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LOS ANGELES – CS ICANN - Enhancing civil society - NGO participation in ICANN
Saturday, October 11, 2014 – 16:30 to 19:30
ICANN – Los Angeles, USA

UNIDENTIFIED MALE:

We thought that doing a pre-meeting session where we try to newcomer NGOs, people whose first ICANN meeting is maybe or who might have come to a couple of meetings but who are still fairly new to ICANN and give you a chance to meet some of the key constituents of the civil society grouping in ICANN and hear a bit more about why it's relevant to civil society to be in ICANN, a little bit more about what we do in ICANN frankly, and how civil society gets involved.

What are the key topics of interest in particular to civil society that are being dealt with in ICANN and just generally how you can be impactful during ICANN meetings. And then also just generally have a chance to meet and greet with the various people who are already involved in civil society work in ICANN. The long-term idea is both to grow the numbers of NGOs and end users who are involved in ICANN meetings but also frankly increase the impact that civil society and end users have in ICANN.

Just a quick heads up on how we see the agenda for this session. Obviously, it's going to be very informal. That's the good thing about being not many of us. We have this meeting recorded, so we will have a transcript produced if you want to have a look at the notes. We're also being streamed, and we have at least one person participating remotely.

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

In terms of the agenda, we will do just a few minutes fairly briefly to give you a quick idea of how ICANN works in terms of its structures, where civil society fits within the structures of ICANN. Then I will be a happy spectator in a way and pass on to a few colleagues around the table who are existing key people in the civil society constituencies in ICANN to give us a bit more flavor and tackle three or four key areas of interest to NGOs and civil society to give you a flavor for what we do here.

We've got a few slides, but not too many. Before we start actually, just so you know and you don't worry too much about taking too many notes about the structure of ICANN, for those who are new to ICANN there is a newcomers session day. Sorry?

[BILL DRAKE]: I don't think there's anybody new.

UNIDENTIFIED MALE: Okay. Well, actually, I think, [Flavia], you said it's your first meeting. In any case, I think for people who are new or people who are new in the sense of having done only two or three ICANN meetings, tomorrow from 10:00 onwards there's the newcomers sessions which basically gives you a great overview of how ICANN works. From the structures, how the Board works, how it's appointed, how IANA works, the transition of IANA, the wider Internet governance ecosystem – really and in-depth lecture if you will on how ICANN works. I find it still very useful myself going there. If some of you are interested, that's obviously a completely open meeting tomorrow and also a good chance to meet

dozens of new people to ICANN from civil society, from business, from the technical community and learn in-depth about how it works. All that to say we'll do a very quick overview right now.

We'll start with that. Maybe just have a look at the slides. Do you want to do those [inaudible]?

BILL DRAKE: Why don't we – because this really is going to require a lot of [inaudible]. I'm sorry. I should turn my mic on. I'm Bill Drake. Hello, everybody who doesn't know me. I'm the chair of NCUC. Next to me is Rafik Dammak, who is the chair of NCSG. We don't have the chair of NPOC here. He's in the GNSO.

UNIDENTIFIED MALE: But we have Lori.

LORI SCHULMAN: You have the vice chair.

BILL DRAKE: We have the vice chair, Lori.

LORI SCHULMAN: Lori Schulman, yeah.

BILL DRAKE: Lori Schulman is with us as the vice chair. Just a brief word by way of background. Jean-Jacques approached me in São Paolo during the NETmundial and said, "Staff would like to help doing outreach stuff, and would you, NCUC, like to try and start something?" We had our first meeting in London, and it was kind of just thrown together but we want to open it up and make it broader. I think going forward this will be done as a NCUC/NCSG/NPOC all together; it's for everybody.

The last meeting we had in London, we got about 50-60 people in the room. We had a lot of people who were new to ICANN, had never been to an ICANN meeting. In that context, it was really about explaining to them some fundamentals of what ICANN is and how civil society fits into it and so on.

Here we're a smaller group, but it seems to me that almost everybody here is already involved in ICANN. Probably we don't need to spend a lot of time on the basics or things like that, and we can just move fairly quickly to substantive discussion.

UNIDENTIFIED MALE: But there are still people like me who are still fairly new to ICANN, and I'm just wondering if we can very quickly go through this and explain what the acronyms stand for?

BILL DRAKE: Oh, yeah. No, I intended to do that.

UNIDENTIFIED MALE:	Sorry.

BILL DRAKE:	Anyway, look, is there anybody here for whom this is their first ICANN meeting? Okay, good. Should we introduce ourselves? We're a small group. Why don't we just go around the table? Just introduce yourself and say what organization you're with.

ALEXANDRA DANS:	I am the head of comms for Latin America and the Caribbean for ICANN. I am in the Engagement Center in Montevideo, Uruguay.

BILL DRAKE:	Great. Name first.

GLENN MCKNIGHT:	Hi, everybody. My name is Glenn McKnight and I'm the incoming ALAC member, but I've been the NARALO secretariat. I've been involved with NGOs since going to WSIS in 2004 with a focus on open source and [Linux] certification. We have been involved with IEEE on focus on open source and open hardware. Lastly, I'm one of the rejuvenators of the Internet Society of Canada.

BILL DRAKE:	Fantastic. Thanks.

JOAN KERR: Joan Kerr. I run actually an NGO. I just want to say that in 2003, I created a civil society project that won the U.N. award in 2004 for creativity and content. I'm really interested to see how you're going to engage the public.

BILL DRAKE: Fantastic. And you've been to ICANN meetings before?

JOAN KERR: Yes, I have.

BILL DRAKE: Okay, fabulous.

JOE CATAPANO: HI, I'm Joe Catapano and I am with ICANN, but this is my first ICANN meeting. I am a coordinator for global stakeholder engagement in the North America region, and I focus on the civil society, academic, and technical communities.

ADEBUNMI AKINBO: My name is Adebunmi Akinbo. It's not my first time, though I'm a strange newcomer. I started from my school years with something called the Telecoms and Internet Subscribers Forum. I was a more futuristic about it, and we ended up having something called the Nigerian Internet Registration Association. That is the dotNG ccTLD. Fortunately, I am the youngest executive director with the dotNG, the

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ccTLD of my country. I'm an ISOC member. Like I said, I'm an ICANNer. I know most about the abbreviations. We actually need a dictionary for that. I'm also with what you call the DNS Africa magazine. I think that should be [inaudible].

BILL DRAKE: Fantastic. Thank you.

SAM LANFRANCO: I'm Sam Lanfranco. I'm with NPOC. I'm the policy committee chair there. I'm with ISOC Canada. I'm the public policy chair there. I'm an economist. I've been involved in ICT for development since I got my UNIX e-mail account in 1978. I've been around for a while.

LORI SCHULMAN: My name is Lori Schulman. I am vice chair for NPOC. I am unusual in that I am a nonprofit IP lawyer, which in ICANN people don't even understand how that can exist. I've spent the better part of my career educating and working within the nonprofit community to emphasize the importance of intellectual property rights to advance missions. It's important to protect name, reputation, assets in order to make them useful and reliable for as many as possible in civil society.

I've always believed there has been a place for IP rights and civil society to meet, and now I'm extending that and I have extended that passion into Internet governance because I think the same rules apply, in a sense, or the same ideas. People don't understand how civil society fits into this whole idea of registries and registrars and governance and

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gTLDs. There is a place and there is an interest, and it's important that we create ways of communicating that we can attract as many members as possible. I want to say, I've done it in other fora for IP. This is new for me in IG.

BILL DRAKE: That's good.

HANANE BOUJEMI: I manage a program on Internet governance for the Middle East. I've been working for the last ten years on engagement and building capacity of civil society stakeholders in the Middle East to be involved more in the policy dialogue locally, regionally, and globally. I'm here because I'm trying to find synergies between the work that ICANN is doing and how we can feed into the work to reflect more in the Middle East and we have more engagement in the region I'm interested in.

BILL DRAKE: Hivos?

HANANE BOUJEMI: Yes, Hivos. Hivos is a Dutch international organization. The headquarters are in The Hague. We have 12 offices all around the world like in Africa, Latin America, and the Far East.

BILL DRAKE: Thank you.

RAFIK DAMMAK: Yes. Okay, hello. I am the chair of [inaudible]

UNIDENTIFIED MALE: …the GigaNet and the [inaudible] schools of Internet governance and just like all the stuff that has grown up around this space, I'm there somehow.

RAFIK DAMMAK: And he has a full-time job as well.

BILL DRAKE: Yeah.

[JEAN-JACQUES SAHEL]:   [Jean-Jacques Sahel]. Yeah, I work at ICANN.

WINNIE YU: Winnie Yu, ICANN.

MARILIA MACIEL: Hello, my name is Marilia Maciel. I am member of NCUC. I have been in NCSG policy committee, and from this meeting onwards for a year I'll be in GNSO council representing NCSG. I am a coordinator and researcher in the Center for Technology and Society of the Getulio Vargas Foundation in Brazil. The center is devoted to three main areas of

research. The first one is intellectual property, the second one is democracy, and the third one where I'm basically located as a researcher is Internet governance and human rights. Thank you.

MATTHEW SHEARS: Hi, I'm Matthew Shears with the Center for Democracy and Technology. We're not members of ICANN.

UNIDENTIFIED MALE: There are no members in ICANN.

MATTHEW SHEARS: But I'm delighted to be here and to be participating in this event.

NIELS TEN OEVER: I'm Niels Ten Oever and I'm head of digital at Article 19. I seem to be one of the UNIX/Linux guys that forgot to use UNIX/Linux and then went to the policy area. [What are we doing here?] With Article 19, we're focusing on freedom of expression, the right to information and protection. That's exactly what I'm trying to do here from within the NCUC and the NCSG.

FLAVIO WAGNER: Hi, my name is Flavio Wagner. I am professor for computer science in a university in Brazil. I am a member of the Board of the Brazilian Internet Steering Committee representing academia. At NETmundial, I was a

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member of the executive multi-stakeholder committee. [I'm also a member of NCUC.]

FLAVIA LEFEVRE: I'm Flavia Lefevre. I have just been elected to the Brazilian Internet Steering Committee as a representative of civil society. I had been involved in consumer advocacy with focus in telecommunication. Now the issues here are very important to my work.

UNIDENTIFIED MALE: Thank you, Flavia. We've got a couple more people.

UNIDENTIFIED MALE: A couple more people have come in.

UNIDENTIFIED MALE: Yeah, please come around the table.

UNIDENTIFIED MALE: Charles, join us at the table, please. We're a small group.

YANNIS LI: Hi, everyone. This is Yannis with NetMission. Actually we are a member under the ALAC APRALO. Our mission is actually to get more [youth] specific. I mean, not just the civil society but [youth] specific to our engage in the Internet governance discussion. That's mainly what we do, so we're trying to get more [youth] in the ICANN fora.

UNIDENTIFIED MALE: Great. Thank you. Ephraim, please.

EPHRAIM PERCY KENYANITO: Hi, I'm Ephraim from Kenya, and I work with Access, a digital human rights organization. As Yannis said, very [passionate] about [youth]. Good to be here. Thank you.

BILL DRAKE: Okay, and the Brazilian folks who have joined us.

CARLOS ALFONSO: Is to present myself?

BILL DRAKE: Yes.

CARLOS ALFONSO: I just arrived. Sorry. I am Carlos Alfonso. I am a member of the Brazilian Internet Steering Committee. I'm one of the representatives of civil society organizations. By the way, all the representatives of civil society organizations in the Board of CGI.br are here at ICANN. It's for the first time, I think, all the four come to ICANN. They are not all here, but we have three of them here. I also collaborate with a small research institute in Rio called Instituto NUPEF. I am still the chairperson of the Brazilian chapter of the Internet Society.

DIEGO CANABARRO: My name is Diego Canabarro and I work as an advisor for the executive secretariat at CGI.br, the Internet steering committee in Brazil.

THIAGO TAVARES: Good afternoon, everyone. I am Thiago Tavares. I am also from the Brazilian Internet Steering Committee. I'm one of the four civil society representatives at the [inaudible] Board.

UNIDENTIFIED MALE: And, Stephanie, I think you should just want to introduce yourself.

STEPHANIE PERRIN: Hi, my name is Stephanie Perrin. I've been a member of NCUC for about a year, I guess, and I am one of the incoming GNSO councilors. I work on privacy issues. I was a member of the Expert Working Group on the new WHOIS gTLD directory services. Thanks.

UNIDENTIFIED MALE: Thank you all very much. I'm delighted to have you all. Actually delighted also that we have good representation from around the world. There are not many of us, but at least there are many continents represented.

In terms of agenda, as I have said, we're going to go fairly quickly through a couple of slides just to recap on the structure and how civil society fits within the work of ICANN and then move on to talk about

concrete stuff, examples of key topics of relevance to civil society and how they are being discussed and handled within the ICANN work.

I think we're looking to have a discussion for another hour or so. Then we have drinks, so we can just network and just meet and greet generally.

I'd say in terms of objectives for this session, we want to greet people who are still very new to ICANN – give them a bit more of a flavor – but also we want to learn a bit more about how we can communicate better with civil society, both people or civil society that exists within ICANN but also civil society outside.

One of the takeaway things I want today, your homework if you will, is that we've started engaging civil society in particular within the context of ICANN meetings themselves like today or like the London meeting. What we'd like to do going forwards is engage in country, in the regions ahead of ICANN meetings. We want to go to civil society, tell them about ICANN and how it works, how they can get involved so that they then come to the next ICANN meetings and they're ready and active. That will be the homework for you after this.

Please let us know how we can work with you in Asia/Pac, in Latin America, and Europe, etc., to reach out to other NGOs, other representatives of end users and build capacity, bring more people into ICANN from this community.

With that, I will pass on to Bill, I think, for [inaudible] Rafik maybe?

BILL DRAKE:	Actually since Rafik is the chair of the NCSG which coordinates the differing constituencies and so on, we thought just briefly he could explain where we are in the GNSO part of ICANN. Since most people here already know this, we can be fairly brief about it but we wanted to put it on the table.
UNIDENTIFIED FEMALE:	[inaudible]
BILL DRAKE:	Huh?
RAFIK DAMMAK:	NomCom appointee. We have these slides just about the GNSO structure. It's described in the GNSO Council. We have what we call two houses: the contracted parties and the non-contracted parties. The contracted parties are those who have contracts with ICANN like the registries and the registrars.
	On the other side you have the non-contracted parties, which is split between the commercial stakeholder group and the non-commercial stakeholder group. The non-commercial stakeholder group we have also two constituencies: the non-commercial user constituency and the not-for-profit operational concerns.
	We are then in that part. We are the non-commercial representing civil society, the GNSO, which is the policy body for making policy for generic top-level domain. Just to clarify, we also have those councilor appointed

from the NomCom, which there are three appointed by the NomCom: one in the contracted party, one in the non-contracted party, and there is what some people call the "homeless" NomCom appointee because he also is not a voting councilor.

BILL DRAKE: Oh, no. That was not the intended effect of that. That's interesting.

RAFIK DAMMAK: What did you do?

BILL DRAKE: I made a mistake. Alright, so how do I get back to full screen? I don't know what the hell is going on here. Help. Aha, thank you. Is that the full screen presenter [inaudible]? Carlos is with us remotely. Hopefully, he'll see what we're doing. There are only like four slides, and the slides are really not that important. Hey, Larry.

LARRY MARTINEZ: Hey, Bill.

BILL DRAKE: Why don't you introduce yourself while we're trying to get this organized?

LARRY MARTINEZ: I'm Larry Martinez.

BILL DRAKE: Good to have you here. Okay, well, we're struggling with the slide set up. Just very quickly, sitting around during the GNSO meeting I slapped together some quick slides just to show, from what I was able to get ahold of, a little bit of information on the expectation we would have some people who weren't already in ICANN. But since we mostly have ICANN people here, there's not much need to spend too much time on this.

Basically as Rafik said, there are two constituency groups that work together within the non-commercial stakeholder group. The URLs for each of the groups are up there. The background for people who are relatively new is that NCUC was the representative for civil society within the GNSO for many years. Then we had a restructuring of the GNSO that went into effect, what? In 2011? Where they moved to…

UNIDENTIFIED MALE: 2009.

BILL DRAKE: 2009, where they went to this new house structure that Rafik just showed. Then in that context then, NCUC became a part of this new structure, the NCSG. Then NPOC was created and joined us. I just tried to grab information off the website there. I don't have the exact number of members. In any event, the point is simply to say that we are all working together in the context of the NCSG on participating in

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ICANN – am I going to screw up if I do something here? – in the followings kinds of ways.

What do we do in the GNSO? We participate in the policy development process for generic top-level domains via GNSO Council work and working groups. We are unlike in other Internet governance environments where civil society is providing input and then governments are taking decisions and things like that. We are directly involved in the policymaking process, which is a very unique and cherished thing even though it makes us crazy sometimes.

We adopt policy statement [compositions] on a wide variety of issues, file comments in the public comment periods that inform Board decisions on a variety of different policies, engage in advocacy and lobbying within the GNSO and within ICANN more generally. We organize policy conferences and workshops that explore different issues of interest both to the narrow world of the GNSO policy environment and the larger Internet government environment of which ICANN is a part. We conduct outreach to support ICANN's globalization and inclusion of civil society voices. That's some very basic kinds of things that we all engage in.

Some of the kinds of issues that civil society participants in the GNSO have worked on in particular in recent years are these. We thought we could just maybe have a little conversation to emphasize what has been going on in the GNSO of relevance to civil society actors that's important. How do we participate in those processes? What kind of impact have we together been able to have on those processes? And

hopefully try to build from there to broadening engagement around them.

The idea that we thought we would pursue was to have a few different members make a few comments to boot us up and have a little brief conversation on each of these. Then we can discuss in an integrative way anything else that we want to do. If anybody would like to add an issue – Lori, would you like to, for example, add to this the point that you were just making about trademark stuff and so on? I didn't know you were going to be here, so I didn't…

UNIDENTIFIED MALE: [inaudible] maybe just the DNS.

LORI SCHULMAN: Right, the DNS. I mean, there are issues that I think we all agree are global whether you're a human or an organization – organizations are comprised of humans – but there are overarching human rights and freedom of expression issues that cross all borders, created or otherwise, within constituencies and beyond.

But then there are some very practical matters and approaches that nonprofit organizations specifically are interested in and have issue with – very legitimate ones. For instance, what happens…

BILL DRAKE: Okay, so the answer is yes, you would like to talk.

LORI SCHULMAN: Yes. Oh, I'm sorry.

BILL DRAKE: That's alright. So we will do that.

LORI SCHULMAN: Yes.

UNIDENTIFIED MALE: Let me just [inaudible] because I'm not going to talk on this. It's others who are going to talk on this. I'm going to listen happily. I just wanted to make a quick point before we go into this which is that from the creation of ICANN in 1998, there was this thought that the Internet had been at least up to then largely user-driven and that we should continue to have within the governance structures of the Internet domain name system the voice of users, the voice of civil society, actually involved in decision making and policy making.

This is why we're here today, and this is why we continue as we evolve, as ICANN grows up, we have this multi-stakeholder model which some people don't really understand. It's always an evolution, and it's not perfect. But if there is one thing that I like about a multi-stakeholder model is precisely that. We can have user voices, your voices, here and that we bring to bear other perspectives on the work that we do around the domain name structure.

Here are a few illustrations. We will have Lori, I think, talking around the issue of what is important on day-to-day basis in a way for NGOs in relation to domain names, in relation to very basic things such as registering the domain names and renewing the domain name as having a strong web presence.

I will stop here, and I think we'll have a couple of people intervening on each of the topics to give a flavor to everyone of how these issues are being handled in the context of ICANN's domain name systems focus.

What I would just say as well is please do not hesitate to stop us, to ask questions in the meantime or make comments. I think that's the idea. There are luckily not so many of us. It means we can actually have a dialogue. So I'll stop here, and I'll listen now. Who's going to start talking about human rights generally? Rafik, our chair. Thank you.

RAFIK DAMMAK: [inaudible]

BILL DRAKE: I asked you, but did you ever read the e-mail from me?

RAFIK DAMMAK: Yeah, yeah.

BILL DRAKE: Would you like me to do it?

RAFIK DAMMAK: No. I meant I will start with [inaudible].

BILL DRAKE: Start with whatever you want.

RAFIK DAMMAK: Okay. Yes, just to talk I think in a more specific way in how we handle human rights issues. As we said, we discuss about a policy regarding gTLD. One of the main points that we had to [find] within GNSO Council is to include the human rights aspect.

For example, for any policy that is to be made for gTLD, we wanted a human rights impact assessment to be done. We fought for that. It's not that easy to include because there is a big problem within ICANN, I think in particular for the business side, that they don't really get the point why do we need to talk about human rights because they say it's not within the remit of ICANN. This one for NCSG and the council is we really want to include that aspect.

I think now maybe we are moving in more environment we can discuss about those issues. For example, with the Council of Europe report we just tried to cover several aspects regarding ICANN policy. Like for example the way how maybe some members from the governmental advisory committee tried to push for more regulation and control through those new gTLDs. I think there is a move here about the human rights aspect.

Also I think it's not just about freedom of expression. I'm not expert on that. Basically it's really not just to talk about human rights in the abstract but to try to make that point in a practical way when we are doing policy. Whatever there is policy, we want to assess what is its impact for users in general about their rights.

For example, let's take the WHOIS case, which is the information you register when you buy a domain name. If you are an activist or you are living under an authoritarian regime, you don't want your information to be displayed in public and then to be threatened for whatever you are putting online. This is really about defending the freedom of expression, freedom of association. When there is a push for a policy to make all registrant data public and accessible for a wide range of entities, that [rise] a question about we need to how protect those rights in such case.

BILL DRAKE: If I can just add real briefly, when I was in the GNSO Council some years ago, we had as one of our councilors a woman named Joy Liddicoat, who is the human rights organizer for APC, the Association for Progressive Communications, which is one of the largest civil society actors in the ICT space. Joy was very active in trying to bring human rights as a broad concern to the GNSO discussion. As Rafik says, our colleagues from the private sector were really puzzled, like what does this have to do with any of the work that we're engaged in?

The challenge is really then to try to make the connections and show. ICANN is not going to become a human rights negotiation policy-setting

forum, but its actions should be broadly conformant with internationally recognized human rights. Trying to get that understood and so on has been a struggle, and it's something we've been involved in for a while.

I just wanted to point out because it's not yet on the agenda, this shows what the struggle is like. There will be a meeting on Wednesday from 12:15 to 1:45 in a room to be determined still on human rights and ICANN. This is being organized by some government people – the Swiss government, the British government, the Council of Europe which is a human rights international organization which is an observer of the GAC, and civil society people – to try to begin a cross-community discussion about human rights.

We've had a very difficult time getting a room secured and even getting the thing announced on the program so most people don't know about it, which is rather unfortunate. But I would greatly encourage you noontime just check the agenda, the schedule, for an update. Hopefully, they will eventually choose to put it on there. We will be having a meeting to talk about this initiative that we're engaged in with the Council of Europe and others.

That was just to establish the broad point about human rights as a focus of some of our activities. Then we'll talk more about some specific issues – there are other people with expertise about them – after that.

Should we stick to the human rights bit and then come back to development maybe or do you want to…?

RAFIK DAMMAK: I think it's development as well because I think human rights…

BILL DRAKE: Okay, there's a right to development recognized by the United Nations. Let's talk about development too.

RAFIK DAMMAK: Yes, I said it's an economic human rights. Since we are still talking about gTLD and in particular, the [problem] of a new gTLD, from the time I think it was in the Nairobi meeting in 2010, in the council we heard the issue about why, for example, an applicant from developing countries we need to pay around $180,000 to apply for new gTLD and also that the question it was not clear because the whole Applicant Guidebook – which is a document which explains the whole process, how to apply, what you need and all the requirements – represent a barrier for many applicants coming from developing countries.

For [inaudible] at that time, we had to ask that harsh question why this program is making a lot of barriers for those not incumbent, not registries or those coming from North America and Europe. Doing that advocacy, we could get the Board and also the GNSO and the ALAC at the time that we create the cross-community working group to work on the recommendation and what can be done to support applicants from developing countries to apply for a new gTLD. It was one I think [inaudible] cross-community working group at that time.

We faced a lot of resistance, in particular from incumbents, because they don't get the point why if you don't have enough money why you

want to apply for a new gTLD. Our argument is not just about you are coming from developing countries but also you can be a not-for-profit and the program should not be designed to prevent you from applying and having your own TLD that can support the community from developing countries or really having its development purpose.

As a working group, we could deliver in that time a report with several recommendations to the ICANN Board. I was co-chairing the working group with Carlton Samuels from the ALAC. We had really to fight. That's the reality. We had really to fight within ICANN to discuss a lot with the Board and to defending those recommendations. We could get some of them implemented.

Unfortunately, because the process, it was quite late for the implementation because the announcement and launching the program started, I think, in January 2011 and ICANN didn't really roll out any real outreach program within developing countries, so we couldn't get enough applicants from developing countries. The fight is still ongoing because we hope that we get much more done for future rounds for new gTLD.

Also, one of the ideas that was discussed in that working group is, for example, to have an ICANN foundation to manage the excess of funding coming from the New gTLD Program. For example, to support non-for-profit applicants from developing countries. Also, coming with ideas like, for example, having regional registries. Like in Africa, you can share the infrastructure. It makes it more affordable for registries from the region to apply without having to spend much more money on infrastructure and so on.

BILL DRAKE: Thanks, Rafik. Glenn, are you raising your hand? Do you want to say something, or are you just saying hello to Dr. Konstantinos Komaitis has joined us from the Internet Society.

Like human rights, getting development, which is something that civil society groups around the world would be very concerned about in other Internet governance context, onto the agenda and getting people in the ICANN environment to see the linkages between development as an overarching objective in the particular policies that they work on has been a real challenge. But it's something where we need to do more intellectual work to develop the arguments and so on.

Should we have a little discussion about those two topics, or shall we go on and go through the others and then come back and have an integrated discussion?

RAFIK DAMMAK: It would be useful to maybe take stock, see any initial questions.

BILL DRAKE: Let's take stock. Sam, would you like to say something?

SAM LANFRANCO: Sure. Okay, I just want to make one point on the last thing that you said and that's that with respect to development where a milestone in the global understanding of development is the Millennium Development

Goals decade finished next year, 2015. For better or worse, they're fabricating the new set of goals, and the terminology is going to be sustainable development goals. So I think that as we do this, we have to remain aware of how the language is changing, how the context is changing. Sadly, many of the practices will not change, but that's another issue.

BILL DRAKE: There are remote participants. Maybe we should say our names before we speak.

HANANE BOUJEMI: Okay, yes. My name is Hanane Boujemi, and I have a question to Rafik or anybody from the panel on when you actually obstruct some of the policies, for example, for the New gTLD Program, to say that it's quite expensive for members from developing countries to afford it, what alternative do you present? Because I don't think ICANN is expecting to be a charity organization and just give away those new gTLDs for free.

RAFIK DAMMAK: Yes, nobody said it's charity even if it's not-for-profit. But in that time, we are at the question about all this requirement regarding the New gTLD Program, why they are set like that, so we needed explanation. And when we set the working group to get people to volunteer to think about this issue and to come with a proposal, one of the questions we asked is, "We need to understand why all this cost because it's supposed to cover any expenses of this program." So to understand,

and we find out that we can get somehow to lower the level. And at the end, the Board agreed that it can support to have a fund to support for the fees.

But anyway, even when we discussed in the working group, it's not just about the fees because if you read the applicant guidebook, more than 300 pages written in legal language, it's already represented by if you're a non-native speaker and non-lawyer. For example, we try to work to get many in-kind support, and many organizations said that they will help. Also, if you want to [build a history], you need to have the back-end service provider, so some organizations we can have for that. Also we come as a working group as an idea that if we have many applicants, they can share the infrastructure and then they will reduce the cost and so on.

So there were many ways to get in-kind support to get the idea we said of regional service provider to lower the fees. And for the applicant, if they apply and they get approved, they don't need to pay the fees. So there are many ways. We still are working to see what can be done in that way that will be more inclusive.

But also, you need to do the outreach. In that time, 2011/2010, most outreach was done in United States and Europe. And Africa, I think, there were maybe two or three events. So it's hardly that you could get many people to apply if you just tell them, and they don't know and the [inaudible]…

UNIDENTIFIED FEMALE: [inaudible] that market is already in there from that decision. Everything is done in North America. This hinders even the future opportunities in the economic development of Africa, because that just completely excludes them from the very beginning. So how do we convince ICANN to invest more money in doing meetings for outreach?

UNIDENTIFIED MALE: On the domain name industry and trying to foster that around the world, there's actually quite a lot activities that have started in recent months. There's been a DNS industry forum, I think, in the Middle East. There's going to be a domain name road show in Istanbul soon. That's going to be very much targeted at the Middle East and Africa.

At the last meeting in London, we actually signed an MoU with the Government of Egypt. We now have a special center that's being set up in Cairo to serve both the Middle East and Africa on domain name to encourage entrepreneurship in the domain name industry in those regions. There are similar efforts being looked at for Asia Pacific and Latin America. Alexandra, you can probably tell us more. But just to let you know, we are doing that.

But I think what's really important is that luckily it's already being done, not just by ICANN staff but with the community. So we have representatives of the At-Large Structures of ICANN here. We have ISOC chapters here, and ISOC are represented here. I think it's going to be really important going forward that we do this together because we can just simply reach more people. That's also why we are having those discussions here because we can then work with you in country, in the

region, and use your contact networks to get more people to those workshops and learn more and spread the good word.

I think, Sam, you want to say something and then Rudi. Thank you.

SAM LANFRANCO: Okay, just a very brief comment here. I was the rapporteur for a group of African registrars in Singapore in which we discussed some of this. Several of the points that were made there I think are worth reflecting on, and they all boil down to basically one thing.

ICANN is very much like a mining company that is mining space in the digital ecosystem, but it doesn't pay much attention to the upstream and downstream consequences of what it's doing. So the registrars, their main two complaints were that the contract language they ended up signing made it very difficult for them to get financing or insurance. Their third problem was they couldn't find anybody to talk to about the problem upstream.

So it's getting those stakeholders' voices into the dialogue, not just mounting a road show like the Mormon Church or the Jehovah's Witnesses. Those are my friends. I'm not criticizing them; I'm criticizing the road show. But we have to recognize that there are these downstream obstacles. And frequently, what ICANN says is, "Our jurisdiction stops here, and our authority stops here, and we're not going to worry about what's going on down there, but we'd like those people to volunteer and come do some work for ICANN." And that's not going to fly.

UNIDENTIFIED MALE: And that's precisely why we need more people like you to make those points during a meeting, so this is great. Thank you.

BILL DRAKE: But I think the important point to say here is that people from across NCSG – NCUC, the NPOC, it doesn't matter – we have pretty strong shared views on these things. And so we should really work together to try and carry them forward in a more effective way because our business colleagues because of what their operational concerns are it's just not the world they're coming from. They don't have the stuff at the forefront.

                         So, Lori, and then let's move on to another topic. Oh, Rudi? Rudi, Lori, and then let's move on to another topic.

RUDI VASNICK: Sorry for being late. I'm Rudi Vasnick. I'm the chair of the NPOC. I had to do a report at the GNSO Council for a working group I'm co-chairing. That was the reason why I couldn't be here at the beginning.

                         Coming back to the issue of the New gTLD Program, in the last meetings before the program was kicked off, several arguments have been brought to the table to allow the community-based applications being first [treated] before the commercial ones. That already would help a lot because when we look into how this program has been rolled out, I dare say it's messy. Nobody expected having 2,000 applications. Even in the Applicant Guidebook, it was not written or foreseen that there would be

a lottery in defining if you are going to be the first or the last one in the queue for evaluation.

That already is damaging a lot of them because if you're looking to how you are entering an application, it's based on a business plan. That business plan doesn't fit anymore. So how NGOs, how the community-based candidates could still exist if you are pushing back a business plan that was made four years ago and could only start in three years from now? So where are we with the solution?

So that's definitely a point we need to address and stand up and go to ICANN and convince ICANN that that's not a good way to do things. Consider first and listen to what the community is asking for. Actually, and I expressed that to days ago already, there are two ways to do things: there's the ICANN way and the other way. Actually, it's only the ICANN way we are doing things.

What I would like to see is that we do it in the other way. Listen and let others participate. And that's partly our job in NPOC too, to try to get the NGO voices and allow them to have their issues on the table and not having the ICANN issues on the table. That's where the interest of many people is going away. They are not interested by, let's say, the more commercial discussions. They are more interested, "How can I protect my NGO? How can I use my domain name in a decent way? How can I protect my domain and not being captured by commercial world?"

There are issues that actually today are not on the agenda. We have to take them on the agenda. And that's part of, when you're looking at the developing world, that for them priority number one, "Protect my

organization. Protect my business in the non-profit context." And that's not done today.

UNIDENTIFIED MALE: Lori, do you want to say a quick thing before we move on?

LORI SCHULMAN: Yeah. I was just going to say, to emphasize, it's part of this whole downstream issue and the challenge that we have as NPOC and I think NCSG has generally. I think the non-profit community, the NGO community globally, doesn't know what they don't know. Sometimes they don't even know they've lost their name. Or they've lost their names, how to get them back when they've been snapped up on a list somewhere. They're very practical problems.

UNIDENTIFIED MALE: Thank you. We can always come back to that. Shall we just move on? I don't know who's next on the...

BILL DRAKE: Well, we started out talking a little bit about human rights things. And we have, for example, Stephanie here, who's joining the council representing us all, who's been very heavily involved in some of the privacy stuff. Maybe you could just briefly introduce the topic and let us know what's going on there and how people can work together to try and carry forward.

STEPHANIE PERRIN: I'd just like to say that there's a lot of privacy work that needs to be done at ICANN, and we're always looking for help. We set up a Google Docs document to try to revamp the privacy policy a while ago. This actually stems from the work that came out of the expert working group on revamping WHOIS. That's the primary interface where personal information about individuals and confidential information about business is being released, basically without the consent of those parties. The mechanism for protecting it usually involves hiring a privacy proxy service to protect it. So the report that is coming will also recommend a privacy proxy service to protect it, and there may be new data elements gathered, and there may be new verification procedures done.

So the question is, what's the impact on the average human being and on the average small organization and on groups? When we think about privacy, when we talk about data protection, data protection usually protects individuals. Sometimes it also protects legal organizations, legal persons, companies. There's very little protection about groups. That's where NGOs, different communities, different communities of interest come in.

And it's important to remember that ICANN has a limited remit. If people are being surveyed based on their browser because they go to certain sites, that might be group privacy, but it's not something that ICANN controls. On the other hand, if their data is being routinely released without a warrant to police for surveillance purposes, that is something that ICANN controls. And we're trying to get better due

process into some of the systems that have grown up organically at ICANN over the years.

ICANN has a remit to do public policy, basically. And as far as we're concerned, this is public policy. And so we're interested in all the help we can get. We'd like a diverse approach to this because there are a lot of people impacted, a lot of groups impacted, and they're not all represented at ICANN. So we'd like to represent a broad-based approach to this issue.

I think that's probably enough, eh, Bill, for now?

NIELS TEN OEVER: There is actually so much fascinating stuff going on around privacy, like indeed varying from WHOIS to DNS privacy. I think this could also be illustrated by our Brazilian colleagues, where we see the interesting thing in ICANN where we see it on the global level and also the national level, where in the Brazilian Constitution it says that freedom of expression is safeguarded but not so if done anonymously. So it's really interesting to see how can these things be leveled out so that a global resource does not get fragmented in different things.

So that's an interesting thing to see how these policies for privacy proxies, which are now working in some countries and some countries not, to see how it works and how we can work that further.

STEPHANIE PERRIN: We've actually made a recommendation for the ability to have an anonymous domain name for individuals and groups who are at risk.

And one thinks of reporters in different territories where it's dangerous to be a reporter, or different social groups or sexual preference groups in countries where that's not legal. So protecting those people through anonymous domain names stops the risk that whoever's going after them is going to shake down the registrar.

So we know that that's technologically feasible. The question is, can ICANN enable it, and does ICANN feel that that's part of their public policy remit to facilitate that?

So is that enough on that?

BILL DRAKE: We had this three-hour meeting in London that Stephanie and others put together, which was a really good meeting around the privacy aspects. There is a growing core of people now in the ICANN community who are interested in this as both a broader human rights thing and the specific questions of privacy are both emerging as new clusters of energy within ICANN that we should really try to grow and leverage.

So this is just to illustrate that the agenda is broadening. If you'd come to ICANN five, six years ago and gone to a GNSO Council meeting and you wanted to talk about these issues, you would have hung yourself. Because Rafik and I run the Council, and we were like smashing our heads into the wall, going, "I can't believe it. You can't even start this conversation [inaudible]."

STEPHANIE PERRIN: It's probably important to point out that, after all – and maybe I'm just looking at this because I'm not young – but ICANN was born in '98. So we're talking about a 16-year-old organization. Coincidentally, it has taken 16 years for our Supreme Court to decide that Canadians have a right to anonymity on the Internet. And we have a really, really important Supreme Court case that just came down this year. It's taken the courts a while to understand what privacy rights mean and what our constitutional rights mean in the context of the Internet.

So ICANN was busy building things without due regard, in my opinion, to privacy rights. We're catching up, and we need now to push these things forward. And we're catching up around the world. We've just had a really important opinion at the European Council.

You want to talk about that, [Owibe]?

[OWIBE]:   What's interesting, that we see this discussion brought. So the work on DNS privacy goes on in the IETF, in the IAB, and works in conjunction with the work that we're doing here. So we're also out of "ICANN-istan" while working on this. It's also really relevant to work together. That's actually what's happening now. And it is in part due to the Snowden revelations, but he just showed work that we have been working on. So we should also not underestimate the work that's been going on here on these issues.

UNIDENTIFIED MALE: Maybe just before we move on to the next aspect, I think access to knowledge, maybe Stephanie and maybe Niels as well, could you give us an idea of if we look at the next year or so, the next two or three ICANN meetings within privacy, what's the agenda? We've got a WHOIS review happening. We are going to continue to talk about privacy. Are there other efforts into privacy that you're leading? Are you starting a policy development process or other things that could be of interest?

STEPHANIE PERRIN: The experts working group on revamping the WHOIS submitted their final report in June. There are several aspects reflecting privacy there. There's a discussion about whether ICANN should have a privacy policy for the WHOIS. Spoiler alert: In my opinion, it ought to be a privacy policy for everything that ICANN touches, not just the WHOIS.

There is the recommendation for the anonymous domain name registration. There is the recommendation for continuing the use of privacy proxy services. And there's also a PDP going on accrediting the privacy proxy services. So I'm sitting on that one. And believe me, it'll be a year or so, at least, before that one is finished.

There is a lot of work because once you get the report, then there are the working groups that come out of these. The EWG report is big enough and thick enough. I've repressed the memory of how big it is, but it's over 165 pages, anyway. And it'll be at least four PDPs, in my opinion. And if you want to do it right within this millennium, maybe ten PDPs simultaneously.

And then that speaks to another problem that is not so much privacy and human rights related, but we have to keep an eye on it from a

human rights perspective. And that is, what's going on at ICANN that we need to coordinate with the other things? Because our group is so small, I didn't know when I was doing the EWG report even that the RAA (Registrar Accreditation Agreement) was coming out with new escrow requirements in it. I would certainly have had a view as a privacy expert on that. But I didn't know until it was out, and then it was an inked deal.

I didn't know the impact that thick WHOIS would have. I didn't know about the PDP that was going on, on the reasons for collecting WHOIS data. That's a really important thing. From a privacy perspective, the purpose for collecting data is one of the most important questions you ask. It has to be proportional. It has to be not excessive, so on and so on.

So coordinating all of this, we need a bigger team. We really do. And within our group, we can keep an eye on the different working groups we're staffing, but I'm not sure we've got enough people to staff them all at the moment. So we need help.

BILL DRAKE: We need to work together more effectively, and we also need to recognize that the problem that you're illustrating right now scales. All of our issues end up popping up in different types of little siloed working groups, discussions, and so on. And it's hard for anybody to get the meta view of across all these spaces what's going on that might impact privacy, what's going on that might affect freedom of expression, what's going on that might affect development concerns, and so on. You have to track all those things simultaneously, and it's

very hard to do that. We don't have the tools in place, the knowledge management system, or the bodies to really do it.

UNIDENTIFIED MALE: Before we move on, there's a comment from remote [participation].

UNIDENTIFIED FEMALE: We have a comment from [Amir Al-saad].

"There needs to also be a revamp on the ICANN procedure on handling conflict of WHOIS policy with local laws for countries with strong privacy and data protection laws."

UNIDENTIFIED MALE: Good point.

NIELS TEN OEVER: In reaction to Bill's point that we need better understanding of what's going on and we need to hire meta level, I'm doing a network mapping for the NCSG to see who are the people and the groups active and involved in the NCSG so that we can see how much time they want to invest and what you need, what you're missing, to be as effective as you want. And then we can start building the effective technological tools around that to help you facilitate to be effective.

So if you see me walking around coming days, taking of that interview will take five to ten minutes, would be great, would help us develop the right tools. Thank you.

BILL DRAKE:	It's great initiative, Niels. By the way, all the people who have been active for a long time have been talking. Any of the folks who are relatively new, any questions or comments or thoughts you might want to share in reaction to any of this?
	Yeah, please.
ADEBUNMI AKINBO:	Thank you very much. For the record, I think it's my first time to see Dr. Konstantinos Komaitis. The name is Akinbo Adebunmi Adeola Cornerstone. I'm raising this because as far back 2002, Nigeria has an issue with having to be undergoing a transformation from the military government to the civilian government. And so many of you have got to understand that there was a very strong power in running non-governmental organizations to further improve on the structure of educational growth among young persons. [That is if you want] young persons to be involved in ICANN, and we want NGOs to be involved in ICANN.
	I remember vividly well, we wrote in 2011. I wrote as an individual to be a member of NCUC. I also wrote again 2012, and I didn't get a very positive response. It didn't kill my whatever, my dream. I'm here today anyhow.
	But the bone of contention is that the MDGs are going, and we're going beyond 2015, which is the thing on the agenda, the coalition of Beyond 2015. And in some countries, especially in Africa, because if you're

doing original scaling where you look at developing countries, we need to be involved in decision making.

They will need to be flexible on a lot of things. How do we involve them? I know ICANN is doing very well with fellowship, but what more can we do apart from our website? What shows can we do that are effective enough to make those NGOs, FBOs (Faith-Based Organizations) to understand more the work of ICANN and the challenges that are at the table that we need to participate in?

So we need to also look in that direction because if we're talking of development and access to knowledge, Africa is still having some scaling issues with it. Thank you.

UNIDENTIFIED MALE: Very quick reaction on that which is, as I mentioned earlier as your homework, is that we need your help here. For instance, if there is an event for NGOs in a particular country, let us know, and we can tag on to that. We can come and do a presentation and engagement to explain to NGOs more about ICANN, how they can participate, etc., a bit like today.

So we count on you to help us, and we can try and do things in country, going to the people, absolutely. That's what we want to do but, again, we need a bit of help. And we can work with the localized subchapters, with the local ALS, etc. We're just stating this, but we need your input and help. So please let's stay in touch on that one.

You, and then [Anthony].

STEPHANIE PERRIN: Great, thank you. I was going to keep quiet, but I just thought I'd say something, since the question was asked to people who work in this field.

One of the things that I've always noticed with big organizations that go in to help and engage civil society is their prescriptions. They go in with a prescribed model and say, "You come and tell us how you can work within our structure." But the point is that, certainly in Canada, if you have a not-for-profit, you have a mandate and you have to work within that mandate. So a prescription doesn't necessarily work for you.

So the question is not, "Here's what we do and here's how we can help you." It's more about, "How can we help you?" And if you ask that question, you'll find that a lot of not-for-profits are really innovative. They're very responsive to what's happening in their community, much more than larger organizations. They have a lot of capabilities other than necessarily what larger organizations define as resources, such as money. And money is not the only thing that you need to run programs. You need other support as well, but money's also good.

But not to look at an organization that says, "Oh, you don't have this," or, "You don't have this," not what you don't have, but what you do have. And how do you build on that and create an enablement for them to come to the table with an honest appeal and say, "This is how we can operate."

Innovation is a really good way to go in the future to create value for larger organizations. So if a group doesn't have money, you can have a

long-term partnership where you are in partnership with that organization to help them to create something. So I just wanted to say that a prescription is not the one answer for all. Thank you.

BILL DRAKE: Thanks. We have several other people waiting. We have about a half hour left. We also have some people that we asked to come prepared to talk about some other things. So if we could be relatively brief?

Okay, who's next? Klaus, okay.

KLAUS STOLL: I [work] also in NCSG. I think I would like to answer to both of you. I think the point we have to look at is not only come to the organization and work under the way we prescribe to you. The question is relevance. Is what's going on here, is what ICANN does, relevant for an NGO to engage with? And I think there is a big disconnect because think about without a stable and secure DNS, I think a lot of civil society organizations simply wouldn't exist or be able to operate.

And there needs to be that simple, straightforward message: It pays to engage with Internet [government]. It pays to engage with ICANN. It pays to engage with all these processes because this is how you secure your own existence and make the environment in which you operate actually better. That comes with innovation. So once you're in there, then you have the chance to say, "Okay, now this is not going well. Let's get that better."

ANTHONY NIIGANII: Good afternoon. I'm just going to share a perspective of indigenous people. A couple things. More specifically in Canada, First Nations people, as I refer to those that are Treaty, have the challenge of being third-world nations within a first-world nation, failing a better term. So they have the challenge of wanting to participate in this industry. They want to become an engaging force in creating relationships with governmental organizations that are governing thing around them.

But the added challenge that they have is indigenous people's culture becomes under attack, their identity. We see that in the physical environment, when governments and corporations take their resources. Now, the fear is that will be mirrored on the Internet, when their languages and knowledge, even the most sacred knowledge, is shared without their input, their engagement, their participation. And ICANN can be doorway for them to step into that field. But ICANN also has to understand that indigenous people have two types of knowledge: knowledge that can be shared publicly and knowledge that cannot be shared publicly. And that knowledge that cannot be shared publicly is where the greatest fear and risk lie for indigenous people.

The risk is that governments and corporations may take that knowledge and turn it into a business, as they have with pharmaceutical companies, taking our natural traditional medicines and creating an industry out of it. That is the fear that they have with the DNS industry as well, is that they will lose their culture and their identity in a virtual world that does not have their full participation yet. I am at the ICANN table to be that first voice, to help push the indigenous agenda into the DNS industry so that they can have a say in how their culture, their knowledge, their resources are used. Thank you.

BILL DRAKE: Thank you. That was very interesting. Now, the questions of cultural rights and sensitivities around names and so on are something that do come up but usually outside of ICANN. These questions get raised a lot of times in discussions in the IGF and other places. But within the ICANN policy framework, there's no place specifically where it comes up very well. And you end up with the main basis for addressing it being questions of whether there's community support for a new application, etc. And we just saw the very peculiar case where .gay was turned down, despite the support of the gay community. It was a very unusual process that led to that.

We had a lot of discussion about this also last year, when the issues of .amazon and Patagonia were hot. And the whole precedent of closed Generic Top-Level Domains, we organized a meeting a year ago in Durban, where we talk about a lot of these. And it was very clear that, for a lot of people at ICANN, getting their head around the cultural aspect of the argument was just very difficult.

And within civil society, people are very divided. When these issues have come up in our community, there have been those of us who are more sensitive to that, who have said, "We think that's a legitimate concern." There have been people in our community who are much more hard-line freedom of expression and open market who say, "Anybody should be able to buy any name, and it's just a string of characters, and it doesn't affect the status of culture in any larger sense." So these are complicated questions. There are things we have to work through.

We did ask a few people to come prepared to make a few comments. It would be kind of rude for us to roll though the meeting and not get to them. So I want to ask, if you don't mind, that maybe we'll skip some things. Matt has been sitting here patiently, and I had asked him because he's been following the IANA stuff, which goes to the accountability and the governance of ICANN, which is something that all of us in civil society are very engaged in. He's been following that issue a bit.

And I thought maybe, Matt, you could just highlight a little bit about where things are right now, as you see it.

MATTHEW SHEARS: Thanks, Bill. So somebody else from NCSG or NCUC is going to have to help out in terms of the contributions that the community has been making to the debate. But just to kind of give a bit of a sense of where things are, I think everybody knows why this an important issue. The issue of the transition has shaped and the issue of the U.S. government role has shaped the way ICANN and Internet governance, in many ways, has been perceive since the WSIS and the issue of critical Internet resources.

So it's certainly from the perspective of CDT, and I think it's shared pretty widely, this is a welcomed transition by the U.S. government, stepping back as a part of its recognition that the multi-stakeholder model has reached a level of maturity where it can do so with some level of confidence.

Of course, what that does, it puts us all in a challenging situation in terms of coming up with a response to that transition and how we address the various components of the role that the U.S. government had and in its role in the DNS.

Not to belabor those points, but obviously there are three kind of key issues that the U.S. government is in. It had a clerical role, which was basically a rubber-stamping or box-ticking role in terms of assessing the changes to the root zone file where it actually met a certain set of criteria. But it also had two other important roles which come to more of an accountability issue, which was the issue of contracting those functions to ICANN and also the concept of the U.S. government as the DNS steward, which I think has always been a bit of a difficult one to define in any precise sense. But those three issues is what's shaping the debate at the moment.

In terms of the clerical and technical and operational aspects, that process is underway. It's the IANA transition process. At the moment, you have the IETF and the IAB on the one hand dealing with the protocol parameters. On the other hand, you have the regional Internet registries and the ASO and NRO dealing with the numbers. And those two processes are underway at the moment. And those two processes will, along with the naming process, present the IANA coordination group with a set of proposals as to how the technical and clerical aspects should be taken forward.

The protocol parameters and the numbers, those processes have been underway for a couple of months. The names process has just kicked off. It's had one virtual meeting. It will have another face-to-face

meeting this week. So it's a little bit behind in terms of the process itself.

The challenge has been placed before those who are participating in that process to come up with a proposal by January 15. So we have very little time to put in place this naming functions process that ICANN is now responsible for. And on January 15, these three parts – so the protocol parameters, the numbers, and the names – all come together and are presented to the ICG (IANA Coordination Group), which will then look at these proposals and try and form, I guess you'd call it, a consolidated whole out of these various proposals, which will then be put to the NTIA in July. And then hopefully that will result in an acceptable proposal for transitioning in September of 2015.

There are many challenges, not least of which is the time line, given that we have literally three months to start this process of addressing a very complicated issue. And there are more difficult challenges as well, because what's become clear is that the NTIA has asked for a whole set of criteria to be met as part of this transition. And some of those issues that it's asked to be addressed are accountability related. So they fall under the separate process that I guess Niels is going to talk a little bit about, which is the accountability process.

So these two tracks have to come together at some point in time in 2015 to enable NTIA, the U.S. government agency, to actually say, "Yes, we think this proposal is a valid one and one that can be operationalized, and we're willing to take it forward."

However, I was just going to say that, certainly in my mind and CDT's mind, we're concerned about the feasibility of that occurring within such a short timeframe and what the consequences might be for that. And I think one of the key issues here is that we here, obviously, but more broadly need to be very involved in this process because this is something that we have in many ways been calling for, for a very long time.

And so transitioning the U.S. government role is important. Getting it right is important. Achieving it within the timeframe that's there might be challenging, probably is challenging. But I think it's something that we all have to be very much engaged with. And certainly these issues, the transition and accountability, will color our discussions this week, I would imagine.

UNIDENTIFIED MALE: I just wondered, is everyone aware of all this, the IANA transition? Yeah, okay.

BILL DRAKE: We have been very involved in these issues. The problem is that it is a fairly specialized and complex set of issues, and the number of people from our community who really worked them hard is fairly small. And so it would be really good if we could – and this is another one where bringing in more people [inaudible].

But NCSG has filed a number of comments on the IANA stuff, on the accountability stuff, and all these other things. But I'm not sure whether

the broader civil society world that floats in and out of an ICANN meeting is all completely plugged into everything we're doing. That's not clear to me, and we need to do more there.

MATTHEW SHEARS: Yeah, I apologize if I went a bit quickly. It actually has a level of complexity that it's quite difficult to actually bring all the different parts together. But what I would say, there are a couple of reasons this is very important going forward. Because over the next 12 months we have this proposal that's supposed to be delivered. But at the same time, we have other things going on in the Internet governance space more broadly that we have to keep track of as well because there's a lot of pressures and scrutiny of not only ICANN as an organization, but also the multi-stakeholder model, so to speak.

So if we are seen to delay or if it's not possible to bring together a proposal that meets all these various criteria, this unfortunately would cast a lot of further doubts on the multi-stakeholder model and possibly, conceivably, on the ICANN model as well. So I think there are a lot of big-picture concerns that we have to be aware of as we think about the NTIA transition. It's not just a clerical thing. It's actually a much bigger issue.

UNIDENTIFIED MALE: If I might just say this from my personal perspective, it's a really interesting time, because what we've been asked to do in this transition is transition an oversight function from a government to the global multi-stakeholder community. So write a couple of PhDs on what that

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means. The point is this is us. What is a multi-stakeholder community, the global multi-stakeholder community? How legitimate it is, who composes it, if you will?

All difficult questions, but we need to answer them. And we need to have a decent plan in place by the end of next year that shows that, yes, actually, there are areas in which, like Internet, where we can have something else than a government overseeing a particular function. And, yes, there is such a thing as a wider community, a global multi-stakeholder community, and that can work. That's a big challenge, but it's also a fantastic opportunity. So we should seize it.

That's all. Sorry, go on.

BILL DRAKE: I think this blurs into the accountability discussion fairly seamlessly. And maybe just say a couple of quick words about that, because we've been very involved in that discussion. There's both the accountability questions related to what happens when you transition to the global multi-stakeholder community and who's ultimately responsible. But then there's the broader stream of accountability activities as well. How do you ensure ICANN's accountability once the U.S. government role is reduced? And so on and so forth.

Robin Gross, who just joined us, organized a workshop at the IGF on this. I organized another on it looking at the globalization of the affirmation of commitments. NCSG has written comments. Niels and others were very involved in crafting those comments. This is, again, a big set of questions where I think we need a lot further engagement.

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What's interesting, I think, is that we've seen some difficulties back and forth between ICANN – the organization, the staff, the leadership – and the community on this point. But we worked towards, through an iterative process, a better place.

And if you noticed, just yesterday ICANN released a new proposal to the community about how we could structure the accountability track of activities, which actually takes on board a lot of the criticisms that many of us had made of the earlier versions, which I think also shows.

We had a discussion of this last night at dinner – the chairs of all the different SOs, ACs, and Fadi and so on – that despite all the difficulties, there is, I think, a growing understanding of the need to work together and have better communication and be more transparent in some of these things, and I think that's good.

Sometimes when people ask, "What impact does civil society advocacy actually have in ICANN?" I can tell you. We pushed. We raised these issues. We partnered with other stakeholder groups, and we got changes made in the process for the better.

If people think that the measure of civil society, whether it's worth engaging, is you have these big, heroic triumphs, where the whole world is going to adopt policies that you advocated and that nobody else wanted, and you win all the arguments, it doesn't work that way. It's a complex, iterative process, back and forth, back and forth, struggling and adjusting to reach some common ground with the staff and with other stakeholder groups and so on. And I think we're getting somewhere.

Did you want to add something on this, Niels? Then we should turn...

NIELS TEN OEVER: Maybe something that Matt just pointed out that, yes, we can have influence. And the solution right now is also, more or less, a cross-community working group, which is very interesting and relevant, but that makes it, again, an ICANN process. So if we want to have influence any processes, you need to be involved with ICANN, which, for many people, is still quite a hurdle.

So we also really need to see how we can open up these processes for the wider world to engage in, because the Internet is, since the NETmundial statement, a public good which should be managed in the public interest. So we should really make sure that that accessibility and localization and translation is done to make sure that we don't lose the users. Because what this is about, and what we are doing about human rights, it's not consumers' rights. It's the human rights, because the Internet is a public good.

UNIDENTIFIED MALE: On that very quickly, this is going to be a public comment. And, yes, there is a cross-community working group. And, yes, there are hurdles, in the sense of we need to build more capacity for people to be able to take part. So it's a big ask in the next few months, but lucky there's a core group of you guys that are involved. But I think you can also play a relay role with the wider network of NGOs, civil society folks that you know, so that there is public input more widely that gets into the transition and accountability processes.

So we can help you as much as we can, but just think of that as well. It's not just about you guys being involved in a cross-community working group. It's also encouraging others beyond to submit comments in the public comment period. And so we've got three or four months. [Is that so hard?]

BILL DRAKE:

Just briefly then, I wanted to turn to one last issue before we started drinking, because Lori expressed interest in talking about something, and it's also something that goes to some larger points that we all have interest in.

But, Stephanie, did you want to add something on this?

STEPHANIE PERRIN:

Well, maybe this will segue into what Lori would talk about. It's certainly not something I have expertise in. But I wanted to follow up with Anthony's remarks about indigenous peoples, First Nations, and sacred knowledge. Obviously, that's a way bigger copyright and trademark issue, if you really want to play that dirty game. And I've been sitting here thinking about it. I don't see that you've got any choice, whether you like it or not. Otherwise, they're just going to go ahead and do it.

But are you getting here in time for the gTLDs to put in a call for name collision, or whatever it is, the NGO/INGO? Can First Nations people around the world globally stop this stuff getting taken? I don't know the answer to that.

ANTHONY NIIGANII: Well, we can see the challenge we face by the indigenous rights of people, like the United Nations Declaration of indigenous rights, the challenges we face, even with the defenders of human rights, the countries being defenders of human rights not supporting those documents. And so those are the biggest challenges we face right now, trying to get recognized in the international law area and trying to be a force of change in that arena. We want to work with the states that surround us. But the challenge is the states that surround us govern us as our own governments.

BILL DRAKE: This is actually the area where I think NPOC and NCUC, on like 85-90% of the time are in close agreement on a lot of things. One area where we've sometimes had a little bit different views, I think, are around intellectual property issues, and that's fine. There's a variety of different views that are credible and legitimate. And I think it's worth talking about those questions and the different sides of how civil society actors see them and so forth.

UNIDENTIFIED MALE: And I think what's helpful, it's not just about IPE. It's about NGOs' use of domain names more generally, how to have the capacity to use the Web strategically, if you will, as an NGO and make sure you have the right Web presence. So wider than IPE.

BILL DRAKE: Yeah, but that's not what I want to talk about.

UNIDENTIFIED MALE: Oh, sorry. Sorry. Okay.

BILL DRAKE: I want to talk about access to knowledge. Anyway, whatever Lori wants to cover. Lori, why don't you, and then others can react.

LORI SCHULMAN: There's so much to cover. I would go back to a couple of things.

                       Yes, Stephanie, it segues; the indigenous rights cross-sections with the IPE issues very deeply. And the whole issue of indigenous rights is being addressed globally at different levels, and there's certain jurisdictions that have better protections than others, I think you'd acknowledge.

                       That being said, [inaudible] there have been some issues where there might be different points of views within the Non-Commercial Stakeholder Group. It is not primarily, but I would say a big portion of it is the issue of IP rights and where do IP rights fall within civil society? We know we have an IPC. We know we have a business constituency.

                       But there are ways that non-governmental organizations work that set them apart from those groups in many, many ways, in terms of the fact that they're mission based. They're not necessarily shareholder controlled. Even ICANN itself, you can see the debate in ICANN. When you talk about ICANN's mission, what does the mission really mean? Security, stability, accountability.

From a technology point of view, as long as the names and numbers resolve, we don't care. That's a very bottom line acknowledgment. I think there are many who would agree with that statement, on the Board and in other places in ICANN. But there are many who don't, who say that – particularly NGOs – the name's the thing. The name's the thing, whether it's in the DNS or it's in the wider world of trademark protection. That in order for missions be advanced, voices to be heard, resources to be allocated, money to be donated, it all circles around, how do we function in an Internet ecosystem?

So where NPOC comes in is to say, "Where do these rights cross? Where would IP rights cross?" How to get a name, how to use a name. Some very informal research was done earlier this year on the UN ECOSOC list. We just randomly decided to look at names to see whether or not their domains were resolving. And in an overwhelming majority of cases, the domains weren't resolving. We don't even know if these organizations know they've lost their names.

So it's a wider educational base that we're looking at. And NPOC has a plan. We've actually written a manifesto that's on our site about how we plan to start outreach beyond the ICANN ecosystem, because it's critical. It goes back to a statement I made about an hour and a half ago. I do believe that most NGOs who have a stake in this don't know they do. And until we get there, we're not going to be as effective as we need to be in order to make this system work. And I think the issue of indigenous rights is the perfect example of where you would see a so-called business concern/IP concern cross over into a very appropriate mission-based civil society concern.

And I'll stop there, Bill.

BILL DRAKE: Thank you. That was very good. And I think that there's a range of different issues. There's a set of issues, I think, pertaining to civil society organizations and their operational rights, [Brian], which is the kind of things we talked about. Then there's the other side of the coin, which is the broader range of issues around trademark protection and whether some other uses of trademarks might go beyond what one would desire from a public interest/access to knowledge standpoint. And I think both sides of that discussion have great validity. And, in fact, there ought to be ways to reconcile those views.

But I wonder if anybody else would like to speak to these kinds of questions? Yes, Sam, sure, go for it.

SAM LANFRANCO: Just a small one. And I want to come back to the idea of ICANN as a mining company. There are these downstream impacts that are beyond the ICANN remit. And the ICANN doesn't have to engage in remit creep. What ICANN has to do is realize that they're out there and in some cases, ICANN becomes a partner in a dialogue with somebody else. It doesn't just say, as it has for second-level domain names on .city, "We don't have to worry about that. That's beyond us. That's a private contract over there." Well, it may be, but that's like saying that, "We just buy oil from Ecuador. If the natives have trouble with the oil industry, that's their problem."

We have to figure out how to reconcile where the boundary is and where the externalities take place.

UNIDENTIFIED MALE:

Thank you, Sam. I have a lot of problem myself with the mining example; a fear of the dark, that sort of thing.

Frankly, we could go on and talk for a few hours. I think you've all realized that, because all the topics here are both interesting and I think they're dear to our hearts on an individual basis. And that's what happens at ICANN. So it's a difficulty of pursuing concretely all these issues but within the remit of what ICANN does and with the knowledge of what's happening beyond.

There's quite a lot of work for us to do, things like, for instance, trying to monitor what's happening across various working groups already within ICANN, then making the links with what's happening more widely. For instance, we've heard about the Millennium Development Goals earlier. It's not easy, but I think the key is that we have all of you around the table, and there's that cross-fertilization of ideas and, I think, experiences or expertise. And that's why we need more of you. That's why we need you to reach out to your wider communities out there, get more people involved in ICANN or generally more knowledgeable about it and supporting you in bringing your voices to ICANN.

Now, we've got drinks outside. But before we break off, what I would just like to do is leave the floor open for any final questions or comments that people might have, especially from people who are

fairly new to ICANN. I'm looking at Flavia intently. You don't have to take the floor. Anyone for any final questions or comments?

Lori, please.

LORI SCHULMAN: It's just a comment. We actually have printed out the manifesto here, if you hadn't seen it online. So if you later on – I'll leave it right here. You're welcome to pick up a copy.

UNIDENTIFIED MALE: I have a quick, mischievous comment which I've just chaired. There is something that's called beating people with their own weapons. For example, indigenous communities, they should register gTLDs and make some community-based businesses. This is a way to do it. And it's fun, by the way.

UNIDENTIFIED MALE: I fully second that. Be proactive. I thought you were going to talk about spears or tomahawks. Sorry.

UNIDENTIFIED MALE: We got these in our bags, and it took me until now to figure out what this is. It is a USB stick. I thought it was an eraser.

BILL DRAKE: That was your comment? Okay.

UNIDENTIFIED MALE: Knowledge takes all forms.

BILL DRAKE: I think we have reached the point where people want to have a drink.

UNIDENTIFIED MALE: All right, let's go and have a drink and we can chat.

BILL DRAKE: Thank you all for coming and for talking.

UNIDENTIFIED MALE: Thank you very, very much.

BILL DRAKE: Let's do it again.

UNIDENTIFIED MALE: Thank you.

[END OF TRANSCRIPTION]