
ICANN81 | AGM – GNSO: NCUC Membership Work Session
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BENJAMIN AKINMOYEJE: Good afternoon, everybody. My name is Benjamin Akinmoyeje, the outgoing NCUC Chair, and it's been an amazing pleasure being the chair of this awesome house. So, today's our membership meeting, and as you know, it's an opportunity for us to update you on what has been happening in our community, also to meet new members, and to show you the things that we are passionate about and we care about.

So, you're going to be seeing a lot today, and I hope you engage actively and also participate in all of our deliberations this afternoon. So, with that, someone has done an amazing job to put together everything that we're going to discuss today. She has worked on the agenda, and she's going to be leading the process. Help me to welcome Ines, EC for Africa.

INES HFAIEDH: Thank you very much, Benjamin. This is Ines Hfaiedh, the outgoing, also EC Africa representative. So, here's our agenda for today. So, we will just give one minute, one minute is fine, to the Non-Commercial Party House representative. Go ahead.

PAUL KMCGRADY: Thanks, this is Paul McGrady, and I had just imposed myself on this schedule, but I just wanted to take a moment to say that I am the non-

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com appointee for the Non-Contracted Parties to council, which means that I am not the counselor for only one group within the house. I'm the counselor for everybody. And I wanted everyone to know that they should feel free to reach out to me if they need anything, if they're having a problem with anything, if they would like research done about anything, if they want to talk through where we are in status on any policy issues, anything at all like that. I work for everybody in this room, and a lot of people that are not in this room. So, don't be shy. And that is my one-minute commercial for why you guys should keep me on your Rolodex. Thanks.

INES HFAIEDH:

Thank you very much. Thank you. Okay, go ahead, Farzaneh.

FARZANEH BADIEI:

Farzaneh Badiei speaking. Paul, thank you so much for serving in this role. You've been amazing in helping us and supporting us. And I just wanted to ask you to write best practices on how to be good to the NCA so that we can pass it on to the next one. Thank you.

INES HFAIEDH:

Thank you very much, Farzaneh. Kathy?

KATHY KLEIMAN:

And Paul, before you go, I wanted to echo what Farzi said. We were on the SubPro Small Team. Paul was the chair through what was supposed to be three weeks and became, what, six months, not six, eight months,

and was a wonderful, neutral, fair, balanced chair. I second Farzi's motion that with all your free time, no, maybe you should enjoy your free, but you set the example of what a good chair should be. So, thank you.

INES HFAIEDH:

Thank you very much, Kathy. Andrea, do we have any questions so far? We don't. Okay, thank you very much, Andrea. So, let's move on to our next agenda item. So, we just have a very quick EC Updates. So, I don't know who would like to go first, Pedro maybe, or I can go first if you would like me to. So, basically, the EC updates for the Africa region mainly was the Kigali meeting, which was very, very successful. Also, right after ICANN, on the 20th of November, we're having the African IGF, Internet Governance Forum, and we just had the North African IGF in Mauritania like two weeks ago.

Also, good news that the Middle East School on Internet Governance is coming back, and it's happening in February in Cairo. Also, today we learned about the Digital Rights and Internet Forum, which will be in, I think, in Zambia. So, that's all for the EC Updates. Pedro would like maybe to-- like IGF, I think you had.

PEDRO LANA:

Yeah, just two quick updates. Besides the normal forum, we had LACNIC in early May, but I was not part of it, so I can't update on that. And recently we had the Youth IGF and the LACIGF happening just before ICANN. It was a very productive meeting. It's still not that related

to the main system, but one thing to the domain system topics that we are debating in ICANN, but one thing that I would like to comment about is that we can see nowadays a lot of engagement in the region regarding the New gTLD program, the Next Round. So, we are seeing a lot of webinars and outreach efforts on that.

INES HFAIEDH: Thank you very much, Pedro. Amin, would you like to-- or Ken, if you have updates or not.

KENNETH HERMAN: Thank you. Ken Herman, for the record. Thanks. In terms of North America, ICANN has been conducting a number of events in North America. There was a youth IGF in Canada earlier in the year. They hosted a WSIS+20 event in Washington, and which I unfortunately was unable to attend. Also, some other activities, which they detail from time to time, but there's a number of activities happening in North America. Thank you.

INES HFAIEDH: Thank you, Ken. And we're having the next ICANN would be in Seattle in the United States, so you'll probably be very active. Amin, let's go ahead.

AMIN HACHA: Good afternoon, everyone. This is Amin Hacha, for the record. For Europe, lately I try to activate the mailing list, especially to Europe, to

have more engaged members in Europe, especially. Our coming plan to do in December is all meetings, especially for Europe, to get more update and make involved the member in this region, because after two ICANN meeting, it will be in Prague also in Europe. So, I hope we can together deliver something very good to our committee and to our region.

INES HFAIEDH:

Thank you very much, Amin. And I don't know if you checked your emails today, the IGF, the next IGF will be in Norway, right? Yes, it's in Norway, in Europe, so yeah. Yes, okay. Let's go to our next agenda item. Houda, are you ready, would you like? You have slides, right? Yes, okay. Andrea?

HOUDA CHIH:

Hi, everyone. So, my slides are similar to this morning presentation. I don't know if you prefer that I repeat or-- Ah, you weren't there. Okay. For you, I will really repeat it. So, thank you so much. So, hello, everyone. I start by thanking again NCUC members for this great opportunity. I'm glad to be here. I am motivated to and excited to be involved with more in your activities. And I want also to know more about your activities. So, thank you, Pedro, for this opportunity to share a bit our work about ISP program.

So, my today's talk will be about the first step or phase 1 of General Business Due Diligence. I will summarize the importance of Applicant-Supported Programs, where the focus is about daily situation

improvement. It is similar to an applicant to become an internet operator or Registry. It enables the application for New gTLD more much affordable and many applicants can, and accessible for any applicant who suffer from financial issues in particular.

So, the first step of Applicant-Supported Program or mandatory phase is about General Business Due Diligence, which is important to move on to review step, which is about support applicant review panel. So, let's move to the different steps of General Business Due Diligence. So, we have here, the first step is about Public Responsibility Due Diligence. Financial Need, Financial Viability, Eligibility, Entity Status. And we have after Eligibility Criteria Checking, we have Background Screening.

Okay, so let's start by the first step, which is about Legal Complaints Check. It is the first step of a General Business Due Diligence, where the applicant acknowledge that I can satisfy or have to follow all regulation and laws stated by United States. In particular, the economic sanction management by Office of Foreign Assets Control of US regulations.

Next step, and it is in the next slide. It is about Complexness Check. What is it about exactly? In which its applicants have to submit the required documents stated or during the process of Applicant Supported Program. It is about also reviewing the process of each Applicant Supported Program performed by ICANN and the case if any missing of any document, the applicant have to resubmit it again. So, there is no problem if in case of any missing of any document.

So, it is about checking the eligibility criteria, Next Round eligibility check. It is about satisfaction of each applicant and it is conducted by

ICANN to check if any applicant satisfies the eligibility criteria, which is about the good cooperation with the regulation and laws for each applicant. Second eligibility criteria, it's about that applicant who shouldn't have any problem of fraud, crimes, or subject to any kind of judicial determination. The other eligibility criteria are that each applicant shouldn't have any problem related to fines misuse or taxes issues. And the applicant shouldn't have any problem with law enforcement investigation.

Last step, it's about the background screening. It's requested as it is about access risk and eligibility confirmation for both individual and organization. So, the outcome of background screening helps to decide about the validation or rejection of the application. So, let's summarize all of this phase 1 of Applicant Support Program in next slides, please. So, we have seen that Applicant Support Program enables the application for New gTLD, more accessible for different entities or suffer from financial resources.

So a New gTLD program also provides much diversity, inclusion, innovation, and competition. So, in the Applicant Support Program, we have different phases to apply for New gTLD program. In particular, I was focusing of the phase 1 about General Business Due Diligence, which is a required phase to move to the next one, which is about public responsibility due diligence.

So let's summarize a bit what is a General Business Due Diligence. It includes different steps. It is about legal compliance, review, submission, check of all required documentation. It is about

satisfaction and checking of eligibility criteria of New gTLD program. And the last step is about background screening. Last step is about thanking you all for this opportunity again, and we can stay connected by sharing my Email. Thank you.

INES HFAIEDH: Thank you very much, Houda. That was very interesting. Thank you for repeating. So, Benjamin, you have your hand up.

BENJAMIN AKINMOYEJE: Thank you, Houda. I just want to let everybody know that Houda is a fellow. It's somebody that, a CROP fellow, and that's one of the things that NCUC does. It gives travel opportunities to one of our members just to encourage their engagement. So, we use our community, what is it? Community CROP, yeah, to get members more engaging. So, thank you, Houda.

INES HFAIEDH: Thank you, Benjamin. Also, we are happy to have with us Kenneth, who will be speaking today about the CADE project. We saw him yesterday for the NCSG session, but I think there were many questions that were not answered. So, it's a good opportunity to have you with us today.

KENNETH HARRY MSISKA: All right. Thank you so much. First of all, I'd like to acknowledge the support that we've received from all of you. Yesterday, we were given an opportunity to also introduce the CADE project. But today, I would

like to invite you to an informal meeting tomorrow at 12 noon. I think it will be in the same room where we're going to have a proper discussion around the CADE project.

CADE in full, it's Civil Society Alliances for Digital Empowerment. It's a project co-funded by the EU. Our consortium is led by Diplo Foundation. Apart from Diplo, there is ECNL Forus, where I work. Sarvodaya Fusion, based in Sri Lanka. KICTANet, Kenya. CIPESA, Uganda. SMEX in Lebanon. And PICISOC from the Asia-Pacific.

So the idea behind the CADE project is to increase both the levels of engagement as well as the capacity for CSOs to engage in discussions around Internet Governance. And specifically, the project is targeting standard setting bodies, and ICANN is one of them. Apart from ICANN, we're also targeting ITU, IGF, IETF. The idea behind is that CSOs have not really engaged fully with these particular standard setting bodies. And of course, we do understand there's some challenges associated with that lack of participation. Some of those challenges would be to do with the financial capacity to travel and also, consistently being these places to engage.

Other challenges would also be in terms of capacity to engage the language itself, and also not understanding how, for example, the work of ICANN affects their work as civil society organizations. So, we've been running, we did a mapping study just to understand who is doing what, and which are the key stakeholders in this space. And now we are just in the final phases of completing a baseline survey.

We had indicated yesterday that there if anyone who is interested to actually participate in the baseline survey. Would actually link you up with the consultants that are doing that survey, so that we hear from you in terms of first-hand experience. And in terms of how we intend to make sure that civil society organizations are involved, one would like to listen to civil society organizations that have experienced working with these standard setting bodies, hear the challenges, and from there, build tailor made activities or support that could actually help address some of those particular challenges. So, I would like to invite you to come to the session tomorrow, like I indicated, so that we have a proper discussion around these issues. Thank you.

INES HFAIEDH:

Thank you very much, Kenneth. And we're looking forward to your session tomorrow. So, I have a quick question, if other people have questions as well. So, my question is, how can you work with ICANN, and what are the pathways or initiatives that you can work on with ICANN, or civil society in ICANN in general?

KENNETH HARRY MSISKA:

All right. I think based on our two or three days being here, I think we have identified a few things that would actually appeal to civil society organizations. We should understand that we're targeting civil society organizations that are not currently engaged in advocacy around these bodies. So, we're trying to identify issues that could actually appeal to them. For example, the universal acceptance is one area which could actually be quite appealing to civil society organizations in terms of

engaging around it. The issues of also understanding DNS Abuse issues, and also how they can work, especially at national level, working with ccTLDs and so on, to make sure that some of these issues are properly addressed. Again, we're also looking at how best to actually break down the work of ICANN, so that it's not looked at just that body that deals with IP addresses, but there is much more behind that, so that they're able to identify other issues that may actually be appealing to them. Yeah, thank you.

INES HFAIEDH:

Thank you very much, Kenneth. Peter?

PETER TAIWO:

Yeah, thank you so much. Peter, for the record. Just, I still want to follow up on the question I asked previously on the methodology that you're adopting to do this. The first thing is to identify the problem, okay? So, we all understand civil society participation in this bodies on a broader level, but still want to understand the method you want to bring in to collect the voice of the civil society, that's number one.

The second one, how do we get those recommendation to be included in this body that we're targeting, and then we'll say that their voice should be represented, there should be civil society voice representations. So, how do we get them to have this voice included? Not just, here is our recommendation, and this is what we think you can do, but how do we ensure that we have that part of the process?

KENNETH HARRY MSISKA: All right, thank you. Our project doesn't stop at the baseline study, it's a four-year project. After we have identified those issues, the idea is to implement the recommendations that are going to come out. One thing that we have under this project is the Global North, Global South pairing of CSOs. The idea is to have CSOs that have experience to build the capacity of CSOs, especially in the Global South, so that they're able to understand the issues and also develop advocacy plans to properly engage in this advocacy, in these standard-setting bodies. On our consortium, ECNL is good at engaging in both UN as well as such standard-setting bodies, and would actually be helping in terms of building the capacity of CSOs as we go on.

PETER TAIWO: Yeah, so if I may follow up again on that part. So, we've seen other bodies done this before. How are you taking those input into your engagement and the activity of the projects that you're doing?

KENNETH HARRY MSISKA: That's why I think yesterday we had indicated we need to hear from such voices. We need to hear those experiences. What worked, what did not work? What pitfalls should we actually avoid? So, we would actually be really interested to hear that. Yeah, thank you.

INES HFAIEDH: Thank you, Kenneth and Peter. I think, Bruna, you have a question?

BRUNA SANTOS:

More like a comment. Maybe for you guys, not to over-focus on CSOs, but also liaise with individual expertise that engage in these spaces. If you look at NCSG, NCUC NPOC, we had historically a couple of organizations that have engaged, but the actual knowledge and expertise is far more located in the individuals as opposed to CSOs. And we don't have such a long story in expertise building within just CSOs as we have in some of the individuals. And then you have people in the room to liaise. You have Farzaneh, you have Kathy, we had you Julf, the chairs, the current chairs, and a lot of the counselors, but we don't respond as CSOs.

So, for the ICANN bit and maybe for the IETF, if there is an IETF engagement for the project, my advice would be for you to go to the experts and not over-depend on CSOs because it's a little bit of what we spoke about. The learning curve is way too high and you have a rather short window, not a short window for a project, but a short window for ICANN engagement, which is very specific and very dense. So, that's just my comment on that.

INES HFAIEDH:

Thank you. We have Peter and Kathy.

PETER TAIWO:

Yeah, thank you so much, Bruna. That's actually an excellent one. So, just wanted to add to that because when we're looking at broader civil society engagement, so what are we targeting? Because the definition of civil society engagement in different forum, totally different. In

ICANN, we're focused because ICANN missions and scope is narrow. So, if you're speaking to another civil society, so they're discussing other things entirely.

So, the first things that, just a suggestion or recommendation is to define that problem that we want to solve and then develop your kind of methodology to include every stakeholder to address those issue and how those issues are going to be included because if we can't identify the issues that we want to solve, and we want to solve it, and how we want to solve it and the stakeholder that will be responsible for it, then we will just be going round and round and say we want to include civil society voices in our conversation. Thank you.

INES HFAIEDH:

Thank you, Peter. Kathy?

KATHY KLEIMAN:

Hi, Kathy Kleiman, and we're glad you're here. Welcome and the work you're doing is really important. I wanted to make sure that you heard what Peter said, that the scope and mission of ICANN is very, very narrow and that we deal with the infrastructure, not the content that runs throughout the global domain name system. We deal with how the domain names are run and then lower down how the IP addresses are run.

So, please, please pass that on. Many people come to ICANN thinking this is where you come to regulate content. This is not where you come to regulate content and we have clarity from the ICANN Board that we

fought for on that issue. I want to let you know also another warning. You have the potential to make our lives much more difficult. You said DNS Abuse as a big issue.

There's a lot of talk about DNS Abuse in this community. We are the ones that try to, we spend a lot of time letting this community know it's not as easy as there are bad uses of domain names out there. We know from our experience, from our work, that there are human rights implications as governments, companies, let's just pick on corporations, that people use domain names and the content of websites and listservs and emails to criticize corporations for not paying their workers, for exposing their workers in their communities to dangers and hazardous waste and all sorts of other things.

Those corporations call that domain name abuse and they come to ICANN to try to get those domain names taken down. So, unless you are very, very careful with how you present these issues, you will wind up making our lives worse and making it more difficult for us to help the very organizations we're trying to recruit and also trying to protect in the world. So, just letting you know, you're coming into a difficult universe. This is a complex universe. Thanks, and thanks for listening.

KENNETH HARRY MSISKA:

Thank you for the warning. And I just hope we can continue this discussion tomorrow and yeah, looking forward to seeing you there. Thank you.

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- INES HFAIEDH: Thank you very much. Important comments, Kathy. Benjamin?
- BENJAMIN AKINMOYEJE: Thank you for the presentation. I just want to quickly ask. Is there a preliminary outcome you are getting right now that you could quickly share? Not a lot, just like maybe pattern or things you're seeing that you probably want to just share just so that we see the direction that maybe your study or your project is going.
- KENNETH HARRY MSISKA: Yes, so that's the plan for tomorrow. We're going to share in the meeting tomorrow. Yes, so because we did the mapping, we're just completing the baseline, but we can share from the mapping itself. Yeah, sure.
- INES HFAIEDH: Thank you, Kenneth. Then thank you very much. We learned a lot and we're looking forward to your session tomorrow. So, let's start now what we call the Policy Discussion. So, maybe we'll start with Peter. Yes, so you're going to speak about the IDNs, right? Yeah, Peter, go ahead.
- BENJAMIN AKINMOYEJE: I just want to say, there are newcomers in the room. So, if it's possible to make it newcomer friendly, we'll be grateful. Thank you.

PETER TAIWO: Okay, I will try. Just to put it on the record, I'm not an expert. Okay, so IDN is a very technical topic and I'll just, this is the final report. We just quickly walk through it. It's not something that we're going to debate about. If you have any question, we can put it there and submit it to the necessary stakeholder, people that can answer those questions. So, just to give a bit of background, IDN is in two phases, phase 1 and phase 2. Phase 1 was completed. And phase two is the ones that you see in the final report.

KATHY KLEIMAN: Peter, what's an IDN?

PETER TAIWO: Okay. Internationalized Domain Names.

KATHY KLEIMAN: But what is that? What is a Domain Name?

PETER TAIWO: Okay, so here's the thing. We're going to get into that. Kathy, I know that you're here. Okay, so when we talked about International Domain Name, when you look at gTLD, you look at Internationalized Domain Name, okay. So you look at gTLD, you look at ccTLD, you look at all those things. But when you want to translate, you're looking for other languages to be translated and you want to include them, that's where this is coming from. So, to be more representative, to ensure that people that don't speak English can also be represented online, they

can share content. So, just basic as that, like I said, I'm not an expert yet.

So can we just move the slide up? Emmanuel and I were representative on this group and we're monitoring what this group actually did. And I would like to thank all the stakeholders that gave their input, Kathy, Emmanuel and Pedro looking at things and discussing about this. Can we just move quickly? Because I don't have all the time. These are representative on the group and NCSG, we have a lot of people. But the mission is to develop policy that we allow for introduction of new variant.

New variant, like I said, to bring in New gTLD, Internationalized Domain Name, people can register their domain name in their own language. So, this is the importance of this. So, can we move to the next slide? So, the phase two concluded and the final report was sent to the council and the council will deliberate on it tomorrow and they will vote on it. And we had 20 final outputs. Out of that, we have 14 recommendations and six implementation guidelines.

We had consent and we had meetings upon meetings and discussion on the mailing list. And we voiced our input and the working group, the PDP IDN took into consideration, especially expansion of the RDRS, which we asked them, no, we don't want an expansion of the RDRS. So, dispute resolutions and especially also on the complexity of the language because we are not technical folks and we don't understand a lot of things and we had a lot of deliberations.

Can we just move the slide? Because it's a lengthy slide, I'm not going to discuss everything. I just want your view, your opinion, because these receive full consensual in ICANN environment is, you don't get all the things that you want, but we have to agree so that we can progress, we can move forward. So, on RDRS, we raised that issue and this is that, and we look at it, we don't want expansion, we don't want on the, the management of the variant, we don't want disclosures or personal data, PRI, we want due process accountability. So, those things were considered, were taken into consideration.

Can we just quickly move this slide and just keep moving? So, let people see it, I will refer you to this document for you to look at it and see what, because this is going to impact us, impact the next generation because this is big, this is related to the New gTLD that we're talking about. So, variant management, we're here. So, but here is the thing, we need to continue monitoring this, we need to continue following it up. Even if you have an impute, let us know so we can take it to council tomorrow. We have councilor here, Farzi is here, Julf, Bruna, so this is it. But here, I'm leaving it here, I'm not a technician, but we look at it and we discuss about it. Yes, over to you.

INES HFAIEDH:

Thank you, Peter. Yes, Benjamin.

BENJAMIN AKINMOYEJE:

Peter, what is RDRS?

PETER TAIWO:

Farzi, over to you.

INES HFAIEDH:

Okay, thank you, Peter. Are there any questions or comments? Yes, Kathy.

KATHY KLEIMAN:

Peter, one issue we commented on a lot was variants. Can you tell us what is a variant, maybe give an example, and what happened with our comments?

PETER TAIWO:

Okay, thanks, that's an excellent question. Variant, let's say I register, let me just use my name, www.peter.com. Okay, so another person wants to register www. peter, like using “a” at the end.com. So, if I registered peter.com, then there are variants associated with that peter.com. So, we have a primary label, which is www.peter.com. Then peter.com has a lot of variants that we can register. So, there are issues of contentions with that when people want to register. But here, there is what is called same entity principle.

Same entity principle simply means that the persons that register peter.com should be automatically or should be responsible to, should be given chances to register all those variants under that so that there will not be an issue, because if I register peter.com and another person do p-e-t-e-r, another person is coming in to register p-e-t-e-a, there will be an issue with another Registrar. There will be an issue.

So there is a mechanism, and that is where this EPDP comes in to see how to manage issue of same entity, primary label, and variants management. So, it's a complex situation. It took us time to understand this. And this EPDP didn't start today. It started a long time ago, and we had the issue of understanding. And thanks to Kathy for bringing conversation back every time on this for us to understand.

And we could say that we understand a bit, but not entirely. But what we do is we're monitoring this conversation, especially our DRS registration data system. We don't want expansion of it because this houses Registrant information. Variants actually comprises of your information if you register domain name. So we don't want any issue. I'm sure that I'm spending my time. So we are monitoring this closely, okay? So, if there's any conversation, please let's take it back to the list. Let's ask Kathy.

KATHY KLEIMAN:

I don't know.

PETER TAIWO:

Okay, so ask Emmanuel. Let's see what we can do because we are taking this. We need to have our invoice on the council tomorrow because we are voting on this. But the EPDP actually did an excellent job of sending back and forth on our input, which was taken into consideration.

INES HFAIEDH: Thank you very much, Peter. So, we don't have much time. Can we go to Farzaneh? Farzaneh, over to you.

FARZANEH BADIEI: Thank you, Farzaneh Badiei speaking. So, I was going to cover a little bit of policy issues and Civil Society Engagement in the Middle East. According to ICANN regions, Turkey is a Middle Eastern, I mean, belongs to the Middle East group. But I thought that maybe for the newcomers, we can tell them a little bit about who we are. We are the Non-Commercial User Constituency, which is one of the constituencies of the Non-Commercial Stakeholder Group. We care about Privacy, Freedom of Expression, Access to Knowledge, Human Rights, Global Public Interest, and a range of issues. And we try to infuse those values in the policy development through NCSG and the generic name Supporting Organization Council.

Some of the topics that we've been discussing and we discussed also at NCSG with the Board today was, there is the RDRS, which is a, oh my God, don't ask me, what is it? Registration Data Request System. So, Registration Data Request System.

So how did this system come about? For many years, domain name registrants, private personal information was published in WHOIS, which is a global directory of these emails and mailing address even, and names of people and organizations. And for many years, this was public and some people used Privacy Proxy Services, but then because of the GDPR, when GDPR, GDPR is this data protection law in the EU, it came into effect.

That data was fortunately redacted. But then legitimate interest holders such as intellectual property lawyers and law enforcement wanted access to WHOIS to, for example, assert their intellectual property or to fight with DNS Abuse and stuff like that. So RDRS came about to give access to, and this is a very important distinction, it is to receive the request from the law enforcement or the requester, whoever that is, or security researcher. And then send the request to the Registrar that has opted for the system.

So RDRS does not disclose the Private Sensitive Information. And it is very important to think whenever they say in GAC meetings or in other meetings, whenever they say Non-Public Data in WHOIS, you should always remember they mean people's name, mailing address, email, sensitive data. It is not non-public, just like non-public, something like generic that's. So, it is, and for NCUC and NCSG, it is very important for that data to be disclosed in a manner that does not violate human rights or it does not put human rights at risk. And so, we have a standing committee that we are involved with and we are trying to also, like we want RDRS to be accountable and transparent so that we don't undo all the privacy protection that we brought thanks to GDPR and Global Policy Work. We don't undo that.

So, we are working on that. We have to, in the morning we had a session with the Board. We discussed how to keep that system transparent and accountable so that it doesn't get abused. So, that was RDRS. That's one of the important things that we are working on. The other one is authentication of law enforcement and also urgent requests for accessing Private, Personal Data of Domain Name Registrants, which

we see major rights issues, Registrant rights issues if these processes go wrong or if they are not done in a human rights respecting way.

We spend a lot of time, I mean at least I do, in government advisory committee meetings just to listen and understand where they're coming from and what their plans are. So, another thing, I don't have much time. I'm just going to do a little bit of a Middle East Update. I don't know if I mentioned this. So, Middle East DNS study last year was paused.

There was a call for application and then for some reason, they just dropped that call and I don't know why we need to follow up on that because these DNS studies are very important to understand the landscape of domain name registration and how they use Privacy And Proxy if they use, if their data is redacted so that we can protect domain name registrants rights to privacy, especially in the Middle East where there are many issues and law enforcement can be the human rights violator itself.

And as Ines mentioned, there is a Middle East school on internet governance. We also focus on, in the Middle East, we focus on the issue of sanctions and access to domain names because there are many sanctioned countries in the region that the ordinary people's access to domain names might be hampered because of the sanctions. Am I going on or not? I can stop whenever you tell me.

INES HFAIEDH:

Thank you very much, Farzaneh. It's always interesting to listen to you. Just adding that we're having the Middle East meeting on Thursday at 1 p.m., I believe, right? Okay, yes, thank you very much, Farzaneh. Let's move on to Ken.

KEN HERMAN:

Ken Herman for the record. Thank you very much. I'm going to talk about, very briefly, talk about Transfer Policy. When you have a domain name, maybe you have one or two domain names and you're not happy with the Registrar that you're using and you'd like to move it to someplace else, how does all of that work? What are the requirements for all of the participants, the Registrant, you, the Registrar, and the Registry? They all have a role to play.

Maybe you have one or two, or maybe you have one or 200,000 domains in your portfolio, in which case you want to move them around and from one Registrar to another. And the same sort of participants is involved and the policy exists as the same, but they are same mechanism, but very different issues that arise. Some time ago, I don't have slides, sorry, but some time ago, like a million years, I think it's three years ago, the council decided that this time for review or the organization produced a report and this has been going on for a while.

I'm happy to say that the process is coming towards its end. All of the issues have been dealt with, recommendations have been made, a public comment report was produced at the end of July, two months of public comment resulted in about 18, 17, 18 individuals, organizations submitted comments for the 40-some-odd recommendations that exist

in the report. The comments ranged across many of the recommendations, but the common focus has been on things like restrictions on transferring.

When things happen in the process, it's possible to “lock your domains”, you can't move it. The term lock we don't use because it has other implications for what Registrar or their clients, so they call them transfer restrictions. So, for example, if you transfer your name, your domain name from one Registrar to another, it is restricted from a further transfer for a period of some period and that's what's been discussed. Registrars had some flexibility in what they can do, but the working group has suggested that 30 days, no, correct that, we are no longer counting days, we are counting hours, why? Days are a little fudgy. So, hours are becoming more precise about what we mean when you cannot transfer your domain name.

So, if you change something in your registration, you move it or you register it, a brand-new registration, it is restricted for now 30 days. We're trying to standardize on the 30 days. Why do we restrict it? Well, for a number of reasons, although I should say some of the comments from some registrars has said we shouldn't have any restrictions on moving them at all. There's been substantial pushback from a number of constituencies regarding that and so, I'm pretty sure that we will always have a transfer restriction.

It has been in the past asserted that it was in order to deal with the financial mechanisms regarding moving registered names from one Registrar to another, but really it has substantial security implications

and there are constituencies who are opposed to that. Let's see, some comment called for, let's see, we as a constituency have focused mainly on notifications after changes to registration information and for the registrars to provide some information. So, let me give you a couple of examples. There was one recommendation where it called for a notification for a material change to a registered name information.

Suppose you're registered under your name and you have an email address associated with that, but you want to change the email address associated with it. So, you go into your control panel and you change the email address. Well, that should trigger a notification to both the old and the new email so that there's some validation that that happens. Now in the past there has been some confirmation about that. Confirmations has become a problem. We have been pushing for continuing for confirmations, but those registrars that have those hundreds of thousands of domain names understandably may prefer to avoid confirmations.

It's also been pointed out that in some cases that email address no longer exists. So, you can't get a confirmation from something that doesn't anymore exist. Anyway, this is continuing under discussion. So, we're trying to find some middle ground regarding confirmations. Now, I want to point out before I go further is that one big change that the working group has made is to change from transfer of Registrant. You're giving this to somebody else, which is different from changing the Registrant data.

Kathy's shaking her head, so we'll talk about that. And the reason that's interesting is that I have been trying to get some clarification regarding the difference between a transfer between people and a change of Registrant data. And what I learned was that I'm not alone. In fact, I've learned that almost nobody around the table really understands what the difference is. And I believe that what it boils down to is that I can change all the information about it. And actually, I have done that. I have registered a domain name. I have basically changed all the information about it to somebody else, but I still own that domain name because it's still on my account with the Registrar. So, I have that.

I know we're running out of time. I'm about to be interrupted, I saw the light go on. So, let me move ahead quickly.

KATHY KLEIMAN:

So, this is a really, really technical process that Ken has dived into, this transfer of domain names. And the Registrars really care about this because this is they're taking the business from one to another, and some of these are really big portfolios. So, what Ken has been highlighting over time, which is great, is what's our particular interest in this? And it is that someone could steal our domain names, our human rights, we're targets, these groups. They say it's human rights, but just in general, someone who wants a cool, sexy domain name, which some of our groups have. and on the business side, they're great domain names, but also someone, for whatever reason, might be targeting our content, could try to get our domain name in the first, and just as a lawyer in private practice, I saw lots of thefts, guys.

So, the first thing you do is you change, of course, we can all change our email addresses. We lose that service or we change the service. We want to change our email address. That's one thing. But one way to hijack a domain name is to change the email address. And it's still your email address, Ken, but it's still your domain name, but it's your email address now. And then when you put that change request in to transfer it to somebody else to own it, it's going to your email address, and you're like, oh yeah, no, Ken's not the owner of that anymore, I'm the owner. Boom, you have no ability, and the original Registrant won't even know until it's way too late.

KEN HERMAN:

We have been trying to reinforce this, and so that discussions go on. But let me get to another point, which is quite important as well, and that's for the reasons given for denial of transfer. If I ask for a transfer and the Registrar says no, they're allowed to say no for multiple reasons, but two I'm focusing on, which is DNS Abuse and evidence of fraud. What I've demanded is that the Registrar be required to produce the evidence that they have used to prevent those kinds of transfer. They can't just give us the excuse, they have to actually provide the rationale behind it, and they'd be obliged to do that as part of the rules.

KATHY KLEIMAN:

If they've changed the email address without any confirmation, you'll never know there's fraud.

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- KEN HERMAN: No, no, no, no, that's different. That's a different question. The question is, I legitimately want to transfer my domain from one Registrar to another, and they say no, you can't, because your domain name is being used for fraud, or you have something associated with fraud or DNS Abuse, and they can't just say that. So, we'll leave it there. It's been an interesting experience, and I'm happy to talk more about it.
- INES HFAIEDH: Thank you very much, Ken. So, we have with us ICANN's new ombuds. Yes, go ahead.
- ELIZABETH FIELD: Hi, this is Liz, and I just want to check, there's only four minutes, right? Yeah, okay. So, maybe the best use of the time is me to just say, because I recognize I've spoken with all of you, or many of you, and probably don't want to bore you over and over. So I'll just, really briefly, and then give you a chance to ask questions, would that be, okay?
- So, I'm Liz Field. I go with Liz. I am the new ICANN Ombuds. I have just started. I'm based in Geneva. I report into the ICANN Board. My role is independent. My background is 20 years as an ombuds in a conflict resolution and organizational development practitioner. I've worked always internationally, multilingually, globally, worked in the human rights movement, worked in civil service, worked with UN agencies.
- So, I understand the bottom-up Stakeholder Model. What I'd like to do with the role is really respond to the needs of the community. So, data, to me, is very important. So, I look to have connections with you, so

communication and engagement. And I look to work on prevention. So, that's the shortest version of my introduction. But now, anyone have questions? Yes, Ken.

KEN HERMAN:

Yes, Liz, hi. Welcome, welcome. And I think your presence is, as you've probably seen, being welcomed. I've worked in a lot of international organizations, UN and such. And so, my question to you is, who do you work at the pleasure of? What I have learned about Ombudsmen is that, yes, they're independent. Yes, they're this, they're that. But they can be fired at any time, in which case you're not independent. And so, I'd like to know if you can help us understand, at whose pleasure are you operating? Thanks.

ELIZABETH FIELD:

Okay, so this is Liz. That's a great question. I work at the pleasure of-0 I see myself as non-aligned, which means I am aligned with the entire ICANN ecosystem. So, I report to the Board, which is the highest body in the organization, which is a very good practice with Ombuds. There are protections in the bylaws that make it hard for them to dismiss me immediately, which is more protection than I've had in other roles, including in the UN system. I personally feel very strongly about my independence and that that is a professional and a personal ethical choice I must make. But there are protections there and my alignment is on behalf of the ecosystem. Yes, Peter?

PETER TAIWO:

Yeah, thank you so much, Liz. I'm sure that you say, I don't want to see your face again. So, I love your submissions about data. You keep talking about that. And that really interests me. Then I'm trying to follow up about how you want to collect your data because I love evidence-based decisions when you're treating any case you want to do and stuff like that, if you can elaborate on how you intend to do that.

ELIZABETH FIELD:

So, I am open to a long conversation on this because I love data. But I'll say very quickly, there are obviously, as you know, there's quantitative data, which is the stories, people's examples, information. Sorry, that's quantitative. There's qualitative data, so that's numbers, cases that are handling, various things. So, data collection, there are ways to do it. I'm going out to collect, but also looking at things that are in place, harvesting data from unknown sources, putting things together. I love this area. So, I'd be happy to have a conversation with you. There's a huge range of options, beyond just the survey.

BENJAMIN AKINMOYEJE:

My question to you is, I'm sure you've seen the materials, in terms of training materials, and all of that. Do you think people have a clear understanding of some of them? In fact, when people say, ICANN. Do you think that sinks in, that people have a clear understanding across diverse cultural understandings, and all of that? What do you hope to do with that?

INES HFAIEDH: I have a question that I received yesterday. If someone previously had a problem, and consulted with the Ombudsman or ombudswoman, and the outcome was not satisfactory, can they reopen that with you, with the new ombuds?

ELIZABETH FIELD: Two questions. One, on the previous, the only thing I could say is, come talk to me. I don't know until I know what the situation is, how it was handled, how long ago, etcetera. I don't know what's possible, but come and talk to me. I would encourage that person to come and speak to me. There will always be options to improve things, even if it's not a formal option. Please encourage people to come talk to me, that's one.

The other question around the training materials and clear idea. Again, this is something I need to know. I don't know. I don't know what people know. I do know that in intercultural environments, there's lots of things that vary from context to context, and behavior is always in context. There's a lot of work to do there in terms of understanding what is understood, but again, I'm happy to chat more with you about that, and again, I invite people to come with these ideas and questions for longer discussion. Thank you.

INES HFAIEDH: Well, thank you very much. Do we have any other questions? Kathy? Yes, Kathy. Sure, Kathy, go ahead.

KATHY KLEIMAN: I wanted to congratulate you on running a lovely meeting, Ines, and thank you, and I wanted to thank Benjamin for an incredible term as chair of NCUC. Thank you, and to welcome Wisdom.

BENJAMIN AKINMOYEJE: Yes, I think this is a very critical moment to hand over the chair to Wisdom. Thank you, everybody, for successfully. You've been an amazing community. I mean, it's been awesome. It's a privilege to lead this wonderful, talent, powerhouse, brilliant people for this number of years, and we've done amazing things. I can only be proud of it. And I want to thank my EC from Ken over there to Pedro to Amin and Ines.

Without their support, we wouldn't have achieved anything. A man can make a forest. Amelia as well, thank you. And of all, we have a technical engine behind us here, which is Andrea, and I really want to thank everyone. I can't call all your names, but Farzi, Kathy, if you didn't agree to follow, who are we going to lead? So, thank you very much. I appreciate everyone, and I just want to say thank you. It was a privilege.

ELIZABETH FIELD: Thank you. You can stop the recording.

ANDREA GLANDON: Sorry for the time, Andrea.

BENJAMIN AKINMOYEJE: We should take a picture, guys.

[END OF TRANSCRIPTION]