MONTREAL – GNSO - NCSG Open Meeting
Tuesday, November 5, 2019 – 15:15 to 18:30 EDT
ICANN66 | Montréal, Canada

UNIDENTIFIED MALE:	Stephanie, I think we should start. By experience, I think we kind of encourage this behavior for people to come late by starting late, so.
STEPHANIE PERRIN:	Okay, folks. Despite the slim crowd, we're going to go ahead and start. Maryam, would you mind starting the recording? Oh, it started already. Oh, I hope it didn't catch me saying anything out of character.
	Okay, very good. Well, my name is Stephanie Perrin. I am your current and incoming Chair of the Non-Commercial Stakeholders Group and I would like to go around the table. Hence, my stalling for a moment or two, until we had a few people around the table.
	So in hopes that this side of the table will fill up, I'm going to start at that end, please, and if you just introduce yourself briefly and if you have a particular role, tell us.
FRANCO GIANDANA:	Hello, everyone. My name is Franco. I'm the incoming AC member for NCUC as a representative of Latin America and the Caribbean. Thank you.

RAPHAËL BEAUREGARD: Hi, everyone. Raphaël. I am NCUC delegate and NCSG EC.

RAFIK DAMMAK: Rafik Dammak, NCSG Representative to GNSO Council.

BRUNA SANTOS: Bruna Santos, current incoming Chair of NCUC as well.

MILTON MUELLER: Milton Mueller, member of NCUC and NCSG.

JOAN KERR: Joan Kerr, outcoming and incoming Chair, NPOC.

DAVID CAKE: David Cake, outgoing NCUC and NPOC Executive Committee and probably the only person who ever will hold those roles simultaneously as I think they changed the rules to stop it happening afterwards.

JUAN MANUEL ROJAS: I'm Juan Manuel Rojas. I am the Membership Committee Chair, incoming and current, and also I am appointed for NCSG EC from NPOC.

FARELL FOLLY: Farell Folly, NCSG Policy member and incoming GNSO Council.

ICANN 66
ANNUAL GENERAL
MONTRÉAL
2–7 November 2019

KATHY KLEIMAN:	Kathy Kleiman, I go back to the beginning of the Non-Commercial Stake Group and the Non-Commercial Users Constituency.
FARZANEH BADII:	Farzaneh Badii, incoming councilor.
TRACY COOLEY:	Tracy Cooley with the Campaign for Personal Prescription Importation. I'm fairly new to the NCUC.
UNIDENTIFIED FEMALE:	Oh, hello, Tracy.
STEPHANIE PERRIN:	Okay, what about behind us? Do we have folks in the bleachers behind who would like to come to the mic?
JULIE HEDLUND:	Julie Hedlund, ICANN staff.
[ANDREA CHEN]:	I'm [Andrea Chen]. I think I became member of NCUC/NCSG yesterday. I think because I'm starting to receive e-mails from the mailing list. Thank you.

KEN HERMAN: Hi. Ken Herman, interested participant, member of the, I participate in the North American RALOs meetings and I follow the long years in NGO work and so I like to follow the discussions at the NCUC. Thanks.

STEPHANIE PERRIN: Just wrapping up the introductions so if you gentlemen would like to introduce yourselves, that would be great.

MARTIN SILVA: This is Martin Silva. I'm a GNSO Councilor on behalf of this beautiful constituency and I'm basically working mainly on RPMs when it comes to policy stuff.

SAM LANFRANCO: And I'm Sam Lanfranco. I'm masquerading as Elsa, as an alternate for the moment.

STEPHANIE PERRIN: Okay, well moving right along, I propose that we move to the update on the, first the NCUC constituency day discussion and then to NPOC and before doing that, for the benefit of newcomers, I would like people to be aware because it's not widely known among the broader community, that you join NCSG and you may or may not choose a constituency. You can remain a – I don't yet like to use the word "at-large" because it's quite confusing in the ICANN context – but you can be a member of NCSG without choosing a constituency.

So I haven't asked for an update from the general members. So if any general members who aren't a member of either constituency would like to speak up, please go ahead and do so. But I suspect you're not meeting privately so carry on, wherever you are. Bruna, thanks.

BRUNA SANTOS:	Thank you very much. As I guess most of you were here for this morning, I'm going to be brief on this. So NCC discussed a little bit on we had some new updates on our leadership team. We just had a new leadership team elected and we were welcoming some of them to the constituency in general and so just to mention, the new leadership team is, mainly for the APAC region, is Franco for the Latin American region, Benjamin for the African region, and then Louise Marie is continuing for Europe and Michael is continuing for the North American.

So we did this whole announcement on the new Executive Committee NCC and we also started off what was, what I hope will be the discussion on public interest. So we had good input from the community and the idea of maybe conducting a webinar in the future, so if any of you around would like to participate or help us get this webinar together, I think [Avri] will be also able to help us make this happen.

So apart from that, we announced our policy writing course. It's a web course on ICANN Learn. It's open to the entire community so any of you who wants to take it or any of you who know any newcomers who are willing to learn a little bit more about our policy writing, how NCSG and NCUC, they do organize each other on these sorts of statements. It is a really good input so we are open both to feedback and comments to

ICANN 66
ANNUAL GENERAL
MONTRÉAL
2–7 November 2019

this course. And that's pretty much about it to the NCC Constituency Day.

One thing I forgot to mention is that for those of you going to the IGF, I think Adam is collecting the names for the Technical Community Reception so I sent an e-mail to the list a while ago asking for both information of our members' workshops and sessions at the IGF in Berlin and also for names for the Technical Community Reception so if you can just send me an e-mail or e-mail Adam, it will be really good. And if you give me information about our session at the IGF, we can tweet about it and make a little more, bring more attention to it. So that will be it and thank you, Stephanie, for the [space].

STEPHANIE PERRIN: Thank you very much, Bruna. Any questions from anyone?

Okay, going, going, gone. Over to you, Joan.

JOAN KERR: Hi, everyone. We just had our constituency day. It just finished 15 minutes ago. Basically, we had a lot of updates on what we've done, sort of didn't go over what we've done but where we're going. So basically, much of it, so just quickly, we submitted our charter. We spent a lot of work the last few years working on the charter. We've submitted it to staff and we're waiting for feedback from them. We are also discussing a lot of the communication tools that we're using to initiate our membership project which is to educate our existing members and to outreach to other members.

And so we had presentation by GSE, Global Stakeholder Engagement, as well as GDD, which is Global Domain Division, present how and what they can help us with. And so that's going to be for the next 60 days back and forth to design those programs. Much of it will be when we've done it to be available for the community so that the community can learn. So I mean the whole thing is that it's not for one constituency after all. It's the community, right? So we're doing that.

We had a presentation by a research group under ICANN's legitimacy and I think they're going to be here. We didn't have a lot of questions. I'm hoping there is one here, right? So we'll have some questions here but it was rather interesting on the civil society of it anyway, that civil society trusted that ICANN was quite legitimate which was a very interesting note.

What else do we have? The big one was the education program, so we will be … Oh, policy work. Oh my God, that's where we're really focusing on and one of the biggest initiative will be on the IGO, will be really focusing on having a PDP for that. So that's what I have to say, and being involved overall. Is that a quick one?

STEPHANIE PERRIN: That's great. Any comments on the NPOC roundup? Yes, Rafik.

RAFIK DAMMAK: Thanks, Stephanie. Thank you, Joan, for the update. So –

STEPHANIE PERRIN: State your name for the record.

RAFIK DAMMAK: It's Rafik speaking as you told that, [give me]. Okay, so Joan, you just mentioned about the policy and about IGOs. Can you clarify what you mean here? I know we have the discussion of the Council about the new work track, but so what's kind of the discussion you had at the NPOC level?

JOAN KERR: So our incoming Chair is Carlos Raul Gutierrez. Is he here? No, he's gone back to the … So that's, he's, we're not going to discuss it until we get the results from the working group. So we're just going to wait for that and we think that NPOC, this is a home for us to … This is how NPOC started was with the Red Crescent/Red Cross, right? So we're waiting for the results from that initiative, so that's what he wants to focus on as Policy Chair.

Yeah, go ahead.

MARTIN SILVA: Yes. May I add that part of the reasons to choose that specific new PDP or new process within a PDP to work on is first, yes, the obvious connection between the NGO world and that specific process. But also as a learning curve of participating from scratch in a process that is beginning, that will be very, we believe will be very helpful for a group of NPOC members to really go through all the steps, from the beginning

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of the chartering, understanding it, instead of trying to make them join the last [minute] of supper. So double idea there could be to use the beginning of a process to also mentor members inside of that.

UNIDENTIFIED MALE: Though I [inaudible] add the it's only been going, that sort of, in one way or another, that argument's only been going for about a decade as opposed to two decades for most of the others.

UNIDENTIFIED MALE: I'm more confused here than before. I mean, if it's about the Red Cross and so on, that's already done. They are already in the implementation phase so , I know it's not your comment. I know I [inaudible] to make, to respond to you.

But about this new work track, the whole thing, if you recall the charter, it's not really for how it's designed and this specific topic. It's really about INGO. It's mostly the IGO making, pushing for that. So I'm not sure you are aligned in terms of interest because they want, they are asking to have kind of not [inaudible] but you create something for them.

And the current charter is [inaudible] about it won't be an open working group so I'm not sure if you are planning. It's kind of a learning experience. That will be the right place to do so, so just, anyway, that charter is still under discussion and we [inaudible] some concerns about how, what we got as input from the GAC.

MARTIN SILVA: Can I go?

Yes. Yes, absolutely, on the spot on everything there. We chose that because, at least, understanding how our process of right protection mechanisms is created and if it's not directly involved towards all of our members. I think it's an interesting process itself, of learning because we cannot pretend to say, "Okay, our members would need a different protection mechanisms or start from scratch [inaudible] of our own."

So I think following something from scratch could be a learning experience, and yes, we could probably choose other venues to work on but this is one of the few. We only have three PDPs coming on in the pipeline, in the project list. So we have to choose one.

So it's not, we also would prefer maybe to choose a different topic but this is the nearest that we felt comfortable with to work. Yeah, and the fact I am also very involved with RPMs is also an EC [apple] to grab in that sense.

STEPHANIE PERRIN: Any further questions on this topic?

Okay, then I guess we'll move on to what seems like an enormous block of time for me to talk about priorities and this is a fairly unstructured discussion. I have a few little first notes and I'm begging Maryam to remind me if I'm forgetting any of the little, small administrative things that we need a reminder on. So I'll go through those and then talk about priorities.

So first off, we have a deadline of tomorrow on – it's tomorrow, right? – notifying on who's going to Cancun. So kindly make sure that we get your names in if you're intending to attend the Cancun meeting, either as a councilor or an EC member, Chair, whatever. Let Maryam know so that we can get the list in. Okay?

MILTON MUELLER: Can I do that now?

STEPHANIE PERRIN: Yes.

MILTON MUELLER: So I've been holding off because I don't know, first of all, I'm not sure whether the EPDP will still be going on in Cancun but now it looks like it will be.

STEPHANIE PERRIN: Yeah, Cancun the following year too, so book that all again. That's a joke. Yeah, we're going back to Cancun the following year. You know that, eh?

MILTON MUELLER: We've got two Cancuns.

STEPHANIE PERRIN: Correct. Yeah. We'll still be EPDP-ing in the second Cancun. That's my point.

MILTON MUELLER: Just don't stretch my time horizon.

STEPHANIE PERRIN: God, you can't make a joke around here.

MILTON MUELLER: So we're talking about 2020 Cancun, right?

STEPHANIE PERRIN: Yeah.

MILTON MUELLER: Okay, so I really don't think I can go to the January EPDP so I will need an alternate for that. But I will be able to go to the June one, assuming it's still going on and assuming that Farzaneh goes to the January one, which she is fully committed to do as I understand.

You're not?

FARZANEH BADII: So basically, there are the GNSO Council Strategy Group meeting as well, strategy meeting. I don't know what the right word. I'm new to the Council, so. And that time, it's going to be a full week of work if I attend

EPDP as well and I just don't think that my new job and new boss would agree to that. But I will get back to you, Stephanie.

MILTON MUELLER: You don't think you can do a full week of work.

UNIDENTIFIED FEMALE: Sorry, just a quick one. I think I'm just show of hands, which GNSO Council are we going on, please?

UNIDENTIFIED FEMALE: What, to Cancun?

UNIDENTIFIED FEMALE: Yeah, to Cancun. Rafik is like, okay, thank you.

STEPHANIE PERRIN: So that's the easy one.

RAFIK DAMMAK: Sorry, Stephanie. I mean, because Milton is talking about for the EPDP but that's not the NCSG slot we are talking about. So still, we have to make a request to the EPDP to get the support.

STEPHANIE PERRIN: Okay, as long as we get the names in for the constituency ECs then, also by end of day, that would be great.

I'm going to wrap that one up. Some of you may be aware that we had money in the budget for an intercessional meeting with the commercial side of our house. They don't want to meet with us in a full meeting. They haven't got the time so we compromised on an extra day being added on to Cancun. That would be in 2020.

So we'll follow Rick who's the spokesperson for the commercial side of the house, has asked if we'd like to have a little small group discuss planning for that extra day and that meeting is going to take place at 8:00 A.M. on Thursday. So come one, come all and we'll start working on that if you don't want to participate, if you can't come to that particular meeting, don't worry. There will still be discussions. Yes?

TATIANA TROPINA: Stephanie, are we adding this extra day to Cancun meeting before the meeting or after?

STEPHANIE PERRIN: Before, I believe.

TATIANA TROPINA: That's no good news.

[DAVID CAKE]:   Yeah, I'm just echoing what Tatiana just said. Not good news because the EPDP is scheduled to have a full-day meeting on Day 0 and that is also going to conflict with the leadership cause that we're trying to get

people to go on. So who would we have actually available to go to this meeting?

STEPHANIE PERRIN: Okay, that sounds like a pretty good objection. Let's move it to the end.

TATIANA TROPINA: Thank you, Stephanie. It's just because many of us work and it's much easier to come a day later because it will be weekend anyway than just top the beginning of the meeting with various meetings and days, and it becomes like two weeks of travel and my new job and my new boss probably won't be very happy about it.

STEPHANIE PERRIN: Okay, now understood that we may have some difficulty in persuading the commercial side of the house that they should hang around after an ICANN meeting because generally speaking, people say they're done by the end of the meeting and don't want to hang around another day.

However, yeah, Kathy?

KATHY KLEIMAN: I just want to point out, just for fun, that that's Friday the 13th.

STEPHANIE PERRIN: That is fun. I think that's an appropriate day.

AYDEN FÉRDELINE: I just had a question as well. So originally, the intercessional was going to cost $100,000 and that was going to be in Los Angeles. So now that we no longer have the need for that, what are we spending the money on? So are we able to bring more people to this meeting? Is that the objective? Or is this going to just be helping the reserve fund and we're doing a good deed there? What are we actually going to use the resources for?

STEPHANIE PERRIN: Well, thank you for the question. I have to admit, confess that I made an unsuccessful play to get the budget transferred over to us on the argument that, well, our colleagues don't want to meet with us but we still need to meet. We have all kinds of issues that we need to discuss among ourselves. Now that money is not supposed to be for us to get our own act together ourselves, but frankly, we need it so I was looking for more travel money to bring more people to the meeting, bring them in, in advance and then possibly find extra money to keep them around for the rest of the meeting. That failed but I haven't given up yet so I have another meeting where I'm going to make another play for some of that budget. Maybe not the whole $100,000. Let's be modest. But I mean $20,000 would buy us quite a few more people and also maybe another day where we could discuss things because we have some issues that we need to resolve amongst ourselves, and doubtless you'll understand what I'm talking about as soon as I launch into my priorities for the [next year], which I hope you will join me in supporting.

So I'm going to make a go for that on Thursday. I'll keep you posted if we get anymore money.

BRUNA SANTOS: Just for, as an alternate suggestion, maybe instead of doing the Day 0, we can do something in the evening of the Day 0 and then have maybe two work lunches during the meeting. I don't know if that's feasible or maybe try to have at least one work lunch with them just so all of this agenda clashes that we were definitely not aware of.

STEPHANIE PERRIN: The conception that I have of what's going to happen is that the amount of substantial items that the commercial side of the house wants to discuss with us is small and in fact, David Olive had said, "Look, supposing you do a cocktail together, a morning session and then you separate, do your own thing and then come back together later for a wrap-up, then you get the best of both worlds." Of course, that was to avoid me getting more money to have us do two extra days by ourselves. But that was his proposal and I suspect that that will meet with support from the commercial side of the house who don't really feel the need to meet.

For those new members who are unfamiliar of why we would want to meet anyway with the commercial side of the house, my major concern is having lived through the last GNSO review and read and studied the previous GNSO reviews which go back quite a way, I encourage you to try to find them on the ICANN site if you can. If not, we'll look up in the

ICANN 66
ANNUAL GENERAL
MONTRÉAL
2–7 November 2019

archive. There's always a bid to reduce the number of non-commercial party seats and given the multi-stakeholder review that is going on and all of the multi-stakeholder role changes, I think it would be naïve in the extreme to think that we might be going into a GNSO review and that no one will try to cut down our seats or our support. And for those new members who think that support, travel support, administrative support is a given, I turn it over to Milton and Kathy to tell people what it was like in the beginning.

MILTON MUELLER: There was no support of any kind. We were also finance. But that's over. Those days are gone. I mean, I don't think that's going to happen again so I wouldn't get worried about it.

KATHY KLEIMAN: In the beginning there were three, there was one non-commercial constituency and three commercial constituencies and everything we did was outnumbered three to one.

But I do want to mention just because we're not always on the opposite side of the fence with the commercial parties, and that's one of the reasons for an intersessional, is that particularly with new top-level domains coming in, we're all part of the watcher community, what I call the watcher community, that we are the people who are not contracted parties. So we're the ones who are watching the new top-level domains. We're watching a lot of the things that the contracted parties are doing and commenting on them and sometimes we can work together and

sometimes we have worked together over the years, and that's where the intercessionals have been good. But in the old days, there was no money for anything and often, we didn't talk. And we didn't have funding and it's better now. And Maryam's with us and that's awesome.

STEPHANIE PERRIN: Well, Milton says not to worry. As I say frequently, I'm an old government employee where fights over budgets usually involve sharp objects so I am worried and I am worried about this living within our means and the kick-in of the ICANN operational plan which you heard Göran say this morning – I hope you did – not Göran, Cherine say, comes into force in July of 2020 will have to be accommodated to that financial plan.

So okay. Now let me launch into some of the things that seem to me to be priorities in the Non-Commercial Stakeholder Group generally. And the first of those is a discussion that we need to have on the need for a code of ethics. And you might say, "Why would we need a code of ethics?" In fact, that's not hypothetical. Several people have said to me, "Why do you want a code of ethics?" And so this has been, we had a discussion about this in the Executive Committee in the NCSG and I mean, I've had this discussion with the ombudsman who also said, "Why do you want a code of ethics? You've got standards of behavior."

So standards of behavior only go as far as to how we are behaving in ICANN meetings. It does not address the topic of stewardship of resources, how we're managing the money that we are given to cover travel, to cover support, how we are managing the resources that we

handle such as the human resources, such as Maryam and all the other support services that are available to us, such as ICANN Learn and training.

And in particular, I'm deeply troubled – and I don't mean to pick on anyone in particular – but when we have a constituency meeting as we did this morning of the NCSU, NCUC – it's been a long day – and only one of the EC is present at the meeting and they don't appear to be online and they don't appear to have appointed alternates, then I think it's time to have an ethics code and say to people, "Look, if you're elected to office, you are expected to be there. And if you can't be there, then you send your apologies and you find a replacement but you don't leave your chair stuck with no participation."

This is not appropriate behavior and if people need to be told via an ethics code, well then, so be it. We shall have an ethics code that tells them what their accountability and responsibilities are as human beings taking up executive slots.

So that's not just a waste of money. It's a total disrespect for how we're trying to move forward and do business. You can't get business done if your people don't show up. So yes, I am a little heated about this. I think it's just irresponsible. So that's an issue.

We have had issues in the past where people took a travel spot and didn't show up. It's been with ICANN forever. They've been on the beach. This is not a new phenomenon. But there's nothing in our charter that allows a chair, a leader or anybody to actually ensure accountability under that. You would think it would be common sense,

but Farzaneh's going to tell me there's something in the charter that would cover this, right?

FARZANEH BADII: [Inaudible]

STEPHANIE PERRIN: For the Council members, yeah. For the Council members but not for the others.

FARZANEH BADII: So yes, for the Executive Committee and the slots that you allocate to them, then we were going to come up with some kind of expected, what we expect them to do at the meetings but we didn't because we were busy with other stuff. So yes. But then I can't see the connection between that, and that's totally reasonable to have something that you say, talk about expectation from the members who get funding but I can't quite relate this to ethics.

MILTON MUELLER: So I think you're throwing people off by calling this a code of ethics. This is not normally what people call a code of ethics. This is, in fact, sort of operating procedures for our constituency and they need to be enforced and I think nobody, I mean, we've always had this problem, people who are given benefits by virtue of their positions or offices and don't deliver, and I guarantee you writing a document is not going to solve that problem. What's going to solve that problem are people

EN

actually enforcing and exerting normative pressure on people who behave that way. And it would be, I mean, we, the degree of formality is what I think I'm worried about here. If we spend enormous amounts of time debating and writing a document, we're not solving a problem. What we need is perhaps some clearer statements than what the guidelines are, like you just did – that was great – but what we really need is people to enforce those and to get after people who don't conform to them.

STEPHANIE PERRIN: Yes, and I mean, whether you call this a procedure or a code of ethics, the thing is that there is more to a code of ethics than just the stewardship principle. There is also transparency.

Now let me, can I move on? We'll take what Ayden had to say but I want to move on to some of the other principles in a code of ethics to try and prove to you that we need it.

AYDEN FÉRDELINE: Thanks. And maybe I was about to do the same, that I support the idea of a code of ethics because it says that we're actively and proactively promoting ethical behavior. And maybe it's correct that there can be operating procedures that could cover some of these same principles, and I agree with you that whatever they are, they need to be enforced. But I think that there is merit in having something that is promoting ethical behavior and that is not just to do with travel slots. I think that is the least of our issues actually.

I think it's really about how do we ensure that people are honest and ethical in their personal and professional conduct when we have people that are occupying multiple leadership roles across different constituencies, sometimes both constituencies within the NCSG, perhaps outside of the NCSG in other supporting organizations or advisory committees. I think that's really problematic. And so an ethics policy is able to define what makes someone independent, what makes someone, that they haven't been in the last X number of period, a member of the GAC. I think these can offer us protections as well against potentially being captured in the future.

And so it's also not necessarily about there being anything wrong with existing behaviors. Its ensuring that, as we move forward, we're not left blind potentially to the wrong people coming in with different interests, potentially leaving us in a very bad state.

STEPHANIE PERRIN: David, you had your hand up.

DAVID CAKE: Well, actually, I think at this point I was going to comment on the issue generally, but I think I should probably comment personally. First I'm going to note that counting the Chair, there were two members at the NCUC Executive meeting earlier.

Yes. And I do think, Michael was also [inaudible] earlier in the meeting and participated and had to go home. I don't think there were any issues there. But I just noted that as Ayden specifically mentioned,

people occupying leadership roles in more than one constituency and as I mentioned earlier, I am the only person who has ever done that or likely to, I would just like to note that despite Ayden's accusations, I use precisely none of NCUC travel resources in my entire commitment. I was clear as to why I joined and I have no disagreement. And several of the allegations you have made against me personally, if you repeat them in a public place, I will immediately take you [to the] ombudsman for, in violation of acceptable standards of behavior. Thank you.

AYDEN FÉRDELINE: Thanks for that.

DAVID CAKE: I do think there are issues to do with, and I do actually think that there is some value in exploring the idea. I do not for a moment think that it will answer, perform the role that Ayden wants it to do as I believe he's upset at having a better qualified person appointed to a position above him. And we need to take this debate very carefully.

AYDEN FÉRDELINE: Okay, thanks David. So if I can just clarify my comments before, I didn't refer to anyone in particular and I actually very specifically said that this isn't about, there is no implied criticism of those that are currently in roles or not. It's about moving forward, what situation do we want the stakeholder group to be in, in the future. How do we ensure that we're actively promoting ethical and professional conduct? That was the point I was trying to raise.

STEPHANIE PERRIN: I think this might be a conversation that is not going to lead us to a successful outcome. We have a situation now where the head of the NPOC Policy Committee, Carlos, is also the incoming NomCom ALAC representative. Is that not true? I'm not pointing any fingers at Carlos personally. I love Carlos. He's great. But this is an ongoing issue, the people riding two horses in leadership positions. I understand that we have very few people doing the actual hard work, but I think it is problematic that we have people holding two positions at the same time.

DAVID CAKE: I think we need to clarify and particularly separate the issues of use of resources from where …

STEPHANIE PERRIN: Well, I don't think we mentioned use of resources here. We're talking about holding two leadership positions.

DAVID CAKE: No, but I would also say with an ethics policy, we have had issues in the past where quite serious ethical breaches were committed by people involved, no one here or currently involved that I'm thinking of, and we certainly could do with an ethics committee to clarify ethics, guidelines and policy to clarify some of those issues.

STEPHANIE PERRIN: Okay, let me carry on with what would be in an ethics. Oh, I'm sorry. I'm ignoring Bruna, [inaudible], and then Rafik.

BRUNA SANTOS: Just to make it, just to set the record straight about the NCC, we had three EC members on site apart from me. Two of them, one of them is no longer here so it's Michael. Michael was here for the two, the first part of the meeting. He had to excuse himself from this but we also have [inaudible] on site so if we consider this stage of leadership transition in which the outgoing members are no longer here to help with the transition, although I've been trying as much as I can to facilitate it, it's just that at this point that I find it problematic. So I mean, the other EC members, they have excused themselves. Louise, as well, wasn't able to come but I just consider that in a period of transition, we should not allow for members to simply not be here or to be here for two days and then no longer. So just to set the record straight.

RAFIK DAMMAK: Okay, thanks, Stephanie. So trying to, so we can move here a bit. I guess for us, maybe because I heard some words or some description so people can be sensitive to that when we talk about being ethical and what might imply. I'm not talking about the conversation.

So probably it's better than starting saying that we need an ethics policy, trying to describe the problems that we are trying to cover. I think you've started already to talk about the resources and so on. That's, I think, the best way and then maybe we can have the

conversation how they can be covered. Probably it's not necessarily to cover all of them in whatever document we will end up. Maybe they can be covered in what is existing or what we need to create. So probably starting by an issues list would make sense to everyone to understand what we are trying to resolve.

I'm just saying that maybe saying a fixed policy, people can misunderstand it or add too much meaning to it and create some sensitivity, so.

STEPHANIE PERRIN: Thank you very much, Rafik. I think that's excellent advice. Can we just have a show of hands? Who, I'm just looking around the table, has ever worked in an organization, worked or operated in an organization that had an ethics policy?

MILTON MUELLER: Every organization, major organization, has an ethics policy.

STEPHANIE PERRIN: Okay, so it's not as if we're not familiar with what an ethics policy says.

MILTON MUELLER: You're creating a problem for yourself by calling this an ethics policy, which implies that we have tons of unethical behavior and that we can actually control that by writing a policy. What I hear as the real need you're talking about are operational matters and organizational

policies regarding expected standards of behavior for officers, right? And that concerns the functionality of the constituency which is, frankly, all I care about. I want to see NCSG organized so that it's effective, so that it does things. It doesn't waste money. It doesn't fritter away resources. That's what I care about and if you say "ethics, ethics, ethics," you're losing my interest really fast because I don't view the fundamental problem as ethics, and I agree with Rafik that let's start by defining what problems you want to solve and then you can decide whether it's an ethical problem or some other kind of a problem and what kinds of policies would fix it.

STEPHANIE PERRIN: The reason why, I'm just going to respond briefly before I go to Kathy. The reason why major organizations have ethics policies is not because they're full of unethical people and they had to do something about, is that you're aligning a number of expected behaviors that are getting more down to specifics than a general department policy which is what we've got in the standards of acceptable behavior in meetings into particular practices.

However, I'm not going to argue about it. We'll go to the issues after Kathy.

KATHY KLEIMAN: So I think this is important to talk about the issues. But, and the wasting money, frittering resources. I'm in agreement, also in agreement that ethics, I'm hearing it's the buzz term of the year. It's being used in a lot

of different ways. I know you've got a very distinct sense, but it's being used in lots of different ways in lots of different places, so I like the idea that we'll come up with our own title, code of conduct, something like that.

But I've heard two people's names mentioned and I just wanted to add somewhat in defense and also to better understand the problem. So Michael Karanicolas, I just wanted to add, was at all three of the face-to-face meetings with Rights Protection Mechanism Working Group. I realize we represent ourselves as individuals there, as Rafik pointed out in early meeting, but he is a passionate advocate for non-commercial speech in that group and kind of the balance of trademarks and non-commercial. So while he was here, I think he was busy.

And also, Carlos, I think is not a member of ALAC but I think he's the NomCom appointee to ALAC. That's my understanding. And so like Carlton Samuels who was here earlier today, is the NomCom appointee. He's ALAC but he's the NomCom appointee to the GNSO Council. I think these are crossing over, people crossing over to kind of create this cross, this communication across silos that ICANN seems to be funding. But I'm not sure that means, so I think we should talk about whether, I don't know. Just, he's been, he's done a lot of good things.

STEPHANIE PERRIN: I'm not criticizing Carlos as a person but he now has a NomCom appointment to ALAC. Is that not true? He's not the GNSO ALAC Liaison. Is he?

Yeah, so that is a distinct leadership role chosen by NomCom.

Sorry?

BRUNA SANTOS: I believe they also get the right to vote because the NomCom appointee to GNSO gets the right to vote and gets engaged with all the [inaudible] of the GNSO Council. I believe it's the same for ALAC as well. They become a member. But they are not elected. They are appointed by NomCom.

But that doesn't mean, it's just a clarification. However I don't know what the issue is because now does he have an official position at NPOC? Okay, well I think if NPOC sees an issue with that, then they can [inaudible]. I don't know.

JOAN KERR: So Carlos is not using any of NPOC's resources.

STEPHANIE PERRIN: That's not [true].

KATHY KLEIMAN: But you were talking about the funds and stuff. But I just want to say that he's not using any of NCSG's resources. But he is an appointee from ALAC to, so yeah.

STEPHANIE PERRIN: The category here of conduct that I'm trying to address and I'm going to go down the issues because clearly, you are all right, ethics is throwing people right off. And we're just going to talk about issues. Okay? That'll make Milton happy.

This is occupation of leadership positions and the question is, is it desirable to have an individual occupying a leadership position under the rubric of NCSG and another leadership position, either under the rubric of NCSG or elsewhere? And my answer to that is no for many reasons. One is plenty, but there's also conflict of interest. So yes.

DAVID CAKE: It's, I think what we're really looking here, it is along the line of expected standards of behavior or expected and it's not accepted things we don't want to have set in stone. We want to just have guidelines about what is actually the standard. We need to have things like when are you expected to recuse yourself from a decision, what sort of relationships, financial, personal, are inappropriate and just so that we have a baseline of what is agreed and when we need to discuss it. And often, it's as simple as going, "Well, I understand that there is a conflict here. I am going to recuse myself as per standard procedure," and everyone goes, "Good. Ethics has been, the issue has been dealt with." That's the sort of thing that will be useful to have, but it's also useful to say there is a guideline. You knew what it was. You violated it. Now we have to look carefully at what [inaudible].

STEPHANIE PERRIN: That's an enforcement mechanism, usually goes with the code. James?

JAMES GANNON: I won't speak on behalf of NPOC because I don't know the intricacies of your charter, but certainly from an NCUC position, everything that we've spoken about is in the NCUC charter. I have it in front of me. So the persons who are holding the power to vote and not a constituency stakeholder group or are on the ICANN Board except other constituencies within NCSG are ineligible to even be members. When we talk about X members of ICANN contractors, X members of the GAC, these are all in our charter already. So certainly, from a constituency point of view on the NCUC side, and I would expect there is something similar within the NPOC side, everything we've talked about for the last however long is already there, and this comes to Milton's point.

We may have an issue with enforcement, but enforcement issues don't require a new policy or a new standard when they're usually spelled out in black and white. Like I have no issue with the concept of these being topics that we need to address. It's about how we address them. If we're not enforcing them correctly, we do have the ombudsman. I understand that issues of going to the ombudsman and have came back unresolved, for want of a better word. But we already have these processes. We have them. They're here. I don't see the need to tie up very limited capacity into rewriting something that is already down in black and white and that all of us have to abide to.

STEPHANIE PERRIN: You did say that that's in the NCUC charter. I don't know whether it's in the NPOC charter and if it's not in the NCSG charter, then we can't do anything about the non-affiliated members. Over to Rafik.

RAFIK DAMMAK: Okay, again trying to see if we can move forward here.

So I would use kind of one of the maybe buzz words in ICANN, let's do some mapping of the issues we have. So let's start with the issues. We started and maybe people have others. Yeah.

So let's do that issue is and we try to map of the existing reference or material. Honestly, I believe that many, they are not enough familiar with our own charter. So we can start, see the issue is and see what the charter say.

Also, the charter allows us to create operating procedures. There was some effort on that front to create. So if we can start doing that analysis or mapping and see what is the gap, and we can then cover that by whatever vehicle we think is appropriate. It can be an ethics policy if we agree. Maybe the wording, it's raising some problem. We can find another thing. What matters is the purpose and what we want to achieve and then we need to think about the process. It's not just to create a new operating procedure to fix a specific problem. But how maybe [inaudible] a process like if people need to appeal or remedy and so on, so on. So let's start with the issue is doing mapping with what we have so we can identify any gaps. And from there, we can see what are

ICANN
ANNUAL GENERAL **66**
MONTRÉAL
2–7 November 2019

the tools, vehicles, mechanism, process or whatever we need to create to fill that gap.

STEPHANIE PERRIN: I think I'll take that as homework for me. I'm going to come back with my map, give it to you, look for feedback. It'll be in a Google document. Over to you, Ayden.

AYDEN FÉRDELINE: Thanks. I was just going to put a few of the issues out there, just following on Rafik's point. So I think some of the issues that an ethics policy could seek to address are people that put their personal interest above those of the NCSG. It could be people who, in the course of carrying out their responsibilities, maintain contact with individuals who have been banned from the ICANN community by ombudsman, by ICANN's general counsel. It could include addressing issues such as when people try to exert improper influence over ICANN staff or ICANN departments.

Now to an extent, these are hypothetical, but all of these have actually happened as well. So I think those are some issues that are not really addressed at the moment by either the standards of acceptable behavior or other mechanisms that are available. And I largely agree with everything that is being said so far. I think that there are existing mechanisms. I think that enforcement is severely lacking, but I also think there are some gray areas and I think that we do need to be a bit clearer about what constitutes independence. What makes someone

incapable of representing the NCSG? We need some language around that and I think we can come up with it.

And I'm happy to put forward my ideas for what that may look like if you would like to hear it. Thanks.

STEPHANIE PERRIN: Over to you, Farzaneh. I would add to that list that our Statement of Interests aren't being enforced and that would be very helpful for transparency.

FARZANEH BADII: I regret bringing this up, however, since you have allocated quite a long time to this issue, I'd like to remind us why you are suggesting an ethics policy and that goes back to the conflict between me and Mr. Férdeline – let me finish – I just discussed.

STEPHANIE PERRIN: Just let me say that I brought up the ethics policy years ago.

FARZANEH BADII: And you said in an e-mail that as Ayden suggested, I'd like to also work on an ethics policy, and I have the e-mail. And then Ayden, Mr. Férdeline, had suggested that ethics policy because of his allegations, based on his allegations of my misconduct which is imaginary. There is no evidence whatsoever.

Now it is very, it is disturbing to hear that those who actually conduct unethical behavior, and if you want, I can give you a very good example, can sit here so calmly and talk about enforcing, coming up with an ethics policy and enforcing it on people. And we allow that. And you allowed it. And you picked it up and you brought it here. Yes.

My problem is not ethics policy. My problem is picking up on the recommendations of someone who has blatantly with evidence I will provide, has conducted unethical behavior. Thank you.

STEPHANIE PERRIN: If you are alleging that my reason for putting forward the concept of an ethics policy is only based on a recent disagreement between you and Ayden.

FARZANEH BADII: [Inaudible]

STEPHANIE PERRIN: Farzaneh.

FARZANEH BADII: I've had enough [inaudible]. I am going to speak at the DNS abuse session tomorrow and I wanted to understand the members' opinion about that, but however, I don't think I'm in a position to remain in the room. I will send an e-mail to the mailing list and I will talk to you about

ICANN ANNUAL GENERAL 66
MONTRÉAL
2–7 November 2019

what sort of opinion I am going to put across. It is not going to be anything that is not NCSG position. Thank you.

STEPHANIE PERRIN: Okay. Sam, you had your hand up.

SAM LANFRANCO: These comments are not attached to how we got where we are. I would be prepared to collaborate with you as we do the mapping and a bit of due diligence and I have background, what other places have done and what some of the recommended procedures have taken place elsewhere. They tend to be fairly succinct, so I was just going to volunteer to work with you.

STEPHANIE PERRIN: That would be great. Thank you very much, Sam.

As this conversation was held a couple of years ago, and I must confess I'm fresh from a year at the Treasure Board of Canada working on the ethics policy there and I felt that we needed one, so I brought it up. We needed the transparency. We needed the stewardship because there's nothing governing our use of funds. There's no means of actually calling out someone who's misusing funds. That's why I went to an ethics policy and I have a draft based on the Canadian policy, modified, of course, for our environment. That is the precursor to this. I realize that the timing was unfortunate and I eized upon an e-mail in the traffic to attempt to stop an unfortunate exchange of hostility on the public list.

And that may segue us over to the whole question of how long we tolerate hostility on the public list and whether we have a moderator or an intervenor who can stop the kind of, I have to say, nastiness that has occasionally taken place on the public list. And subsequent to this nastiness, we always get a couple of people dropping the list or dropping out of NCSG. So it's an unfortunate situation that I think requires some work.

I was trying to stop that by intervening but clearly, it had the opposite effect. Thank you.

MILTON MUELLER: Just a quick follow-up. For those of you who are not Canadian, we are fairly sensitive to ethics issues. Our last government dismissed two members of Parliament, two female members of Parliament, in a very complicated dispute over ethics for which we do not know who did what to whom at this point in time. I had a second point but I'll hold that.

STEPHANIE PERRIN: Tatiana?

TATIANA TROPINA: I don't know how to make this intervention because at some point, I felt like it got as a very personal debate. But I want to bring us be where we started.

I'm personally, honestly, I'm not a big fan of calling it ethics and probably it's more on the operational level. But I want to get back to criteria suggested by Ayden. Once, if we are going to that direction, if we are going to the direction of collecting the issues and drafting something, it's just my internal lawyer right now talking, can we ensure that this criteria are objective and not subjective? Because many of those issues which Ayden named would contain rather subjective criteria, so if we see the issues, and anyone can bring whatever issues, let's then just nail it down to some objectivity because it would be very hard for some of those issues to even identify where the border lies, you know. So basically, I don't know. It's just hard, if not impossible, legally or operationally define the borders of acceptable in those issues unless there is gross misconduct.

So I'm a bit unsure how this is going to be enforced and I think that, for example, if we are talking about leadership positions, resource locations, they are all objective criteria. But some of those are subjective and if we are going to that direction, let's outline them more objectively because otherwise for me, it's just sort of an instrument to put the pressure and to use it in internal fights which I think that we've got enough of. Thank you.

STEPHANIE PERRIN: Well, and frankly, I don't care if somebody can come up with a new name for a code of ethics, that's fine with me. The reason I'm copying an existing code is that it's all been through union and management lawyers who decide what will wind you up in court suing each other for

libel for the next umpty years and it's then focused on concrete measurable actions that are not subjective in their nature.

I doubt very much that we'll be able to deal with everything through procedures. If we could, I'd be very happy because any time you talk about ethics, you do start talking about morality and character, and that's why I wanted to copy existing work so we could avoid all of that. But clearly, it's not working so far, so we'll take this issues route. We'll map them. We'll see if we can do them procedurally. But we're rather far behind in our procedures and in our charter work. I mean I don't want to put any pressure on Joan to get her charter okayed and through the Board and through legal and everything.

JOAN KERR: It's in their hands.

STEPHANIE PERRIN: Yes, but that's, you know.

JOAN KERR: Yeah, I know.

STEPHANIE PERRIN: Yeah, yeah. You know. So that's why I was hoping to come up with this.

JOAN KERR: [Inaudible] ourselves. It's okay.

STEPHANIE PERRIN: Yeah. Thank you. Okay, who's first? Maybe Tat wants a rejoinder.

TATIANA TROPINA: Yeah, just to follow up. As a person with, as a child of the Soviet Union, I am very much uncomfortable when I hear about public assessments of morality and character. I'm really, extremely, extremely uncomfortable. Please, let's come up with objective criteria. Otherwise, we will end with public opinion trials. We will end with popularity [inaudible].

STEPHANIE PERRIN: As I said, that's why I copied that, to avoid it.

TATIANA TROPINA: And this is what is going to happen.

STEPHANIE PERRIN: Yeah.

RAFIK DAMMAK: Okay, Stephanie. So first, I will be happy to join this effort since I throw the idea and it happens, several times, I respond to you when you have questions on some issues. So on the other hand, so I think we are trying to identify issues and create some process, operating procedure, whatever form that will be kind of to solve the issue when they happen.

But I think when, I believe when, for example, you talked about how if we need to moderate the discussion, the list and so on, it's what is more needed is more preventive action, it's to avoid this [inaudible] because when it reaches some level, it becomes a little bit too late to fix. And in fact, it's not fixing. It's just you are trying to stop and move on, but probably the real cause will remain.

So the question here maybe is what kind of preventive action is, like in discussions, before escalating how you can stop it. I know maybe it's uncomfortable for you, as the Chair, or like the Executive Committee, whoever may be in the leadership to intervene, but maybe it's something we can discuss in the way how we can manage the discuss or deliberation and we can then avoid escalating.

This is just one case. But for other, maybe thinking what kind of preventive action we can take. But still we need to do that mapping and so on, and create in a process. So it will be kind of, let's say it's kind of package at the end, trying to fix an issue maybe at a different level and yeah. So let's see how it will go.

STEPHANIE PERRIN: Sam and then?

SAM LANFRANCO: Two very short things. In terms of behavior on lists, I have been running lists for 40 years. I have been running lists with 2,000 people, 4,000 people, 100. The lesson we learned very quickly was that you cannot legislate or regulate the behavior. What we ended up doing in almost

every case was finding a moderator who did not act as a gatekeeper and the moderator had to be a combination of a police person, a cleric, and a psychiatrist. You find that person and they intervene and calm it.

The second thing is that there are standards out there we can go to, touch on it. There's a wonderful organization called WANGO, the World Association of Non-Governmental Organizations. They're global. They've had to sort through this. They have guidance. They have guidelines that worked across multiple cultures and multiple situations. These are the references we look at in terms of what we got in the charters and then we come back with a document that says this is where we think we can move forward. It's not a legalistic document. It's an assessing one. We do the due diligence, we do the mapping and we see where we are. But we keep those two things separate, I think, how to have civility on lists and what it is we should be reminding ourselves are the standards to which we should aspire.

[LISA RAINBOW]:   [Lisa Rainbow] for the record from [inaudible] Action Network.

Now Stephanie, when you talk about ethics, I think that it is a higher bar of how members should conduct themselves, and usually coming from a platform that operates mainly from the mailing lists. The committee then decides to trust that the contribution is according to what the others agree on, and when you have ethics, it also means that we've tried other mechanisms to stop or present devious behaviors and we haven't been successful with them. And the higher the [inaudible] the

ethics as it goes, it means that there's been continuous misconduct through time.

So what I'd like to know, probably if you can explain to us, is are there other mechanisms that you tried to settle these problems? How has it gone? Are we better off with the guidelines or without them?

STEPHANIE PERRIN: Well, I invite folks who have been in this business longer than I have to intervene if you had other methods of intervention that worked in the past. I would say that in the six years that I've been here, we haven't been particularly successful in stopping, shall I say, flame wars on the lists. So that's one category. When we start arguing the list, it can get out of hand. There is no moderator. So there's nobody really to step in. Chairs are extremely busy. It's not clear that it's the Chair's role to step in and say something.

I see hands waving, so go ahead.

TATIANA TROPINA: Yeah, Steph. I really think that in a way, I see that there is support for collecting issues and I agree with, I think Rafik started this. Let's collect the issues. Let's see how objective they are and let's start from there. And I think there is a way forward here whether we call it ethics or not, at least we can see what is going on, where we all feel uncomfortable and to see what can we do with this.

STEPHANIE PERRIN: The question, that's all. What have we done in the past was the question.

TATIANA TROPINA: Yeah. You know, I think that back to what you were talking about, like moderating the lists and heated discussions, in a way, this is the nature of what we are doing, the nature of diversity and opinions. And yes, unfortunately, it has gotten personal sometimes. There are conflicts sometimes and it's not the first time when we had this because there were other discussions on the list a few years ago where there were other conflicts. So yeah, I don't know how comfortable we all would be with moderating the list or whatsoever, or some mediators. Let's see. Yes. I see some is looking at me like I'm a bit mad.

UNIDENTIFIED FEMALE: [Inaudible]

TATIANA TROPINA: Yeah, it's another kind of moderation. I got it. So let's, I mean, we are somehow right now, and I understand why. Because there is this big desire to solve this once and forever, right? To have a framework, but we are sort of perceiving the results, how it might go. Let's just collect the issues and start from there instead of thinking what we can do at the end. Maybe the issues would show us an absolutely different way forward.

STEPHANIE PERRIN: Okay, well if you don't mind, I'm going to cut this off. Oh, sorry.

MILTON MUELLER: I think we should write a policy to make sure the Chair recognizes people. It will solve that problem for the rest of history.

STEPHANIE PERRIN: Bad idea.

MILTON MUELLER: No. I think the thing the struck me, I am sort of reinforcing the main theme here which is let's define what problems you're trying to solve and not start with a so-called solution, ethics, and then figure out people see that as a tool that's being used for some hidden agenda. Let's start by defining problems and Stephanie, frankly, the problems that you've been talking about in this, introducing this, are all over the map, right? One of them was sort of some very serious things about guidelines as to what positions officers can take and what they can't take, some of which are already covered in our existing charter bylaws.

STEPHANIE PERRIN: Not in all of them.

MILTON MUELLER: Some of them are people, the tone of the discussion on the list. These are all very different kinds of things and different levels and different orders of seriousness. So what is it that is making you think that we

need to devote most of this meeting to this topic? Let's come up with a list of specific problems and then we can debate whether they are problems and what kinds of solutions we need to solve them.

STEPHANIE PERRIN: I am sorry I didn't have a list to table at this meeting because then we would have made better progress. So I suggest we cut this off now. I will come up with my list which I had already mapped to existing ethics codes and then we'll leave the ethics codes out of it and you can see what you need to do to fix these things. Do not ask me to draft all the different procedures to fix a range of problems, okay?

Next topic that I wanted to deal with, and I have five minutes left to do it, I believe – oh, maybe a bit more, ten minutes – is the review of the constituencies, which is mandatory according to the charter and I asked Robin if she would jump in and do this. Thank you.

ROBIN GROSS: Yes, so this is something that the NCSG Executive Committee has been working on for a while now. One of the requirements in the NCSG charter for the Executive Committee is every two years, we're supposed to have what's called a constituency review process, and this is Section 2.3.3 of our charter if anyone wants to take a look at it.

So basically, the idea of this process is to just sort of make sure we're all keeping our own houses in order and our own ducks in a row, so to speak, making sure that we are being transparent in our activities, things are publicly archived, that resources are allocated fairly, that all

members have adequate access to the relevant official information, things like that.

So we have come up with some evaluation criteria that we're going to ask the different constituencies to provide us with answers for in terms of how they meet these criteria, and then we've got a process that we'll go through and give the constituencies a scorecard on the different issues, find areas where there may need to be improvements, give a significant amount of time to make those improvements, try to help guide along in terms of what do we need to do so we can get our own houses in order and get our own operating procedures up to snuff and that sort of thing.

So it's not really rocket science or anything. It's just sort of a basic administrative process that we're supposed to be doing every two years and I think the first time we go through this, it might be more work then the subsequent times because the first time, the first time that the constituency chairs and executive committees will need to substantiate some of this criteria, but unless there are significant changes in how they operate over time, it shouldn't be much work after that because if they're still operating in the same manner, there's not much to update on that.

So it's really basic. I don't know if anyone has any questions or wants to talk about it anymore than that. Please just feel free. Raise a hand. Let me know.

STEPHANIE PERRIN: I think my phone gave that the ping of approval. No comments at all on the constituency review? I mean it's a fairly significant operation. I know it's just routine. But people have to make sure that we're actually doing what we are being measured on.

Which brings me to the next topic which is metrics, my favorite, and if we get through the constituency review, we will have those metrics that are already embedded in the charter. Right? Are we running an open and transparent mailing list, an archived one? Do we have a certain number of members active on the PDPs? You know all these various activities. Then we can move on to see if that's enough to measure ourselves by because those were dreamt up in probably 2009 and I'm wondering if we need anymore.

Judging by the reception of my suggestion that we needed more ethics, I imagine there's nobody who wants anymore metrics. But we are missing quite a few recent opportunities to comment and that's not a criticism of the policy committee. It's a reflection on how we're prioritizing and I'd like to figure out a better way so that we weren't missing things. Thanks.

RAFIK DAMMAK: Thanks, Stephanie. So I'm not sure to get your last comment about policy committee, but anyway, regarding the metrics or KPI or those kind of indicators, to create them issue, we need some discussion based on the objective or goals we want to achieve. And from there, to create metrics because there is always the risk to create metrics that are not really useful. I mean, translating an objective to metrics or KPI is not an

easy thing to do and sometimes we end up, like selecting a proxy, I'll say, metric that probably doesn't give us the right information. So I guess it's probably we need to maybe move a little bit backward here, kind of said we agree on some objective and I think probably it was aligned with NCSG priority. So if we agree on that and from there, we can discuss kind of the metrics and how we can keep them.

So maybe probably here is just mythology discussion but I'm not that necessarily fond of it, but we can figure out how we can create based on the objective and from there, we can create those metrics. But sorry, regarding the policy committee one, I didn't get you so I missed that.

STEPHANIE PERRIN: That was kind of just an aside that I said we were missing a number of rather important opportunities to comment and I think it reflects how we're focusing on priorities and the fact that we don't have enough folks helping draft comments at the moment and it just, you know. So we don't actually have a kind of a regular priority setting exercise. And we have the opportunity to mimic the Board and its priorities for ICANN in general to set strategic priorities.

Now I think we kind of set our strategic priorities in a reactive way when something hits us. So I know for those of us on the EPDP, we have decided that the EPDP is a priority. We have nine folks on it and for those of us who are on it – I'm sorry, I'll shut it off as soon as I figure it out, there we go – for those of us on it, it's consuming our lives and I think that's one of the reasons why we've missed things like ATRT comment.

That's a really important operation and I have failed to get our two ATRT people to come and brief us on what's going on in the ATRT.

The Brian Cute exercise on revamping the multi-stakeholder model, hands up who thinks we're following that closely enough because I don't. And the entire strategic plan and the budget and the metrics on that, again, I'm worried that we're not following it closely enough. So those would be three priorities that I would set, but we need to have a meeting to discuss that and sort out what our priorities for the coming year are.

One of the problems is that ICANN isn't necessarily helping us because we still have to respond when things happen like, for instance, when the Brian Cute exercise happened, we had to respond. When the paper on the public interest came out, we had to respond. We're not necessarily on top of that one either. I'm looking at Kathy because she's been focused on the paper on the public interest.

We did know that that was coming. We did agree at a previous meeting that we better keep a sharp eye on it. But we don't have a running list of priorities and a regular check-in, and if members would like me to do that, I will do it. And then from that, we get metrics. If we're going month to month with these priorities and nothing's happened or nobody's made it to the meetings, well then our metrics are going to tell us how well we're doing on that. That's why I want to sort of move forward.

But I think we need to deal with what's in the charter int terms of metrics first and see whether indeed we still need those.

I think, is it break time? 4:45? Is that just coincidentally when everybody goes brain dead or would we all like a break? Lovely. Okay, everybody back at 5:00. It'll be much, much more friendly after 5:00.

UNIDENTIFIED MALE: Promise?

[The recording has stopped.]

[This meeting is being recorded.]

STEPHANIE PERRIN: Okay, folks, if we could get started, we're running a wee bit late. And I'll give Maryam a chance to sit down because she does all the work here. All right, if we could start the recording again. Are we live?

UNIDENTIFIED FEMALE: Yep.

STEPHANIE PERRIN: We're live. Lovely. I would like to very quickly resume our second part of our meeting and hand the microphone over to Jan Scholte who is going to talk a little bit about the ICANN Legitimacy Project. Now he's already presented to both NPOC and NCUC so what we had asked is could we have a more free ranging discussion. Really we're more

interested in some of the qualitative observations of this huge study because clearly, as civil society, we're concerned about whether ICANN is legitimate and our part in maintaining legitimacy.

JAN SCHOLTE: Yeah, good.

STEPHANIE PERRIN: Whatever's easiest.

JAN SCHOLTE: This one. Yeah, thank you, Stephanie. You've heard the horse and pony show, so I mean, I kind of go back to you, [Farrah]. You had some really good questions this morning, if you want to build on those or other people. Again, we did a study of a survey-based. Stephanie's right. We did do qualitative as well as quantitative, so those of you who took this, you probably remember we were recording you and picking up a lot of things there. We have several thousand pages of transcripts which we can do content analysis. We have not done this yet.

But so this also exists. So it's true. We're in the final analysis of all of this. It's not going to be just numbers. We gave numbers because, I don't know, people kind of like to see numbers and graphs. It gives them something to bite into. But do you want to just go over? I've got until 25 past, so about 15 minutes or so.

STEPHANIE PERRIN: Perfect. Well, I must say one of my questions and one of my goals and one of the things we remind the Board and the CEO is that given the failure of various other governance structures to deal with things like global warming and climate change and the impending doom and agricultural policy and law, the sea, contamination, all these things, we are looking more and more to multi-stakeholder models to bring together civil society, the advocates, the regulators and the participants.

So ICANN is one of the oldest functioning models. We want it to be the best. What kind of data did you get from those qualitative interviews? I mean, do people think it could be the best? Do they think it is the best? That's sort of where I'm going.

JAN SCHOLTE: I would say, I mean ICANN's not the oldest. ILO and ISO and there's some stuff that goes way back. But certainly, in the contemporary wave of multi-stakeholder of global governance, you could say ICANN is one of the oldest in that group. You could also say it's one of the most important because it's a case where multi-stakeholder model has been put to a really important thing, the critical Internet resources. It's not something casual, but it's something really important.

You can also say that ICANN is quite big, thousands of participants, 385 staff. It's one of the biggest. ICANN has spent so much time thinking about developing the multi-stakeholder model and it's spent so much time and effort in selling its legitimacy and selling the multi-stakeholder

model. But I would, in that sense, say ICANN is a special case to look at rather than a case study.

ICANN kind of tells you if, in the 21$_{st}$ Century, you throw lots of money and lots of time and lots of effort into developing the multi-stakeholder model, how much legitimacy can you get. And when we showed you that ICANN had the highest legitimacy of the various multi-stakeholder apparatuses that we looked at, I'm not surprised because ICANN has put the most effort into it. And you see that those that haven't put as much into their legitimation and so on, they're coming out lower. So it kind of says if you throw your whole weight into it, you can rank with the UN today. But you've got to do a lot of work and ICANN has certain specific conditions, in terms of the resources available and so on, that the other multi-stakeholder bodies don't have. So they don't have 385 staff that can go and support all of this. They don't have global stakeholder engagement teams, etc.

STEPHANIE PERRIN: Any thoughts on if ICANN starts operating in an atmosphere of following resources, which would be the reality? Is the legitimacy going to go?

JAN SCHOLTE: It doesn't have to. It depends on how much reservoir of legitimacy you've built up by then. So legitimacy means that you've got confidence, trust, underlying approval of a regime. So if you've got real legitimacy, then a couple of hits shouldn't bring it down.

STEPHANIE PERRIN: And you know, I'm always talking about [COSO] maturity models and standards, [COSO] standards. You didn't look at it in any kind of –

JAN SCHOLTE: No.

STEPHANIE PERRIN: No. Yeah, well, that's an unfair question then because it does seem to me that there are quite a few things that aren't mature from that model perspective that they need to work on.

JAN SCHOLTE: Yeah, that can be, though I would just caution also, you're assuming that legitimacy comes from institutional sources. With that question, you're assuming that what gives legitimacy is the purpose, the procedures, the performances of the institution.

STEPHANIE PERRIN: Yeah. No, it's just an aspect. It's just an aspect.

JAN SCHOLTE: It is only an aspect. Yeah. So what we can tell you next time, what we can tell you in Cancun is which institutional aspects matter.

STEPHANIE PERRIN: Good.

JAN SCHOLTE: But we can also tell you that maybe, I mean just to give you an obvious example, you probably know some people and I mean, you find people, let's say in the U.S., you find a lot of people who are against government. They're against government. They don't trust authority and so no matter what the U.S. government would do, it could deliver the moon, but these people would not give the U.S. government legitimacy because they don't have trust in authority so that's an occasion where it's a psychological driver of legitimacy and likewise, for some people, and we'll try and tell you how many and in what ways, but for some people, legitimacy in ICANN is not going to be about how ICANN's run. It's going to be about what they are as individuals. It's going to be about what they calculate their interests to be, utilitarian calculation. It will be about whether they identify personally with the institution. It will be about whether they have political knowledge about the institution. It will be things about them. So it won't be the institution. It will be about the person who has experienced the institution.

So anyway, sorry, that's a long-winded answer. But just for you to realize when you are thinking in your own mind about why you give ICANN legitimacy, you're thinking about institutional things. But behind that, there might actually be psychological drivers of which you may not even be aware. But we can, from this survey, draw that out.

STEPHANIE PERRIN: Well, and if I may just wrap this up before going to the other two hands that are up, Sam's up and Carlos, I think as the Non-Commercial

Stakeholder Group, I don't know about others but I'm painfully aware that our global reach encompasses a whole lot of different expectations on the part of our members, culturally different, linguistically, economically, and there's a lot of emotional attachment to ICANN as one of the very few fora in which civil society actually gets to say something.

I mean, we complain in North America but in some of the countries from which we have members, you would be shot for trying to tell that to your own government. So that brings an added piece that I'd love to understand better which I hope you can pull out of all your interviews.

JAN SCHOLTE: Yeah, yeah. No, that's true. If I can also say, if you might remember from the presentation, the average confidence legitimacy levels for global south regions, Latin America, Caribbean, Sub-Saharan Africa, Asia, those were the higher. They were higher than Europe and North America. Okay, Russia, central Asia came out lower. Middle East was kind of lower as well.

But a good part of the global South was higher and you might have thought, "What's going on there?" But the interesting thing is what we didn't show you in the elite survey is that if you looked at the countries of the global South in the general elite survey, so general elites who were not involved in ICANN, their views of ICANN were rock bottom. In other words, those people from the global south regions who have been brought into the ICANN regime and who are participating and respected and have voice, they are rating very high. So you can say ICANN's Global

Stakeholder Engagement has born fruit to that extent. But those in the global south who are not part of this, who are looking at it from the outside, they get far lower, far lower legitimacy. So the U.S. elites are at 1.93. The South African elites are at 1.29, the opposite of what you get when you look at the insiders. So don't look at these figures and say, "Oh, ICANN's made it in the global south." No, on the contrary.

UNIDENTIFIED MALE: Thank you. I would like to see from a slightly different perspective related to how the [commons] is managed. I come from the telecom industry and for 100 years, telecom has been assigning, addressing resources and spectrum for telecommunications, either numbers to a sole agent or numbers to different competitors or numbers to regions and to states in spectrum, which is a little bit more difficult.

I'm not going to try to explain, but it's the same issue. In order to communicate, you need a bunch of spectrum. Spectrum is a [common]. If someone uses it and another one interferes, then it doesn't work.

Now if we move to ICANN, originally it was all about top-level domains and geographic names were managed by country entities, let's say, but in the last expansion, things have gone a little bit more mixed up. For the first time, intellectual property in the form of brands have gone to the top level and some companies got their brands and some companies have not gotten their brand which is a problem because the commercial side has very high expectations about the brands.

Actually, they had developed the legal system at the second level, already very refined and now they are fighting for brands at the top level on the one hand. On the other hand, also, the monopoly on geography had been weakening as some regions already got before the expansion, got the regional three-letter top-level domain, like Catalonia or Brittany in France. And some countries also got two and three letter assignments. But the most important part, cities became very successful. I mean big cities, well-known cities, got top-level domains.

So I see weakening of the [commons] in terms of this mixing of the top level with brands on the one hand and geography on the other hand. Those are really issues that have not been solved after the expansion and so my question is, can this uneven playing field of the resource, of the commons, stress the legitimacy? Thank you.

JAN SCHOLTE: If you remember, we had findings about how far – I'm going to relate this to the principle of fair distribution. We asked people how far did they value the principle of fair distribution as a principle on which ICANN should operate, and it was in a list of 15 principles. And for most constituencies, fair distribution ranked towards the bottom, so they were ranking technical security, technical stability, participation, accountability, transparency and so on.

And it's not that people said fair distribution doesn't matter, because for some constituencies like the Civil Society Constituency, it was still rated as highly important. But in some of the other constituencies, it

was low importance. It was like 2 point-something, so it was really quite a bit lower. So that varies.

So the suggestion is if you want to base ICANN's legitimacy on fair distribution claims, as the organization exists at the moment, you're probably not going to run very far with it. But it can vary by different parts of the world, for example. So when we did the general elite study and we asked people, "What is your basis for legitimacy beliefs?" and we forced them to choose, fair distribution or democracy or effective problem solving. And in some parts of the world, like Brazil and Russia, they went for fairness before democracy and before effectiveness. So the hierarchy of priorities can vary depending on where you are in the world. But in general and within the ICANN sphere in particular, fair distribution tends to come second.

MILTON MUELLER: I just wanted to add a perspective on this that might be useful as a parallel. Legitimacy, I do some work in the cyber coin/bitcoin area and there's an interesting problem there because many of the proponents of bitcoin view fiat currencies as illegitimate, like the dollar, the Euro, the pound, because they're government controlled. And this is because many of these people are libertarians, so they refuse to accept that the bitcoin is a fiat currency. No, it's something else.

So when you talk to them about the legitimacy of things, you have to understand the context within which they make the assessment and that belief at the core of that, some are just crooks or naïve or whatever, but there's this huge bundle who are just libertarian, period. They want

no government involvement in anything and so when it comes to assessing what we're doing, you have to worry about those constituencies as well because you ask them a question and they don't even have to know. If they even have a whiff of what you're like, they'll have an opinion. It's not evidence-based. It's context-based.

JAN SCHOLTE: Thanks. That's an interesting and important point. I think you probably would agree libertarians of that kind are a small minority on the whole, so they're probably not going to swing it in world politics in general.

But the other point here is I think legitimacy or legitimate governing has normally been associated with a state in modern times, anyway. So modern political theory, when it talks about legitimacy, it's talking about the state normally. Now we're talking about increasing regional and global governing and so people start thinking about legitimacy in relation to governing beyond the state.

But then it's usually considered governing beyond the state but still involving the state. And what's interesting about multistakeholder or at least some multistakeholder or private global governance, fully privatized as ICANN to some extent – you still have the GAC – but if you look at the RiRs or the IETF, you're really talking about pretty stateless. They can offer around and they talk a little bit about WHOIS and that sort of thing but they're not really part of the regulatory operators.

When those kinds of bodies get high legitimacy as we found with the RiRs and the IETF even, more than ICANN, that's interesting. That's

interesting because then people are according legitimacy to, more or less, stateless global governing.

I have to apologize. I'm in a schedule squeeze and we're supposed to talk to the IP people at half-past five, so I probably need to run.

STEPHANIE PERRIN: Thank you so much and can we book you in advance for Cancun to go into more detail and [inaudible] time?

JAN SCHOLTE: Absolutely.

UNIDENTIFIED MALE: [Inaudible]

JAN SCHOLTE: Yeah, but especially these kinds of exchanges where you ask challenging questions, that's really good for us.

STEPHANIE PERRIN: Yeah, this would be really fun for us. I mean, we'd like to see the stats too but if we could have them in advance, then we could just talk at the meeting.

JAN SCHOLTE: That's true.

STEPHANIE PERRIN: That would be [inaudible] break.

JAN SCHOLTE: You're an academic. You know how we do things in advance.

STEPHANIE PERRIN: Yes. No, no. You're talking to someone who didn't have an agenda until yesterday, so I'm familiar with the problem.

JAN SCHOLTE: Thank you so much.

STEPHANIE PERRIN: Thank you so much.

                          Okay. Maryam, could you bring us back to our agenda? Thanks. That brand fresh one.

                          I think our next presenters are ICANN Learn.

UNIDENTIFIED FEMALE: No, ITI.

STEPHANIE PERRIN: ITI. Yes, sorry.

JANA JUGINOVIC: Hi, there. I'm here with my colleague, [Mark Segal]. We're here to give you an update on the Information Transparency Initiative. I'm not sure how many of you are familiar with the project, but this is the project we've been working on with about a year and a half now. This is to improve the content governance and technical infrastructure of ICANN.org which will then serve as the backbone for the entire ecosystem of ICANN sites.

We've released a bunch of content types for your feedback in the last year. We've released announcements for blogs, the new searchability for that and registry agreements. And we're going to do a quick little demo so you can get a perspective of some of the improved searchability that we're implementing and feel free to jump in with questions and let us know your thoughts because that's really helpful to get your feedback.

One of the things to keep in mind is the project is really focused on improving the findability of our content, so with that, it took a lot of effort to take all the content that's currently on ICANN.org. There's about over 100,000 pieces of content on the site currently, so we needed to do an eyes-on audit of all of it, put a consistent taxonomy to it, build a new information architecture and then migrate it into an improved searchability because the feedback we've obviously heard is that it's difficult to find content so we're hoping with this new findability that it is easier for folks to find content and that we're also meeting accessibility guidelines and that we're enabling more of a multilingual site which is not really available on ICANN.org.

ICANN ANNUAL GENERAL 66
MONTRÉAL
2–7 November 2019

So what you're seeing now is the new interface for registry agreements. Currently, registry agreements is one long page that you scroll through and it doesn't have any type of search. I'm just going to pull it up right now so you can take a look at it, what it currently is like. So if you're searching through registry agreements, it's literally just one big, long scroll. There's no way to easily search for the TLD that you're looking for other than this alphabetized list.

And this particular content type is very large. There's about 40,000 pieces of content within this, so we needed a way to classify all the content, take it from unstructured content and make it structured. So in the new interface – this is what the new interface will look like – you have the ability to search by TLD. It's a type [inaudible], so if you know exactly which one you're looking for, or if you don't, you can just scroll through it. It also allows you to search by the IDN, so I'm not able to demo it right now but if you have Chinese characters or Arabic characters, you can search for the TLD in the internationalized domain name. You can select it and hit apply and you'll find the agreement that you're looking for, the U label, the translation of the U label, the agreement type and the operator, and be able to open it up. And it takes you to all the information about the registry agreement.

If you're interested in a keyword within this registry agreement set of content, you click here. You'd put in your keywords. So let's say I was interested in AAA, I'd put it in here. It creates these chips so you can put multiple search terms. You hit search and it comes up with your search display results. It sorts it by their relevance or by the newest content, relevance being the number of times the instance of the word appears

and it actually tells you how many times it appears within that document so this one says one. And again, you can put multiple chips in there and if you're not happy with your search, you would hit "clear".

Now like, for example, if you put in a search term that didn't exist, like "pumpkin". I hit search. It would say "no results found" and then you would do another search. So that's what registry agreement's interface would look like.

The one we've released just this past week for feedback is Board meetings and activities, so currently, the interface looks like this. You would scroll through this big, long table to attempt to find resolutions in minutes. It can be difficult to find. We've taken all this content again, tagged it all, and tried to make it into a filtered search to make it easier for you to find content. So if you wanted to see all the approved resolutions in 2014, I would select "approved resolutions", hit apply and all the approved resolutions would appear here. If I expand all, it would show me all the approved resolutions. If I wanted to see just information about a particular Board committee, let's say the finance committee, it has a type ahead. It even has the information for Board committees that are no longer in existence but were previously in existence. You could search for that. I click on finance. Hit apply and it would give me all the finance documents that happened for that particular year.

We also have jump-to links here. So it would take you to the month if you're interested in that or if you knew the specific date that you were

interested, that as well, or the Board meeting type which are divided up into organization, regular, or special.

We have the same type of keyword search where you could click on the keyword search. I would type in whatever keyword I'm looking for. It would narrow the search down just to Board meetings and activities. This is separated from the global search that is up at the top here and you'd be able to find out – I'm typing the word in, resolution – it would bring up everything that would come up with the word "resolution". It would tell you the number of instances that appears. Obviously, it's better the more words you put in to narrow your search down.

So this is the type of findability that we're applying to many of these content types where it's repeatable content, whether it's financial information, Board materials. This will be available for litigation, for IRPs. Again, this kind of filtered search so you're not scrolling through one big, long page.

We'll also have the ability to do, in terms of the global search, where you'd be able to filter for content through a global search if you knew the topic that you were interested in. You could select the topic that you were interested in, filter the content by that, and get your results that way.

STEPHANIE PERRIN: This is all basically based on searching every word. You're not tagging any documents, for instance.

JANA JUGINOVIC: No. We've tagged all the content on ICANN.org with the taxonomy. So we've taken all the content, did an eyes-on audit of all of it, and applied taxonomy to it. The taxonomy will be translated so you'll be able to search in the UN six languages and we needed to kind of look at all the content because we needed to know what parts of the website to put it on because right now, the website's just been growing and growing and growing, and it grows at about 25% a year. The content just keeps on growing, which is why we needed to establish some content governance. That's why we have a new document management system, so it'll enforce tagging. So nobody can publish content to the site without having a taxonomy to it, without putting it in the right category, and without doing it in the proper templated way.

So it has to be a repeatable process because sometimes, the website's been kind of just built in an ad hoc kind of fashion so it's made this site grow in kind of an unruly way. So now we have content governance. We'll have content governance over our content. The taxonomy is enforced so everything will be searchable, not only from a keyword search or if you wanted to do a filtered search if you knew the topic based on the taxonomy of terms that we have been working with.

STEPHANIE PERRIN: Any questions? [Inaudible].

[RAFIK DAMMAK]:   I might have made something at the beginning. Is that supposed to replace the actual content management system that we have for ICANN and the conference or that's just for the Board of Directors.

JANA JUGINOVIC: This is just for ICANN.org content right now. So we've started with ICANN.org because it's the biggest kind of site. Once that infrastructure is complete in terms of the technical infrastructure in the information architecture, then the plan is to then launch every single SO/AC site in terms of the new information architecture and technical infrastructure. So it would be all in the same ecosystem because right now it's, and [Mark Segal] who is my colleague here can speak more to it. But there is a bit of a challenge in having all these technical systems to maintain. I don't know, Mark, if you wanted to expand on that.

[RAFIK DAMMAK]:   After I'm finished, sorry. So if you say that the website is growing like 20% every year, is that because of new content or because of duplication of content?

JANA JUGINOVIC: That's because of new content.

[RAFIK DAMMAK]:   This will not solve the problem anyway.

JANA JUGINOVIC: It will in the sense of right now because we don't have any kind of, again, as I mentioned, we don't have any content governance over the content. Now that we have a document management system and the content is tagged, there's going to be much more scrutiny applied in terms of how do we decrease the amount of content without decreasing the transparency and accountability because sometimes there's just a volume of content that we need to kind of deal with. Some of that 25% is content that is, for example, monthly registry reports. That occupies a great deal of content that will now be moved over to the open data platform because they're just spreadsheets. Those are both 70,000, so that occupies a lot.

So when I say 25%, some of it is content that we're moving to the open data platform that are actually just spreadsheets of monthly registry agreements that accounts for a lot of this content. So we're implementing better searchability so you can take that content and manage it better. So it's a question of management but we need it to actually take all the content first and tag it all so that we can manage that volume of content because we wouldn't want to take away any of the transparency or accountability of the content, but we need a better way for folks to be able to find it. And that's what we were challenged with because of the volume. We didn't have a great way and a great infrastructure for people to find the content.

[RAFIK DAMMAK]:   So does that mean when you improve your taxonomic system, it will help you generate their own reports and not for you to produce unnecessary reports actually? That's what I want to understand.

JANA JUGINOVIC: Can you repeat the question?

[RAFIK DAMMAK]:   Okay. So you improved the searchability so that people maybe can, with keywords, generate some reports that actually has not been produced as a new document and published on the website. Is that the case or not because I'm still confused about how you would have less documents on the website if we still have new content to publish.

JANA JUGINOVIC: It's not necessarily about decreasing the volume of content, but we needed to manage the content. So the website doesn't, currently ICANN.org doesn't have user-generated content that people can just post content to the site. What the taxonomy is there to do is to manage the content, right? Because the volume of content is there dependent on what we are obligated to obviously share, anything with resolutions, litigation. We still have to publish the same amount of content, but we just need a better way of managing it.

The keywords and the filters are there so you can find the content more easily. So it doesn't generate a report. It generates a filtering system so that you can narrow your search down. So let's say I just want to see

resolutions. It allows you to much better find resolutions. Or if you're interested in financial documents, it allows you to find financial documents much more easily. Does that make sense?

CARLOS GUTIERREZ: Thank you. Now that you mention taxonomy, looking forward, are you going to try to bring new order? There have been complaints for years, in the GAC, for example, that many documents don't even have a date, even less a version, and so when you already talk about resolutions, you are like on a very, very high degree of order. Having so many constituencies, having so many e-mails exchanged between the Board and the GNSO and so on, are you thinking forward in terms of having some kind of high-level taxonomy that would make it easier, like requests for command number 2,520? And that allows us to know that it is later than the one before and earlier than the one afterwards.

JANA JUGINOVIC: Like a document ID type system.

CARLOS GUTIERREZ: Exactly.

JANA JUGINOVIC: So in terms of a document ID, for specific pieces of content, a document ID is completely relevant because you want to see the versions, number one, and you want to see where you are in terms of the year much more easily. So for example, for SSAC and RSAC, some of the reports have

kind of an, I wouldn't say ad hoc, but they have their own document ID type system.

So what we plan to do is launch a document ID system with minutes to get community feedback on is this the right type of document ID in terms of is it recognizable and how many more documents do you want to have document IDs for? Right? Because you'd want to kind of divide up into kind of categories of document IDs. So you could have document IDs for correspondence, you could have document IDs for resolutions, for minutes, and various other content types. And some other content types, you might think, "Well, maybe a document ID is not the best way to do it."

So what we wanted to do was do a pilot with a few document types and say, "Is this nomenclature for a document ID? Does it make sense?" get community feedback, and then that could be applied to other document types. So for example, technical publications might be another one. You have SSAC and RSAC documents. That could be another one where you want to apply kind of a consistent one that makes sense, but also be specific enough so you can identify it based on the content type.

STEPHANIE PERRIN: If I may …

CARLOS GUTIERREZ: Just one more question. Do you have any idea? No, I don't get [the word]. Sorry. Yes, I know.

Well, I'm going to yell it. We have standard Word docs document. We have Google. Documents. We have PDF documents. Would that be included in the standardization effort to define when a document becomes searchable or savable to standardize, a little bit, the format and possibility to change it afterwards?

JANA JUGINOVIC: In terms of the, currently right now, the project that we're working right now is taking all the content that is currently on ICANN.org and categorizing it. So nothing will be deleted or nothing will be archived. It will still be available on ICANN.org. so we need to kind of deal with that issue, and again, given the volume of it, we need to kind of deal with managing the content, make sure it's migrated over properly.

In terms of standardizing, and I completely agree and understand what you're saying, and that's not just for ICANN.org, it's across all of the sites because what this, the search that we'll have on ICANN.org, you'll be able to search the ecosystem of sites. So if you type in a search in the global search, it will bring up results from the GAC, from At-Large, from all the other SO/AC sites, and from the Wiki.

However, in terms of standardizing how documents are formatted, not only ones that are produced by the Org, but ones that are produced by the community, that would be something that we'd need to deal with in terms of with input from the community. It's a much larger task in terms of trying to standardize how everyone creates specific document types. That, I would say, would be a bit of a challenge but something we do need to address, absolutely. For right now, this one, this project is

focused on the information architecture, making sure we have a consistent taxonomy. But I agree. That's a problem we need to deal with.

KATHY KLEIMAN: If I might just interject here before going to Sam – you're next – for those of us who have done historical research on the documents at ICANN, boy, better get those things labeled before all the people who authored them die because some of the oldies, you haven't got a clue what version it is, whether it's the final, the interim, and that means going all the way back through all the e-mail lists to see where it was sent and take your date from there. That's not good. So we look forward to you doing that soon.

JANA JUGINOVIC: It is absolutely important, so for even something like the bylaws, we've made sure that there's an easy search so when you have the current one, you know it's the current one. There's an archive button right underneath it. If you wanted to see the previous ones, it has on the date on it and it'll say "superseded" and that has been kind of, again, that kind of laborious eyes-on audit work that we had to see. We needed to do version control. We had to say what's the current version, that there had to be a date on everything. So that's the kind of labor intensive work we're doing because we know that for historical content, it was really, really hard to find. So it's been a lot of fun going through 100,000 pieces of content and trying to find and categorize it. But we've done a lot of it and we've completed the taxonomy. We've audited everything and now

it's building these search features to allow you to find the content more easily. So that work that you're asking about is absolutely critical and that's why we needed to do it once, bite the bullet, get the hard work done to kind of tag everything, put the dates on it so that you can find the content, as you said, for the historical record as well. So then when we actually start using the site in an operational way, we've created the content governance and we're not going to incur anymore of that debt to retag all the content because we've already done it.

SAM LANFRANCO: This question may be completely outside the ballpark. I'm working with some other people. Are you looking at neural machine translation for the fact that we have hundreds of languages involved in this? I know that the library in Alexandria is working with Google's [Burt] for neural machine translation. Are we giving any thought in that direction?

[MARK SEGAL]:   There has been some discussion. Even for other services, we're looking into some opportunities for machine translation. This project, we actually started to look into some options, but I think the big thing is just an investment to be made. Even if you're using these services, some of them, even out of the box, you still need to have some because ICANN is very unique in our terminology and other aspects, that you need to have somebody who's kind of driving it from an engineering perspective as well.

[CARLOS GUTIERREZ]:   Can I go on? One last? Okay. I would like to know when this tool will be available for community? Will there be request for public comment so then we can just comment on how we can improve that? Because this is of real interest for me. I've been an information manager for United Nations and also for NATO. And I think they are quite bigger [inaudible] ICANN and for document management, there are quite a lot that they have already done in the nomenclature and how you can name files and [inaudible]. And I think, I like to share some kind of knowledge with that if you don't mind.

JANA JUGINOVIC: Yeah, absolutely. So we have been putting this content out on a feedback site. So if you go to feedback.ICANN.org, we post regular blogs monthly to give the community an update on the progress of the project. And if you visit that website, you're able to kind of comment on what you're seeing and you can play with this demo. So this is what we'd call an alpha site. It has a subset of content that we've migrated over because we wanted to get your perspective on what you thought of it so you can actually use the filters, and if you go to feedback.ICANN.org, you can see registry agreements, you can see the Board materials, you can play with it, and there's an opportunity there that you weigh in on what you think. And you can tell us what you think

of the tablet, mobile, and desktop version because obviously, it's been mobile enabled. If you want to comment on any aspect of it, you can, and there's also an e-mail address if you want to have another opportunity to speak to either Mark, or myself, or any member of the ITI team to tell us what you think because we need your input.

We've been doing informal sessions with various SO/AC groups and they've been sharing their comments with us. So we've been working directly with various stakeholders to let us know what they think and they have been tremendously helpful. We did a session in Kobe, Japan on public comment and we showed them some wire frames and how we can improve the public comment process.

So to your point, when you were asking about searchability, for public comment submissions, it's kind of hard to find stuff because you can't search for it. It the new way that we're proposing, you'd be able to search for public comment submissions by keywords. So that's a big improvement and in the public comment process. So again, please do share your feedback on that site because we look forward to hearing it.

STEPHANIE PERRIN: Anymore questions? Please remember to state your name for the record and turn your mics off when you're done speaking.

If I may just make one more comment, every time I bring up our struggles in getting our people up to speed, I ask for a research librarian and recently here and said, "Well, we're redoing the entire website." We think this is stunning work you're doing but we're still going to ask them

to hire a research librarian because a searchable website is not everything. But this is really going to help us a lot when we're getting our people up to speed. Thank you so much and I'm so glad you came today.

JANA JUGINOVIC: Thank you for inviting us. It's been helpful. Thank you.

STEPHANIE PERRIN: We'll start giving you some feedback because plenty of people have had difficulties with the site and difficulty even finding the proper citations. You know? If you're trying to do scholarly work, it's a mess. So this will really, really help with your nomenclature. So maybe we can all have a look at that site. I don't think many of us have the same expertise that [Farrell] does but we can have a go at it. Thank you.

JANA JUGINOVIC: Thank you.

STEPHANIE PERRIN: Now Maryam, if you could pull the agenda back up, I am trying to remember when we have to let our tech help go.

MARYAM BAKOSHI: So the SubPro is next, Kathy.

STEPHANIE PERRIN: Sorry?

MARYAM BAKOSHI: SubPro discussion. No, that's not [inaudible].

STEPHANIE PERRIN: When does this meeting end?

MARYAM BAKOSHI: 6:30.

STEPHANIE PERRIN: 6:30. Okay good, so we've still got time here.

Okay. Ready to go, folks? Wonderful. Okay.

For this next time, we've asked Martin and Kathy to discuss SubPro, give us a bit of an update. Thank you.

KATHY KLEIMAN: So Kathy Kleiman and Martin [inaudible]. We are kind of your representatives in the Subsequent Procedures Working Group. So we wanted to ask. I wanted to start with kind of like a pop quiz now that I'm a professor, which is what does PDP New gTLD Subsequent Procedures mean to you? What is it?

UNIDENTIFIED MALE: The revision of the 2012 AGB.

KATHY KLEIMAN: Ten points. It is, indeed, the revision of the Applicant Guidebook which started 2010 to 2011. It was used in the round in 2012. So I should have [more] words.

So the Applicant Guidebook – I'm just going to read – provides a step-by-step procedure for new gTLD applicants and it specifies what documents and information are required to apply the financial and legal commitments of operating a new gTLD and what to expect during the application and evaluation processes.

And so the idea was that we have to review all of these rules. It's really thick when you print it out and I did, just once, and then kept lots of notes in it over the years. It's a really thick book on all sorts of different aspects of the application process, objections, disputes. Okay, next slide, please.

Okay. And Martin, feel free to intervene, interject. It's called the SubPro Working Group when we shorten it, asks dozens and dozens of questions with hundreds of options in what they called their initial report. It was really much more of an interim report.

And so my next question for you is, why do the rules for new generic top-level domains matter? And particularly, why do they matter to us in non-commercial? Like who cares?

MILTON MUELLER: It's a chance, probably a futile one, but a chance to get rid of all the crap that they put in the first round, policy-wise.

KATHY KLEIMAN: Yep. Particularly, that got kind of slid in along the way. Absolutely. But also, it's kind of core to what we do in the GNSO. We were supposed to create competition and the first competition we created years ago was a competition of registrars. So GoDaddy and [Two Cals] and the early registrars and this idea of competition among those who sell domain names. And it took us a much longer time to get around it, creating – right Carlos? – to creating new gTLD registries. But we did it. We expected about 500 applications in 2012 and we got – does anyone know how many we got?

UNIDENTIFIED MALE: 1,900.

KATHY KLEIMAN: 30. Right. 1,930. Exactly. Close to 2,000, four times more than we expected. Now they're projecting about 2,000 and I project we will get at least four times more than what they expect. No, they're predicting about 5,000 and I'm predicting about 20,000. So we'll see. We'll see. We should start betting odds on this.

But these rules, some of these top-level domains will be communities, so community priority valuation. Some of them will be places for the

speech we care about and plus, this is just a main thing that that GNSO does is create these rules.

Can anyone else think of anything that would make this important? I mean, why should ICANN care? Why should we care? Carlos?

CARLOS GUTIERREZ: Yes. I remember one of the biggest worries was the stability of the system by delegating new numbers and the period of time necessary for accepting them and making them available, and we're still in the process. We're still in the process from earlier expansions like IDNs universe recognition, etc. The execution is quite relevant for the stability and resilience, etc. of the system. Now I think everybody thinks it can be done so we can continue doing it at similar rates, at least. But on the other hand, some people have also returned the ones they got. So some of them have been shelved and some of them, as I said before, have not yet been delegated, dot-Amazon.

KATHY KLEIMAN: Right. Right. So the rules, who gets a top-level domain if it's disputed? And I was listening in to a GAC session a few days ago and dot-Amazon is still so much on the agenda. The region, the company? These rules, however you feel about it, these are the rules that are coming through this process for better or for worse. Okay, so next slide.

So I just wanted to say, share a few issues. We're coming to the end of the road on the working group and I wanted to share a few issues that are still on our agenda, and again, open to Martin to comment as well.

And just some of the things that I don't know the answers to, a lot of kind of compromises are coming through at the end and I'm personally wondering if there's a small group of people who are interested in these rules that wants to help us brainstorm. We shouldn't be making the decisions by ourselves and do we, who can we brainstorm with on some of these issues?

So one is a standing IRT. And IRT is Implementation Review Team. It's supposed to be what you do when you have policy and you're trying to translate it into the technical aspects of it. But this is different. There's an expectation that we're not going to just go into one new round of new gTLDs. We are going to go into infinite new rounds of new gTLDs. And so there's going to be variations. There's going to be issues. There's going to be questions. So Jeff Neuman who is the Co-Chair of our working group would like to be part of a standing IRT into perpetuity so he can help decide and so this group can help ICANN decide what's policy and what's not as questions into the future go on. This is a brand-new idea in ICANN. We've never had anything like this before. Do we like it? Don't we? I personally think it's a little dangerous. Go ahead, Milton.

MILTON MUELLER: Well, I don't know about the standing IRT and I don't know about Jeff Neuman, but the idea that we should be continuously having a new DLD process without going through a big policy fight every time I think is a great idea. I think that's what ICANN should have done in 1998.

And so it should be very routine. What do I have to do to get a new name into the root? How much do I have to pay? And there's so much policy

overload onto that process, everybody trying to game the system to impose restrictions that serve very narrow interests or reserve names for themselves and it's just ridiculous and we'll probably never get out of it. But again, in principle the idea of having an ongoing routinized new TLD addition process, I totally support.

KATHY KLEIMAN: Terrific. Thank you. And that seems to be where the working group is going as well. The question is kind of what the details are. The devil is in the detail. Rafik?

RAFIK DAMMAK: Okay, sorry. So about this standing IRT, how the working group discuss this because in terms of implementation, we have what we call the [inaudible] which is a framework explaining how we go from the PDP to implementation to compliance and so that's what we follow for the different steps including the creation of IRT and outlining the role of the IRT and the different parties for the participating in the implementation. So what was, I mean, how the working group see this standing IRT would fit in this [inaudible]?

KATHY KLEIMAN: That's a good question, Rafik. One of the things that we've been encouraging, some members have been encouraging the working group heads to think about is that this really isn't an IRT. This is standing committee of some sort, but it's not an IRT. An IRT is something different and they were reminded of procedural rules, not by me, but by

someone else who's much more expert in them and [inaudible] who appears to have drafted many of them.

So she was talking about the IRT and that this really isn't an IRT, but something that will, again, work with ICANN staff, particularly if this is going on over many years, to help provide some input before ICANN staff kind of arbitrarily changes something like a system used by registries if they're updating it or changing it, there's, apparently some things were done that really made registry applicants uncomfortable in the first round and so they want to be able to provide input. And then my concern is, of course, that anything policy be sent to the Council. So how do you flag it and who flags it becomes a real question.

But I don't think it's really IRT and we've urged them to change the name of it and then come to you for permission, of course. Martin, go ahead.

MARTIN SILVA: I absolutely agree with Milton on the approach of this. But like Kathy says, what we fear is that this is just a way of defining things later so you avoid the heavy working group [wait] right now. So in anything that they feel that they can achieve concerns us enough or they don't want to openly debate, we will just leave a big enough or something that is not necessarily defined at all. So later, that standing IRT can come [inaudible]. And I agree with that approach but I think that the problem here is they might be using that as a way to circumvent the actual process. I would totally move to a process like that.

MILTON MUELLER: Yeah. Like I say, I report a routinized ongoing process but if it's not routinized, then you have an IRT sitting here making arbitrary decisions or the staff making arbitrary decisions and changing the rules and I wouldn't support that either. Yeah.

KATHY KLEIMAN: Good. So we can talk to you about how they're shaping this as it changes. Good.

MILTON MUELLER: Don't talk to me.

UNIDENTIFIED MALE: Yes. I think it's important to understand exactly what you want to do. Is it a governance instrument? Is it a procedural help? Or is there to avoid, as you said the last one, which is what worries me most, arbitrary decisions in the very last minutes in the drafting of the contracts and other things that went under the radar of policy in the very last minutes of the last round which are very worrisome. So it would be necessary to define what exactly we are talking about or all of the above. Classify a little bit, the type of task that you expect about this from this element of I would call it governance with good faith, but we have to be more specfici.

KATHY KLEIMAN: Would you like to join? And this is question for everybody in the room. Would you like to join [inaudible]?

UNIDENTIFIED MALE: Yes. I wanted to comment that your approach to coming to the group and having a short list, I hope this is the only slide. Or do you have more of those? I really appreciated the two of you want to put them on the table and of course, we should spend time. I spent some time in work track five until I realized that there would be no changes and I was right. That's why I dropped out from work track five. But I would certainly take a look at this list and be ready to discuss with you guys.

KATHY KLEIMAN: Terrific, and I'm going to send this around the table if you could send it over to Carlos. I'll need it back, but it's called the predictability framework which I love because I'm not sure how predictable anything is, but it's a standing IRT concept. So it's on its way over to you.

And okay. So let's, Milton left the room. So let's skip down to the black one, community priority. We'll just skip around here for a second. Community priority evaluations, this is an area I don't have experience with. If you apply as a community and you seek community priority evaluation and it's a very strict kind of set of criteria, and if you are accepted through this community priority evaluation concept – and groups like dot-music and dot-[gauge] tried to do this in the first round – you then, if other communities apply, then you've got something called a contention set. But if no other communities apply, you win the

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string even if donuts, and Amazon, and Google, and everybody else applied for that string just as a regular top-level domain. If you applied for community, the idea was, and I think we were probably behind it – the GAC was certainly behind it – that certain words like "Navajo" belong to certain communities and that if they apply for it, they should be able to show that they're going to use it to represent the community. This is very important to us.

And so one of the questions I'm putting out here is did anybody have any experience with this in the first round? There's a very narrow group of people who are providing input on this and I think we need more input and we need to kind of find our own channels on this. Carlos?

CARLOS GUTIERREZ: I haven't read the last version of the Work Track 5 document, but I remember that in the discussions, we tried to define a better definition on top of geography that was cultural, linguistic and other things. And I would take it from that side because, and I think it didn't make it. It didn't make it into the last draft of Work Track 5. The problem I have here, which I mentioned before, is when did we lose track of the word "generic top-level domain"? When did we fall into brands? When did we fall into the trap of geographic communities or linguistic communities and so on? So we need a good taxonomy there.

KATHY KLEIMAN: You're going to buy me a few drinks, right? And I'm going to give you the whole set history.

ICANN 66
ANNUAL GENERAL
MONTRÉAL
2–7 November 2019

CARLOS GUTIERREZ: A full bottle.

KATHY KLEIMAN: Good. So okay. So thank you. We'll talk, and if you know of somebody who did community priority evaluations who is involved in that difficult process in the first round, if you could introduce me, I'd appreciate it, anybody in the room.

CARLOS GUTIERREZ: Not specifically to that point, but there is a derivative of a very late program for the global south or I don't know who was, how it was called. Do you remember? There was a support program.

KATHY KLEIMAN: Applicant support.

CARLOS GUTIERREZ: Yes. The applicant support came very late, but I think it has some background with related to the community applications and we have now a specialist in the Council who is very, very, very knowledgeable, at least of the applicant support. But I think he could help a lot, who is Carlton Samuels.

KATHY KLEIMAN: Oh, of course, Carlton. Good. And applicant support isn't just for communities. It's for small businesses, entrepreneurs. It's designed to kind of help because, of course, North American/Europe dominated the first round even though it was the first time we offered top-level domains in internationalized domain names, so in additional scripts.

Milton, I'm glad you're back because I saved one for you. The green, we're skipping around. How do we sort out multiple applications for the same string? Do we want the auctions to be run by ICANN, and in which case they're talking about a [vicary] auction which is where you submit a sealed bid at the time of application.

UNIDENTIFIED MALE: [Inaudible]

KATHY KLEIMAN: And then they take the second one. Or do we want to continue with private auctions, which was devised by the applicants themselves in the first round to pay off everybody else in the process. So in a private auction, if Donuts won and I don't know, Minds and Machines was there and Famous Four was there, Donuts' bid would actually be divided up among the other bidders. So people walked away with a lot of money which was interesting. And I did want to see what you thought. I don't like it, but I thought I'd see.

It seems to me that the money should come into ICANN if there's going to be money, but what do you think?

MILTON MUELLER: Well, I think the problem with the so-called private auction, which doesn't sound like an auction to me but the problem with it is that you are creating a very powerful financial incentive to be in that auction. So I can see people structuring their bids to apply for strings that they have no intention of running but coming in and somehow walking away with auction money. So you're creating kind of a business model there and I don't see what good that does anybody.

So a vicary, or essentially, any kind of a real auction in which you have ascending bids and the winner is somehow determined, as long as it's a thick auction. The reason probably they're suggesting a vicary is because it might not be a very thick auction which means that you're going to see some strange results like the winner might bid $1 million for it and the second prize is $10, and so the winner pays $10 under a vicary auction.

KATHY KLEIMAN: But apparently, the idea, actually, apparently with vicaries, you tend to bid whatever it means to you.

MILTON MUELLER: Exactly. You bid what you think it's worth or what you're really willing to pay for it rather than just finding out. So in an ascending Dutch auction, somebody bid $1 and then it would get up to $10 and the person who bid $11 would win but in vicary, you have this huge gap

between the stated value. But the ultimate result is the same. They pay $10, right?

KATHY KLEIMAN: Exactly. So then a follow-up question, and then Carlos and [Farrell], which is do we want to allow any kind of private resolution of contention sets? And that's hard to do with the vicary because you've already put the bid in. And if private resolution could, how do you stop then, the private auctions?

MILTON MUELLER: Okay. So private resolution means Verisign pays Afilias $200,000 to go away. I don't see how you can not allow that. Right? In other words, that's not an auction. That's just kind of a settlement really. So you're saying that that's what you mean by private auction.

KATHY KLEIMAN: Well, joint ventures. The [Uni] registry combining with so-and-so to run something they both applied for or something like that.

MILTON MUELLER: Yeah. I think it's kind of hard to make a case for not allowing the private contending parties to reach a settlement. I mean, you're a lawyer. You tell me about it.

KATHY KLEIMAN: Carlos and [Farrell].

CARLOS GUTIERREZ: I don't know if it should be ICANN or not, but it's very important and that's the way I understand Milton's comment. It's very important it is a fair and transparent process. The thing here is that we have seen quite some evolution in auctions and recently the FCC and the U.S. government allowed the new model which is incentive auctions, which is a sophisticated way between two parties, only two parties, to find a way to transfer from one to the other. It took a long time. They need to change laws and so on. But I think the element that we want here is that is somehow transparent or open to other parties and not a private deal like Milton described so well, that people get in just to speculate and they are not going to use it. The incentive auction is there for the one who finds the best use, but it doesn't allow for speculation. Thank you.

KATHY KLEIMAN: Thanks, Carlos. [Farrell]?

[FARRELL]:   I think it looks like Carlos mentioned some of my preoccupation. I wanted to know. I am quite a newbie here. The auction procedure, is that the first process to choose among many people that apply for the same string? And is that only for bidding money or there are some other criteria that would be used to select the people like, for instance, if there are two or three, who actually demonstrates the technical capability to run the gTLD? Who has the legal authority in the area they want to run that top-level domain? I don't know. Are there any of that criteria that

are taken into account in this process? And do they come before the [ocean] or the [ocean] is the first procedure that is triggered once there are many people that apply for the same string?

KATHY KLEIMAN: It's a very good question and I've got about 150 pages you might want to read on that, but I'll try to summarize. Technical, operational and financial capability to run a registry which is non-trivial. It's a very important exercise. It is a critical part of the security and stability of the Internet. You have to be able to prove that.

And often, you prove it by affiliating yourself with somebody that serves as a back end, meaning the company that is already providing these services. So you can go to Neustar or Verisign or CentralNic or other groups. You can either have that technical and operational capability or you can outsource it to another group.

And so that's kind of the first step. That's the first threshold that you have to pass. So you have to show that.

And then – and we'll talk about it in a second – other ways that we handle contention, but this is what's left. If you've got three equally weighted parties, basically, from ICANN's perspective, then who gets it? And it comes down to an auction.

Stephanie?

STEPHANIE PERRIN: Thanks. I just wanted to voice my support for what Carlos was saying. I mean, I'm no expert on this and I hear what Milton's saying. From a legal perspective, how do you stop a deal being cut between two parties, particularly when, as you say, there's many different affiliations here to get you the technical credibility to have your thing pass. But I think ICANN has to find a transparent way to avoid collusion among these parties. I mean it just seems we deserve some kind of transparency about these backroom deals. Otherwise, there's too big a risk that –

KATHY KLEIMAN: Can I just answer briefly?

STEPHANIE PERRIN: You know, tell me what the safeguards are because I don't see any.

KATHY KLEIMAN: And what we're hearing with the vicary auction, if you submit the bid with the application, then it will go forward from there. So you do all your planning beforehand, before the applications are due. You can talk to Verisign. You can talk to CentralNic. You can talk to whoever you want, or other companies, other groups. But the idea is now, at the application time, that bid goes in.

And in fact, this is interesting. Let's say, again, assuming no other complications like community priority evaluations, let's say Milton bids $1 million and I bid $50,000 and you bid $10,000. Milton, because you win, only your application has to go to technical, operational, financial

evaluation. We don't all have to go through. And if you fail, which you probably won't but if you fail, then you go to me and my bid and all of that. So it actually cuts down the overall work of ICANN overall and that might be useful, actually, and it might speed up the process.

MILTON MUELLER: Those are all really interesting observations and I think we're starting to think about this the way we should be which is sort of start fresh, think about what's the best, what's the optimum, and not about continuing what we've been doing, right?

So one of the things to think about, which we haven't mentioned, is what about the incentives for ICANN itself? If it benefits from the auction, does it have an inherent tendency to keep having auctions in order to make money for itself? That's something to think about.

And the other way to think about it is what puts the best value on the actual domain name space? That is to say, what are we optimizing here? When we decide how many TLDs there should be, what are we really optimizing for? Is it if the value of these slots in the Root Zone, the actual cost of which is pathetically small – adding a TLD probably costs ICANN about $100 now. But the value of having a globally interoperable TLD is much beyond the value of just creating the entry and so on.

So I think we need to think about what are we trying to achieve with this policy? And then the nature of the auction process would flow from that.

KATHY KLEIMAN:	Just a quick note before we go on to Carlos that we're not deciding. This was actually an issue before the working group and we decided not to decide how many gTLDs we could have because there were proposals on the table to limit how many applications you could submit and those have been flatly rejected by many of the future applicants.

MILTON MUELLER:	If I could just comment on that, so I think that is when we did a paper about this many years ago, I think it was like 2004 or something, we proposed a fixed limit but that would recur every year. So it wouldn't be a hard constraint on the number of TLDs. But the fixed one would definitely, the bidding prices would go up because it would be kind of an artificial scarcity.

But again, the completely open one means that infrastructure costs and sort of usability costs are created that are not, actually, the price goes down because there's 1,000 new TLDs and everybody has to adjust their systems to make them work and they have to be maintained in the Root Zone and all of this. What's the value of that? Why are they saying an unlimited number? I guess the only argument I could come up with is that we don't really know how much demand there is out there and just leaving it open means we'll find out.

UNIDENTIFIED MALE:	I wanted to comment to that from the point of view of the CCT Review because we found two situations there that derive exactly from that

point. The first one is parking combined with prizes, free domain names, and the other side, which is what worries me more is the fact that by privatizing a lot of traffic, some people might want to have addressing resources that don't need to resolve in the route.

They have also, they already said the people from the ISP that in the 5G and IoT world, they will use resources that don't necessarily need to resolve., which is kind of, well, to put it in your words, a deviation of the use of these resources.

MILTON MUELLER: Why would they want to do that?

CARLOST GUTIERREZ: Because they need a lot of addressing resources for things but they don't want them to be public actually. They really don't want them to resolve so they can keep them in private networks. Goes back to this paper, but David Clark and Casey [Claffey] of the private use of the resources.

But the parking and the XYZ case made us spend a lot of time in CCT that we see a delegation of new domain names that are being used for things that nobody expected and don't add value in your terms, in what you just said.

And Dave, after a year, nobody renovated appraises, but of course, everybody was taking XYZ domain names for two weeks or three weeks out of [Gibraltar] for running on trust [pool] sites.

KATHY KLEIMAN: Thanks, Carlos.

Okay. Thank you. We'll get back to you because we're going to, the working group is going to keep generating variations of this. So we'd love your thoughts.

To [Farrell's] question – and I'm not going to go into too much detail – there is another way of sorting out applications which is called objection mechanisms. So it's in the red and we're going to talk about appeals in just a second. But what exists in the first round was something called string objections. So dot-mobi objected against dot-mobile, is that too close? There were plurals in the first round. Are those too close/ Car and Cars.

Legal rights objections is someone applied for dot-coach, I think as an open gTLD but you can imagine someone applying for it as, you know, for coaching organizations worldwide. But there's famous Coach handbags so they could go to the World Intellectual Property Organization and there were criteria for saying, "My trademark," and you could see why you might want that for Xerox but it's interesting for something as generic as Coach.

And then the community objections, which were really interesting. So you had groups like CTIA, the mobile wireless association, filing a community objection on behalf of the world wireless community against Amazon that wanted to own all the second level domains of dot-mobile. They wanted it all to themselves.

STEPHANIE PERRIN: Can I interrupt for just one moment, Kathy?

KATHY KLEIMAN: No. May I just finish and then I just want to get the whole thought.

STEPHANIE PERRIN: We're already five minutes over. The tech team leaves at 6:30. There's a memorial for Tarek that starts at 6:30 and I just want to just do a quick around the table, does anybody have any other business?

KATHY KLEIMAN: Wait, I just wanted to say we're trying to figure out appeals because applicants who lost want a whole bunch of appeal mechanisms. Thanks. That's it.

STEPHANIE PERRIN: Oh, okay. Thanks. And I'm sorry to, by all means, we've now got four minutes left, or two, so we could continue. I just don't want to keep the tech team late. Yes, Martin.

MARTIN SILVA: Just to throw one concern that has been going around in all these groups is the anti-trust issues with a market space in DNS. We are feeling a lot of concentration and the new round will probably just

worse than that and we don't have any anti-trust provision in this new gTLD round and I haven't seen one in ICANN applied in general.

UNIDENTIFIED MALE: This is the best case of non-policy decisions, allowing the integration of registries and registrars. It went under the radar.

STEPHANIE PERRIN: Next slide, Maryam, please.

MILTON MUELLER: I'd like to talk about the anti-trust thing when we get –

STEPHANIE PERRIN: Yeah, please.

MILTON MUELLER: So yeah, first of all, I don't see the domain name market as being more concentrated now than it was in 1998. I think things are actually going in the opposite direction and that new TLDs actually contribute to that for the most part. I don't see how they consolidate things more. There's always going to be some newcomers in there.

Yeah, I think that's all I needed to say.

STEPHANIE PERRIN: Can I just bounce in here and before we have the last words, say everybody is invited to the Non-Commercial Stakeholders dinner at the

Burgundy Lion at 7:00. Please don't forget. I just want to make sure. It's been on several lists, but if you missed it, Burgundy Lion at 7:00.

UNIDENTIFIED FEMALE: What direction is it?

STEPHANIE PERRIN: It is in Little Burgundy, historic home of Oscar Peterson, down the road on … Okay, Ralph's going to give us directions here.

[RALPH]: It's basically straight west from here. It's a few metro stations down. If you walk, it's going to take you a while. You can Uber or just take the metro. It's $3.50 a ticket or a bit less if you buy more than one. Called Burgundy Lion.

STEPHANIE PERRIN: BurgundyLion.com, right across the street from the world-famous Joe Beef.

Thank you very much tech team and Maryam.

[END OF TRANSCRIPTION]