Transcription ICANN Beijing Meeting

NCUC Workshop

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Robin Gross: Okay shall we call this meeting to an opening please? Are you ready in the back? Great.

Welcome - welcome everyone. This is the Non Commercial Users Constituency Policy Workshop. And today we're talking about one world one Internet, new gTLDs and competition changing global environment.

And I'd first like to thank our sponsors for this event today without whom we would not have been able to do this. CGI.br, the Brazilian Internet Steering Committee and PIR, the Public Interest Registry and also Internet Society have graciously contributed to help us be able to put on this workshop today so we're very grateful to our sponsors.

And we're also very grateful for our panelists and to all of you for coming. So without further ado let me turn it over to the Chair of the Non Commercial Users Constituency, Bill Drake. Thanks, Bill.

Bill Drake: Thank you, Robin. And good afternoon everybody. The focus of this event is one that I think should resonate with a lot of people as being highly relevant

today. Everybody who pays attention to what's going on in the larger Internet environment is aware that there are multiple kinds of pressures emerging in the Internet environment today that are pulling in different directions.

So some are pushing towards more integration, more openness, more interconnection of everything and some are working in various kind counter cyclical ways pressing against that kind of openness and towards a greater closure whether it be matter of governmental or nongovernmental, corporate action and so on.

And the balance between these different forces then is a matter of great concern to everybody's who's involved in the Internet environment today. So it's something that we thought was in the context of the new gTLD program and all the other kinds of things that we're doing here in Beijing an interesting sort of meta-question to pose and as a way of starting some dialogue with people and so that's what our intention was for this event today.

This is the third in a series of events that NCUC has done recently. We held a day-long policy conference in Toronto and another one in San Francisco on different aspects of global public interest and global Internet governance.

And we thought that this one - doing something here in Beijing particularly now that we have this big event with the largest turnout in the history of ICANN and the establishment of the new office here and everything else it just seemed like a great time to kind of continue to build on the momentum of those dialogues and try to see opportunities for open exchange of ideas, the kinds of things that we do in the Internet governance forum and other types of places as well.

So that's what we're doing. And for those of you who are not familiar with us just briefly Non Commercial Users Constituency is a constituency in the GNSO, it's part of the Non Commercial Stakeholders Group. We have about

300 members around the world, about 87 organizations and a couple hundred individuals; 2/3 of our members are outside of the United States.

And we're interested in promoting non commercial uses and supporting the uses of society particularly the global Internet environment. So that's what we're about; that's what this event is about. We'll have two workshops - two panels in not so much time so we'll be moving fairly briskly.

And I'm going to turn it over to the chair of the first one - the first workshop is going to be on this question of one world, one Internet. And the chair is Mr. Wolfgang Kleinwachter, Professor at the University of Aarhus and member of the GNSO Council representing the Non Commercial Stakeholder Group.

Wolfgang.

Wolfgang Kleinwachter: Thank you, Bill and welcome everybody. I'm very pleased that we have this opportunity here to discuss for a little bit less than an hour the issue which is really of growing concern for the international discussion around Internet governance.

The title of this session is One World One Internet with a question mark. And then integration or fragmentation or integration versus fragmentation. What we see - and this is, you know, a very brief introductory remark is two tendencies, at the moment, which are going on at the same time.

On the one hand we see that the first development of the technology of the Internet leads to more integration, more and more services, applications, devices are connected to each other and like never before in the history of mankind now everybody can communicate with everybody any time everywhere, you know, in all kinds of ways or video or audio or whatever.

Never before this has happened. And really the key issue is here that the century-old (unintelligible) of time and space has really disappeared but it

means we are more or less operating in a borderless world where anything is connected.

On the other hand, you know, we still live in a world with a lot of borders. And we see over a growing of borders for political and economic reasons. You know, if somebody goes to Facebook then he crosses a border is then member of Facebook and it's like in a walled garden, the same is happening with Apple or other networks because the Internet is nothing else than a network of networks and each network can be managed regulated in a separate way.

And so also some countries, you know, create on the basis of language or jurisdiction or whatever. You know, walls and - walls around their networks. So that means here we have more or less a conflict that on the one hand we are moving into a borderless world; on the other hand we rediscover borders for economic and political reasons.

And I think the opportunity is here to discuss, you know, whether this will continue to be a balanced development, whether we will see more borders and less borderless Internet or whether we'll see less borders and more borderless.

I think this is a good opportunity to discuss and we, in our preparation, you know, constituted a great panel in particular with speakers who have other experiences with governmental work so Tarek Kamel was the Minister of Communication in Egypt so that he means has governmental experiences. He is now the Special Advisor to the CEO of ICANN and he will come in a minute. He just sent me an email, he's in another meeting and will arrive a little bit later.

Then we have Markus Kummer who has worked for the Swiss government and he was involved in the World Summit on the Information Society as part

of the governmental delegation of Switzerland, has moved then to the United Nations and is now the Vice President of the Internet Society.

Leonid Todorov who was, in the 90s, the advisor to the Russian Prime Minister Gaidar and works now as the Director for Governmental Affairs in the Russian Registry Coordination Center, dotIU.

And Bill Drake, who was a member of a number of governmental US delegations in ITU conferences while he is a researcher and is rooted in civil society (unintelligible) a member of the NCUC but he has also a certain experiences, you know, how governments are working.

We had invited also two Chinese speakers here; one from the Ministry of Information and Technology, He Baohong and just, you know, five minutes ago I was informed that he is unable to come. And yesterday we got the information that Yongge Sun, the Director of the Internet Society of China, has to go to a special meeting of the Chinese American Internet Consultations which are taking place today.

And he is also unable to come so this really pity that we lost two Chinese speakers here in this panel. And - but I see there are a number of Chinese participants in the room and I invite them, you know, just to take the floor and to express their views.

Because I think it's important that we, you know, really discuss this issue of one world one Internet and fragmentation versus integration because China is a very important part of the global Internet.

And just this morning I saw in the newspaper, you know, a very good quotation from the speech from the Chinese Prime Minister, Li Keqiang, who has addressed the Chinese American Internet Forum and he said, and I quote from the article in the China Daily of this morning.

The Prime Minister did not deny that there are differences in online security between China and the US but if the two respect each other, he said, the common interests will surpass disagreements.

And I think this is really a very important statement that means we have differences, we have different cultures, different languages, different jurisdictions. There are a lot of differences. But we live in one world and the challenge is not to speak primarily about the differences but to look where we have something in common, where we have one world, one Internet.

And I think the future is always open for discussion. And the Internet Society, you know, is one organization which looks always into the future and just recently they have produced an interesting, you know, paper which outlines a number of scenarios for the future of the Internet. And so I invite Markus to start the discussion by giving us idea how the Internet Society sees the future of the Internet and the one world one Internet concept.

Markus Kummer: Thank you, Wolfgang and good afternoon. Yes, indeed the Internet Society engaged in a scenario-planning exercise a few years back. It's not the latest - it may already be outdated in certain aspects. However I think it still has retained some relevance.

Starting point was we will be world-embrace or at least the open Internet model. And the second level question then was what model will be most successful, command and control or distributed and decentralize?

And it's a shame I did not have time to prepare it, it would obviously be easier if we had a graph up but I would like to invite you maybe to visit the Website of the Internet Society, www.internetsociety.org, and if you type in in the Search function "scenarios" it will pop up and you will have the graphs there. There was a video we produced to illustrate it.

But just to explain a little bit okay the basic question was decentralized and distributed that is the Internet as we have it now and we called it the common tool scenario based on open access, interoperability and based on the bottom up multistakeholder governance model with light regulation and open standards.

Now the opposite access were command and control. And we had also a vertical axis and that was on one end a generative model based on innovation, competition and trust. And the redacted model which is based on security, risk mitigation and control through rules.

And to the left then the command and control model that was again based on heavy regulation and also exclusive standards. There in the upper left hand corner we have the scenario called porous garden. That is more or less what you already referred to - the commercial gardens set out the Internet app stores, closed devices, client capture, (unintelligible) services.

And on the bottom of the command and control we have the scenario called moats and drawbridges based on tight regulation and content control.

And the last scenario was called the Boutique Network Scenario where there's no consensus, balkanization, multiple routes, that is different Internet clearly not one world one Internet.

And then looking at these scenarios okay the balkanization, the boutique network doesn't exist yet but of all the other scenarios that we have already elements the question is will one of these scenarios prevail or not?

The question I think - the basic question remains relevant. Will the world embrace the open Internet model? We had this discussion in the (unintelligible) in Dubai. It will come up again, and you'll have the (WTPF) meeting next month in Geneva.

And there will be also the (unintelligible) next year and there will be, I think, attempts to move towards more command and control maybe more moats and drawbridges. Obviously we, as Internet Society, our commitment is to the common pool scenario and to attend the open Internet model.

I think I will stop with that. Thank you.

Wolfgang Kleinwachter: Thank you, Markus, for the good start. Before I then ask Bill to make a comment to the scenarios presented by Markus I want to inform you in particular our Chinese participants we have a translation into Chinese so that means all the - if you want to ask a question or to intervene or to make a comment feel free to do it. There is a microphone in the room so you can go to the microphone and you can speak in Chinese so that we get your input and your ideas about this issue.

Markus, you referred to the Dubai conference where we experienced that it's really difficult today that governments of the globe find a consensus in Internet-related issues because there are these two basic approaches, one more on borderless Internet, the other more on a bordered Internet.

The Document 47 which was a controversy in Dubai introduced a concept which was called the National Internet Segment. This is a concept which was developed partly also by the experts from the Russian Federation.

And while Mr. Todorov is not in the government though I would ask him whether he could explain a little bit, you know, what was the idea behind - this was a new concept of the National Internet segment in the Document 47 from the Dubai conference because this will certainly remain an issue on international negotiations in the coming years. Leonid.

Leonid Todorov: May I just put this answer off a little bit because I obviously have something to say about that but let me just reflect on what Markus has just said because, you know, where I was invited to join this panel I realized that being

in the presence of at least two or even three professors it's a kind of challenge.

And I should come up with some credible theory as well, you know. So I was all the time a little bit concerned that something, you know, when we talk about these scenarios - this is not for the first time, obviously - something was missing.

And that is, from my perspective, that integration of the Internet - the Internet's advancement in a broader context, I mean, of socioeconomic development, for example.

And that made me think - I will be very quick - but that made me think of that - of those popular theories of waves in humankind's development mostly those waves deal with economic development. But I think that it might be appropriate to reference to them at this meeting.

So those were economists of the 19th and 20th Century who actually discussed the issue. And the first one was the French scholar, (Jacques Lear), who suggested that actually waves of economic activity, you know, ups and downs, occur every let's say from 7-11 years.

There are certain stages and right now, according to modern interpretations of (Jacques Lear) theory we are at the stage of innovation which actually should last - which started at the year 2010 and should last until 2017. And then to be followed by a shift which will take another 7-8 years.

Another one was a famous Russian economist and who suggested there are 50-year long waves. And right now we are right within the fifth wave which is the boom of electronics, robotics, information, technology and basically ISP. And that wave would last until year 2030.

To be followed, and here I just command your attention, by technological singularity and convergence of nano, bio, information and cognitive technologies.

And finally there is, of course, (Simon Kunath), a very famous US scholar who cycles actually last for 15-25 years. So what I mean is that we are right now at the stage of innovation so probably it's not that easy for us to judge where to go, I mean, or the vector of development is more or less clear but where it will just take us. It's not that clear at the moment.

So probably we should wait for that phase of shift at which we realize where are we and what we're going to do. So this is just a very brief - brief comment to complement on what Markus has just said.

So I believe it's too premature right now to discuss the credibility of any scenario. But obviously now I'm just turning to this point, you know, Wolfgang was driving at, that we are indeed different and there are different interpretations.

And when it comes to the national segment of the Internet - do I have a couple of minutes?

Wolfgang Kleinwachter: Yeah.

Leonid Todorov: Okay. So to that concept of the national segment of the Internet I believe that it deals with some misconceptions ingrained in that specificity of the very Russian, I would say, style of policymaking.

You know, for some of you who attend of some events, mostly in Europe and in the US, I've already referenced to a very special way of Russia's policy-shaping driven mostly by a primordial conflict. I don't know if it's the case for China but for Russia obviously it is, between the so called Westernizers who advocate let's say European mostly way of development.

And (unintelligible) who believe that there is neither European nor Asian way of development for Russia but some third way. And that third way should based on some unique pictures of Russian national character, of Russia as some sacral substance, if I may use this, or phenomenon, if I may use this term.

So in this sense Russian (unintelligible) are perceived as something sacral which should be really guarded from whatever influences. And Russia per se is so self sufficient that it doesn't actually need any let's say any improvement or any modification.

And in this sense, which is interpret - this concept of national segments of the Internet okay, yes, we do understand that there is the Internet, that the Internet is interconnected and we are all there in that single space. But at the same time there is that sacral territory one shouldn't actually trespass.

And that is probably what - and let's say with regard to this State - with capitalized S - should exercise its exclusive powers. I know it's hard to absorb, I mean, you know, in a couple of minutes it's hard to explain all these theories and background behind that division. But basically that's the case.

And using that we Russians, we suggest that basically all these states have their own natural right to guard and protect the - not the sovereignty but the national borders and the jurisdiction on the Internet as we do it offline.

With that I must say that this is probably the only point on which Russia has a very firm stance. I mean, it believes that this issue should be taken only by governments and between governments or states, let's say states.

So no other stakeholders should be engaged in this dialogue simply because this is the state - again S capitalized - matter. And this is sometimes not that

well understood in other countries. But that was the case from my perspective behind that very specific sense Russia took in Dubai.

Wolfgang Kleinwachter: Okay thank you, Leonid. And so far I think it's really important to understand that this concept of state sovereignty is - has to be put into the context of the multistakeholder concept and so that means while the multistakeholder is still a new concept, which is not yet fully elaborated but has to live with the reality that we live in states which are governed by governments and where we have borders and we have national sovereignty.

So I'm very happy that Tarek Kamel is now here because he was, you know, in all this different worlds he was the technical community, then he worked with the government and now he is with ICANN.

And, Tarek, ICANN has the slogan, One World One Internet and you are very proud of this and ICANN is now a model for the multistakeholder model. On the other hand there are - we have a question mark here between one world - behind One World and One Internet.

And when I moderated a similar panel during the (unintelligible) last conference in Paris six weeks ago, you know, the Chinese (MAK) member, you know, made a comment and said, you know, this is only partly true because we do not live in one world; we have different worlds and we have but only one Internet, we have different internets.

And my question is how do you see this issue from the ICANN perspective? Do we move towards more integration or do we, you know - we are pacing also, you know, the challenge of fragmentation of the Internet? What is your personal opinion and what is ICANN's approach in this?

Tarek Kamel: On line? Thank you, Wolfgang, for inviting me to this distinguished panel and be glad to participate. Unfortunately I have a cold so please bear with me a bit if my voice is not in its full strength.

Yes, it is definitely a difficult question because we are moving to some extent from the plain old telephone system where one country one voice where the geographical borders were something that were very important when it comes to the telecommunication numbering system that the ITU has been in the past.

Many countries in the developing world very specifically were used to this plain old telephone system model even when the mobile came in when the numbering system has happened it happened in a similar way with the IT.

Internet came in, was completely new concept. It has been built in a bottom up form where it is important more than this communication. It has been built up by the private sector to a great extent with the support of academic and technical communities and brought really new concepts of communication and new application that many parts of the world still need to catch up with and make sure that they are coming now.

At the same the evolution and the growth that is happening it's phenomenon. We have double digit growth in the developing world today for Internet users and it is true that the growth is coming from the developing countries not necessarily from the US or from Europe when it comes to bandwidth, when it comes to number of additional new users, when it comes to new languages that are being used on the Internet, when it comes to young people that are coming and empowering really the utilization of the Internet.

The polarization definitely was witnessed during the preparatory phase of Europe. What is the best approach for Internet governance? Is it the current multistakeholder approach or are there other approaches that are thought to be best fitting for the Internet governance very specifically?

And I think if we go back to the (Tunis) agenda even from a UN point of view it was for the first time where a commission of the functioning - well

functioning multistakeholder that built the Internet happened back in 2005. And we are building in that while we are moving straight forward.

There are definitely many issues on the table related to cyber security, related to spam, related to many issues in Internet governance related to privacy, multi (unintelligible) with a wider definition of Internet governance that came in the (Tunis) agenda I think definitely the challenges are there.

And there are global and it's not only Internet governance, it's not only naming and addressing (unintelligible). We try to address that in the (IGF) but I cannot claim that we have answers already as a global community to all the challenges that are there related to cyber security, related to multilingual and privacy issue and many other issues as well.

We should continue to embrace and support the multistakeholder model because probably it is the best approach that has proven itself now to be successful to tackle many issues. As such we need to explain and we need to reach out to the world, to the developing countries. We need to reach out to the other communities that see different and explain how this model really is working.

It needs to be more - I'm not saying necessarily it is 100% perfect; it needs to be more inclusive. It needs to be more and more internationalized. We need to reach out in a better way. We need to communicate more and more as a community with the rest of the world.

But I think it is the only way to go to support the multistakeholder model and the Internet governance. It is unique, it does not exist it other shared resources in the world and environment in managing whatever other shared resources.

For the first time the world is really looking at testing the multistakeholder model in managing a shared resource. But I think it's moving forward and we

need to support it and we need really to make it inclusive because it is the best way to move forward.

Wolfgang Kleinwachter: Thank you, Tarek. And again I invite in particular all the Chinese guests here to take the opportunity to go to the microphone and to ask some questions or to make comments because we missed our two Chinese guests here on the podium and to get the full picture it would be very helpful, you know, to get all the, you know, point of view from the host country here.

We have heard now three different statements from Markus, Leonid and Tarek. And Bill, as an academic with broad experiences also in this policy field what would your reflection about the three statements of on the border versus borderless approach?

Bill Drake: Thank you, Wolfgang. I should point out that there was sort of a logic as we were thinking about how to organize these two panels which may not have been completely - come through completely clearly in our introduction.

So I should just say if you're wondering the idea was that this first panel would be sort of a meta-level in looking at sort of broader changes in the Internet governance environment. And then the second panel would focus in more specifically on the gTLD environment in light of those broader changes. So there is a sort of a link there.

So if you're wondering why we're not talking about the details of gTLDs right now it's because we actually were hoping for the first panel to shoot a little bit higher in order to sort of set a framing. And so I think that there's integral sort of linkages there that we'll be able to explore particularly in Q&A of the second session.

Now in keeping with the notion of (unintelligible) kind of broader framework maybe I will get a little bit more meta-level here as - given that I have a background in political science and also a communication historian. I guess I

look at these questions in a little bit weirder way perhaps than some other people might.

We did have this period in the 1990s when there was all this libertarian fantasy talk about how nobody knows you're a dog on the Internet and everybody was just going to be able to operate freely without any kind of governmental or other power structures intervening. And life would just be hunky-dory, we would all dance and plow our fields on the Internet and that would be it.

And many of the people who were saying that then were surprised when lo and behold it turned out that governments wanted to adopt regulations, policies, practices as did large corporations.

But of course to anybody who has a broad perspective on history none of this was new at all. Every media system, every electronic media system for global communications that has ever evolved has gone through a period in which essentially states have sought to embed it within frameworks of public authority. This is a natural phenomena that happens all the time and so we shouldn't be surprised that this is going on now in the Internet environment as well.

When states are confronted with transnational intangible transactions whether it's financial or informational or any other kind of transactions they will seek to provide some sort of social ordering to that. And all states do this depending on their degrees of technical capability and so on.

It's not a matter so much of political systems, although obviously there are differences in particular approaches, among political systems all states seek to embed the Internet now within the frameworks of public authority and to impose greater rules.

And the ways in which one would historically do this - approach this kind of thing is through a series of kind of steps. One is to establish borders obviously. And we can look at many of the kinds of technological and legal interventions that have been made in recent years around the world.

We are all familiar, we don't have to name them, with many of the kinds of approaches that have been followed that in one way or another limit or fragment the coherence of the trans-border experience for users.

Secondly, states have historically sought to impose boundaries around sectors, economic sectors, for example, to ensure that entities that were engaged in a particular type of business, whether it was a particular financial market or communications market or so on, remains in that space and didn't move into lateral spaces and so on so that they could apply some sort of administrative rules to them.

Thirdly you would have the establishment of barriers to entry, very often, as a technique to ensure that particular firms, particular players, had greater market position and so on.

And, fourth, the establishment of some administrative mechanisms of surveillance or the (unintelligible) of the ability to monitor and know what is going on within the space.

And these kinds of things have been done with broadcast media, they've been done with traditional telecommunications, and they're being done with the Internet now so none of this is surprising.

And of course the extent to which they do this, the ways in which they do it, has a lot to do with the cost and benefits of different types of strategies and whether the intent of structure is one that makes it rational and feasible for them to pursue that kind of approach.

We also have, at the same time in the private sector, a growing sort of global enclosure movement wherein you've got multiple sorts of ways in which firms are seeking to project power and influence to structure the Internet space to serve their particular business models and so on.

So you have the emergence of walled gardens which Markus referred to, the semi-sovereign states like Facebook with, you know, 1 billion people it's like a transnational country of its own with Mark Zuckerberg as king. And they set rules to which people are then subject if they wish to stay within the Facebook space.

There are many dominant firms now seeking to do this just as they - technology firms always have through technical standards, proprietary technical standards and other kinds of techniques.

We have intellectual property rules that sometimes, in the view of some, go beyond what might be normally expected in terms of simply protecting the rights of authors and so on to being much more expansive and limiting access to knowledge in some centers.

We have increasing tensions as we saw in the wicket negotiations in Dubai between the telecom world and the traditional - and the new Internet world with the telecom carriers seeking to impose greater control through their network infrastructure into the Internet environment.

So all these kinds of things are going on. We have both vertical and horizontal structuring of space taking place. And this is leading, you know, some people might argue, to new a new kind of neo-medieval-ism where in the medieval world we didn't have power simply vested within sovereign territorial states; we had it vested within multiple overlapping forms of authority and the same thing is happening now.

So the emergence of this kind of a trend is an interesting one and it runs parallel with a lot of other big trends in the reorganization of global political space around the Internet.

And so the challenge then is to develop, as Tarek has suggested, the institutions and practices that will alter the incentives and provide the grounds for people to move against the forces of fragmentation (unintelligible) to be in their mutual interest to continue to pursue a more open strategy.

And we see right here at this meeting the establishment of this process in Beijing is this one bit of a larger sort of actions that ICANN is taking in the outreach field to try to increase its inter-connection-ness with governments and other players around the world and other actors will be doing the same kinds of things.

So these are the challenges. How do we develop the institutions that will sustain openness given all the pressures of (closure)? So I'll stop there. Thank you.

Wolfgang Kleinwachter: Thanks, Bill. And we are really running out of time so this allows me just to ask a final question to the four panelists. And this continues what Bill has just said when you said we have mutual interests or when Tarek mentioned the idea of shared resources so we are using the resources we have to share with our common resources.

You know, the - last year it was in October in Budapest the cyber security conference where there was minister from China, foreign minister, you know, presented some principles for Internet governance.

And the first principle was on his list the cyber sovereignty and he said, okay, cyber sovereignty means the extension of national sovereignty into cyberspace which, you know, was touched also by some speakers here that

this is a problem but if 198 member states of the United Nations extend the (unintelligible) into cyberspace so we have a problem.

And the question is can we - if there's a space where we have to share some values. You know, just this morning in the same newspaper which I quoted already, the Chinese President, Xi, is quoted from his speech he gave on Sunday in the economic forum in Hainan where he used the concept of shared security.

And has said, you know, with all the risks we have now in the security field so he introduced a concept of shared security. We have to share security to live in a secure world.

My question to the panelists is is it (thinkable) that we move in cyberspace into a concept of shared sovereignty where we, you know, have an understanding of national sovereignty in a collaborative way where we, you know, regardless of differences in the specifics.

You know, we share our approach and in a way that we have all the same benefits. And so I take the same round again and I ask first Markus with his diplomatic experiences, is this a realistic approach or is this an illusion?

Markus Kummer: Thank you. Well, I'm a little bit disappointed because you anticipated what I was going to say that we have to move towards the concept of shared sovereignty instead of insisting on national sovereignty rather look forward and develop a concept where we actually share the sovereignty.

And obviously I would agree with what Tarek has said about the shared resources that was very much our common (pool) scenario. I think that made an important concept.

And ultimately I think when we look at what is the common interest I think it is in the common interest of every nation state to move that way because it is

the open global interoperable Internet that allows for innovation, that fosters innovation and ultimately fosters economic and social development.

And I think every government wants economic and social development; it's in their (unintelligible) interest. So this is a work we have to do, we have to convince people that this is actually a positive concept. It is something that brings us forward. Thank you.

Wolfgang Kleinwachter: Leonid.

Leonid Todorov: Well I'm of those probably, you know, libertarians who still believe in dancing in the hills are full of flowers. Well what Bill said, I mean, I would disagree on one thing, you know, governments may not necessarily be those rationale adjuncts seeking - or just in search of incentives.

Sometimes they do act irrationally. And that should be also a considerate as a - well as a fact, as an established fact. So I believe that, yes, on the one hand they may act irrationally but on the other hand the more we reach out to them the more we educate and enlighten them.

And believe me, I mean, dealing, for example, with the Russian government, I've seen an enormous progress for those of you unaware of this fact let me just reference two year 2008 when the word ICANN itself was an obscenity.

So right now ICANN is - well, is known in Russia and we do have Internet governance forums in a very multistakeholder environment. We discuss very (unintelligible) issues.

So throughout regional (unintelligible) we do make states work rationally, work together to create that common ground. So, again, we are still in the stage of innovation - at the stage of innovation, right, so we need to learn a lot, I mean, according to these waves theory. Hopefully there will be a shift in a positive direction.

Wolfgang Kleinwachter: Are there any interventions from the floor? So I would be happy to have some more interactive dialogue over this. We have nearly 100 people in the room and - no? That's a pity but anyhow then I give - yeah. Joy.

Joy Liddicoat: Thanks, Wolfgang. Joy Liddicoat here. Just perhaps just let the conversational beat go a little longer. I'm sure people will respond with questions.

I think one of the interesting questions raised by the - sort of the meta-level, you know, context is this idea that it's not actually only states who are creating spaces that are restricted, it's also private sector as well.

And I think that would be important to just sort of unpack a bit because different - global corporations, for example, may be registered in one country and operate in others. And so I was just interested in your thoughts about that (unintelligible) new gTLDs, what about this sort of creation of compartments on the Internet by private actors as well as states?

Wolfgang Kleinwachter: Yeah, I think this is an issue that ICANN has to deal with, you know, with this, you know, conflict among different jurisdictional - jurisdictions. Shopping now if you're allowed flexibility in the (unintelligible), you know. Any comment? Tarek.

Tarek Kamel: I will add to the previous conversation of shared responsibility, shared responsibility it has also to be inclusive. And when we talk about shared responsibility and it is not only about governance like (unintelligible) said, it's private sector (unintelligible).

When we do reach out with our engagement and operate in new hubs, as Bill has mentioned, as ICANN staff and invite people to come in and invite them to participate and invite them to be part of ICANN constituencies we need also to make sure, as a community, that we are ready to reduce the barriers

of access for them and the barriers for inclusion and the barriers for participation.

And this is a very important message that we hear in the field that sometimes they feel even within the constituencies, the different constituencies, I'm not going to get into details, that they feel it is complicated and the issues are very comprehensive and the issues are complicated.

So we might think also together as a community how to reduce the barriers of access for newcomers and new players that want to be part of this discussion that are there because of inclusiveness we can really say that we are global and we are international and we are covering the various interests, the various public interests not only as governments but also for the private sector.

And this brings me to your question about the new gTLD program. The answer is yes, the participation from the developing world in the new gTLD program has been very limited and by far below our expectations.

And even in the JAS, the Joint Application Support (program) so it's not a pure financial issue because the program that was offering financial - the financial support even the number of applications were three worldwide while we were expecting.

So something in the overall communication and awareness model had to be revised. We need to be making sure really that we are reaching out to the right people including accreditation of new registrars, empowering new private sector players all over the world to come in so that it's not only the same companies that are only benefitting out of the multistakeholder model.

Because critics (unintelligible) as such. So we need to empower new private sector players to come in, help them, hand-held them and so this is part of the responsibility of the global business community as well.

So in order really to make the operation global I think we all have our share of the responsibility as ICANN community because ICANN is not only the 150 people ICANN is now.

Wolfgang Kleinwachter: Thank you very much. This is a wonderful bridge to the second panel which starts in two minutes so. And - are there more - okay, yeah, ask your questions and then we continue with the question from the floor. Okay go to the microphone please. And your affiliation.

(Victor Dorna): My name is (Victor Dorna). I'm from ISOC (unintelligible) chapter. Well first of all welcome the workshop and the very interesting in One World One Internet because the part here this motion has not been very true.

I'm coming from the developing world, from Africa, for example, and I'm happy that I'm seeing changes happening (unintelligible) ICANN with the African community initiated and learned (unintelligible) strategies.

So when we talk about One World One Internet has started to talk about inclusion, participation from different parts of the world. I'm hopefully, for the future, where we see more accredited registrar.

That's one of the core function of ICANN is to coordinate the domain name system because we can't imagine one person from ICANN, three from Cameroon when you want to register a generic domain name you referred - you are the (unintelligible) of electronic payment so you can go through your (unintelligible) or in Europe who uses the credit card to register a domain name.

And the registrar - we register a domain name is in the different jurisdiction maybe in the country that even you cannot speak the same language. And this sometimes doing a lot of frustration. So I hopefully say - hope that the motion of One World One Internet would be making the domain name

(unintelligible) to the mission of ICANN because in the past it was One World One Internet everybody connected.

And everybody connected was (unintelligible) because I think that ICANN mission is not about connecting people, it's just about the (core) domain name. And so I'm happy to see the Internet Society here because it has been bring a lot of work in Africa to connect those - to connect people. And I hope that collaboration between ISOC and ICANN, ISOC helping developing connection paths and content development.

And ICANN making the domain name accessible and affordable prices to developing worlds we have developed the Internet in those part of the world and we really make the motion one Internet a reality.

I will end with a question to - I'm sorry, I cannot remember your name. Yes. The question is about why the government have so lot of fear when we talking about the Internet is because it seems powerless or borderless when it comes to the Internet or is something else? Thank you very much.

Wolfgang Kleinwachter: Thank you. This was a very good statement, very helpful statement. I'm very thankful for your intervention. Leonid, can you briefly reply and then I think we should close this meeting to have enough time for the second meeting to continue the debate which was just raise issues - around issues raised by you. Leonid.

Leonid Todorov: I don't want to sound too much iconoclastic or ICANN-oclastic? Okay anyway so what I mean is that imagine - we talked a lot, you know, we've been talking a lot about the Internet as a measured driver of growth, as that measure - medium for the global community and stuff like that. So the governments listened attentively.

And they realized there is some big things - some big thing emerging over there to which most governments in the world had no relations, this is my theory.

Now had we talked about the Internet as a utility and we're probably in that era of technical singularity would think of the Internet in this way, in that way, utility.

May - it might well have happened that governments wouldn't pay attention - too much attention to the Internet. Now we understand that there is - there is sort of challenged by something which was not initially under their control and they want to regain this control.

But at the same time they fear this thing, as Tarek mentioned, there was not enough communication for them to understand the benefit. And as I mentioned, governments do not necessarily act rationally.

So it's some irrational fear plus some let's say rational expectations of the future benefits. So a mixture creates that very special attitude, you know, (unintelligible) and that hunger for let's say control.

Wolfgang Kleinwachter: Okay thank you. Thanks, again, for the - panelists for their intervention. And, you know, without any further ado I hand over to Milton, the Chairman of the (unintelligible).

Milton Mueller: All right we'll get started again. Please take your seats and we'll get started again with this panel. This panel will be about the more meta-level or micro-level issues related to domain name market that many people in ICANN are more used to talking about.

Let me remind everybody that we have translation devices available. We have a really excellent interpreter in the booth back there. And if anybody in the audience needs English Chinese translation in particular we have most of

the devices are up here on the tables so please feel free to make use of them if you need them. Again are there any devices back there in the back?

All right so once again we're going to be up front about this and face the fact that the two Chinese panelists that we had planned to have on this session are not here. And we have to be frank about the fact that this was not an accident. They were not suddenly taken with fevers or caught in Beijing traffic.

Unfortunately it seems that there was a certain level of uncomfort, let's call it, fear perhaps would be a stronger word, with having a dialogue about some of these issues. And I think it's very unfortunate. Again in this kind of a governance model it is based on open dialogue and open participation.

And I think one of the problems that we ended up having here was that there was a fear that statements made would be interpreted as the official position of the government.

And of course on this panel that fear is pretty much unwarranted because with (CNIC) and (KONAK) we're dealing basic with TLD applicants that are pretty much on the same status as any other private sector actor.

But I think framing it in the context of these larger policy issues did cause some problems for us here so we apologize to you that we're not having quite the type of dialogue that we wanted to have.

So what are the issues that we did want to discuss? Well obviously there are the new TLD competition issues. And we'll be having new top level domains in the Chinese market as well as in the rest of the world.

What makes this particularly interesting in the Chinese market is that we have essentially an opening up of a linguistic market not only to new Chinese players but also to players from outside of China.

So I could use this opportunity to introduce one of our panelists which is Anthony Van Couvering who is a decidedly Western businessman. And Anthony tell us what you're doing with the new gTLD program or some of the things that are relevant here that you're doing?

Anthony Van Couvering: Thank you Milton and hi Avri and welcome everyone. I do regret that we're only three. I'll do my best to fill in the space.

There are so many issues around the new gTLD program with regard to ICANN, with regard to private sector governmental involvement, with regard to the expansion of domain name space, with regard to a digital divide issues and so on I hardly know where to begin.

I would say that, you know, for this group the interest has got to be around the question of governance. It is certainly one of the things that attracts me to ICANN is the promise of a new sort of governance that is not government based.

Milton Mueller: If you don't know where to start I'll tell you.

Anthony Van Couvering: Tell me.

Milton Mueller: You are an applicant for two Chinese language top level domains.

Anthony Van Couvering: I am.

Milton Mueller: Okay. So let's hear about that. How do you plan to participate and compete in the Chinese market?

Anthony Van Couvering: Well to be perfectly honest (Wynoc). We've applied for 72 top level domains of which two are Chinese character names that is - and pardon me for butchering the language but...

((Chinese Spoken))

...which means Web address. And the reason we applied for them was not out of any particular knowledge of the Chinese market or any particular plans of how we would proceed in the Chinese market.

It is simply because we applied for a wide diversity of names and we thought it would be interesting to have exposure to the Chinese market.

So our strategy here is really to find partners who understand it. And it is already proven where there are people like that it has already proven to be quite challenging in terms of permits and the bewildering array of what's allowed and what isn't and who allows it and who does it, what's admitted and what's not admitted.

So I find it a particularly challenging environment and I will rely heavily on the partner that I'm working with here.

Milton Mueller: Well consider that an introduction to a set of issues that we'll try to delve into in more detail. But now I'm going to turn to our other panelists. And that is Avri Doria.

If you're active in GNSO you probably already know Avri because she has been the co-chair of the GNSO and a GNSO councilor for many years as well as a member of the NCUC.

But we're talking to her mainly in a capacity as somebody who served as an independent consultant for the .gay application. So can you tell us about that and how it is connected to China?

Avri Doria: Thank you yes. So in terms of the .gay application first want to point out it is the only application I am currently involved in.

And it is a community application which I think is a very important part of this whole discussion that I don't know if we'll get to but the whole notion of what it means to have community TLDs and what it means to have TLDs that are community supportive and what it might have been like had ICANN actually been supportive of the notion of community TLDs.

But in terms of how would affect not only the Chinese population but many population there - the gay community is a small community in terms of percentage of the population but it is pervasive. It is in every country.

Now in some countries it's a lot less visible. In some countries being a member of that community can land you in jail for life, can land you, you know, some are even discussing death penalty for being a member of a community.

In China it's actually not that bad. In China you would merely perhaps have your family disown you, get fired from your job or have your business closed. So it's a lot easier community to deal with.

But so how would we as a community TLD that wants to support the gay community in all of these countries work with them is we meet with them, we talk with them, we do not publicize who they are necessarily.

And then we look at how we can use the TLD to make them visible to the world and yet not visible and apprehendable by the governments.

So we have those kinds of issues in terms of a TLD that basically we want to promote safety and visibility and yet we also want to - and doing those at the same time in places where perhaps one is not completely free does become challenging.

Milton Mueller: So let's talk first about some of the rights issues related to domain names. And actually it affects both of you. And then we'll move on to more of the economic issues.

So in terms of rights one of the issues related to domain names -- and it's not something just based in China but it has a special significance here -- is the degree to which people are identified when they register a domain and what kind of identification has to go with that.

And of course we've been debating that with respect to the registrar accreditation agreement and the demands of law enforcement. And some of you may not know the degree to which China went through a major short of sort of shakeout of its domain name registry (Sienic) which had become one of the largest country code domains in the world. But then I decided to enforce more stringent regulations on who could register and what kind of identification they had to show.

And because of this there was a gigantic decrease in the number of registrations. And the market share of (Sienic) declined relative to the market share of .com and China.

So first to Avri if you're trying to run .gay here how are people affected by policies that relate to how they're identified when they register a domain?

Avri Doria: Assuming that .gay was not filtered out completely in China and thus became visible only to people that used VPNs they would have difficulty registering for it in this country because once they made themselves visible as registrant in .gay they would be subject to whatever negative actions could be held against them.

So it's actually a question that we haven't quite answered in terms of exactly how are we going to support the registrant.

The importance of proxy registrations becomes critical to us. And proxy - a proxy registration in countries that will not immediately reveal the identity of a registrant when the Chinese government or, you know, Ugandan government for that matter knocks on the registrar or registry's door becomes a critical.

And that's why some of the issues that we have here as in terms of, you know what privacy protections do you get from your registrar? What privacy protections do you get from your registry?

.Gay assuming the community applicant for .gay is successful and of course knowing that there is another applicant at the table applying for the same one but assuming that it was successful in the United States is there a trust that if the registry in the United States would be forced quite easily by the courts to give the information to the Chinese?

If on the other hand there are registrars in countries like the European Union Iceland and whatever that had a more protective and that information was retained in those countries and not transferred to the United States than it would give those people an opportunity to register without necessarily fearing the act of registration.

And so as a registry assuming that the community application is successful it becomes important to figure out how people can register safely and gain the visibility through a safe registration.

Milton Mueller: Go ahead Anthony. Suppose you're successful with your Web address domain and you are then told or approached by the police and told that some of your registrants are dissidents and you ought to have to help to turn over some information about them what would you do?

Anthony Van Couvering: I would just first of all like to echo most of what Avri said.

I mean the real promise of the gTLDs as opposed to the ccTLD which is under a natural jurisdiction is that they historically have allowed people to register names where it wasn't permitted.

Those are not necessarily restrictions regarding, you know, sexual preference or anything like that. Many places just allow businesses. They only allowed one name and so on.

And so you saw the phenomenal growth of gTLDs at the expense of ccTLDs and is a very good example.

Many, many business people there and the individuals registering in .com because .code at IN was so restricted.

Like Avri I am, you know, dismayed by the use of Whois as a means of identifying people for law enforcement. I think that was a really terrible use for it and yet we seem to be drifting that direction.

And given that the use of a proxy registrations needs to be guaranteed and is quite important.

And I would also say that the role of the United States has not been very helpful in this regard. And our registry operations are going to be in Europe precisely because we have European clients and because of our own just inclination to be rated and forced to review information.

So I think these are very real concerns. That said, you know, if you want to do business in China as I understand you have to be registered here.

You would have to submit yourself to the laws of the land. And that's true indeed in many places where you do business.

So it is not a clear thing about how you would react if you were asked or compelled to hand over information. I think in the most extreme case you'd have a choice of either handing it over or closing your doors.

In the case of a Chinese language string obviously that severely reduces your mark if you're not in the People's Republic of China.

Milton Mueller: So let's talk a little bit about markets know. The market for TLD' is at least potentially global. Some registries operate policies that restrict their sales to people who meet certain criteria. And sometimes one of those criteria is citizenship or nationality, or residence in a national territory.

But both of you are dealing with gTLDs and probably don't fit that requirement.

So one of the things I want to talk about here is the relationship between sort of free trade and free trade agreements because China is a member of WTO and censorship or content regulation on the other hand.

So that let's suppose that a country -- and it may not be China -- it may be other countries -- and so they don't like the word game they choose to block it. In that case it might be purely based on content.

But suppose a Web address suppose you run into some barriers that are not really based on censorship it's more that they would rather that the business that you're getting go to (Conac) or (Sienic), how do you respond to that?

Anthony Van Couvering: Well I haven't run into that to be perfectly honest. I mean there's a school of thought which I sort of adhere to that says that there's - the name itself is not very meaningful. That is to say a second level name and, you know, can have all kinds of content behind it.

And the word that is - seems to be objectionable might in fact be non-objectionable because it's being used by the people who are fighting that things as objectionable. You know, you could have child porn .something. And there might be people who are crusading against that.

So it really comes - it really does come down to content to regulation. And I don't think that content resides in the name.

And that being said I've never been in a country that doesn't have some form of content regulation. I think it exists everywhere.

So it's really a question of degree about how you approach that. And then you have laws and you have customs. And typically the accepted is when you, you know, manage to draw yourself to someone's intention it's the custom that holds.

So I think as it always was and will be this is just a - something you have to navigate. There's not really a clear way of understanding this. And the understanding certainly doesn't reside in bilateral trade agreements, certainly not at the ground level.

Avri Doria: It's a very little you said that I disagree with.

I do think it's deplorable that content regulation exists everywhere to some degree.

I think the only measurable difference is the danger. In many cases it's the financial danger. And in other cases it's a life and death matter. And so that is the variance we see. But even that may not be as clear cut as I like to believe.

I think the only thing I would disagree with and that's simply because I want to remain a starry-eyed idealist, it will always be that way.

Milton Mueller: Well I think at this point the most useful thing to do it might be to open this up to the floor and to everybody here for questions and also comments.

There could be gTLD applicants in the Chinese market here in the floor. I'd like to encourage them to come to the microphone address some of these regulatory issues. I see somebody that's raising their hand in the back.

So Anthony you had a quick comment and then we'll open it up..

Anthony Van Couvering: Yes I think what we missed Milton is accessibility. You know, it's one thing to have rules about who can register a name and what happens if they do. But there's a whole other set of questions around who is able to register a name.

We heard the gentleman from Cameroon earlier talk about, you know, credit cards as an impediment. I think these are real and they exist at the second level and they have certainly have existed at the top level.

The - personally I see the way the ICANN program was set up as a series of barriers to entry. They spoke about the JAS Working Group and the financial incentives that were there and surprised that nobody came forward.

Our own company offered, you know, 50% discount on our own services for applicants who are in some ways disadvantaged. And we didn't have any takers either.

I think that it needs to be understood that the bureaucratic burden of the domain name particularly at the top level but also at the second level is a huge discouragement. It's very poorly understood how to do this.

When we heard earlier about participation and how it was hard to get people. But this is a very complex area unnecessarily so in my opinion. And that is something that we should all be cognizant of and try to make this not as difficult as it is because it really doesn't need to be that difficult.

Milton Mueller: I was talking to some of the youth group that's making the rounds here about some of these issues and is trying to compare the new TLD program to like a regulation that if you're in the auto market the only kind of car that you would be allowed, you know, an extremely well-equipped Mercedes-Benz.

And so with our TLD program we said it has to have the highest level of infrastructure. It has to go through enormous amounts of checking and vetting.

And there's a very complicated bureaucratic process. And then we say oh my goodness people from developing countries and small entrepreneurs are not applying I think that ICANN has really shot itself in the foot here.

All right questions on the floor, comments on the floor. Yes (unintelligible)?

(Ron Jackson): Hello, this is (Ron Jackson). I've got a question. The remark is about the interpretation which is very good. And I would call upon you all and all those who speak to speak more slowly.

This retailer happens to be in China. It's of great importance and of great significant politically. I was listening closely on the Chinese channel. Some of (them), of your final remarks were lost because of your speed not because of the inability of the interpreters. They were fine.

It's because the speed that which you speak does not allow because of the grammatical structure of your sentence to remember exactly that you're saying. So that was a word of caution.

And this is important of course because you want to get the message firstly to where you were talking human rights or civic rights that was correctly translated.

But then Anthony when you said for instance in the United States (unintelligible) federal advisors are not very helpful, but in the European Union there is a (unintelligible) at about that speed then it is only (unintelligible) European countries in that vertical stance which was (unintelligible). The first part of your sentence was lost.

My question is about the domain name business. We know what it is today. It's what, 90% is (unintelligible) US plus perhaps a smattering of Australian, (unintelligible) Great Britain, Canada (unintelligible).

How do you see the future of the industry itself? And both from (Evan)'s per perspective and from both your perspectives? Thanks.

Anthony Van Couvering: Thank you for that word of caution. I will attempt to annunciate and speak more slowly.

My hope with the new gTLD program -- and I believe it is the hope of the new gTLD program -- is that things will become much more diverse.

We can count as you just did volume and take that as a measure. But there are many other measures to look at.

My expectation is that we will see a great deal of clustering around particular names.

I suspect that people who have applied for names and I've told ICANN that we're going to do this, that and the other thing may well be surprised at the kind of applicants that they get and the kinds of uses to which the names are put.

I think also that with a diverse set of applicants -- and it is quite diverse -- we will see a different kind of domain name administration at the registry level.

We will begin to see registries that are quite concerned with what is happening with the names in their neighborhood so to speak.

And we will get some who are quite hands-off and take a libertarian approach. And we will find some that are very, very heavy handed in an attempt to suspend names and delete names and so on either at the behest of law enforcement or other authorities or, you know, from their strict interpretation of their own rules in order to try to guide the top level domain in the direction that they think is correct.

So I expect that we will see a diversity of outcomes that no one expects.

And this is of course one of the flaws in the ICANN program is the idea that you will say what you are going to do and you will stick to it as if you the operator of some machines were really the group that was responsible for that when it is in fact the registrants who are.

Avri Doria: In terms of the future first of all it'll be interesting to see what happens with the current set of names.

Personally in terms of the future I'm hoping that once this pent-up demand round has gone we will actually be able to have a round that supports developing economies, that supports communities.

In addition to having a round that supports the first principle of the GNSO recommendation for this round a predictable process I'm hoping that we have a round that pays attention to another one of the principles.

And that was one alluded to by your Mercedes or whatever metaphor is that the requirements are indeed fit to purpose that if you want to do a very small community supportive gTLD you're able to without having to assume the same burdens that the million name TLD will assume.

So I'm hoping that we see far more TLDs. I'm hoping that we have a continuation of growth of TLDs year after year 1000 new blooms blooming and that these are community TLDs. These are TLDs that belong to different language communities, different linguistic communities, different social political communities and cultural and that I understand there were always be more brands TLDs, and I think that's just as good a thing - not my particular area of interest.

But I think that's also good that basically they will become as commonplace in some ways as second-level TL - second-level domain names are, that it becomes something you don't need to be a millionaire to get. Thanks.

Milton Mueller: All right. So Rafik you had expressed an interest in speaking - slowly speaking and clearly speaking.

Rafik Dammak: Yes thanks for pressuring me. So I jumped out because the issue about the support applicant - there is a history about - is to open this new gTLD program to everybody to have a fair competition, because how the program was designed it somehow represent a technical and a trade leader to any especially from the working country.

So that's why I back to your example about this car. It's not just about the cost but also that second differential that it's not making it easy to - even you have the money to get access to that car.

So we need to result of this on these barriers and that's why I asked you personally separate and later and talking to - so Bart what do you think about

this, you know, and I could like W material mentioned it but what do you think?

Is the ICANN really against when they did the program not really expecting the free market so you can press those because all these barrier? I heard many people.

I remember when we talked about it Jeff just to - it's yet another acronyms in ICANN which means it supports applicant's program. We heard many people especially from the Contracted Party, the Registrar and the Registry that you know you cannot run a business in a domain name.

You need to have a particular expert to help to be financially stable and so on. So I liked what Antony said and that's why - how we can create more competition.

It's not just to set up a Registry business but it's also to - I think Victor in the previous panel - he talked about the Registrar in developing countries, so how to make really - it's about fair competition.

It's not about that. We - I'm from the working country. I'm not calling for add or any kind of - that kind of support but it's to create that environment, being able with fair competition. That's all.

Milton Mueller: I guess you're asking a question. Is ICANN's new TLD program a constraint on the free market for domain name services? And of course it is. It's a very serious constraint.

It was - and in fact it was pretty much openly acknowledged I think in some of the early stages that it - as a matter of fact it's almost as easy to set up some kind of a TLD infrastructure as it is to set up a name server for the second level, right?

I mean, it's just a different part of the name space. There's no fundamental difference unless you get to a very large scale. So in terms of starting a domain name registration business it's not that different from setting up a name server infrastructure for, you know, my department in Syracuse University, right.

And that means that in principal there could be millions of people entering this market, but ICANN and not so much ICANN itself but of course certain interest groups have very strong interests in constraining the number.

The trademark community wants there to be none so they want to limit the number as much as possible to reduce the number of domain name trademark conflicts.

The existing incumbent in the industry probably don't want there to be a flood of new competitors detracting attention from their existing businesses. Although all - some of them have a very enlightened rational self-interest in growing the market as a whole, they certainly don't want there to be too many competitors.

And there was the technical community concerned about the size of the root zone, some legitimate concerns that maintaining the hierarchical nature of the name space, so some of the barriers that we threw up to entering this market were deliberately designed to limit the number that could enter.

I think that's very clear. Now actually Stephane I'm usually on the other side of the microphone here. You've been the Chair of the GNSO and I have to beg you to call on me.

I want to find out if Mr. Tan of zodiac would like to say something because he is actually an applicant in the Chinese market and I learned the other day as we were searching for new - we were discussing some of this that one of your

TLD applications is I love you in Chinese characters, which would be a really bad TLD in ASCII but in Chinese it's only three characters.

And I want to know, you know, what is it like to be an applicant into the ICANN process from the Chinese side?

Wil Tan: As a Chinese applicant for the new gTLD I would say that ICANN new gTLD program is pretty vast. Actually this is ICANN to blame, you know, because, you know, they're supporting for the developing world.

It is - this issue has been raised quite some time but still the term depend on just a - one application got their support. And in terms of the education and awareness campaigns, frankly speaking I just see one such campaign in Beijing yet the awareness of the attendees are limited.

Looks like around the two handed or something and probably that is the case in Africa. That's why that's so limited applications from Africa as well as from China and Asia.

And basically speaking the new gTLD program is - basically is U.S. centric and Western centric. So of course error is one of the barrier. Language is one of the barrier and technical as we just put it is also a very high barrier for the developing world. That's basically my idea about the new gTLD.

Milton Mueller: Thank you. Go ahead Stephane.

Stephane van Gelder: Thanks Milton. Didn't realize you were that frustrated for years. You should've told me. This is Stephane van Gelder. I just want - I want to thank you both panelists for your forward-looking comments, but did want to ask you a question going back to the Mercedes analogy.

Isn't it true that although there are specific barriers to this program, this is very much still a test bench phase? And there were possible very good

reasons for putting the bar slightly higher initially to make sure that the program didn't fail or didn't fall flat on its face and gave us all the opportunity for follow through with other rounds, which has always been the intent.

When the program - and you've both been around for - around this community for a long time so you were part of the work at the GNSO level and the applicant business level.

Part of the work that was going on when the guidelines for this program were being set up - the intent was always for this program to be limitless. And in that context isn't it better to have put the bar a bit higher to make sure things worked now?

The program has been more of a success I think in numerical terms for ICANN than probably most people expected. I'm sure no one expected 2000 applicants.

Initially ICANN's numbers were around 500 a few years ago. So has this not given us a good stage to now move forward to the future that is a good future that you've both just described? Thank you.

Avri Doria: Oh, first off I never thought - and I think I was part of the whole process of this program being planned - never thought of it as a pilot. We had several pilots.

This was the first one of the post-pilot programs, so we were supposed to have taken the experience of the previous pilots and gone there. One of the explicit discussions that we had and one of the explicit comments we made in the recommendations was that one size fits all standards, business standards, technical standards, what have you was not to be the case, that the program was supposed to take into account the scale that was being proposed.

So do I think that that high bar will mean more success? No I don't. I believe that high bar is just as likely to stress out those who reached for a bar that was higher than they could reach, as opposed to being allowed to build an operation that was appropriate to a smaller size.

So I don't think there's a necessary connection between a high bar and that. I believe that the high bar was done more as a no one will be able to blame us if something goes wrong type of notion.

It was part of the same spirit we have of always protecting ourself against many levels of liability, even beyond those that seem reasonable to most people.

We are a very self-protecting organization. We're afraid that we're going to be sued at all times. Most of the fee that's been collected is collected for a contingency fund against all the things that will go wrong.

And I think that those barriers are things that prevented it from going. I was part of the applicant support group and I know that it took us two years longer I think to get that going than it should have.

I know that we only got three applicants for the support applicant review, because we announced that as being ready just months before application as opposed to two years before application.

So as part of the group of people that was saying, "We have to have this from the beginning," for years before we got it done there were certainly times when I thought our difficulty doing it was a competition issue, that we had a pent up demand among ourselves and we really didn't want to open the doors too widely, not at least on this first one.

But no, I don't think this program was ever designed as yet another pilot. This was the first one of the post-pilot programs.

Man: Thank you. Yes I view the new gTLD program as - I'm very happy it happened with all its faults. But in many ways it represents on the part of the ICANN community and the ICANN Board and the government players and everyone else as a big failure of imagination.

The - there's so many dangers that are built into the current structure that could've been avoided. The lack of diversity is itself a danger. We have this very sort of wobbly model that everyone's bound together very closely, you know.

If anything happens to ICANN everything goes down. There - this is not a very good way to ensure success. I would say that the domain name Registry business has been around for many decades.

There are a diversity of models out there in the ccTLD world and these are roundly ignored, although they were brought to everyone's attention on many occasions.

The trouble with Stephane your thought that there'll be further rounds is that there really are at least in the English language a relatively few number of very good names to - on which to build the business.

There are plenty of, you know, second rate names that do a nice business but the really good ones are all now applied for. So that doesn't bode well for players who weren't able to get in on this round.

And you also end up with a situation where you now have entrenched players who have been making money who are more than this - just the handful that were there before who are going to be incented to deny entry at a later date.

And there are many, many, many ways in this system to create delays. So I sort of look at this - you said there's - we got 2000 applications. I don't think that's a measure of success.

I think that there is probably many, many thousands more that would've liked to have applied that couldn't. And so I think that although I'm happy it happened and I'm happy it's happening and that there will be some good effects from it, it could've been a lot better.

And I'm hoping that as we go along the sort of need to control things that has been in such evidence will relax in the face of business realities and Registrant wishes.

Milton Mueller: All right, any other questions? It looks we have Victor again. Yes.

Victor Ndonnang: Thank you very much. I'm Victor Ndonnang from ISOC Cameroon chapter. And I did not go on the joint applicant's program of ICANN containing the new gTLD.

But I would think is going through that program - it was like supporting someone to buy a car even he did not have the road to only to drive that car. So from the applicant aspect we have been talking about few applicant coming from that region.

It is normal because there are no domain name industry developed wide because there are very few accredited Registrants. Why? Because requirement to become a Registrar cannot be easily fulfilled by a status or a company from Africa.

I can just take the case of insurance. It's not easy for such a applicant company to provide a insurance of $500,000. From the European or American perspective it's not a complicated case.

So for me we have to start from the basics. We have to enable - to create condition to African company to become Registrar and then they will develop the business, and we will see more companies apply for a new gTLD and waiting to become a Registry.

We cannot escape that business. I was - and it's exactly when I saw that there is a review of (ARR) I was thinking that it should directly be discussed. You mean why privacy is very, very important but we have to also think that criteria like financial or criteria to become a Registrar is not easy for African companies.

So it is important to review the (ARR) and all those outside like I was saying, so these are kind of have your comment of that and make the support really effective, because we continue saying that there was this support and nobody applied to get it.

It is because they do not understand the business and the basics is not there. So thank you very much.

Milton Mueller: Okay I have a slide I want to show you. I just discovered the linking up jack for this so hold on a second.

Man: I'd like to respond to what Victor said, which I think is, you know, is a very good point. We - I've watched the powers that be in ICANN fall over themselves to talk about diversity and talk about encouraging say for instance Registrars and Registries in Africa.

But whenever it comes down to the practicalities which you mentioned and which many other people have mentioned, that always takes a back seat to the wishes of for instance large corporations to - and, you know, governments to have a - what Milton called the Mercedes Registry function.

The - in general although I know it was always thought that Registries would fail, there has been every effort made to make sure that nobody fails. And in that effort anyone who is, you know, not very well financed is getting squeezed out.

And when I first applied to be a Registrar ten years ago it was literally a three-page form. Now it is almost as difficult as filling out an application for a new gTLD.

And this sort of piling on of bureaucratic requirements without any clear indication that they will help at all is an endemic disease in this organization, so I completely agree with you.

Avri Doria: Can I add one point to that? The only - the point I'd like to add to that is we have been hearing the call for Registrars in Africa for many years now. We have been hearing the response from ICANN for many years now as, "Yes it'll happen soon."

And yet nothing seems to change so it's - for those who might be hearing this for the first time today know that for four or five, six years the same comment has been being made by people and instead of it getting easier it's gotten harder.

Milton Mueller: All right. With that I'm going to wrap it up. Let me remind you again that we - the sponsors of this - the organizers of this conference are the Non-Commercial Users Constituency within the Stakeholder's Group.

And we frequently have tried to do special policy conferences in the context of the ICANN meetings. We frequently take a more independent and balanced approach to the presentation with conflicting policy views than some of the Staff organized panels.

At least we have a different perspective. We have a lot of academics and a lot of thinkers on our - in our membership. Bill says, "Send your hate mail to Milton L. Mueller, Syracuse University."

I'll - and again I would just like to say it is - if there's anybody here who could report back to the host country that we had been hoping for a balanced and informal dialog about some of these policy issues related to new top-level domains, and if we did anything that made them feel uncomfortable to do that, we sincerely apologize.

We hope to have such dialogs in the future perhaps maybe outside of China, but we do believe that it's best to have these dialogs in public so that everybody can understand what the positions of the parties are.

And when those positions are not directly represented frequently people can assume bad things or wrong things about the other parties' positions. And it's always very educational and - to learn exactly what the perspective of a country is with respect to some of these issues and certainly in the ICANN context, which is so dominated by Western perspectives we frequently do not get to hear it directly. That is it. Thank you for coming and have a nice afternoon. Bye.

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