events. As I've said, we've got some plans all over the region.

Maybe just to give you a heads up on some of them coming up, I might ask Carlos to tell us. He's going to be doing a massive roadshow in Spain on security matters, so I'll let him tell us a bit more.

CARLOS ALVAREZ:

Good afternoon. Good night, everyone. I'm Carlos Alvarez. I'm with the ICANN Security, Stability, and Resiliency Team. I'm basically here to share with you that we're going to be doing some activities in Spain in November. Part of what we do on our team is provide training to operators of Internet infrastructure and law enforcement agencies, cyber unions, because we want them to be capable of identifying risks that can in any way threaten their stability, the security, or the resiliency of the DNS as a whole, as a system. La Guardia Seville request training, so we're going there. We're engaging with RIPE NCC. It's going to be a two-day training on DNS abuse. RIPE NCC is going to be talking about routing, IPv6, DNS, IP, [block] hijacking, which are very technical but very interesting topics for the cops, basically.

We're also going to be engaging with universities. We're going to be at the Universidad de Salamanca and also with the Lawyers Association of Salamanca. We're going to be in Barcelona as well with the Technical University of Catalonia. We're going to be engaging as well with the Information Security Association of Catalonia. They just sent me this morning an agenda that they put together that I still have to share with [Andrea] and Jean-Jacques.

It's a very interesting agenda involving different stakeholders in Barcelona, including the [inaudible] TLD, the [inaudible] in Catalonia, and the APWG.eu, which is now the [official] working group that's a very relevant stakeholder for us. And [inaudible] special thanks to Chris Chaplow, who's sitting there. Chris is very kindly helping me organize a meeting on Saturday morning that's going to be the 21st of November, if I'm not wrong, that's going to be [inaudible] for university students, probably, business people and tech people, specifically focused on threats that companies face that make use of DNS resources or abuse of DNS resources. So that's basically the highlight and what we want to share with you. Thank you.

UNIDENTIFIED MALE:

Yes. Just to follow up on what Carlos said, I will be accompanying Carlos in these trainings. I would like just to take the occasion to stress how much ICANN being one of the organizations at the core of the DNS has a good wealth of knowledge on DNS and DNS security. We are willing to spread this knowledge and to use our resources to inform and to train, as Carlos was explaining.

As we go farther with our activities in Europe, we're looking particularly at these [inaudible] because we think that there is a good need or a good demand of trainings in these particular

fields. If you have contacts within your countries, if you believe that we can be of help, do not hesitate in contracting me or Jean-Jacques, and we'll be doing the liaison with our security and stability and resiliency team to provide these trainings.

We're also thinking that's further to come of doing some recorded material ready. If you go into the ICANNLearn website so you can find some basic trainings on DNS and DNS operation and [security]. But we are open to also hear your suggestions. We can [inaudible] this knowledge and make it of use for communities in Europe.

UNIDENTIFIED MALE: Thank you, Carlos, for your update. I have two questions as a follow up. First one, is the local ccTLD involved? Is [inaudible] involved, or [inaudible]?

CARLOS ALVAREZ: Andrea, that's more of a question for you.

ANDREA BECCALLI: Yes. In this case, it's [inaudible]. We've been in contact with them. Also, these are themes of interest, not only for people in the law enforcement/security forces, but also in the academic field, so we've been working with them to leverage their

contacts and see. With universities, for instance, the University of Madrid, if you can do more events. We are always looking for partnerships and to make the most as possible of these resources. I'd love to have Carlos with me every time, but every time – I don't know if you're ready to move your family to Europe.

CARLOS ALVAREZ: Barcelona.

ANDREA BECCALI: Barcelona. Okay.

UNIDENTIFIED MALE: The second question was, did I hear you right that the Anti-Phishing Working Group is involved in the training?

CARLOS ALVAREZ: They're going to be joining the event that's going to held in Barcelona. That's going to be November the 20th, AM. So Jordi and [inaudible] They're all up to date.

UNIDENTIFIED MALE: Okay. I'd love to get more information on that, because if I hear that, then suddenly it becomes, from my perspective, which

might be ill-informed, a train that is very relevant for policy people and not just for technical people. I'm very concerned if we're going to start giving policy messages to technical people that might be very willing to help implement any policy message that is not supported by policy teams. Thanks.

CARLOS ALVAREZ:

These are technical talks directed to technical people. So we have to see who they generally want to invite to their event of that Friday morning. But from our perspective, the content that we provide is technical in nature, not policy.

JEAN-JACQUES SAHEL:

Thank you very much, Carlos. Yeah, it just illustrates the fact that there is a lot of potential for coordination and the need for coordination. So this is why these meetings are here.

Can I just open the floor? We don't have any formal presentation. We wanted to spare you slides. You've probably had plenty. So the floor is open for any questions, or indeed, any bits of information you might like to share. I see many of you around the room who are in the process of planning events coming up in Europe that might be of interest of others in this room. I don't know if you want to take the floor and mention what's happening.

Yeah, please?

UNIDENTIFIED MALE: [inaudible] from the Spanish Internet User Registration. Regarding the sentences from the European [inaudible] regarding the safe harbor about data privacy, did you plan to do something, some activities, in order to help to integrate that data? Because probably we can get the opportunity to do something; again, the WHOIS or something like that.

JEAN-JACQUES SAHEL: Sorry. When you mean integrating it or activities, what do you have in mind?

UNIDENTIFIED MALE: For example, to make a [inaudible] about the WHOIS politics regarding the particulars; something like that.

JEAN-JACQUES SAHEL: Basically to assess whether it's got an impact? That sort of thing? Okay. Thank you for raising that. This is an important point, of course. You're referring to the recent decision by the European Code of Justice to invalidate effectively the 2000 agreement [inaudible] by the European Commission about the

safe harbor agreement between the U.S. and the E.U. for transfers of personal data between the two jurisdictions.

This is something that of course we're aware of. Our legal team is assessing this and we'll be communicating when we have a bit more detail. Certainly we'll be happy to hear from the community on that if you've got concerns. But yeah, we'll be back and communicating on that once we have full assessment about how it would impact ICANN and its contractual relationships and then transfers of data for ICANN.

There's a lot of information out there. If I understand correctly, the latest information, I believe that they Article 29 Working Party, which is the grouping of European data protection authorities, has stated that they will wait until I think January 2016 before starting enforcing this ECJ ruling, so that gives a bit of time for developments.

Of course, the European Commission has indicated that they were trying to speed up some negotiations with the United States authorities to find a way forward. So we'll keep the community updated as soon as we've got a relevant assessment to make. But thank you for raising it.

Any – Oksana, please.

OKSANA PRYKHODKO: Oksana Prykhodko, European Media Platform, Ukraine. I would like to tell you that on December the 4th, we will celebrate the 22nd anniversary of ccTLD [EuRID]. We will organize [inaudible] so-called event. I am not the organizer of this event, but I know that organizers have filled in a form to invite the ICANN speaker. It is discussed with [Michael Yakosev], but I would like to let you know that in conjunction with this event, our organization will organize our [inaudible] media for the Information Society. It is not decided yet. It will be before or after December the 4th because we are waiting for the answer of Olivier Crepin-Leblond and [you], Chair of EURALO, participated in all our events. That is why we are waiting for his availability.

We would like also to invite for the [inaudible] to participate in both events and invite everybody also to join us. Thank you.

JEAN-JACQUES SAHEL: Thank you for this information, Oksana. Sorina, please?

SORINA TELEANU: Thank you, Jean-Jacques, and hello, everyone. I am Sorina Teleanu from Romania. I just want to briefly mention about the Southeastern European Dialogue on Internet governance, SEEDIG in short. Some of you know about it. Some of you are already supporting us. I would like to briefly thank those who

do; EuroDIG first because we are an initiative inspired by EuroDIG and the IGF, ICANN, the European Commission, Council of Europe, the IGF, and [newly] ISOC. Thank you all for supporting our initiative.

We had our first meeting this year in the context of the EuroDIG in Sophia in Bulgaria. Because the meeting was successful, we believe we are going to move forward with this initiative and next year's city will be kindly hosted by [inaudible]. They are here. Thank you officially for your support.

We are currently looking into building partnerships with other entities throughout Europe, mostly throughout the regions of Eastern Europe. You are all kindly invited to join us in this process in whatever form you wish to contribute.

I will stop here. All our relevant information is available on the EuroDIG website. You are all kindly invited to read through. We have a mailing list. Everything is open. Please join us and please contribute. Thank you.

JEAN-JACQUES SAHEL:

Thank you, Sorina. I should stress that what you're hearing about is – of course, yes, we help a bit, but it's very much thanks to people on the ground like Sorina who put immense amounts of work into this that we manage to get these events off the

ground. So a big thank you to this volunteer community that we have. We do a lot of work here at ICANN meetings and we do a lot of work back in our countries to help make the community more dynamic and raise awareness. It's fantastic, so thanks again.

Danko, please.

DANKO JEVTOVIC:

I just wanted to thank Sorina and EuroDIG for organizing that. I was waiting for you to speak up because most of the work was done by you. But I'd also like to thank Jean-Jacques for mentioning our yearly event. Next year will be ten years of the founding of the [inaudible] foundation that is the Serbian registry.

We have our [inaudible] March, but because it's going to be in the middle of the ICANN meeting, we'll move this day of Serbian Internet Domain Names to the 15th of March. This year it's a two-day event. The first day we will be talking about Internet governance. We will talking about cybersecurity because it's also an important topic for us. We are establishing [cert] inside our registry. The topic for the more wider day, which we have a couple of hundred attendees usually, is about showcasing successful projects on the Serbian Internet.

But the second day is I think something that might be more interesting for this group. It's a regional Internet forum, which is mostly oriented towards the registry issues, and also IDN issues. Of course, we will also involve the ICANN information channels and the ICANN [inaudible] list.

But we would all like to invite all of you to come also for these Serbian Internet domain name events. Thanks.

JEAN-JACQUES SAHEL: Thank you. Just to be clear, it's translated English/Serbian I believe, right?

DANKO JEVTOVIC: Yes. The first day is fully translated and the second day is English.

JEAN-JACQUES SAHEL: Thank you. Yes, Laura, and then we'll have Frederic. I think to give us an update on ISOC.

LAURA HUTCHINSON: Thank you, Jean-Jacques. It's Laura Hutchinson from Nominet, .uk. I just wanted to flag that we're involved with sponsoring the Parliament in Internet Conference in the U.K. next week. So it's Parliament in the industry in the U.K. The session is around

encryption, big data, privacy, the future of communications, and a U.K. IGF session. We will have online participation available for people not able to be in London to attend. So you're all welcome to join online.

I also wanted to flag that there is a regional national IGF session at the IGF in Brazil in November, which is being coordinated by coordinators regional national IGFs. So that should be promise to be a good session, and it's got input from quite a wide range to shape it. Thank you.

JEAN-JACQUES SAHEL:

Thank you very much. I should mention the Parliament in the Internet Conference in the U.K. has been running for quite a few years, and it's a major event. It's a very interesting template that others might look at, organizing partnerships with other associations in the U.K., which gets a lot of attention from Parliamentarians. Considering that a lot of these Parliamentarians are thinking about enacting all sorts of wonderful laws around security, encryption, and privacy, it's important that they actually listen to the community and understand what the Internet actually is.

Without any further political statement, I will maybe ask Frederick to say a few words about ISOC's activities. Apologies.

He was supposed to come at the beginning but I didn't notice he was in the room. I'm sorry about that.

FREDERICK DONCK:

Because I love to say, "Last but not least," you see? That's why. Okay. Hello, everybody. Frederic Donck, Internet Society. I'm here with some of my chapters. I'm very happy to talk you through some of our activities.

In short, you know that the regional bureaus are the [one-stop-shop] of ISOC in different regions, so this is the case of the European Bureau we base in Brussels. We cover as much as ISOC is covering going from policy to technology to development and open standards, so let me give you a brief overview of our activities and future activities.

Policy: everybody mentioned and referred to it, but I'm gladly referring to it, as well as EuroDIG and SEEDIG, obviously a newcomer, are really critical for us in terms of governance in the region. So we will indeed support the next EuroDIG in Brussels and the next SEEDIG in Belgrade. We continue supporting national IGF. We've done that this year with France, Finland, Turkey, Armenia, Russia, [inaudible], and many others.

[inaudible] is our day-to-day, especially in Brussels, where hot topics remain topics that you know: network neutrality, privacy, safe harbor is a new one, and security. I would like to draw your attention to a new paper that we have released recently on the

Internet of Things. It's available on our website, and it's a pretty good paper that I would invite you to consider.

Something that will be an emphasis for us already this year and certainly next year is what we call collaborative security. We try to approach in advance the idea of security seen by a much more interdependent collaborative way. We have some ideas about it. The European Bureau will organize a workshop with high level stakeholders with Brussels in December. So [inaudible] there will be something happening in Brussels where we will be inviting people from the European Commission [inaudible] Parliament to discuss those issues with us.

Enough with policy. Open standards. We continue promoting the [IGF] through different activities. We will continue doing this with the Fellowship last year and translate it into Russian for the IGF journal.

Development will be big stuff. This is already the case here. You know that we are pushing or advancing a development agenda in Eastern Europe, including in Central Asia. We're also developing capacity building in the Balkans and Central and Eastern Europe. So this is also the agenda for next year.

Last but not least, the community in chapters is very important for us. We have welcomed new chapters this year in Europe, Montenegro, and Ireland. Is there anybody from Ireland here? I

could guess indeed, [Michele]. So hopefully we might have a new one last year in Kyrgyzstan or maybe already at the end of this year.

We also have made – you might be aware of that – an intercommunity exercise. It was a general assembly of ISOC, the Board, discussing with different chapters. So we have developed new tools to talk between us through intercommunity. We have nodes in Europe, Sudan, Zurich, and Turkey. So we will redo that because we discovered that people like this a lot. So we'd like to relaunch this in the region, having people connected through nodes and launching some debates. So this is something, Jean-Jacques, you might be interested in well, a new way to collaborate on hot topics.

Well, I could continue, but time is running and I will not take more than five minutes, so thank you for this.

JEAN-JACQUES SAHEL: Thank you very much, Frederic. As I mentioned before, we work a lot together with ISOC as we do with CENTR and RIPE, so we'll try to flag up some of those events. If you're not already on an ISOC mailing list – which I think we should almost have a show of hands for who is not on an ISOC mailing list, but that's probably another story. If you're not, hopefully you'll find information on our own calendar on the ICANN website.

Other comments? Other inputs or questions from anyone?
Please.

MICHELE NEYLON:

Hello, NSA. Two things which those of us who have the misfortune of having a contract with ICANN have to deal with at the moment. They're both WHOIS related. One is the current open comment period on conflicts with national law, which is great fun. The second one is that ICANN is insisting on pushing forward with the introduction of a replacement for a standard WHOIS, which has massive privacy implications. I'm not sure if other Europeans are aware of this, but you should be.

RDAP is fantastic technical solution, but it's also makes it far too easy to get into some charming data mining of personally identifiable information. The fact that ICANN or an ICANN-accredited registrar hasn't been sued for this kind of stuff so far is more of a mystery than anything else, so I think some of the data protection authorities feel sorry for us – “us,” being the registrars and registries, not ICANN.

JEAN-JACQUES SAHEL:

Thank you, Michele. Thank you for raising it, but you've made all those comments in the—

MICHELE NEYLON: I make comments all the time. Can you be more specific?

JEAN-JACQUES SAHEL: Have you made it to the relevant committee?

MICHELE NEYLON: Conflicts with national law? Yes, I've been beating that drum for months. So has Luc. So have others. On the RDAP, it's been raised in various fora. The problem is it's being approached as a technical implementation issue rather than a policy/privacy issue, which is causing a massive headache.

There's another aspect to this in that there are multiple parallel WHOIS-related activities currently ongoing, which may make massive changes to the public WHOIS or its replacement or whatever at some point over the next two to three or four years. Yet, because somebody somewhere decided that they had a little project, and that project had a timeline, they're trying to push forward with it, and they're out of sync with everything else, and they have approached the NSA from a purely technical standpoint under ignoring the privacy implications.

I'm not 100% sure which way to move that, but it is a big of a problem. I think Luke has more intelligent comments to make on this since he's got a law degree and I don't.

JEAN-JACQUES SAHEL: Please, Luc. Luc Seufer from Luxembourg.

[crosstalk, off-mic]

LUC SEUFER: That's totally unrelated to RDAP. It was to piggyback on the other gentleman who was mentioning the safe harbor decision. The issue that we can already see is the one I think everybody knows what the registrar has to escrow the data of their customers. So there are three or four escrow providers that are not accredited but approved by ICANN, and only one is subsidized by ICANN. This one is not complying. It's Iron Mountain and it's not compliant with [inaudible] data privacy. So we will draft a letter, I suppose, or make a comment so that another provider for that [inaudible] services be [inaudible] subsidized by ICANN, and we can just divide be European nodes, basically.

JEAN-JACQUES SAHEL: Thank you very much. So the issue has been raised with us. I wasn't aware of the subtlety about one of them being subsidized, which is an added nexus. So thanks for that.

As I said before, as soon as the safe harbor issue was raised and the ECJ ruling was out, we put together a project team on that. They're working hard on it. It involves various teams in ICANN. So we're hoping to make rapid progress and be able to communicate properly on that ASAP. Yes, please?

MICHELE NEYLON:

Thanks, Jean-Jacques. There's two parts to this. It's not as if all ICANN-accredited registrars pay fees to ICANN. We pay fees in three ways. One is per transaction. One is a proportional share type thing, and then the other's an annual – I don't want you call it – an annual fee of some sort.

So when the data escrow system was set up in the aftermath of the mess caused by the implosion of a particular registrar, they chose Iron Mountain as being a data escrow provider that would be funded. It's funded by the money that the registrars give to ICANN. It's not that it's money coming from a vacuum, the reality being that if you're a registrar based in Europe, we obviously want to keep the data in Europe.

Iron Mountain refused up until now to do anything about it. Maybe they will in the future. But we are aware that ICANN is working on this issue.

LUTZ DONNERHACKE: Lutz Donnerhackle for the record from [EURALO]. Keeping data in Europe is a problem because we are ten years too late for ICANN structure. Currently, we are on the way for what the [inaudible], but what we want is the ultra-thin WHOIS. [inaudible] on WHOISIANA.org. There we get for any question we a response saying, “We are not responsible for it, but we had a contract and it’s delegated to the following,” for instance, the registry, or an organization like RIPE or something.

If you ask there, you should get the same response: “We are not responsible for it. We sell to the following registrars. Please ask there.” [inaudible] WHOIS server.

Though we could have had a system of referring WHOIS service, and WHOIS service, they only know the information they really have by contract and follow the train to the registrar, even the grease on the train, down to the last one who started [inaudible]. There we can obtain the information to [inaudible] for that [inaudible] setup as to have local law control on each database.

But I fear that it’s impossible to bring it up in the ICANN structure again and again because the only environment where you can say such things without getting an immediate response is the environment here. It’s the group here. Only European seems to understand the word of privacy.

JEAN-JACQUES SEHAL: Okay, Michele. I'm going to have to close the meeting soon, so if you want to take the floor, please raise your hand in the next minute. Thank you.

MICHELE NEYLON: A note for a record that I am capable of eating up the full minute and longer without thinking twice. Just to the gentleman's comments there, two things. One, with respect to the understanding and appreciation of the concept of privacy, I agree fully. Having conversations with – how do I put this without breaking ICANN rules? Let me see...

UNIDENTIFIED MALE: [inaudible]

MICHELE NEYLON: No, that's okay. Don't encourage me.

UNIDENTIFIED MALE: [inaudible]

MICHELE NEYLON:

Other types of countries. Thanks. That helps a little bit. Thank you. With some of the conversations we've had around data privacy over the years it is as if certain interests, certain groups of interests, make the assumption that any attempt on the behalf of anyone, European or otherwise, to get more privacy is the same as a cybercriminal trying to hide from justice. This is the assumption: privacy equates with criminal, criminal equates with anonymity, and so on and so forth.

So that is a problem, and talking to all layers of ICANN about this is incredibly painful and personally I have spent a huge amount of time on this and have spent a lot of money on this, getting a waiver for data retention. We were the first registrar to ask for one, and it took us months to get it because ICANN's legal team did not understand data protection law. So that's all in the record, and most people know this.

In terms of the subtleties of controls over data access within WHOIS or its replacement, have a look at the Expert Working Group Next Generation Directory Services Report. We went into that in a lot of detail. There are problems around jurisdiction because you're going to have to store the data somewhere, so it's not a simple solution. But there are things in there to have a look at.

It is subject to a PDP, but God only knows where that's going to go. There might be light at the end of the tunnel, or maybe we should also just decide dies a painful death.

JEAN-JACQUES SAHEL: Thank you. This is also one of the reasons we wanted to have this European Coordination Session, because we want to be able to raise these issues and discuss them amongst ourselves because indeed we have issues of particular common interest. I do think that privacy [inaudible] in the world, just maybe sometimes in slightly different ways.

I want to close the thing, although – okay, last one. Please be brief. Thank you.

CHRIS CHAPLOW: Thanks. Chris Chaplow from Business Constituency. Poor Michele's cry from the heart here. I was just wondering, is this not European stakeholder engagement? So is Michele talking to the wrong people at this meeting?

JEAN-JACQUES SAHEL: No, in the sense that, although we do want to do outreach – that is our day-to-day job – what we would like to do here, apart from talking about outreach, is also give a platform for our

stakeholders to share issues of common interest and raise them, and we're happy to liaise with the rest of ICANN. Usually it will be for new issues perhaps, but this is of course a hot issue, and the initial question was about safe harbor, which is fairly recent. I think that's how the discussion went that way.

So it's not just about outreach, just to make it clear. But, yeah. [inaudible]. Thank you all very, very much for – oh, Andrea. Last one.

ANDREA BECCALLI:

I'd like to say things that I don't [inaudible] check with my boss. [inaudible] nothing major. I'm just thinking that for the next ICANN meeting, since it will be in Marrakech, which is [at reach] for many European countries, probably we can already decide to have a European Coordination Session at the next meeting.

Since you see there are issues there coming up and it's important to be shared among European stakeholders, we can also make a call of issues that could be addressed during the session.

JEAN-JACQUES SAHEL:

Thank you all. As you know, there is a cocktail outside. This will be a great occasion to discuss data protection in a lot of detail if you want to, or just anything else that you want to.

There will be a couple of special events coming up during this cocktail. If all goes well, I'll see you. Fadi Chehadé will be present in the next few minutes for some of that. So there'll be a special ceremony coming up.

I would like to give a special thank you to all the Irish people in the room, the thousands of them in this room, for a wonderful welcome this week. I think I've heard many, many people just raving about how they've had a wonderful welcome in Dublin, not just in the convention center, but throughout the city. So thanks again for the organization and for having us.

[END OF TRANSCRIPTION]