
LOS ANGELES – SO/AC-Led High Interest Topic Session
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ICANN – Los Angeles, USA

BRAD WHITE:

...and he's going to let me know if we have any tweets. We have a special Twitter account, the hashtag is askSOAC. Just to help us manage the questions, if you can either ask a question through that Twitter hashtag or through the chat room, it will allow us to get more questions in.

The name of the game here is brevity. We've got a lot of speakers. We want to hear from as many as possible. Think verbal tweets. Make those questions or comments as short as possible. We will have a couple of mics located out here, if you want to ask a question on a mic. But again, we'd prefer if we could do it through Twitter or the chat room. We're going to probably end up with a lot more questions and comments than we have time for. That's a very positive thing. We want the dialogue to extend beyond the length of this meeting. All of the comments in the chat room, all to have tweets, will be part of the public record. We found out during Buenos Aires there was a lot of tweeting going on during the session. That's fabulous. We encourage it. We don't discourage it. The bottom line is, we very, very much want to get this right. So what we're trying, what we're experimenting with today, some of it may work, some may not, please tell us afterwards your thoughts on what worked and what didn't.

To save time, because we have so many people here, we're not going to do introductions of everyone here. When they speak, you'll see them

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projected on the TV monitor and you'll also see their tent card which identifies them and which organization they're with. With that, let's just start this.

I think to begin with we're going to start going in this direction for the first question, just so you can hear from each of these folks. And let me -- let me do this as the kick-off question. What should the top priority be for the ICANN organization with regard to another round, another application round of new gTLDs? And, Rafik, let's start with you and just go in that direction. Again, keep your comments as short as you can, if you would, please.

RAFIK DAMMAK:

Okay. Thanks. I didn't expect to be the first one, but anyway. I think for us, I mean, coming from the non-commercial side, we think that we need to do -- really to evaluate the first round before going to the second one and to see if it's really succeeded, what the failure, what the success is. And also about the developing country support, and to do better outreach in developing country than what was done during the first round.

BRAD WHITE:

Thanks, Rafik. Keith.

KEITH DRAZEK:

Good. Thank you. Keith Drazek, registry stakeholder group. I think similar to what Rafik said, there are several reviews of the first round or current round of new gTLDs that are required to take place prior to the

initiation of a following round or following rounds or however it's structured moving forward. There's an AoC-mandated review on competition, consumer trust and consumer choice, there's a GAC-mandated review, and there are, I think -- just, you know, setting aside the actual formal review requirements, I think there's a real need for us as a community to take a step back and to assess where we are, how this round has performed against expectations, you know, what the market truly is for new gTLDs, and ideally to better inform future applicants of what their obligations and responsibilities and capacity will be in the marketplace. Thanks.

BRAD WHITE:

Thanks, Keith. Heather, before you speak, I've just been informed that the ICANN WiFi network is apparently down. Our techs are working on that to try and get it back up as soon as possible. Heather.

HEATHER DRYDEN:

Thank you, and good morning, everyone. I would certainly agree that the reviews are an important stage to establish what needs adjusting and what kinds of things occurred with the current round being underway and that would allow you then to set out any future program based on what you have learned and what you have found. So I would agree certainly that -- that that needs to happen before you can embark on a new round and you still have the opportunity to take things into account and make those adjustments.

I also think it's important to agree on objectives for a round at the outset. I think the current round, some of the issues that we were faced

with really resulted from very different ideas about what the round was to accomplish. And so if we can get some kind of agreement around that for a future round, then I think it will be that much easier for us to then run the program and as well monitor, to see whether it accomplished what we hoped it would. Thank you.

PATRIK FALTSTROM:

Thank you very much. Patrik Faltstrom, SSAC. Instead of just repeating what we should do, I'm also going to talk about what we are doing. In SSAC we have identified that we have, of course, given a couple of recommendations to the current round and what we are launching at this meeting is a review, not only of the round but also of our own work, to see how effective our recommendations have been and also that way to be able to give stronger recommendations on how to adjust, how to do a mid-course correction on certain issues so what we -- which, of course, is quite a big task because there are quite a large number of course corrections that have been down from a security and stability standpoint since the Applicant Guidebook was initially created. So I think the review is important, not only to be in general on the round itself but also on how we have done the course corrections and see whether what we have implemented in the broader sense what we are trying to do from SSAC's perspective, whether that has been effective or whether it should be done a different way. Thank you.

PETER NETTLEFOLD:

Good morning, everyone. So I will also try to avoid repeating everyone else, but I'm probably going to agree with everyone else. So I think probably one of the highest priorities is to properly wrap up the first

round and review the first round before moving to a second round. Within the GAC we've already started giving some consideration to issues which were identified with the first round where the GAC will be focusing some attention, and amongst those are issues relating to geographic names, community application processes, and developing economy applicant support issues. And a small plug for a GAC session on the geographic names issue which is occurring at 9:15 on Wednesday. I'll pause there.

BRAD WHITE:

Thank you, Peter. Steve, before you speak, let me just say one thing. I understand the WiFi network is back up. The other thing I would like to ask members of the panel, we have a lot of newcomers here, and although we're all familiar with the acronyms and GAC, if you could spell out exactly organizations that would be helpful. Steve.

STEVE DeBIANCO:

Thanks, Brad. In 2008 the generic name supporting organization came up with a policy that opened the door for ongoing expansion of the gTLD space and that's understood. This is the Internet after all, it's never done growing. But since 2008 ICANN has also made two major commitments that are going to intervene between opening the door for the next round. One commitment is the Affirmation of Commitments which called for the kind of reviews that Keith Drazek mentioned a moment ago and our group, the commercial stakeholders group, worked within the GNSO and the ALAC to come up with metrics for those reviews, 70 of them, to help us ascertain whether it is really providing choice, has it promoted consumer choice, did it actually

increase the competition we have among services. So there's that review, plus there's one more, the one that the GAC asked for in 2011 on -- specifically focused on the rights protection mechanisms. So the outcomes of those two reviews are likely to suggest changes in the process for application, evaluation, and the objection processes for subsequent rounds. And that would likely drive policy development process, right?

So until those reviews are complete, we should not start the policy development process. And until the policies are done, we shouldn't start spamming the community with new versions of the Applicant Guidebook.

So finally, I mean, look, I understand there's going to be pressure from applicants and contract parties who want to get moving on the next round. But ICANN has commitments to honor first. The reviews and the improvements that serve the global public interest.

TIJANI BEN JAMAA:

Thank you, Brad. My name is Tijani. I do agree with all people who said that we need to assess the first round before going and prepare the second -- the upcoming round. And I don't think that we have to wait until the end of the assessment to notice, to remark that there was a big failure regarding the inclusion of applicants from the developing economies and the poor communities.

When we -- when the first round was -- was prepared, we were always saying that the fees will be high, but people said that those from the developing economies and the poorer communities have to wait till the

next rounds so that the cost recovery will be done, since we are committed to recover the cost from this program. And the calculation was made on 500 applicants. We had 2,000. So now I don't think that someone can say we need cost recovery.

What is the -- what can we do for those applicants from the developing economies and the poor countries? I think that we need to give them the opportunity to participate in this program. And we need to give them, how to say, privilege. And this can be done by, for example, dedicate the upcoming -- or the next round for them, knowing that the fees will be very, very, very low, since we don't have the cost recovery of the program. And it is not only about fees. It is about all set of measures that we have to prepare for this upcoming round two (indiscernible) to the failure I spoke about. Thank you.

HOLLY RAICHE:

Holly Raiche. Thanks, Brad. And I'll keep it short. I do support the slowing down or stopping for review of the whole process for a couple of reasons. One is a thing called the Public Interest Commitments. This is a statement by the applicant that they will do what they say they're going to do. And whether or not it's enforceable was a matter that was asked during board meeting at the last ICANN meeting. In the space of one half hour we were told both that they're enforceable and that they're not enforceable, and I would suggest that we actually fix that.

The second issue is the fact that there were only, in the end, three applications from developing countries. None of them were successful. So we need to understand what's needed -- what needs to be done and do it. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Brad. Olivier Crepin-Leblond. I'm here with EURALO. I think that a lot has been said, and I'm not going to repeat everything that's being said but certainly support some of the things I've just heard. Steve DelBianco mentioned the evaluation of metrics. Particularly important. It has to be done. It's one of these things that if we don't do that, then really, what worth is there in having another round if we don't know the first one is being actually successful and living up to what it's supposed to be doing.

As far as community applications is concerned, it's an aberration that this current round works for those who have the deepest pockets. That encourages speculation. I'm not quite sure that speculation is in the public interest, and this organization has to work in the public interest. So that -- these are the two main things, the main points I would say. The third one, of course, developing economies. The deep -- the deepest pockets are not in the developing economies and that imbalance needs to be redressed. Otherwise, we will see those critics of ICANN being able to go straight into this and say well, ICANN just works as an organization to keep the "first world" in charge of everything. Thank you.

LEON SANCHEZ: Thanks. This is Leon Sanchez with LAC RALO. Of course, I'm going to support what my fellow colleagues have said, and I would also like to add that, of course, ICANN needs to learn from its mistakes and has to listen to community feedback and reflect this feedback in the Applicants Guidebook. And we should also be looking at addressing, for example,

some issues like intellectual property issues, with regards to geographical indications, INGOs, NGOs that have raised serious issues and maybe think of expanding the trademark clearinghouse scope to cover these issues as well. And while, of course, we need to be looking at the underrepresented communities and as Olivier just said, not make it a thing of just how deep your pocket is but also how -- how deep is your need of entering into the Internet. Thanks.

EVAN LEIBOVITCH:

Evan Leibovitch, chair of the At-Large new gTLD working group where this has been a very big issue. Not an hour ago Secretary Pritzker made specific comment about the Internet in the developing world. Considering the thousands of volunteers that went into the effort that made it, the failure of the applicant support program should be seen internally as an institutional embarrassment that needs to be fixed as soon as possible.

Similarly, last week's rejection of the .GAY community application also sends a very, very bad negative message to the public and it affects ICANN's public credibility. There continues to be a widespread belief, as Holly mentioned, that the Public Interest Commitments regime that is instituted doesn't really support the public interest when the new officer comes in to -- to do the -- to enforce the consumer protection, we really fear that person is not going to have much to work with.

As far as the next round, that really needs, as far as I'm concerned and as far as many I've heard within the community, it needs to be a remedial round, focusing only on community and developing country

applications while giving the rest of the community a chance to catch its breath and take in the metrics that Steve mentioned. Thanks.

MICHELE NEYLON:

Michele Neylon from the registrars. As we have -- within the registrar stakeholder group we are the -- I suppose the voice of the registrars, those of us who run companies that sell domain names. And from the -- the first round took a long time to get there. There was a lot of discussion, a lot of debate, a lot of assumptions were made. And some of those assumptions were positive, some were negative.

At this juncture it would make a lot of sense to look back and see were those assumptions true, were they based on reality or was it simply fear, uncertainty, doubt. You know, if you're going to make policy decisions within ICANN or pretty much anywhere else, it needs to be done based on facts, not on assumptions, not on rumors, not on fear, uncertainty, and doubt. I mean, with respect to what some -- several people have mentioned about underdeveloped countries and access to funds and access to the new gTLD program, I think in some ways that's a reflection of ICANN's inability today to do a particularly good job with respect to making the world aware of new TLDs. Which has an interesting segue to a topic which is going to be fairly hot at this meeting, that of universal acceptance. Universal acceptance unfortunately in many rounds seems to be focused primarily on IDNs. In other words, an IDN TLD would be one which is using characters beyond the standard, ASCII, Latin, and text. So you would have IDNs could include all sorts of different character sets, Arabic, Chinese, Mandarin, et cetera. But the universal acceptance at this juncture we're

talking about people being able to sign up for services online using a new TLD email address. People being able to use a domain name quickly and easily, be that to create a link to an online resource or something else. Today's universal acceptance hasn't really been there. I mean, browsers are support -- support some TLDs, not all. Online applications, you have the same. And I've heard from both friends, colleagues, and others, that they're trying to sign up online using a new TLD email address and it falls flat on its face. That's a practical, simple thing that needs to be addressed. And it goes again to this idea of making the world aware that it's beyond .COM -- sorry, Keith. You know, that TLDs can be a lot more than .COM. That you can use TLDs in ways to bring all sorts of different communities, different types of content online and get people access to that. I would disagree, of course, with some of the comments from Evan and people like that about using as a remedial round. I think it's some fantastic opportunities that were missed in the first round that could be addressed. And I think a lot of the things like say the review mechanisms, the safeguards and all that, they need to be reviewed in light of reality. Not in light of what people assumed previously. Thanks.

LOUIE LEE:

Thank you, Brad. I'm Louie Lee. Chair of the address council of the ASO -- the Address Supporting Organization. And as the Address Supporting Organization, we do not directly participate in the gTLD process. However, as community members, we do individually participate as much as possible.

I might invite that the gTLD members do come to participate at our RIR meetings. The regional Internet registries, we -- we have seen issues where a registry or registrar may have trouble getting address space because the way the policy is written. And they have come to rework the policies to make it useful for them.

So we want to make sure that I.P. addresses are available to you when you need them and when you -- as the gTLD grows. Thank you.

LARS-JOHAN LIMAN:

I'm Lars-Johan Liman. And one of the two co-chairs of Root Server System Advisory Committee, RSSAC. And we have a very narrow scope here within ICANN. We focus very narrowly on the security and stability and integrity of the root server system process, all the way from generating the zone data until it is published at the interface to our servers on the Internet.

And in preparation for the gTLD program, we took part in the root scaling study and I would say in preparation for the next round of gTLD delegations, we would like to sit down and take a look at the various properties and measurements that we discussed and just verify that we are still operating well. We are. There is nothing to worry about that we know of. But just to maintain a check on that, we're still on the curves that we predicted back then and we're operating well. But I see no reason for worry there, but that's the thing that we need to take into account when we go for the next round.

Thank you.

BRAD WHITE:

The WiFi system is still down. They are apparently still working on that. We've got microphones -- people with handheld microphones roaming around. We are not queuing up as we do in the public forum. So if you want a mic, you have got a comment or query, raise your hand and these folks will find you.

Patrik, I wanted to throw a question to you. When the new G program was starting prior to that first delegation, there was a great deal of concern voiced about the security issues. Prior to that next round, where's SSAC at? Are there issues to be resolved in that arena that have not been?

PATRIK FALTSTROM:

I think the correct answer at this point in time is we don't know. Can neither say yes nor no because one of the things that we are doing, is that we are -- as I sort of -- maybe I was a little bit quick there. But one of the things that we are doing is that we are backtracking all the documents that we have written and all the documents and advice that we have come up in SSAC since the discussion about this round, the current round, or gTLDs started.

We are looking at the various recommendations we had. We are trying to understand why we wrote those recommendations and then try to apply those recommendations and the reasons why to the current situation which is, of course, different from the situation and the context when the recommendations are written.

Then we are -- then we are to identify whether the proposed recommendations did have the effect that we expected and try to see

whether that change or that correction that we identified was needed -- is still needed and then try to see whether our recommendation is still one that needs to be applied or whether also our recommendation needs to be applied because maybe it was the case that our recommendation was not clear enough or it didn't have the effect that we wanted.

So -- and this, of course, has everything to do -- everything from variants, trademark clearinghouse, internationalized domain names, namespace collision, and like all the other topics that many of these other people around the table has talked about.

So, for example, regarding universal acceptance, there's one document related to that and one advice that we have not yet published that has to do with the current timeline, timetable say we will be ready later this calendar year with that recommendation. Thank you.

BRAD WHITE: Okay. Keith?

KEITH DRAZEK: Thanks, Brad. Keith Drazek.

So I'm going to not respond to the security-related question but more I think go to the point that while there are reviews required and that those reviews will take time, it's not too early to start collecting data, identifying issues, concerns, possible fixes, that there's actually work that can be done starting now, that should be done starting now. And I think there is work underway. I can say that within the Registry

Stakeholder Group and the new TLD group applicant group, the NTAG, there is work going on right now trying to capture and to document concerns, questions, areas for improvement, experiences while they're still being experienced to try to come up with a really comprehensive list of issues for discussion and possible recommendations for the reviews and ideally for gathering data that will feed into, for example, the competition, consumer trust, and consumer choice review team. I think that that's all very important.

Just one other note, I think there's probably three categories that we can look at, you know, just as examples to say why it's probably premature to look at launching a new round in the near future. And one is we don't know -- you know, the cost recovery model that was initiated was, again, projected at 500 new gTLD applications. We ended up with four times that.

So if we're doing a cost-recovery model, how do we know what the right application fee is? And we won't until we determine whether the costs were recovered, whether there was an excess of funds collected. So that's just one example of how do we right size the application fees for another round based on the expenses experienced for this one.

There's a question of ICANN's revenue stream and budgeting. Currently, I think it appears that ICANN through the collection of the funds and application fees for this program will end up with having some excess funds. How do we as a community determine what ICANN's appropriate budget should be for its -- for conducting its coordination function and its narrow technical remit?

In other words, I think we ought to be looking at determining as a community what ICANN's budget levels ought to be and then back out and figure out what the application fees -- and not just application fees, but the ongoing registry and registrar per domain fees ought to be to be in the right zone for ICANN's budgeting, its necessary budgeting. Again, all things that can be worked through, but it is probably premature to do that.

But, finally, I also should note that ICANN has built a staffed organization to handle this new gTLD program. And I think by large measure, it's working very well in most areas. And so you don't want to lose the experience. You know, if it's going to be a two-year delay or a two-year phase, then you don't want to lose the experience in the machine that you've built. But if it's going to be four years, then you need to know that. So I think that's a challenge that we recognize.

Let me just wrap up by saying, this new gTLD program has been the biggest expansion of the DNS or at least in the naming space ever. And so we're going through some growing pains. We're learning a lot. I think it's reasonable to expect that these growing pains will exist. And now the question is: How do we deal with them? How do we adjust? How do we modify our approach moving forward to improve the program for the next round? Thanks.

BRAD WHITE:

Thanks, Keith. I believe Steve DelBianco had a comment. And then after that we're going to take a question from our Twitter feed.

Steve?

STEVE DeBIANCO:

Thanks, Brad.

In the ICANN political environment, there is a tendency to look at debates like this and try to polarize it between the camp who says "begin today, I have an application in hand" and the camp that says "review and delay." You would be ill-served to try to look through a political lens like that. It is nothing like that simple.

The reviews that many of us have spoken of are an obligation of ICANN. And this is an organization that's about accountability while the world is watching. We need to do the reviews. And to be sure that you know that's not about delay, I concur completely with Keith, that we should begin immediately while it is all fresh in our mind to document our actual experiences, both positive and negative, with all elements of the application evaluation and objection process -- remember all that? I know you are trying to forget. But that is a process by which we have a lot of lessons to be learned. And if we wait until the reviews are well underway, much of your thoughts would be missed.

Bret Fausett in the Generic Names Supporting Organization is running a discussion group. Contribute to that immediately with all the thoughts that you have. And other registries have done their own work on that.

And I also read that staff has recently begun its own analysis. It is called a look-back review on the efficiency, effectiveness, and fairness of processes that are in place; in other words, how does the machine really work.

And it is supposed to guide staff in designing the needed systems and making changes for supporting subsequent rounds. But hang on a minute. The outcome of this documentation that Bret's doing and the outcome of staff's review and analysis should first go to the Generic Names Supporting Organization for policy development before we turn that back into new guidebooks or turn it back into changes to the systems that ICANN runs. If we don't do it through that way, we end up with, well, another digital archery experiment that's not based on policy that came from the community.

BRAD WHITE:

I believe you had a comment. Let's take that before we take the Twitter query.

OLIVIER CREPIN-LEBLOND:

Thank you, Brad. It is Olivier speaking. J.

Just on the subject of timelines, it is interesting that we are immediately touching on this. Obviously, some would like a next round as soon as possible. Some would like to push it back. How soon is too soon? And how late is too late? It is one of these questions that we have to really ask ourselves.

One thing that we need to avoid, though, is to give expectations that we are going to have an early round and then delay it just like the first round did because at that point, you have organizations that will jump in very early on, small organizations, sometimes small applicants that will continue over the years trying to sustain their model, their business, and not have an actual product ultimately that they can launch.

And that really isn't fair on the applicants, and it is not fair on the community either because I think a lot of these applicants are small community applicants that have very small budgets to be able to go on for several number of years. So we really have to set when we will decide on a time in which the next program, the next round will start. We need to stick to it. And we shouldn't be in the position where the board has to vote under duress because of the huge amount of pressure that is on them to launch the program when really, if we look back at it now, there were so many holes in the applicant guidebook.

BRAD WHITE: You are basically saying it is better to go slow in the beginning, be careful, rather than launch and then have to stop.

OLIVIER CREPIN-LEBLOND: We just have to be clear about our communication and not set wrong expectations that will have an early round and then delay it.

BRAD WHITE: Thank you, Olivier.

We've got a Twitter comment or question?

REMOTE INTERVENTION: Brad, Anthony Niiganii has somehow managed to connect to not the WiFi but through some other means. So congratulations to him.

He asks: Is there any consideration to ensure the next round of gTLD applications include an accessibility standards component?

BRAD WHITE: Anybody?

HOLLY RAICHE: I think we're saying that's a very good point.

STEVE DeBIANCO: I would suggest it is a valuable aspiration and an interest that should be served. But don't assume that the organization that coordinates unique identifiers and labels is the place to handle accessibility. We're talking about the labels we use to access email and Web sites and the numbers behind those labels.

So it is a valid concern from the genius who figured out how to get onto Twitter in this room, but it isn't necessarily something ICANN should handle.

PATRIK FALTSTROM: To continue on the previous speaker, I think we need to separate the various standards organizations that are working with accessibility standards for various applications and standards protocols like W3C for the World Wide Web Consortium for the Web, et cetera, and the same for email clients and other kinds of things and the identifiers that we are dealing with here in ICANN.

Of course, the accessibility issues is a valid concern for ICANN itself and for our process as to make sure that everyone can participate. But that is still to be separated from the work we're doing with the identifiers.

BRAD WHITE: Evan?

EVAN LEIBOVITCH: But this in a way to me goes back to the whole issue about how community applications were dealt with. I think the community evaluation process really needs an overhaul both in the criteria and the way the criteria have been applied. Both need a real serious relook. And I think that in its resolution may help to address some of what Anthony's been asking.

BRAD WHITE: Let me pose this question to you. It is sort of a spin-off of what Evan just raised. What things -- and whoever wants to answer this can chime in. What sort of things were not on your radar? What sort of things have happened with this first round that you're kind of going, Wow, no one expected that one. We've really got to deal with this one?

STEVE DeIBIANCO: From the business community's perspective, we worked so hard to ensure that companies didn't have to apply for a TLD with their brand. In other words, we showed them that they didn't need to apply. They simply could invoke all these strong rights protection mechanisms to stop someone else from jumping on .IBM.

To me the big surprise was that so many brands decided to get in and launch their own top-level domain. Something like 4- or 500 will end up in the domain name space with brand TLDs. So to me, that's a larger

surprise. I remain interested to see what they'll do with these top-level domains with their own brand.

EVAN LEIBOVITCH:

Biggest surprise I saw was public interest commitments, that whole regime, the way it was applied, the way it seemed to be something that was bolted on rather than baked in from the beginning. There's been problems with it both in the mandatory, quote-unquote, PICs and the optional ones. There's a real problem. It lays a real, real shaky groundwork on which compliance is going to be able to enforce it. And so from my point of view, that whole thing of how the PICs were done, I think, was the single biggest unintended consequence of what happened.

BRAD WHITE:

Thank you. I believe we have a question or comment from the audience here.

LORI SCHULMAN:

Hello? Hi. My name is Lori Schulman. I'm a member of NPOC.

And to Steve's point about not polarizing the issue of whether to stop or go on gTLDs -- new gTLDs, I would be very curious to know from the business side of the house, although because I think I know the answer from ALAC and our side of the house, is what would the considerations be or would the business community be open to a limited launch where new programs were established in what we have now recognized as underserved and underdeveloped economies, regions, maybe even

certain business sectors like the non-profit sector? Could we see a limited launch where we launched in the public interest and see where we go from there?

STEVE DeBIANCO:

From the business community's point of view, early on -- and "early on" might mean seven years ago, the business constituency, part of this commercial stakeholders group, adopted a position that said ICANN should prioritize the community applicants underserved and in particular internationalized domain names. In other words, top-level domains that are in scripts other than Latin for the 2/3 -- for the 56% of the population that doesn't use Latin script as their alphabet. So we were completely on board with the idea of trying to come up with a targeted way of serving the communities that were underserved with current top-level domain space.

I still think that is a valid position. And, yet, in many respects, that ship has sailed. Here's why I suggest that. There are plenty of businesses that wish they had applied for a brand, communities that wish they had applied, the remedial round that Evan spoke of. There is so much pressure now that it will be difficult to confine a specialized new round when others will claim that they have just as legitimate a right to get into that round.

So I do think the reviews are necessary. We can do them as quickly as we can, but I don't see how it makes sense to do an immediate small round unless we can properly constrain that to communities in need.

BRAD WHITE: I believe we have a question over here.

KRISTINA ROSETTE: Thank you. Kristina Rosette, IPC but speaking in my personal capacity. I feel fairly strongly that the entire Module 3 of the applicant guidebook needs an overhaul. That covers objections and dispute resolution. And in my opinion, with the exception of the legal rights objection, which I think did exactly what it was supposed to do and the time it was supposed to do it at the cost it was supposed to do it, the rest of it, frankly, was just a disaster.

I don't think the community -- I know I certainly didn't anticipate the latitude and some of the frankly bizarre results that we would see from the panels' interpretation of the criteria for the various objections.

And with the disclosure that I was counsel for Patagonia, I think we really need to rethink the independent objector. And if we are going to keep it, we need to make sure that there is an opportunity for applicants against whom he has filed objections to be able to raise and have addressed the conflict of interest issue without having to spend \$200,000 to litigate an objection.

BRAD WHITE: Question, comment from anyone?

Let me ask you this. We're always walking a balance. There is a great deal of eagerness. As a point person for journalists, I get a lot of journalists constantly and forever asking me when is the next round going to start, when is the next round going to start.

Sort of spinning off what Olivier said, I take it there is pretty much unanimity on this panel that we need to do it slow, we need to be careful. But with so much interest, can you be too slow?

Michele?

MICHELE NEYLON:

I think somebody else kind of mentioned this already. It is not a question of speed. It is a question of expectations.

At the Paris meeting in 2008, the entire PR messaging and communications around the new TLD program was a total and utter disaster. ICANN sent out a very clear but completely incorrect message to get to companies and organizations worldwide saying, "Bring it on, submit your applications. It's go time. It is all going to happen now" when it was nowhere near ready to happen, when nothing was ready. Nothing was set up.

What we've seen in this first round is companies and organizations who would have had the funds to proceed and run successful TLDs, maybe not very big ones but successful ones, in their own right vanish. They took -- things took so long because expectations were set incorrectly from the get-go, that by the time the entire process had moved along at a snail-like pace, they had run out of money which is ridiculous.

I mean, we have seen one particular application that we're all familiar with that has managed to come back from the dead almost with the assistance of a larger commercial entity, and that's great. But, I mean, it is really quite saddening to see the energy that some of these people

and organizations poured into it vanish simply due to the expectations being set so badly.

So it is really a case of not saying let's do it in a year, two years, or three years. But setting milestones and communication around that, that is something that businesses and organizations can actually work to. I mean, ultimately ICANN's remit is meant to be security, stability. And I know there is a couple of other things in there. Sorry.

That should be what should be the focus, that it's stable, secure, and not just a question of let's do it next week.

BRAD WHITE: So what I'm hearing you say basically is, "Going slow, yeah, that's fine. What we really need is a time line that can be counted on."

MICHELE NEYLON: Yeah. I mean, and we all know how ICANN does that so well.

[Laughter]

BRAD WHITE: Steve?

STEVE DeBIANCO: Brad, you deal with reporters all the time and reporters want you to give them an answer because if you do, they get the scoop, they get the headline to say, "New TLDs, 2016, coming to a theater near you."

So just don't answer that.

Do what my wife did to me after we had our first child. I'm driving her home from the hospital with our baby in the backseat, and I said, "Honey, this was awesome, this was a great experience. When are we going to start working on number two?"

And she said, "When I'm good and ready and not a minute sooner." And that's got to be our answer. When we're ready, we'll do the next round.

BRAD WHITE:

That has been our answer for the most part.

Rob, I believe you've got something from the chatroom. A query of some sort.

ROB HOGGARTH:

Thank you, Brad. Compliments as to Benedetta Rossi and Carlos Reyes here who have found ways to stay connected without using the WiFi so thanks to them.

Tim Mackey says -- or asks this question: "Though we are talking about the next round, there are some important issues we need to address in the current round about public interests. As an example, why has ICANN ignored concerns from the public health community regarding the health-related domains, specifically with the new .HEALTH and .HEALTHCARE? This includes research published in The Lancet and other journals expressing serious concern about ICANN's processes in not meeting the interests of the broader global community.

Though the WHO, WMA, and others have sent letters to ICANN, they have been ignored. Why is this not on the ICANN agenda?"

And you may have folks answer that in the context of the next round as well. Thank you.

PETTER NETTLEFOLD: Thanks. From the governmental perspective, from the Governmental Advisory Committee's perspective, it still is on the agenda. We're still in an active dialogue with the NGPC about the GAC safeguards, and HEALTH and HEALTHCARE were identified in those safeguards. So this is an ongoing conversation, one that governments are particularly interested in and one that is ongoing with the board. It's one of many issues that I think are still playing out in the current round and that will need some very careful attention before we move to a future round, so I think it's a really good point.

BRAD WHITE: Petter, while you're talking, if you had to prioritize the GAC's concerns, what would be the top three concerns for this program?

PETTER NETTLEFOLD: From the current round?

BRAD WHITE: Uh-huh.

PETTER NETTLEFOLD: Very -- well, I can only speak for a single government so it's pretty difficult for me to prioritize, I guess.

But certainly from the GAC's agenda this time, we've already had discussions about the safeguards, so I think looking at the current round, the safeguards that were put in place, how they've been implemented.

And I think the balance between what the GAC sees as public policy advice it gave to the board and the way that those are implemented in practice has raised some questions, obviously, for the GAC, which we're still pursuing.

And as I mentioned, the GAC is also focusing on looking at some issues from this first round which we identified which we think should be focused on for future rounds, and that's geographic names. I think there's no surprise that that's on the GAC's agenda. I think the GAC's looking forward to some discussions with others in the community who have potentially different perspectives on that issue.

We've heard others speak of communication application processes. Again, that's one of the issues we're looking at in our working group. And the other which we've also heard people speak on is developing economy applicant support issues, so that cast of three issues have been identified as priorities or of high interest for looking to improve future rounds. And in terms of the current round, certainly like seeing -- continuing and finalizing this discussion about appropriate safeguards.

BRAD WHITE: Thanks, Petter. We have a question over here?

J. SCOTT ADAMS:

My name is J. Scott Adams and I'm from Adobe Systems. I was formerly in the leadership of the intellectual property constituency and I'm now a member of the business constituency and it's not really a question. It's just that I've heard several times today a characterization of what this panel has said that it translates into "slow." And I know how dealing with the press as often as I do, they like to take short snippets of a transcript and turn it into a headline.

That's not what I've heard. I haven't heard "slow" at all. What I've heard is "thoughtful," "smart," and "informed." And I think a lot of the groundwork has been done. We've -- we're building off of the groundwork that was done in the first round.

I don't hear "slow." I hear "smart."

And so if you walk away from this, press, and you put something in a headline, it should be "Panel asked for informed smart processes moving forward to the next round." Thanks.

[Applause]

OLIVIER CREPIN-LEBLOND:

And I would add realistic to that as well. We are sometimes not realistic about our time lines. We set the time line and then find out that the work is huge. Maybe we should first look at what work we have to do and then we set a realistic time line.

BRAD WHITE:

And I think we have a question over here.

AVRI DORIA:

Thank you. My name is Avri Doria. I'm a member of the NCSG but in this case I'm speaking in the context of someone that was a consultant for one of the community applicants. Specifically, .GAY.

When we were putting together the program, we talked about support of communities. We -- as was mentioned up there, we made the fact that we wanted communities to apply.

Instead, what we ended up doing, through the variety of the applicant guidebooks, was create a system that was actually punitive to communities.

And part of it is geared among this whole incredible paranoia we have formed of "someone will game the system," and we create all kinds of walls.

Now, this new "someone will game the system" has actually become the major game that people play.

Because anytime you want to stop something at ICANN, all you need to do is say, "Oh, but they'll game the system."

And so I'm really wondering is: How do we build a system that genuinely supports communities, genuinely supports developing economies, genuinely supports the small player, without constantly having to deal with the fact that the larger players will always whisper "But they're gaming the system."

BRAD WHITE: Thanks, Avri.

EVAN LEIBOVITCH: I think part of this goes to the issue of what another speaker said about, you know, Module 3 of the applicant guidebook needs to be revised.

I think if you look at the way that the .GAY community application was handled, the way the applicant support, they were done by the book. There wasn't anything in the process that was done incorrectly.

So we're arguing, I guess, that the process itself was bad.

And so one thing the community has to ask itself is to what extent it's willing to go back into the applicant guidebook and redo significant portions of that based on the experiences we've had.

Depending on who I talk to, either it's, "Well, the AG is sacrosanct and you can't touch it, we're just going to tweak it before we move on," or "It needs significant more work."

This is a conversation the community has to have because there are some parts of the AG that need a revisit, I think, before we go forward.

KEITH DRAZEK: Okay. Thank you. Keith Drazek.

Yeah, I'd just like to build on both of the comments from Avri and Evan to say that if there's a substantial change to the applicant guidebook,

that's likely going to be a policy change and not an implementation issue, and that means that a PDP will be required. A full-blown PDP.

If you're talking about an entire module of the applicant guidebook, that's going to take some time, and I think people need to be prepared for that.

I'm not going to sit here and say it should be only tweaks or it should be a complete redo because I don't think we have enough information, from where I sit, and I think speaking for the registries and the applicants today, I don't think we have enough information to make a decision there.

But we need to start that conversation. We need to start discussing it and getting the issues on the table so we can start the work that can be done now. Thanks.

BRAD WHITE: Thanks, Keith. Michele?

MICHELE NEYLON: Thanks. I mean, this entire thing around both the applicants and other members of the community, I mean, we've seen this coming up in relation to registrars in underserved regions.

I think that we have to get the balance right between removing unnecessary and kind of pointless barriers to entry and retaining stability and retaining a level playing field.

There has to -- it's not an easy thing to do and I don't think anybody is pretending that it is, but you can't have a situation arise whereby I, as a -- as a dirty filthy European registrar, go off and abuse a loophole within the system that is meant to benefit an entrepreneur from a developing economy. That is not what that kind of situation should allow for.

What we should be looking at is removing -- removing these unnecessary barriers and working with registrars, registries, and others, so that they -- they have equal access and that the entire system is on a level playing field, that we don't have lower technical barriers applied or lower any other kind of barriers, it's still level for all.

Because ultimately, the Internet is global. It doesn't respect national barriers. Which I know government finds rather frustrating but that's the reality.

BRAD WHITE:

Thank you. Michele.

Tijani?

TIJANI BEN JEMAA:

Thank you. Avri was absolutely right. I remember when we were working on the applicant support program, people told us that the system would be gamed, and we add very tough conditions to the program, and every time we add more conditions, more very strict conditions, so that the program wasn't gamed, but no one got support.

BRAD WHITE:

Thank you, Tijani.

I think what I'd like to do now, unless there's objections from the panel, is switch over to the second subject.

We've got about 30 minutes left. Everybody good with that?

So the second issue: The role of advisory committees in ICANN policy development; is the current SO/AC structure working.

Let's answer that question. Whoever is interested, I'd like to -- I'd like to hear some thoughts on that.

Is the current system, the way it's set up, working?

And let me define the current system loosely, if I can, very -- in an oversimplified fashion for the newcomers.

The supporting organizations of ICANN basically do the policy work. The advisory committees, as the name implies, advise, give opinions, if you will, on what the SOs are doing.

Is that current system working? Does it need to be modified?

Evan?

EVAN LEIBOVITCH:

Part of the problem, at least from the at-large point of view, is it seems like we're constantly playing Whac-a-Mole, running after things after they happen, giving advice after the fact, after things are done.

Now, thankfully things have been going in the right direction. You have cross-community working groups. When I started they were almost unheard of. Now there's an awful lot more of them.

If I had my way, there would be no such way as a cross-community working group; there would just be a working group with no limitations as to who set the charter, who got involved, and who, in fact, voted on the outcomes.

I'm seeing more of this. It's a very good step. There's still a lot needs to be done, specifically when it comes to things like getting GAC members involved at the beginning. There's an awful lot of problems that I've seen happen within ICANN. Everything from public interest commitments, as we've seen before, to other things -- IGOs, NGOs and so on -- that might have been addressed a whole lot more easily at the beginning of the policy development rather than tacked on afterwards.

So the challenge here is making sure that the ACs -- not just ALAC, not just GAC, all the ACs -- have an opportunity to get involved to whatever extent they want, not just afterwards, commenting and giving advice after the fact but getting involved in every stage of the development.

HEATHER DRYDEN:

Thank you. So as far as the challenges that exist within the Governmental Advisory Committee, I'm sympathetic to what Evan is saying in terms of trying to keep up. Like the ALAC, the GAC also has a wide remit, so potentially really quite a broad set of interests in relation to the topics that come under discussion at ICANN.

So we've really been struggling to keep up. And flowing from our earlier discussion on gTLDs, this really, really dominated the agenda for the GAC for really a number of years, along with the rest of the community, and it meant that it was very challenging to pay adequate attention to other matters, and so we always felt we were trying to -- to keep up.

And we're still really in that mode. We're trying to get back to looking at some country code-related issues, as well as some of those broader processes that are important in the bigger picture in order to contribute and be effective.

And so we're often accused of coming in late. Well, those accusations sometimes come from parts of the community that are initiating all this work, so that's an interesting situation for the GAC to find itself in.

But really, it needs to be the GAC and -- and I think our other colleagues in the community are recognizing this importance of being able to prioritize work and agree as a community on what we're going to do as a community.

And I think if there's going to be another gTLD program contemplated, then -- then there needs to be really agreement that, yes, now the community is going to focus on doing that and it's going to be very hard to really take on other big activities at the same time.

And when we're faced with this kind of workload, it limits the ability for the GAC to communicate about itself and explain itself. And though we now have really all of our meetings open, apart from when we finalize our negotiated document at the end of the face-to-face meetings we have here at ICANN, we're starting to have open forums and really look

at ways to explain ourselves and our working methods and so on. I'm not sure that the way governments work and the way the GAC works is really well understood, and so we are still met with requests to come and join working groups and so on, and again, that's very difficult for us in terms of how we're organized.

We're organized so that we meet as -- in plenary, you know, having our full membership there, in order to agree to outcomes, and so there is a bit of a difference in how we work relative to other parts of the community.

In terms of things that we're doing to try and engage a government perspective earlier in the process, we've been working very hard, through the leadership of Manal Ismail from Egypt working with the chair of the GNSO Council, Jonathan Robinson, to address communication issues as well as how to prioritize and how they can assist us and how we can assist ourselves, frankly, within the GAC in becoming engaged earlier on in those processes.

But this is still a very challenging thing to do and there's a lot of commitment, I think, to making that work, but it is very challenging.

So those are pressures that I see working on us, and I think other parts of the community as well, and we would really be doing ourselves a disservice to not acknowledge where there's need for improvement.

BRAD WHITE:

Heather, let me ask you a quick follow-up question and then we'll take Patrik's comment or question.

Because of the way governments function, which you mentioned, the fact that a GAC rep may have to talk to their respective ministry about something, that sort of system of going back and conferring and whatnot, that strikes me as a terribly difficult thing to overcome, that communication channeling that is so prevalent inside GAC.

What's the fix on that? Is there one?

HEATHER DRYDEN:

Well, it helps if we know in advance what's going to be discussed, what exactly we're meant to accomplish in a particular meeting, having those documents in advance, but also having analysis done of the work underway from a public policy perspective.

So a lot of the information we see is undifferentiated. There is a strong impulse to send links to each other and to send documents to each other, and -- and that's just like a wall of information to your average representative, who is usually very overworked and has, in some cases, major responsibilities in other related areas but not on this file specifically, so they're contending with that at home.

And because of the broad remit of the GAC and the kinds of issues that come up, it means that they have to go back and seek expertise from a variety of departments, not just their own department, and so to be a representative in the GAC, you actually need to be very skilled and have quite a good degree of expertise not only in how the unique identifiers work and what are the policy issues associated with their allocation, but also being able to connect that up to what you're doing at home, your national approaches, policy frameworks, and so on and so forth.

So all of that is going on at the national level, and if there is not adequate time to prepare, if they don't have adequate policy authority or support at home, then you can see that becomes very difficult.

At the same time, the GAC has grown enormously and GAC -- governments can usually come to consensus on just about anything, provided there's adequate time, and the consensus process is going to take longer because you have more representatives participating actively.

So those are some of the pressures.

BRAD WHITE:

Thanks, Heather. Let's hear from Rafik and then we'll go to you, Patrik.

PATRIK FALTSTROM:

So I just want to -- it was pretty easy to actually be after Heather because I wanted to point out that not only GAC had this issue of first being able to gather what the view is in the advisory committee as a whole before it actually can make a statement, it's the same thing with SSAC. So for us to participate by having individual SSAC members be also part of working groups or cross constituency working groups is according to the process that we are using, not the same thing as hearing what the actual SSAC advice is, which might be different. Of course, listening to individual SSAC members, including myself, might increase the chance, of course, that the SSAC advice is in line with whatever work it is doing. So we're all in favor of, like Rafik was saying earlier, to try to talk more with each other. That's sort of the first step.

So to answer the question, is the current structure working? We do believe it is. We need to work hard on trying to engage earlier. We need to do -- prioritize together and not in silos. And all of those things are things that all of us SO and AC people are talking with each other about. And we are trying to improve them. So yes, of course, there are various issues, and Heather mentioned some of them. We don't have to go through the long list that we have together, but I think if it is the case that we include the ability to adopt and fix those problems, I think the answer to your question is absolutely, yes. I do not see any reason to sort of start to do a major rework on the current situation.

BRAD WHITE:

Thanks, Patrick. Rafik?

RAFIK DAMMAK:

Thanks. So I -- I guess one of the issues, there are concern about there is kind of parallel process coming from the GAC. But I'm trying here to understand what can be done. So the GNSO, there was that group between GNSO and the GAC and trying maybe to have liaisons so you get -- it's kind of rewarding. However, from an experience I had when I was the co-chair of the working group and separate -- applicant separate from the developing country and one of the issue I saw that we got some members from the GAC to be in the working group but they -- they couldn't be involved with so actively. So what we can -- you know, in term of policing a lot of work is done through working groups so what can be done to get more GAC members to be active there, understanding and acknowledging that they cannot really represent the

GAC as a structure but probably maybe on their own behalf. I mean, that's more question to Heather, so what can be done.

BRAD WHITE: Thanks, Rafik. Keith?

KEITH DRAZEK: Thank you. Keith Drazek. So I think a direct answer to the question on the screen is, yes, I think the structure is working. But it can be made more efficient and more effective. And I think the questions about, you know, well, what is it that we need to do? And I think one is more effective prioritization of ICANN's work by the community. I think to the points that have been raised about having time and having the ability to understand what's going to be discussed and what the -- the urgent issues are, I think we as a community can do a better job of working together, whether it's at the leadership level or among our groups, to prioritize the work that matters to us all. We'll always have individual work streams that we'll need to address, but I think there needs to be better cooperation and communication among the community sectors or groups to identify what's -- what are the top priorities to all of us.

I think the -- I think the reference to -- that I think it was Evan made to the fact that there is more cross community interaction today than there was two years ago or three years ago and certainly five years ago, I think is a very positive thing and certainly a step in the right direction. So I think that there -- things are better now, I think, in the -- in this question or in this context than they were a few years ago. And I should note that over the last year the SO -- sorry, the supporting organization

advisory committee stakeholder group and constituency leaders have had regular monthly teleconferences with Fadi and his senior staff. And I think those interactions have been extremely valuable. I think they have helped us to in some way break down the silos or to have better communication, not just from the community with ICANN but actually among the community. So I think that all that's very positive. I think we're on the right track. More can be done, but, you know, we should thank Fadi for making the effort to invite the leaders together to have these regular sessions. And I think it's something we can build on. Thanks.

BRAD WHITE:

Thanks, Keith. Holly.

HOLLY RAICHE:

Thank you. First, I'd like to remind people what the Secretary Pritzker said this morning, to use citizens as part of the multistakeholder model. So I think that's us. And I'd also like to support what Evan had to say which is essentially we have to be part of the process from day one. We have to be writing the charter questions or helping to write the charter questions, helping in the debate, because it's too late when you've got a final report of 40, 50, 60 pages. Nobody wants to rewrite that. So we have to have the time and resources to do that and we have to make the commitment to do it ourselves.

The bad example I think was the new gTLDs, and there are plenty of examples we've talked about earlier about what went wrong. I think a good example, Patrik, is Patrik coming to talk to us to bring a draft

document saying what do you think? I'd like to applaud that. We had the opportunity to say great to see you and by the way, you've written for three audiences and used so many acronyms that we all know and love but nobody else will. It was a useful dialogue, and he's promised to continue to talk and so have we. I think there are some practical things about early participation. I think there are also some minor things, but they actually loom large for this community. Things like getting things as early because a lot of our members do not live in a place where it's easy to get a Visa to go somewhere and we have difficulty. Travel arrangements are also difficult for some people. And I have to say for the Asia-Pacific region, I'm really sick of having meetings at 1:00, 2:00, 3:00, and 4:00 in the morning. Can we rotate times, please? Thank you.

BRAD WHITE: Thanks, Holly. Steve.

STEVE DeBIANCO: Thanks. I can understand why we want to organize and categorize in order to accommodate all the stakeholders on this planet. It's a natural tendency. And that's driven us into a structure of ACs, advisory communities, and SOs, stakeholder organizations. But for the business community, it's actually completely inapplicable to designate the business community with the little three letters that are on the front of this name card, CSG. Does anybody know what that is? It means commercial stakeholders group. So one SO, the commercial stakeholders group, is supposed to be an organization representing diverse business interests, but it isn't an organization at all. It was merely a label we came up with four or five years ago in GNSO

restructuring. It was a label for the three existing business communities, the business constituency, looking out for registrants and users, the intellectual property constituency, looking to protect customers and brands from counterfeit goods and trademark infringement, and the Internet service providers and connectivity providers, your teleco and cable companies, delivering services resolving through most of your DNS services. So these are diverse interests. It's not likely that cable and teleco, an ISP, is going to view an ICANN policy question through the same lens as a business looking to make the Internet safe, reliable, and secure for our employees and customers. And that includes making sure that a user looking for Adobe software doesn't end up at a counterfeit software site or that an email from Wells Fargo doesn't end up at a phishing site. This is about protecting our customers, but we rarely see the world through exactly the same lens.

So I feel we have short-changed the multistakeholder model for trying to create labels for things that well, I guess those things go together, they're more alike, and creating a label where there is no organization and there is no presumed alignment of interests. There often is, but I think it's a mistake to try to box people into categories so that we can simplify our org chart because it doesn't simplify the problems that businesses face in dealing with the Internet today.

BRAD WHITE:

Thanks, Steve. I think we have a tweet.

REMOTE INTERVENTION: I'm sorry, Brad, I just couldn't resist, even though it's from someone in the room. The WiFi's finally working. Avri tweets, @Avri tweets, ICANN needs advice on human rights which are impacted by all policies. When will a human rights advisory committee be created?

BRAD WHITE: Let's broaden out that question a little bit. Let's deal with the whole issue of human rights. Are there serious concerns among any of the groups, any of the committees, SOs? Michele?

MICHELE NEYLON: I think this goes to several of the issues that I think ICANN hasn't really kind of dealt with, the human rights, privacy, surveillance, a lot of these things are topics that a lot of people within the community are very, very concerned about. As a European, I've run smack bang straight into the brick wall that was -- that was the ICANN structures in relation specifically to privacy. You know, this is a hot topic. It's one where, you know, the -- you know, getting that balance right is not easy. And I think the GAC are also conscious of this and they're -- they mentioned it in one of their sessions, I think it was yesterday. And I think whether ICANN should have a specific role that expands beyond its core remit or not is going to be the problem. And how do you address some of these issues without expanding it or giving the perception of expansion?

It was interesting in Fadi's speech this morning where he made -- tried to kind of draw that line between what ICANN can do and what ICANN shouldn't be doing. And I'm not 100% sure how we're going to do that.

BRAD WHITE:

It was interesting, Fadi, in preparation for this meeting, gave a couple of press interviews and a theme that came through on both, one was with Agence France-Presse and the other one was with Quartz which was published today, and in both cases Fadi made the point that ICANN has always got organizations and individuals coming at them trying to get them to do things beyond our remit. And he emphasized that part of the solution going forward is an ecosystem addressing those situations. The frustration I think he feels, I'm sure that we all feel sometimes, is it's not that the -- the criticisms, it's not that the requests for help are invalid. It's that they're coming to the -- to the wrong group, the wrong organization. I think we all pretty much feel that at one time or another.

EVAN LEIBOVITCH:

I think part of this also stems from the fact that ICANN has always had such a difficult time defining what it is to be in the public interest. This particular issue has sometimes been a real hot button, anytime you mention it. It's hard to even to get the point across because so many different people have a different vision of what public interest means.

In the light of that, bringing this in the focus of human rights, at very least in the minds of some, would codify this because we do have a document, we do have a U.N. declaration of -- universal declaration. It codifies some of the things that we have been calling public interest all along. And so I think what we're seeing now in the call for human rights, to a certain extent, is the failure to address some of the public interest issues. So because that's been so amorphous, so difficult to nail

down, at least dealing with it and calling it human rights, you could point to something that codifies it and sets the bounds for it.

BRAD WHITE: Rafik.

RAFIK DAMMAK: So just to react to your comment, I don't think it's about a remit or groups coming to ICANN to fix issues but the reality that when we are developing policy we need to assess their impact on human rights. So if there is an issue with the WHOIS with privacy, it's a reality that we need to take care about. And when you have data protection sending letters to ICANN, it's something with concerns. Not say we cannot every time say that is in our remit and that's the difference we take here, no. It's when we do policy we need to do assessment on the human rights. As a part of that assessment we do like about the economy and so on. Human rights is a part of that. And I think one of the suggestions from Avri to have in this an advisory committee is kind of maybe to follow what is happening with the SSAC which is doing about the security and the stability. So they are doing an assessment and giving an advice to the board and within the ICANN, so that can also be done for human rights.

BRAD WHITE: Heather.

HEATHER DRYDEN:

I just wanted to point to, I guess, kind of a -- a disconnect in terms of concepts of human rights and how well these -- these principles of international law and so on are really understood. And human rights really apply to governments and the responsibilities of governments to preserve those rights, including things like freedom of expression and so on. And ICANN is a private sector organization, and I think we need to acknowledge that, if we are going to have discussions in the community about human rights. And in some way I think that is one of the reasons why this -- this discussion is a bit challenging around that discussion, around that issue of human rights.

BRAD WHITE:

Patrik.

PATRIK FALTSTROM:

Yeah, I think -- I support Avri and the goal that she has. I'm trying to make sure that we're doing review based on some public interest or whatever it is. But as Heather is saying, we have to be careful about what we call this. Because as Heather says, human rights is something very specific that either prohibits governments and states to do something or it forces them to do certain things, like protect their citizens and the other way around. So it's a little bit unclear formally to know how human rights actually apply, for example, to private sector.

That said, I think the ultimate goal is to have review to see on how all of us are behaving, and the goal is that everyone should be able to use domain names for whatever domain names are supposed to be used for.

We in SSAC have started to look at why domain names actually are registered today, and quite a large number of domain names are registered are just registered to be able to commit something that could be treated and/or viewed as crime or denial of service attacks or otherwise attack the systems that we have and attack the Internet itself. So the question is, are those kind of registrations even things that we should try to in the various policies find mechanism of stopping. Like illegitimate -- call it like -- I don't want to use any sort of negative terms but anyways, is it the case of that registration is also something we should allow people to do, or should we try to restrict that kind of registration of domain names that actually lead to just sort of bad use.

BRAD WHITE:

I'm being told that we have about three minutes left. So we're obviously going to have more questions than we're going to have time for. I know we have two more comments here, but let's take this final question, if we could, just to get it on the record here. And we've got to have pretty much of a hard stop at noon since several of the folks have to be at a news conference.

THOMAS:

Thank you, my name is Thomas from business government and the GAC. I just wanted to quickly react to this discussion. I think this is a very timely debate, and to react to what Michele has said and also Heather and others. Of course, ICANN is not a human rights expert body, but when you issue contracts that companies also in a country that are bound by the national legislation which is human rights influenced have to sign up and then risk that they commit illegal action in their country

because they sign a contract that's coming from another jurisdiction, this is why it's important to deal with human rights or with international implementation of human rights in the beginning of the process, to make sure that you don't bring clients or businesses in a situation where they at the end of the chain are faced with situations which are also much more inefficient to tackle with at the end of the chain to ask for waivers and so on and so forth, to be able to follow your national law. So I think it is in the interest of all of us to make sure that international law, including human rights law, is followed from the beginning. Because otherwise, it's much more expensive and cumbersome to try and fix the system from the end of the chain. Thank you very much.

And there's a meeting, an open community meeting, on Wednesday on this issue during lunchtime from 1:15 to 2:45 in the Enrico, whatever it's called, room. So everybody is invited to join the discussion. Thank you.

BRAD WHITE:

Thank you very much. Heather has a quick comment, then we're going to bring this to a close. But we want the conversation to keep going. Keep the tweets going. Again, they're going to be part of the record. Keep talking in the chat room. It's all going to be part of the record. We want the conversation to keep going, even though it may end in this room. Heather.

HEATHER DRYDEN:

In the current round of the gTLD program, as many here will know, the GAC was given a very particular operational role as part of the program. So delivering on a piece of the program by giving advice on controversial

and sensitive top-level domains. And so since human rights concepts like freedom of expression and so on are a part of the set of human rights, then I wonder whether really the emphasis is on the GAC and whether the advice and the decisions taken by the GAC as part of the program are consistent with their human rights responsibilities rather than focusing so much on -- only on decisions taken by ICANN as an organization.

BRAD WHITE:

Holly, for a quick comment, Steve for an even quicker comment, then we're closing it.

HOLLY RAICHE:

It's actually just a correction. I think I should have said instead of an SSAC document it was ICANN security, and if I implied that it was anything other than useful because it was very useful. Thank you, Patrik.

STEVE DeBIANCO:

Great. Thank you. It's a timely thread that we're talking about this public interest because the CEO just announced two hours ago a new strategic objective, quote, to develop and implement a global public interest framework bounded by ICANN's mission, and ICANN's mission is coordinate global identifiers. The business community for years has suggested a very simple beginning or starting point for that discussion. And that would be that ICANN's public interest, the global public interest within the ICANN remit, is the availability and integrity of registrations and resolutions. Because registrations and resolutions are

all that ICANN is coordinating labels and identifiers to do. And availability means making sure that you can get labels in any language, in any script, 24/7, 365 in any part of the world. That's availability. Availability of resolutions, the same way. What about integrity? Integrity would be that a registrant is actually legal entitled to have that domain name. And integrity of resolutions is to be sure that when I click on an email address or a Web site that it actually goes to the place it was supposed to go. So our global public interest is serving the availability and integrity of registrations and resolutions. Anything we do beyond that has to be done carefully because it is really beyond our remit. It might still be worth doing, but let's go in with both eyes open and do it carefully.

BRAD WHITE:

Thank you. Let's thank these folks. I think it's great to hear all these groups coming together.

[Applause]

Again, please keep the conversation going. Give us your thoughts, what worked here, what didn't. We'd like to know whether to keep doing this in the future. I think it's a healthy session, but we want to hear what you think. Thank you very much.

(Meeting adjourned.)

[END OF TRANSCRIPT]