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CR - ICANN Public Forum  
Thursday, 15 March 2012– 10:00 to 10:45  
ICANN - San Jose, Costa Rica

STEVE CROCKER:

Good afternoon. We're going to open the public session here. And I want to take care of two or three pieces of business before we plunge into the real work.

One, trying to raise our game a bit and part of that is civilized behavior. We have an expected standards of behavior posted as part of our whole self-examination of conflicts of interest and other aspects. We are going to take a look at this part, too, so it may get modified a little bit but only in the positive direction. Let me bring that to your attention and ask that everyone adhere to it.

A couple other things. There's a lot of intense activity looking at the use of our time during the week, what things are necessary, can we reshuffle, and so forth. I've had a particular focus on the utility of the way the Friday sessions are scheduled. Multiple groups are working on it, all are going to be coordinated, and we will try to do a better job and a more interesting job, perhaps, of putting the pieces together. So look forward to some changes. There is the meetings team, the Public Participation Committee, a meeting structure working group, and I'm almost a working group of one pushing about certain aspects.

What day is today? It's Thursday. I had a Thursday. This is the second Thursday. The board was in session all day Thursday last week, Friday, Saturday, Sunday. By Monday, we had the advantage of being halfway done and you guys -- the rest of you all were just starting. This is nuts. So I want to draw on an American tradition and suggest that we start this session with a seventh-inning stretch. Everybody get up and move around for just a second. I'm serious. I need it.

All right. Thank you. And in that spirit, I want to move things along briskly. When we get to questions and the microphone part, let me ask people to be brief. It says here on my notes "two minutes per person." My interpretation of that is 90 seconds. We have taken to running internal meetings using a 90-second rule. Think about what you want to

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say in advance, get it out, and we'll move on. It will be more effective in general.

The next order of business I want to thank two departing community leaders or members. We have two people who have contributed quite a bit, one over a very long period of time and one over a relatively short period of time.

Let me do the short timer first. Xiaodong Lee was -- joined the Security and Stability Advisory Committee. I had the privilege of recruiting him into SSAC, and he immediately made contributions in multiple ways. We needed everything from the linguistic breadth that he brought while we rustled with IDN issues to hard-core security issues and a lot of operational aspects.

And his completion of service, I won't say resignation, at ICANN -- at SSAC is because he has been grabbed and thrust into the position of vice president for Asia in the global partnership team.

Xiaodong?

[ Applause ]

The other is Patricio Poblete who has been around longer than I have. And I have been around pretty long already. Departing after -- this is more like retiring, right? I don't know the precise history. He is retiring from the ccNSO Council, and I understand that he was around and contributing before the ccNO Council or the ccNSO existed, the preexisting organization, from around 1999, I think. Pablo? Patricio. Excuse me.

[ Applause ]

I obviously haven't been around long. Patricio Poblete.

We're starting a new tradition here, or one that we hadn't honored very well. We've had in the past honored people who have come to many ICANN meetings, hitting the big 3-0. And you may have noticed that we haven't done that recently. We're going to batch them up. We'll get around to doing it. But it occurred to me that's not the only milestone that ought to be marked.

The backbone of our organization, at least one of the backbones, is the tremendous community of ccTLD and gTLD operations and that it's time to pay attention to how long they've been around.

Quite a few have hit the 25-year mark. Some have been around a little bit longer. So I want to also recognize the TLDs who have been around for 25 years. We have certificates.

The number that we have total is 27. And 17 are here, and 10 are -- I believe, are not represented. Because of the numbers, what I would like to do is ask each person to come up. I will hand the certificate and then hold your applause and then we will -- but we will take pictures as we go and then afterwards -- let me ask you, when you come up, to just stay up here and then we'll have a round of applause for everybody.

NANCY LUPIANO:

So in TLD alphabetical order. Chris Disspain on behalf of dot au.

And then we have dot ca, Canadian Internet Registration Authority, Byron Holland.

Dot ch, the Swiss Education and Research Network, SWITCH, Constantin Toenz.

Dot com, VeriSign Global Registry Services, Pat Kane.

STEVE CROCKER:

Nancy, I'm going to intercede here. Patricio, would you come back up and accept on behalf of dot cl.

I told you he has been around a long time and done everything. Nancy, we're back on.

NANCY LUPIANO:

Thank you.

Dot net, VeriSign Global Registry Services, Pat Kane.

[ Laughter ]

Dot de, DENICeg, Jorg Schweiger.

Dot edu, EDUCAUSE, Joe Waldron.

Dot gov, General Services -- I'm sorry, dot gov, General Services Administration, Joe Waldron.

[ Laughter ]

Dot jp, Japan Registry Services Co., Limited, Hiro Hotta.

Dot kr, Korea Internet & Security Agency, Jong-Ryeol Suh.

[ Applause ]

Dot mil, DoD Network Administration, Orlie Yaniv.

Dot nl, SIDN, Roelof Meijer.

Dot InternetNZ, Debbie Monahan.

Dot org, Public Interest Registry, PIR, Nancy Gofus.

Dot uk, Nominet U.K., Lesley Cowley.

Dot US, NeuStar, Inc., Fernando Espana.

STEVE CROCKER:

I have one left over. For dot se. Are we -- is there a dot se person here?

Maybe not. Okay.

Okay, not a problem.

Now –

[ Applause ]

Yes.

[ Applause ]

Let me put this in perspective. Multiply 25 by the number of people, you got more than 400 years of independent experience represented

here, and that's humorous in its own right. It is a way to look at it. But there is a very important thing, which I would like to emphasize, which is we put an awful lot of energy into our contracts and into our processes and so forth. Much of it focused on the gTLD side of things.

I have long felt that the cc community in particular represents an extraordinary source of expertise and genetic diversity, and there is a mixture here of both g's and cc's but the predominance is obviously the cc community, the expertise, the community service, every aspect that we would care about is embodied in this set of people and it is a tremendous resource for us all.

Thank you, again. And let's put up the slide of the TLDs that are not representing here, another very important set.

Thank you. One more round.

[ Applause ]

NANCY LUPIANO:

I'd like to read them briefly.

Dot ar, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto, MREIC.

Dot dk, Dansk Internet forum. Dot fl, Finnish Communications Regulatory Authority.

Dot fr, AFNIC, NIC France.

Dot il, Internet Society of Israel.

Dot is, ISNIC, Internet Iceland.

Dot it, IIT-CNR.

Dot my, MYNIC Berhard.

Dot no, UNINETT Norid A/S .

Dot se, the Internet Infrastructure Foundation.

Thank you, all.

[ Applause ]

STEVE CROCKER:

Thank you, Nancy, well done. We now move into the meat of our program here, the public forum questions and answers. We've had preparation in gathering topics and trying to organize this a bit.

The first topic is ICANN acting in the global public interest. Filiz, you are now in charge orchestrating the multiplicity of questions from different sources. And my understanding is that we have questions that may come in over the net, people coming to the microphone.

Is there yet another source that we have to integrate? That's fine. So the floor is now open. That's the topic.

The other topics that have been gathered in advance, the next one is document availability and scheduling of ICANN meetings, conflicts of interest, implementation issues around new gTLD rollout and contract compliance, and then any other business.

Excuse me, would you introduce yourself for those of you –

[ Laughter ]

MARILYN CADE:

My name is Marilyn Cade. I would like to open my comments by saying how much I appreciate the opportunity to be here in Costa Rica and that I thank the board and the staff and the community who worked together from Costa Rica to issue the invitation and to have made our welcome here so warm and to have provided such a deep participation on their own part in our work at ICANN and I'm counting on continuing to rely on our network as we go forward.

I say that because I'm now going to make a comment in my individual capacity about the importance of this particular topic.

What does it mean for ICANN to act in the global public interest? When we drafted the initial thoughts of what we thought ICANN might be, its name was NewCo. It wasn't even called ICANN. And it was established

as a public benefit, not-for-profit corporation and that meant a lot to those of us who worked on it because we really thought that the organization must incorporate acting in the public interest. And I will say, the "global" was silent at that time and I apologize for that. It should be there.

In our thinking, I hope we will -- I saw it re-emerge in the Affirmation of Commitments as a topic, and I hope we will take this very seriously.

That means to me that ICANN at all levels, the staff, the board, the community, has to work to understand what is going on globally. They have to work -- we have to work to understand what is going on technologically. And we have to work to understand how difficult it may be for some participants to fully participate and to find a way to enable that.

But I am going to add a word. I think we must strive for "informed participation," which means we need to strengthen the information that we provide to all interested parties to help them understand ICANN, to understand what ICANN does, and how to be effective participants. Not everyone belongs in a decision-making role on technical policy. For instance, I don't. But lots of people who have technical backgrounds do, and I think we must better understand that the global public interest needs to provide information, awareness and education that parties who want to participate in ICANN can use so that they can reflect their voice in an effective and informed way, which means a lot more work is ahead of us.

STEVE CROCKER:

Thank you very much. Very much appreciated, and I look forward to learning the next level of detail. But I also want to note that you consumed roughly twice as much time as we would have preferred. And I can tell from looking at the line of faces and people that mostly that we know pretty well, that we're in jeopardy here.

So, Jean-Jacques, with enormous respect for the depth and clarity of your thinking, let me ask you to keep it tight.

JEAN-JACQUES SUBRENAT:

Right. So I'm Jean-Jacques Subrenat, a member of the ALAC, former member of the board. That's eaten up already some seconds. Actually,

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I would like to try to address two questions about the global public interest: Why? And why now?

Why? I think Marilyn has answered part of that already by reminding us for how many years the debate on this subject has gone on. I would add that the multistakeholder model in itself is challenged today more than it ever has, and, therefore, we need to enhance the public confidence worldwide towards ICANN.

And in this respect, we believe that the global public interest and its defense are a crucial element in enhancing the public confidence towards ICANN. That was "why."

Why now? Well, there are several elements. One is that the NTIA advice recently on the IANA function underlined what it saw as some of ICANN's shortcomings, the need for structural separation between policy making and implementation, the necessity for a robust ICANN-wide conflict of interest policy which, of course, should be properly implemented, provisions reflecting heightened respect for national laws, and, finally, a consultation and reporting requirement to increase the transparency and accountability for the global community.

This is not invented by one of us. It is actually one of the advices of the authority which responded on the IANA function.

That was one element of "why now." Another element is the internal weaknesses of limiting ICANN's ability to serve the global public interest. For instance, the neglect or perhaps the insufficient care given to the multistakeholder model, for instance, using politically expedient policy decision, which sometimes overrules the advice of ICANN's own community, for instance, on the IOC.

The MSM, the multistakeholder model, is also felt to be faulty. What about equality and balance?

And, finally, there is a sentiment of ICANN's worldwide community that the internationalization of this body, which has been so often wanted and called for, is actually still far from being achieved both in terms of the structures but also especially the collective and shared custody of the Internet. Thank you.



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STEVE CROCKER: Thank you.

PAUL FOODY: Hello, Paul Foody speaking on my own behalf.

Rod Beckstrom spoke on Monday about perceived conflicts of interest. Given that I read on the BBC Web site back in January that former chairman Peter Dengate Thrush has now headed up Top Level Domain Holdings and intends submitting an application on behalf of dot (saying name). I don't know how correct that is.

But on the basis that a former chairman is setting up a company to apply for new gTLDs -- and this is a gentleman who during his tenure not only failed to e-mail every registrant, the people who are responsible for 95% of ICANN's funding, but this gentleman also actively rejected suggestions, an offer by Antony Van Couvering in Nairobi two years ago to e-mail his registrants and let them know what was going on because, as I recall, he suggested there were matters of concern giving law enforcement access to such channels.

For ICANN to continue now with the gTLD program, to my mind, puts ICANN in disrepute. It is now time to abandon the new gTLD program and start again, e-mail every single registrant, tell them exactly what is going on. It is time to introduce protection to dot com and to dot net and all the existing TLDs, the sort of protections that will be afforded the new TLDs as a result of the .XXX and for ICANN to do this immediately. Many thanks.

STEVE CROCKER: Thank you. I would like to respond to just one part of your extended intervention, which is -- I don't know how long I will last as chairman, but whenever it's over, I promise not to apply for a new gTLD. Thank you.

[ Applause ]

PAUL FOODY: We're talking about perception. It wasn't me who brought up the term "perception." That was Rod Beckstrom in his speech on Monday. If we are interested in perception, we've got to deal with perception. Thank you.

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STEVE CROCKER: Thank you.

STEVE DeBIANCO: Good afternoon. Steve DelBianco with NetChoice, and I'm not exactly sure why global public interest got on the agenda, but I'm glad it's there. It is something I have talked about many times because it is baked into our DNA through our bylaws, through our Affirmation of Commitments, to the reviews but also now the IANA agreement will require that we verify, that we follow the global public interest.

That begs us to consider whether the board ought to ask the community to try to define what that means. We ought to be inspired at least by a little experience. Over the past several months, we responded to a board resolution from the Cartagena meeting asking the community to define "consumer trust," "consumer choice" and "competition" in the context of the DNS. And that was pursuant to an affirmation review that will occur a year after the new TLDs are in the root.

If you ask the community, I think we have demonstrated with the draft advice that has already been posted for public comment, that we can go through a rigorous process of coming up with narrow scope definitions that are still a high bar for ICANN to hit.

I will close by saying it is not just doable from the community, but I will even kick start the process to suggest that if we were to define "global public interest," it would be limited to the two things we do. We do registrations, and we do resolutions. That's all ICANN manages. And the only things we want to have in the public interest is to have the availability and the integrity of registrations and resolutions. That's the bare beginning of a definition. I think we can work with that.

And I would invite the board to ask the community to try to respond to that challenge.

STEVE CROCKER: Thank you. Getting the community involved in defining what "global public interest" is, is an intriguing idea, and I look forward to more on that area.

GEOFFREY KAYONGA: Thank you. My name is Geoffrey Kayonga from the Rwanda ICT Association. Mine is on a positive note. I would like to thank ICANN for

the assistance that they have provided for the interest of the people of Rwanda.

Our ccTLD has been managed out of Rwanda for about, say, 17 years now. But ICANN through their staff has been able to assist (indiscernible), get to know exactly what is required in order for the community to receive their ccTLD pack.

We are now in the redelegation process. Initially, it was a first redelegation. But in the manner in which ICANN advised us to approach it, the current operator agreed to have a smooth and swift redelegation. So I would like to personally thank Anne-Rachel who managed to even come down and meet with the community of Rwanda and advise us on the way forward. Thank you very much.

STEVE CROCKER:

Thank you very much.

[ Applause ]

STEVE METALITZ:

Thank you, Steve Metalitz with the intellectual property constituency. The most recent articulation of global public interest test, as Steve DelBianco noted, is in the Affirmation of Commitments. And one way that ICANN can serve the global public interest is in following the precedent it set on the ATRT review and do that again on the WHOIS review team report, which is about to arrive on your desks and move quickly I think with the presumption that all of its recommendations should be adopted.

I would hope you would seriously consider that following the precedent you set on the ATRT.

But I also want to mention another area where it's important that ICANN act in the global public interest, and that is when it negotiates contracts and when it enforces contracts. So I'm not going to talk about the Registrar Accreditation Agreement. That's still -- those negotiations are still ongoing. And I know we will be talking about compliance later.

But I do want to say that ICANN will this year be negotiating the dot com renewal agreement. And in that context, I think it's already been

well-established that thick WHOIS is in the global public interest. It advances the public interest in many important ways.

Dot com is one of the three outliers from the gTLD registry standard of having thick WHOIS. So as this negotiation proceeds, I would urge ICANN acting in the global public interest either to insist in the agreement on starting dot com on the path to migration to a thick WHOIS system or it should exercise the authority it has in its contract with dot com right now to centralize the dot com WHOIS data. It could do that today. And certainly before the end of this year when the dot com agreement expires, I hope it will do that.

STEVE CROCKER:

Thank you.

WERNER STAUB:

My name is Werner Staub from CORE. My point about public interest is about the way we have started to communicate as an ICANN community to those outside of the ICANN community, and I'm increasingly concerned about the absence of any public concern -- interest consideration in the way we communicate.

Just take a short look at the ICANN Web site's new layout and you will see about us. Who is "us"? ICANN and the rest? Somebody else? No. It used to say about ICANN, about the process. Now if you look at the ICANN Web site as if ICANN was a company selling widgets.

The same impression came in the advertising or outreach, as you call it, advertising for new gTLDs. It came across as ICANN selling a product that made many people misunderstand it. It also led to the situation that many people thought they could apply in just the last minute for a TLD.

Words like "get your gTLD" were on the videos. Where is the public interest if people just get their TLD? Everybody is shouting: This is mine, mine, mine! I want to have mine.

And ICANN actually has a language in communicating to the public, it is about occupying space, about getting something for yourself. All the applications that truly intended to promote the public interest have had the hardest time.

The biggest problem, of course, they still face is that they require preparation. It is very difficult to do. And the current application system with a big bang and then nothing is certainly no way to prepare public interest applications for new TLDs. Those who have survived have been lucky.

Finally, if ICANN wants to propose the public interest as the basis of its action, it must make sure all the language it uses to the outside is adapted and not to say that this is just about people exercising rights. We have one case which is the batching process where ICANN applies a full sort of objectivity in order to avoid having to make a determination of what's in the public interest.

If a thing takes a judge, then ICANN is in charge. Put the judge there. If batching is required and it has to be looked at, somebody should look at and not let a robot do it.

[ Applause ]

STEVE CROCKER:

Thank you.

[ Applause ]

JONATHON ZUCK:

Hi. My name is Jonathon Zuck and I'm with the Association for Competitive Technology. I guess I'd like to say there's two sides to public interest. What we should do and what we shouldn't do. I mean, I like most of the people in this room and people in the world am bullish on the future of the Internet and future of the TLD system and the opportunities for innovation. But the part I think we forget sometimes is that the world is a China shop. Right? Our job is to feed the bull, but we also need to try to minimize the dishes we break along the way. And so as Steve said, I think the primary mission of this organization is registrations and -- and resolutions, exactly. Doing what it does, a narrowly-defined mission. And the best possible thing that ICANN can do for the public interest is to in fact do its mission well. So before getting to anything else, it should focus on doing its mission well.

Now, what 75% of our discussions are in these meetings is actually about minimizing the negative consequences of what we do -- are doing as our core mission. And so to the extent to which we can accomplish

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our core mission without leaving a hoof print on public interest, that's a good idea. We shouldn't be promoting consumer fraud or child pornography or IP theft in our attempts to do what it is that we do best. I think the greatest danger we face in terms of our relationship with our ultimate customers, the registrants, our relationships with governments, et cetera, is expanding our proactive mission beyond registrations and resolutions. There's plenty of international organizations that have the stated purpose to accomplish all kinds of public interest objectives. The mission we've been given is to make sure the trains run on time, and let's make sure we really get to the business of doing that. I think we spend way too little time focused on how important that is and making sure we're getting that done.

STEVE CROCKER: Thank you.

ANDREW MACK: Andrew Mack with AMGlobal. Member of the business constituency and a proud member of the JAS working group.

As you may know yesterday was Pi Day, March 14th, or on the US calendar 3-14. It's a name for the number pi and it's a new geek-friendly holiday where people around the world send things -- send each other pies and celebrate all things that are round. So I'm going to talk to you today about pi, specifically about emerging markets and IDNs getting their share of the pie.

With new gTLDs ICANN and the domain space is set to explode with growth. Still, I personally am concerned that this first batch -- whatever it looks like -- will largely be comprised of rich companies from the global north and include few needy applicants and few IDNs. As we know, there are a lot of doubters out there, people, groups, even governments who say that the ICANN model doesn't work. I personally believe that the multistakeholder model, with all of its mess and all of its chaos and all of its occasional slowness, really does work. I really think it's in the public interest. And one of my greatest concerns is that the detractors will point out our limited outreach and funding around programs like JAS and they'll see how we've missed opportunities to incentivize the build-out of underrepresented languages and IDNs, and they'll say ICANN really only cares about the interests of the rich countries.

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So I agree with Jonathan, we need to do our mission, we need to keep our mission limited, but we need to do it all around the world. I firmly believe that we and the success of our model will really be judged by how we address the global part of the global public interest. And I hope that we'll continue to increase our focus on things like applicant support and IDNs as a result. Thank you.

[ Applause ]

STEVE CROCKER:

Thank you.

KHALED FATTAL:

Thank you, Steve. Khaled Fattal, group chairman, Multilingual Internet Group. First of all, I welcome putting the global public interest on the top of the agenda. But I ask myself, do you really know, with all of your experience and all of your awareness of what's going on, do you really need to know that much advice from us on what is a minimum requirement of doing the public -- serving the global public interest. I'm going to give you a simple example of something that is already moving forward that does not serve the public interest, the global public interest.

For example, we all know that a \$2 million fund has been placed to assist financial support for needy applicants. On face value, it looks like ICANN should be congratulated for this step forward. Then you start looking at the fine print. The fine print states that to qualify the evaluation process is subjective. In other words, it's left to the evaluator to determine which one is needier than others.

Now, no disrespect to the community and to the Board, but in a highly transparent organization that may work. We're not as transparent as we should be.

Point -- second point you say to yourself, well, let's take it to the second level. Let's see how this is going to be evaluated. So if the process is subjective, then how is it going to be evaluated? Then you ask, you look, you say well, who's doing the evaluation? Is it a global brand name? Maybe a KPMG, a Deloitte, or somebody of such stature that can inspire the confidence, and the answer is no. ICANN has embarked on recruiting volunteers to do the process. Now, I tell you, you all

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should know that as a minimum requirement of serving the global public interest, this is not it.

Now, there are many other examples, and a few days ago some of you were on a panel where a gentleman -- Mikey, with your permission, I'll quote your name, Mikey O'Connor --

STEVE CROCKER:

We're -- let me ask you to bring it to --

KHALED FATTAL:

I will definitely bring it in. I apologize for taking a bit longer, but this is probably going to the heart of it. Mikey O'Connor raised the point that to determine whether you're doing something that's ethical or not ethical there is the Mike Wallace standard, and I think Mike Wallace is an excellent example. The Mike Wallace, my dear friends, is our own conscience of what is right and what is wrong. So I think while we should be debating what the process of serving the global public interest is, we at least should know what it is not and that should be avoided. And some of what has already been put into the program is unacceptable, and I urge the Board to rethink it and change it. Thank you very much.

STEVE CROCKER:

Thank you.

SOPHIA FENG:

Hi. I'm Sophia Feng from KNET from China. First of all, I would like to show our great appreciation to the good works and contribution in IDN issues and solutions ICANN Board and staff has been passed for many years. Until recently dot Zhongguo, which means China in Chinese characters domain names has reached 400,000. And both the simplified and traditional Chinese has DNS service. And meanwhile, dot Zhongguo in traditional Chinese character has reached 20% of the total number of DNS queries. Such data shows the great importance IDN variances has in turns of user experience in the development of IDNs. Big applause for you guys for the significant contribution to development of IDN ccTLDs.

And now since IDN new gTLD has key components of the new gTLD program, we have very high expectations and hope that ICANN can continue to treat Chinese IDN variances issues in a practical and



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adequate fashion to satisfy the strong needs of the Chinese community and users' needs. Thank you.

[ Applause ]

STEVE CROCKER: Thank you.

PHILIP SHEPPARD: Thank you very much. It's Philip Sheppard from Sedari. But perhaps speaking now more in my capacity as an ICANN 30-pin holder.

I would just like to, by the magic of search engine optimization, share with you two quotes which may just help inform some the thinking we have today.

The first from Judge John Kane. "The public interest is best served by the free exchange of ideas." Now, we can criticize ICANN meetings for many, many things, but I think free exchange of ideas is a pretty good description of what we tend to do here. So maybe we are sort of on the right track.

And the second one I want to share with you is a quote from George Bernard Shaw, and I think some of you might notice the extraordinary prescience of this particular quotation. "If you have an apple and I have an apple and we exchange these apples, then you and I will still have each one apple. But if you have an idea and I have an idea and we exchange ideas, then each of us has two ideas." That's what we do here, I hope. And I think we do it quite well sometimes. Thank you.

STEVE CROCKER: Thank you.

[ Applause ]

PAUL FOODY: Paul Foody, again. We're talking about the global public interest. There was a suggestion that the new gTLDs will be in the North American interest. It won't be. It will be in the interest of very large corporations to the cost of North Americans. North Americans are the people who largely adopted the dot com, the Internet very early on. They are the people whose expenditure on marketing has encouraged global use of

the Internet, has encouraged trust in the -- the use of purchasing mechanisms over the Internet, and it is those people who are going to lose out as a result of this. That cannot be allowed to happen.

The people who will benefit to an incredible degree, in my opinion, are the intellectual property lawyers who are going to have an absolute field day over this. The defensive registration lecture that was -- took place just before this demonstrated that we are going into this, this round is open with virtually none of the questions that should have been answered. There is going to be one hell of a -- of a fight, and it's going to be a great, great time to be a lawyer. I wish I was one.

STEVE CROCKER: Thank you.

PAUL FOODY: Thank you.

STEVE CROCKER: Filiz, a question from the net.

FILIZ YILMAZ: Thank you, Steve. Filiz Yilmaz, ICANN staff, reading a comment from George Kirikos. Leap of Faith Financial Services. The dot com contract is coming up for renewal. For ICANN to renew that contract with VeriSign without seeking out competitive bids is inconsistent with acting in the global public interest. Monopolies, by their nature, maximize the private interest of the monopolist. By many calculations, VeriSign has reaped private benefits of hundreds of millions of dollars per year relative to a process that involves competition, all at the expense of consumers. Will ICANN commit today to open up a public tender process for operation of dot com as NTIA and Department of Justice recommended in 2008. Thank you.

STEVE CROCKER: Thank you very much. Any Board members want to comment on any of this. Thank you.

So I think we move on to the next topic, document availability and scheduling of ICANN meetings. I know this will be very short. There's not much interest in this particular topic. But let me open the floor.

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Document availability and scheduling of ICANN meetings. It may actually be true, no questions? Thank you. And just in anticipation, we know that this was not the smoothest and most well-prepared sequence of our meetings. We will do better, for sure, going forward. I hope that that allows each of you to compress the first 20 or 30 minutes of the speech that you've prepared.

[ Laughter ]

Take it away, Steve.

STEVE METALITZ:

Thank you. Steve Metalitz. I appreciate your -- your opening comments and putting this on the agenda. The Board adopted its resolution in 2009 that said really anything to be discussed at a public meeting and the agendas for the meeting must be published 15 working days in advance. And to be honest, I'd really come to kind of take this for granted because over the past few years I think ICANN has done a pretty good job of adhering to that.

This time, as you pointed out, the system broke down for some reason and the -- one result was that it was more difficult to encourage people to come because the activities that were promised, such as a discussion of proposed amendments to the Registrar Accreditation Agreement, didn't materialize. But also because we didn't really know that until six or seven days before the meeting. So people just -- it was very difficult for people to plan.

So I think this is an important accountability and transparency issue for the Board, and I would like to know what actions the company plans to take to try to prevent a repetition of this, particularly as you've pointed out, Mr. Chairman, the next meeting coming up is really pretty soon. It's just barely three months from now.

So I hope that this is something that the Board can ask for a clear accounting of and act appropriately. Thank you.

STEVE CROCKER:

Thank you. Rod, would you like to chime in here?

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**ROD BECKSTROM:** Sure. A number of the documents were not posted on time, that's correct, in terms of the expectation that we all have in the guidelines for 15 days prior. And we're going to do our utmost to make sure that doesn't happen again. And I have Kurt Pritz on the stand. Can we get a microphone to Kurt Pritz to further answer that question, Steve.

**KURT PRITZ:** Well, it's exactly -- it's exactly as Rod said, and to provide some details regarding the late posting of the meeting schedule, we tried a better collaborative way of assigning the competitive slots for Monday. That caused some delays. It's not going to happen again, and we'll be more collaborative in making the schedule, so we'll fix that.

Regarding posting of materials, I think -- I think the key one there, the key document there was the registrar accreditation amendment report. That took -- it took a long time to negotiate that report, longer than we anticipated, but I think we still did pretty well on reports.

Regarding the staffing, the details in the sessions and the agenda for each one of those sessions and fleshing them out, several of the sessions were late in the staffing, maybe because people couldn't make up their mind to come because we posted the meeting schedule late. But we've separated each one of those topics and will continue to improve the quality and meet the schedule requirements.

**STEVE METALITZ:** Thank you. I really appreciate all the efforts, I know you and your team were working very hard on the negotiations. I think it would have been helpful if at the time three weeks in advance it was clear there weren't going to be amendments you could have said so, and instead we had a lot of rumor and so forth and I think it really did interfere with preparations for the meeting. Thank you.

**STEVE CROCKER:** Thank you.

**AYESHA HASSAN:** Ayesha Hassan from the International Chamber of Commerce. As many of you know, the ICC is a global business organization. It is a membership organization. We try to tap our network and build consensus positions to bring them into the ICANN substantive policy discussions.

So my point goes to document availability. I was pleased to participate in the Public Participation Committee meeting this morning where some ideas were discussed in this regard. ICC, as a membership organization, has a responsibility to follow a consensus building process within our network which means we have real deadlines for the digital economy commission that we have to abide by. And so sometimes we are unable to comment on ICANN issues because we just don't have the time to do our rules and regulations and get it in with the deadline that is set.

So this morning -- and I'm sure ICC is not alone. I mean, I know member companies have internal processes and deadlines and many other organizations across the stakeholder groups are challenged in this way.

This morning a point was made that perhaps consideration of extending the initial comment period and reducing the reply comment period could be helpful. I can say from my organization's perspective, that would be very helpful. We need more time in the beginning to get the positions nailed down and less time to be able to reply because we already basically have our points settled. Thank you.

STEVE CROCKER:

Let me ask just a follow-up. Why do you think that we should reduce the reply time? It doesn't take -- it's not so quick to do the replies either.

AYESHA HASSAN:

I think if we have to find a way to manage the number of days that I would prefer to see more emphasis on the initial set of comments that are developed. From my perspective, once my members have decided on certain points we can more easily look at the comments of others and say we have something to say in reply or not.

STEVE CROCKER:

So, it's a -- I think a potentially very insightful comment. Let me just respond by saying I think we should take that on board and we should probably look at each half of that in its own terms, how long is an appropriate amount of time for input and how long is an appropriate amount of time for output, and I could imagine a variety of things and adjustments. But I think it's worth examining the dynamics and seeing if we're tuned right or if we're not. So thank you.

AYESHA HASSAN: Thank you.

JONATHON ZUCK: Yes. Jonathon Zuck from the Association for Competitive Technology, and I guess it's a little bit of a reflection on the previous topic because I guess I would say that what's been a consensus here is that the public interest is probably best served by public participation at some level, and I think that's why this topic is expanding a little bit beyond the staff's real efforts to get documents out. I think it's a bigger issue than that.

I mean, ironically, we had a meeting with the GAC, a breakfast with the GAC, the CSG had a breakfast with the GAC, and one of our discussion topics was, does the public participation process reflect your interests.

And the first thing that occurred to me is that it does, because as I type these comments, I see them reflected back to me.

So in that sense, my interests are reflected, but what I don't necessarily get an impression of is that they are taken into consideration, that they're, in fact, read, that they are considered as part of the decision-making process.

And it's the actual use of public participation in the decision-making process by the council, by the board, that's far more important.

And so one way to at least demonstrate an intention to make use of the information is not to schedule the decisions about the particular topic before the comment period has ended, and that keeps happening.

So, yes, that became a material issue on the issue of IOC and Red Cross just yesterday.

So I think if we do nothing else, let's make sure that we either put comments out earlier or delay meetings so that we aren't in a process where it turns the public participation into a joke that merely reflects our interests, as opposed to taking them into consideration. Thank you.

[ Applause ]

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STEVE CROCKER: Thank you. Hello.

TINA DAM: Hi. Tina Dam, MYTLD.com.

I have a question about a specific document availability, so it may be a little bit of a stretch but it also relates to the global public interest category.

I'm holding this document that's an IAB statement on how they interpret the rules in the applicant guidebook on IDNs, and I know that it can be read in slightly different ways. I know several people understand it slightly differently, what exactly is meant by it.

So I would ask if you could please provide an ICANN document or maybe even just a statement about whether you think it's changing anything that's in the applicant guidebook or what you think about the statement all in all.

And I think if you take that back to the global public interest, I can tell you it's really hard to provide advice to those who want to apply for IDNs without knowing exactly if this document is changing anything or not.

So the IAB statement is from -- well, it doesn't have a date on it, I think, but I printed it in early February, so -- early February, so it would be really nice if you could come with some feedback on that. Thanks.

STEVE CROCKER: Thanks. Thank you, Tina. Let me call on Thomas Narten, the liaison from the IETF/IAB to respond very briefly.

THOMAS NARTEN: Yeah. Thank you, Steve.

Let me just give you a quick answer, and that is, I think your is reasonable and I think that's where we need to head. Because there's a little bit of unclarity, and rather than me sort of saying what I think, you know, may or may not be the case, we're trying to get clarity so we can issue some sort of statement that makes it clear to everyone what it means. Thanks.

STEVE CROCKER: Thanks.

KIEREN McCARTHY: Hi. Kieren McCarthy from dot Nxt.

I was an ICANN staff that helped shepherd through the policy which put the 15 days there. It went through the staff and the board. So I know it fairly well.

I think it's called the -- I managed to find it on the site. I think it's called "Document Publication Operational Policy."

Anyway, there's two elements of that which I think, because it's a PDF and I think it's got, lost that you may not either be aware of or certainly isn't being used.

One was in an appendix, it was, "This would be a really good cover sheet to have on the front of every document," which was basically a very simple summary, what's in the document, this is what it says, this is what we're proposing to do.

And the idea with that was you would grab all the ICANN documents and be able to skim through them and go, "Oh, okay, this is relevant to me, this isn't relevant to me," as a way of getting through all the documentation.

I don't think that's happening. So I just want to flag that out. We did do the work on that.

And the other thing was -- and I don't know whether this is happening either -- there was a -- the staff were obliged to report to the board something like 45 minutes after -- 45 days after each meeting what -- how -- the percentage of documents that they provided on time, and provide stats and some information about the production of documents.

The idea being that you can track this and we can learn what happened and reflect on it.

I don't know whether that's happening. I -- but we put that in for a good reason. It was so that we could track it.



And the third thing was there was a sort of philosophy behind it at the time, which was, if we do this, if ICANN does this, and we're solid to it and we do it for quite a long while, then maybe the community will start getting a little bit better at providing presentations earlier and reports earlier, and then we'll start walking into meetings having already read stuff so we can have better conversations.

So one of the downsides of missing these deadlines and the board missing -- or the staff missing the deadlines is it sort of stops that process from happening.

So those are my points. Thanks.

STEVE CROCKER: Yeah. Let me ask Rod Beckstrom to respond briefly.

ROD BECKSTROM: Sure. Thank you, Kieren.

And I'm just going to comment.

We will take a look at the timing of publications for this meeting, the documentation, and seek to get a report out within 45 days on the percentage that was done on time, et cetera, for this meeting. Thank you.

STEVE CROCKER: Thanks. Hi.

ADRIAN KINDERIS: Thanks. My name is Adrian Kinderis. I'm from ARI Registry Services. Following on from Kieren's comments, perhaps an operational suggestion.

And that is, Kieren's reporting about how we hit deadlines, whether you're staff or the community, is one that's retrospective.

I think it would be helpful -- and if ICANN does this already, please forgive me -- but to be posting where you're at with respect to a deadline, and if you've missed it, potentially there is a "documents that we owe you" part of your Web site.

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I know internally within my organization, we certainly have posted where reports are due, and if someone's missed one, it's there for everybody to see.

Why? Because we're all stakeholders within the organization.

Here, it's the same. Why should I have to go trawling or checking every day to find out that a document that was long overdue has yet to be posted?

So it would be better for communication and for our planning if we knew, hey -- if ICANN staff said to us, "Hey, guys, we know we're behind on this particular document, we're expecting it in two days, we're expecting it in three days," and that may be well for -- you know, that can be reviewed at any time, but it's still helpful in our planning.

So whether it's the meeting schedule, whether it's a report on a particular topic, it would be helpful to have that visibility towards the horizon, just for our -- our planning as stakeholders.

STEVE CROCKER:

I don't think anybody likes tracking mechanisms more than I do, but there is a balance between putting a lot of energy into tracking versus simply getting it done so there's no need to have that kind of tracking.

But I think the right -- the right answer is for us to take it on board and consider it and figure out how to get the right balance. Thank you. Mike?

MICHAEL PALAGE:

Mike Palage.

My question/statement goes to document availability.

I'm someone who goes to [ICANN.org/correspondence](http://ICANN.org/correspondence) very frequently, so I'm always looking at correspondence that the organization receives. And one of the things they do is they have the date of when ICANN receives it, but they generally -- what I would find helpful is if they could provide the date when they post it, because there are some times that there's actually a delta between when it's received and when it gets

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posted, and I think that would sort of be helpful from a transparency standpoint to see how quick the organization is putting documents out. And it really shouldn't be that hard to provide that. Just the upload date.

STEVE CROCKER: Thank you.

KEN STUBBS: Good afternoon. My name is Ken Stubbs and I guess if there was a 40-meeting pin, I would probably qualify for it.

Out of respect for the board, I stepped to the end because I'd like to take a minute to talk about scheduling, but if, Steve, it's easier for you to respond -- your board to respond to the document availability, I'm more than happy to sit until you're ready to hear my comments on scheduling.

I think we're all aware of the increase in costs to get around the world, to get anywhere.

Every time we turn around, we find that it costs us more money to participate. The cost in the future, I think most of you will agree, is going to become even more prohibitive for many people to participate. This is the reason I'm advocating for a couple of things.

Number one, you're becoming a very large organization with a significant budget, and your outreach is extremely important. Outreach to many parts of the world involves significant amounts of planning. Most major entities like this are already -- I believe INTA could probably tell you where they're going to be five years from now.

We keep living from moment to moment on where we're going to be nine months or a year from now. I think it's extremely important that the board take into consideration this, number one.

Number two, most decisions about meetings and scheduling tend to be taken solely within the board, to the best of my knowledge, with staff assistance, but I honestly believe we're at a point in time where we need more community input.

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One might argue the board members represent the community, but at the same point in time, I think from a convenience standpoint we need to look at this very closely.

One more comment, and that is -- I'll jump off real quickly here -- I think the board needs to evaluate very closely, given all these factors, how many meetings a year should be had in the future.

Thank you for hearing me out.

STEVE CROCKER:

Thank you very much.

I'm going to shift over to Filiz for a comment/question from the net.

FILIZ YILMAZ:

Filiz Yilmaz, ICANN staff, reading a comment/question on behalf of George Kirikos, Leap of Faith Financial Services.

One aspect of document availability is the public and press noticing changes made to the ICANN Web site. While the new Web site is an improvement, it has ignored some part -- past suggestions. In particular, there should be a public audit link which allows the public to see a log of all changes to the Web site in reverse chronological order. Sometimes it is called "recently changed pages."

Many content management systems offer such a feature.

Does the ICANN board commit to adding such a function to the new Web site?

Thank you.

STEVE CROCKER:

Thank you. I understand that, Bertrand, you want -- huh?

BERTRAND DE LA CHAPELLE:

Bertrand de la Chapelle.

Thanks, Steve.

Just a quick addition or comment on Ken Stubbs' remark.

During the exchanges that the board has had this week with the different constituencies, we have put on the agenda a topic which is, what is the impact of the new gTLD program implementation on the structure of the organization, the structure of the GNSO, and so on.

So being anticipatory and trying to see what are the challenges ahead.

And I know in many cases, this is a discussion that is taking place within the GNSO. I know this is something that at-large is thinking about as well.

I want to highlight the fact that what Ken mentioned is one of the dimensions of the challenges that we have to face when there will be a certain number of applications and a certain number of TLDs that will be participating in the process. If we do the necessary outreach, as we said in the previous session, to the number of actors who are around, this may have an impact on the number of actual participants, potentially, and potentially the structure of meetings.

So thanks to Ken for highlighting this that I will add as the mental list of topics to -- to address in the future. Thank you.

STEVE CROCKER:

Thank you very much, Bertrand.

And getting things out of order a little bit with the comment with respect to the Web site, there are some good ideas that we'll look closely at that. Thank you.

Marilyn.

MARILYN CADE:

My name is Marilyn Cade. I'm going to comment on scheduling of ICANN meetings and scheduling at ICANN meetings, because I wasn't really sure if you were referring to both of those and I'd like to.

I said this morning in the Public Participation Committee's interaction with the community that we should all be very proud of the problems we have, the challenges we have, of finding enough rooms and a big enough space to accommodate the interested parties who are coming together at the ICANN meetings.

It's quite -- it's quite exciting. It's a problem we should have. And we should strive to have a bigger version of it.

Having said that, I know you hear a lot about a lot of conflicts, a lot of concern about the scheduling of meetings that conflict, people can't go to the meetings they must be in because the meetings are at the same time. I've been looking avidly for a researcher to see if we could clone board meeting -- board members.

But the work we do here is so important, and the face-to-face part of it is so important.

So I would say you have a resource you might not yet be tapping in understanding how to set some principles for dealing with what will be of most interest to certain groups.

Maybe you could find a way to actually interact from the meeting staff with the chairs -- not just the board chairs of the SOs and the ACs, but I really mean the chairs across -- and get them together and ask them to try to give you some -- not schedule the meetings, but some principles to think about that might be helpful.

Now I want to say something about the scheduling of the ICANN meetings.

The history of when we hold our meetings is we hold one in the spring, we hold one in June, and we hold one sometime between October and December.

There's a couple of parallel universes we must exist successfully in.

One of them is the IGF, and I'd -- I'd like us to remember, just as we pay attention to the IETF agenda schedule and we pay attention to certain other meetings, to keep that in mind because it's important to us, I think, to have the board and the participants of ICANN at that meeting as well.

STEVE CROCKER:

Thank you. There is, I know for a fact, a considerable amount of effort that goes into the scheduling of the meetings, the calendar times, and one key piece of that is an analysis of where the clashes might exist.

There was an unfortunate sequence several years ago where an IETF meeting and the ICANN meeting occurred at the same time but in quite different places, and there were people who were finding it hard to be in both places at once.

The news quite recently is that the clash this year has been thankfully avoided because the IGF has scheduled themselves directly opposite the IETF and we're not going to conflict with either them. Of course they're going to conflict with each other, but that's their problem.

Probably our problem as well.

But we do -- we do pay a lot of attention to clashes and it's not an easy problem. I mean, it's a -- calendars are hard. Thank you very much. From the net.

FILIZ YILMAZ:

Filiz Yilmaz, ICANN staff, reading a comment or a follow-up from George Kirikos, Leap of Faith Financial Services.

To follow up on Mike Palage's earlier point about the ICANN correspondence page, is it true that ICANN posts all letters it receives or is it just a subset? If it is a subset, on what basis does it select which letters are refused publication on that page?

Thank you.

STEVE CROCKER:

Do you want to say anything about that?

ROD BECKSTROM:

Sure.

We do post a subset because we want to make sure that, you know, it's relevant and pertinent material, and appropriate, given the principles of the community. And if anyone wants a further, you know, description of some of the logic we use on that, I can ask our general counsel, John Jeffrey, to explain that.

Would anyone like that?

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**MICHELE NEYLON:** It's Michele Neylon, Blacknight. It would be helpful to understand this, because at times it seems as if, you know, you're putting up some correspondence, something seemed very complete. You see a full arc of the correspondence. Other times, it seems quite sporadic, there's massive gaps, there are things that we're being asked within the community to make decisions on policy based on the information that we have, yet if we don't have the information, which could come in the way of a letter to yourselves, it's quite hard to do so.

So understanding the criteria would be helpful. Thank you.

**ROD BECKSTROM:** Sure. Thank you.

First, I think that the primary input on public policy, you know, happens in the comment periods and in the various calls and meetings scheduled by the community, and I think that the correspondence page is a bit different and actually it's somewhat of an issue that sometimes that doesn't line up with the comment period and public policy process, and that creates challenges for the community and the organization to factor that input in when it doesn't arrive in the windows that have been prescribed for that.

John, would you like to make any comments of clarification, please?

**JOHN JEFFREY:** The one thing I'd like to add is that we do have a document information disclosure policy and if you're ever believing that there's letters or things that you're not seeing, I'd encourage you to use that process. Because that allows us to go throughout the organization and make sure that what should be made available is.

**STEVE CROCKER:** Thank you.

Kieren?

**KIEREN McCARTHY:** Hi. Kieren McCarthy, dot Nxt.



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I don't know whether this is useful but it just occurred to me. The correspondence page -- so I look at it quite a lot -- it would be quite useful if you could do various things.

One, put an RSS feed on it, and I think it's in Drupal now so that should just be extremely easy.

Two, if you could break it out a little bit by month and year because at the moment, it's just a huge long list.

Three, if you could refer -- find a way of referring, because often the letters are -- someone sends a letter, then you send back a letter, and there is an issue when you go, "What did the first letter say" and then you have to scroll all the way down and find it.

So there should be a way of simply saying "This letter is in response to this letter."

It's all just Web pages so it's not that hard to do. So just some ideas.

ROD BECKSTROM:

Thank you, Kieren, for the three suggestions.

Certainly the first one, adding an RSS feed for when new documents are added, makes a lot of sense to me, so we will look into that one.

And we'll inquire on the other issues. There might be timing/resource issues, et cetera, but those sound like reasonable suggestions to me. Thank you.

STEVE CROCKER:

Thank you. Filiz?

FILIZ YILMAZ:

I have another question coming from Chris Chaplow, BC.

Filiz Yilmaz, ICANN staff reading the comment out.

We have had the recent benefit of knowing the location of ICANN meetings one year in advance. This has stopped again. What is the future plan?

STEVE CROCKER: Who's in a position to answer that? What is our -- what is our future meeting planning?

Ah. Nick Tomasso is coming.

NICK TOMASSO: When I first arrived at ICANN, our goal was to be one year out on future meetings.

We then began to strive for being two years out, and we've missed the target.

We do intend to hit that over the next coming months.

We already have our October 2012 location picked. We are very close to selecting the April 2013 location, and we've just received a proposal for the Latin America location.

Rest assured that I'm not comfortable with the one-year cycle. We need to get to a two-year cycle to be able to plan more effectively and more efficiently, not only for the delegates who come to ICANN meetings, but also for ICANN staff.

So that is our goal. Two years.

STEVE CROCKER: Thank you. It's all part of getting things tuned up properly, and I know it's extremely hard but this is obviously something that is visible and easy to measure, so we'll look forward to having an extended planning process so that one can see farther into the future.

The queue is empty. Filiz? Great.

So we are a little bit ahead of what we had estimated. That's a momentous occasion.

[ Applause ]

ROD BECKSTROM: Historic, I think, Steve.

STEVE CROCKER:

Historic.

Let me suggest that we'll take a break, come back at 4:00 p.m. local time, and we'll pick it up again. And please be -- please be prompt. We're going to kick off the presentation on ICANN 44.

Thank you.

[ Break ]

STEVE CROCKER:

Ondrej is an absolutely wonderful guy, very nice and very, very effective. I had the pleasure of attending the 20th anniversary of the Czech Republic's connection to the Internet just a couple of weeks ago as his guest, also working closely with him as dot cz has been in the absolute forefront of implementing DNSSEC very close to my heart. And in one of the absolutely stellar accomplishments, the dot cz registry has -- approximately 35% of its registrants also are signed, which puts it far and above everybody else in the entire world in terms of having the next level down signed up. And Prague, of course, is a fantastic place. Ondrej?

ONDREJ FILIP:

Thank you. Thank you very much, Steve. That was an excellent introduction.

Good afternoon, ladies and gentlemen. I have a really very easy task today. I can say anything. I can say that Prague is the ugliest city in the world and you would come anyway because you are interested in the agenda, not in the city. But just in case you bring your family with you or your partners, I prepared a couple of slides for you.

So what are you looking -- what are you looking forward to the most in Prague? That was the question raised at our booth.

By the way, the booth was decorated by a very interesting illustration that includes a lot of Czech highlights that are hidden in the pictures, so try to find them.

So we raised the question, and we expected some answers. But we tried to help you, so we prepared some answers for you. And, of

course, you could be right or wrong. And guess who was the winner? I don't know. It is not very precise.

And one more thing, if you answer the question, you got a free one-day ticket to the Prague in the day of the gala. You know, Prague's public transportation is really quick. It is reliable, clean, and very safe even in the nighttime. So that's going to be the fastest and best way how to get to the gala. So if you didn't get a ticket, come to our booth and try to get it.

So now the results, really. A certain percent of the people would like to see the Czech heritage and the historical (indiscernible) museums. And, of course, the best heritage is Prague itself.

Let me start with a little bit of a legend. The origin of Prague goes to seventh century and the Slavic princess Libuse, element of great beauty and wisdom and who possessed prophetic powers.

So the legend says that one daily Libuse had a vision. She stood on a cliff overlooking Vltava and she pointed to forested hills across the river and proclaimed, "I see a city whose glory will touch the stars." She instructed her people to go and build a castle on the place where a man was building a threshold of a house. The name of the threshold in Czech language is prah. And she said, And because even the great noblemen must bow low below a threshold. The doors were quite small at the time. You shall give it the name Praha.

And I think, however, it is very (indiscernible). I think you will agree.

Fortunately, unlike the other European cities, I know Prague was never destroyed by any of the war. It was nor a subject of some (indiscernible) destruction. It grew up really gradually and systematically.

It is a fantastic place where you can see a lot of construction styles, ranging from gothic architecture, art nouveau to modernism.

Dominant of Prague, the Prague Castle is the biggest castle complex in the world. So if you have some time, you can spend a lot of beautiful minutes there.

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In this center, there is St. Vitus Cathedral, really beautiful place, where many noblemen, Czech kings and those highly well-known emperors are buried. So you can see a place where people that really govern the medieval Europe at the time are laying.

Among them, two very important ones, Charles, IV, Karel in the Czech language. And many places in Prague are named after Karel: Charles Bridge, (saying name), (saying name) and many, many buildings and streets.

And Rudolph, II, very important man. He was a little bit probably crazy, but he was a fan of art and also science, occult science. So he invited alchemists to Prague, alchemists like Edward Kelley, John Dee.

And at that time, in Prague, many people are trying to transform iron to gold or to find stone, or philosophers, and things like that.

And since that time, we call Prague magic because there were too many magicians in one place. And there are still some, I'm afraid.

But he also invited some very serious scientists like Johannes Kepler and Tycho Brahe. And we tried to keep the tradition of inviting, really, people to Prague, and that's why we are inviting you.

That's about Prague. Prague is not, of course, a medieval city. It has a lot of modern architecture. And do not forget Prague is not the only city in the beautiful Czech Republic.

The second choice was culture. And I don't know how to really translate it because culture may have a lot of meaning.

But 21% would like to see culture. So Czechs say about themselves -- and I don't know if that's fair, but they say every Czech is a musician.

And I think we can say we have a quite long history. We have composers like (saying name), (saying name), (saying name). And they are composers that are worldwide, so you probably know them. If you don't know them, you can also hear it in Rudofinum, of course. If you don't, however, the Czech Republic Philharmonic Orchestra is playing. You may be interested what Mozart said about Praguers. He said, "My Praguers understand me." He really liked Prague, and he also dedicated

one of the operas to Prague. Don Giovanni's first premier was in Prague.

Prague is full of theaters, museums, and things that are worth to see if you like culture. Of course, again, do not forget, Prague is not just about the ancient and classical music. There is a lot of chess clubs, music stores, and things like that.

Many artists are living or lived Prague. You may know some of them. Among them one, currently most important for us, is Vaclav Havel, the last Czechoslovak and first Czech President, philosopher, writer, composer, and icon of (indiscernible) freedom in a communist time.

The third option that I expected to be first, honestly, it says that we are very cultural people, is beer. Beer we don't take as such an alcoholic drink. That's not for us. We basically do not think it is an alcoholic drink. It is a part of our culture.

Everything really important that happened in the Czech history is somehow tied to beer. Many great things started in a pub. And I think Steve can confirm that, right? Because it was in a pub where we agreed that we will start the DNSSEC project with him, so that was exactly accordingly the Czech tradition.

So we have three historical lands: Silesia, Moravia and Bohemia. And the Czech beer started to be brewed in a city called Plzen. You may know that a lot of beers are called Bohemian, Plzen, Bohemia, Plz, whatever.

I personally come from the city called Budweis. Maybe some of you know the American Budweiser. And, you know, we have a brewery called Budweiser in my hometown. Because it is a beer, and we take it really serious, we created a special (indiscernible) just for this company, not to be overtaken by anybody and to be able to fight with the American brew company. So that's the importance of beer in the Czech history.

And, of course, if you don't like beer, the Czech Republic has many other things to offer like Moravian wine and things like that. So don't be afraid if you don't like beer.

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Something important for you, the meeting facilities. We will be in the Hilton Prague. That's the best hotel of the Czech Republic for five consecutive years, so we couldn't choose a better hotel for you. I hope you will be satisfied. There is about 800 rooms. And it was twice tested by our IETF friends. So I think -- never say "never," but I hope the connectivity and facilities will be perfect for you.

It is close to the historical city center. So if you want to walk to the city center, that's not a problem there. And very important thing, it is accessible by the public transportation underground system, which I said is really something we are proud of.

So that was about Prague. What else can be really interesting for you as Internet professionals? Steve said it, so there is nothing more I can add. We are leaders in DNSSEC, and we are proud we are. We develop a lot of interesting software that saves your engineers sleepless nights, like registration system FRED used, for example, here in Costa Rica as well but in many other countries worldwide.

BIRD, an Internet (indiscernible) software that is run in the biggest Internet exchange points in the world.

KNOT DNS, a new DNS software that is new. You will see how quick it is and how it's going to be adopted by many of you.

And DNSSEC Add-on, the first item how to visualize DNSSEC for the end users. We have some partners. We have some friends.

The Czech Republic is not just cz.nic. Some of you might know the Czech Arbitration Court, UDRP provider for gTLDs. And nix.cz which is one of the biggest exchange points in the world. Currently there is some more than 200-gig traffic.

So that is all. If you need to find some more information, look at the URL, [www.icannprague.cz](http://www.icannprague.cz). I hope I will see you all there.

[ Applause ]

STEVE CROCKER:

Make your reservations now. Thank you very much, Ondrej. I can hardly wait.

Okay. Back to business. Oh, this one, conflicts of interest.

[ Laughter ]

Hi there.

JOHN BERARD: How are you?

STEVE CROCKER: I'll tell you afterwards.

JOHN BERARD: It is not me you have to worry about. It is them. My name is John Berard. I'm a member of the business constituency. I am GNSO Councillor for the constituency, but I'm speaking personally.

I am an independent public relations consultant based in San Francisco and have personally sat on four different non-profit boards. I sit on one just now, in fact.

And each of them is duly concerned, as you are, about managing potential and the perception of and the real conflicts of interest that confront a non-profit board which has to rely often on the expertise of those board members where staff might not be available.

But having said that, it is in the air in the week that I have been here, I have heard two things: One, that there needs to be action on this so as to protect the integrity of the organization but I fear overreaction because the last thing that a board needs is to set policies that prevent the smartest and most knowledgeable people who, in an honest and fair way, can contribute to the best decisions in support of the organization.

So that's my point. Action is fabulous. Overreaction will be more harmful than helpful. Thank you.

How'd I do?

STEVE CROCKER: I'm very happy.

JOHN BERARD: Good.



ZAHID JAMIL:

My name is Zahid Jamil. I'm a member of the BC as well, from Pakistan. I'm speaking on behalf of the International Chamber of Commerce at the moment.

I just wanted to say in this context, we consider this an important juncture for ICANN and strengthening its ethics and conflict approaches or procedures is key.

Global business understands the importance of a strong and effective conflicts of interest approach that relate to issues and is appropriately applied.

We encourage focus on the real objectives of conflict of interest policies such as ensuring decisions and votes are not influenced by financial or other substantive interests. That said, we believe the board does not need to be comprised -- sorry, does need to be comprised of members with a range of experience including from within the ICANN community. We also would suggest that particular care be taken to ensure that the conflict policies are not reactionary or go to a new extreme.

We also suggest that a conflict of interest approach ensures that the policy is clear, understandable, and clear about how and who it applies to. Thank you.

STEVE CROCKER:

Thank you.

MICHAEL PALAGE:

Mike Palage.

In 13 years, I've kind of earned a reputation of being a tough-love critic of ICANN. So this doesn't happen very often, but I would like to applaud the board for their heightened sensitivity, the conflicts. So as I said, I understand there are some board members that may not be participating in the new gTLD process but I think at this particular point in time in the institution, I think error on the side of caution is the appropriate course of action.

The one thing I'd like to say, though, is after reading the minutes from the earlier board meeting where certain directors recused themselves,

the first thing I did was go to the board of directors page and I was looking for the conflicts of interest. And I pulled up the conflicts of interest, and some people were -- some people that removed themselves from the new gTLD deliberations, I did not see a corresponding change in their statement of interest. So that left me a little confused.

So I checked it just now again, and I went to the new redesigned Web site, that's about the umpteenth time in 13 years it has been designed, and it is getting better.

But when you go to the board of directors, before there used to be a link that said "statements of interest." I can't find that in the new -- it may be in the new Web site, but it's not easily there where it was before.

As I said, congratulations. I think you are doing the right thing. And, hopefully, this heightened standard will put it in a rearview mirror and we'll find the proper balance.

But if you can get that conflicts of interest link that used to be there that I can't find, and other people, I think it would be a good idea. Thank you.

STEVE CROCKER: Thank you for that. Yeah, getting to -- tying up the loose ends, I think, is a good thing.

ROD BECKSTROM: Michael, we'll look into that and follow up. Thanks.

STEVE CROCKER: Take it away.

MARILYN CADE: I have to wait for my clock.

STEVE CROCKER: No. You can have that time, too.

[ Laughter ]

MARILYN CADE:

Lost it.

My name is Marilyn Cade. I'm going to talk about another part of what I think we all ascribe to.

I think we're here at ICANN because our goal, as ICANN very broadly, as a community, as a board, as stakeholders, as participants, is to have and have earned the trust and confidence of ourselves and our communities.

And so something that was not headlined here is the discussion about ethical behavior.

I want to applaud the board for the rest of the documents that are on the page and that describe -- and Steve made reference to the code of conduct for the community.

My message to my constituency and to others earlier in the week was, this is about us as much as it's about them, and I really want us to embrace that thought because all of us are also putting the organization either at risk or supporting the organization when we embrace the highest ethical behavior and standards for ourselves.

The second thing I'd like to say is, I've encountered some discussions that, to me, in the community have confused the issue of understanding that you can have a conflict of interest about an issue, but you are still a highly ethical and highly accountable board member within ICANN. And I think that's an important point for all of us to understand and embrace.

Thank you.

STEVE CROCKER:

Thank you.

PAUL FOODY:

Hello. Paul Foody again.

In view of my previous comments about the extent to which intellectual property lawyers will be benefitting from this process, I just wondered, is there a -- any percentage -- can you give me a percentage of the

number of people attending these meetings that are intellectual property lawyers or lawyers?

STEVE CROCKER: Using the standards that we usually use, I think we'd have to measure not only the intellectual property lawyers that are but also the ones that might be or that are apparent.

[ Laughter ]

PAUL FOODY: So you don't have that figure.

STEVE CROCKER: Yes. And perceived.

ERIKA MANN: And perceived.

STEVE CROCKER: Yeah.

PAUL FOODY: Okay. Well, given the number of intellectual property lawyers who come here, for them to be the ones to write the rules which are going to completely override existing intellectual property law, so far as I'm concerned -- I'm aware, there is no law in the world that allows any organization to claim a right to a generic term.

You can write it in a certain style, you can add a color, but there is no law that permits the ownership of a generic term.

And given that, we've got to let the public at large -- we've got to remember that lawyers serve the public, and that the law has to be accessible to the public. Thank you.

STEVE CROCKER: Thank you.

JEAN-JACQUES SUBRENAT: Hello. This is Jean-Jacques Subrenat, a member of the ALAC and a former member of the board.

I'd like to take a different tack on this and perhaps underline the link between the recruitment policy and methods of ICANN and the problem of conflicts of interest.

I think that we can say two or three things about that.

One is that it underlines, I think, the importance and the potential contribution of the NomCom element to especially the board, but not only. Also to the ACs and SOs.

Because it gives an element of independence, quote-unquote, vis-a-vis the constituted parties within ICANN.

I think that's an important element which we have to look at again.

The other thing is that when the board is giving instructions -- or rather, advising the community on what is ethical, what is conflict of interest, accountancy, transparency, all that, I think it should be a bit more aware than it has been these past few, should I say, months or years that governance -- and therefore, conflicts of interest -- also concern the internal functioning of ICANN, or not only the relationship between ICANN and other entities which are interested in Internet governance.

I won't make any specific reference to any person, but perhaps you see what I mean. Thanks.

STEVE CROCKER:

Hold up just a second. We have somebody who has been waiting on the net for a while.

FILIZ YILMAZ:

Thank you, Steve. Filiz Yilmaz, ICANN staff, reading a comment/question from George Kirikos, Leap of Faith Financial Services.

Recently, the chair of ICANN recused himself from a new TLDs vote. However, there was no such recusal for the new TLDs vote in Singapore. Afiliias has had an ownership stake in Shinkuro for some time. Has there been a change in the conflicts of interest since the Singapore vote or is this an instance where a past conflict of interest is being recognized? If

the latter, doesn't this put into question the validity of the Singapore vote.

Thank you.

STEVE CROCKER:

Since I'm one of the people affected and called for -- yeah, the mic is on -- called for directly in the comment, let me just add two things.

The -- since Singapore, we've gone through a cycle of reexamining the already very, very strong conflict of interest rules that have been in place and looking to see where there were opportunities to strengthen them.

In doing that, I've found myself, among not very many people, moved from viewed as not conflicted in these matters to conflicted, which was perfectly fine with me and I have -- I have no issue with it.

The -- with respect to whether or not, if you look retrospectively, would that have changed the decisions, the answer is no. I think if you examine the voting record, you could take us all out of there and it's the same result.

So it's one of these changes that improves confidence, improves confidence and visibility of what we're doing, but I don't think that it has changed the direction that we would have taken if you -- if you -- if one is inclined to go back and ask the question about, "But for that, would we have done something different." And I think the answer is a very quick no. Thank you.

Kristina.

KRISTINA ROSETTE:

Sure. I'm Kristina Rosette, vice president of the IPC but speaking somewhat in my personal capacity.

I think the IPC has historically made its views clear as to the importance of avoiding conflicts of interest, both direct, indirect, actual and perceived.

So I think it's probably safe to say that you should count on seeing some comments from us on the newly released documents, which we

certainly welcome, although it is certainly regrettable that they were released in such a time that there wasn't really ample opportunity to be able to engage in any kind of meaningful discussion of them while we're all here.

On a personal level, I have to say that I am still working my way through them, but the fact that there is actually a definition -- or a reference to potential perceived conflict of interest, as far as I'm concerned, is a tremendous accomplishment, and I think it is going to be extraordinarily important that that continued attention to that topic stay in the guidelines as they move forward.

I think this environment -- and I know I'm getting ahead of myself in terms of public forum topics, but I think we're going to see a very different composition at these meetings over the next 18 months, and I think it's probably safe to say that a significant percentage of these new attendees and participants come from an environment in which they're -- literally everything they do is guided by conflicts of interest policies.

So the presence of a very strong, robust, meaningful, but helpful -- and I do take John Berard's point to heart, I think he makes a good one -- but I think that's going to serve the organization in good stead.  
So so far, excellent work and stay tuned to the comments.

STEVE CROCKER:

Thank you. Bruce, would you like to comment?

BRUCE TONKIN:

Yeah. Thanks, Steve.

And Kristina, we welcome your feedback, particularly a legal review -- of the legal review in terms of those posted comments.

KRISTINA ROSETTE:

But then I'd have to bill you and I'd have a conflict.

[ Laughter ]

BRUCE TONKIN:

But just to set expectations also, so that's sort of Phase 1, so that's -- those documents were reviewed by Jones Day, which is one of our outside counsel for some time.

And then a second phase which we hope to have released in sort of April/May time frame will be a review from an external legal counsel that hasn't been involved with ICANN, and they're going to specifically be comparing ICANN with other similar organizations, and they'll have a report on that.

And then we've got another group that's doing a review, really comparing ICANN with organizations around the world that may be similar, looking for best practice. That will take a little longer to deliver, but we expect that to be available before Prague.

So I think our commitment to you, just to pick up on Adrian Kinderis' comment, is at least keep you informed on the timing of when these things are going to arrive.

We -- you know, they are external groups and they are providing material to us. We don't have total control.

But we'll certainly keep you informed as to when those documents are likely to appear, and look forward to your continued analysis.

KRISTINA ROSETTE:

Can I actually --

Just a follow-up, Bruce.

Is it currently anticipated that the documents that have recently been released in terms of the new conflicts of interest policy, et cetera, is it within the realm of the possible that depending upon the -- what the outcomes of those reviews are, that those could then, in fact, undergo further revision?

BRUCE TONKIN:

Yes. Yeah. We have two options, actually --

KRISTINA ROSETTE:

Okay.

BRUCE TONKIN:

-- And this is one of the things that we -- you know, we have made a decision on.



But one option we'll be looking at the public comment and seeing what feedback we get, so we opened the public comment period, I think, this week.

At the end of that public comment, if all the comments are, you know, strongly in favor, let's say, of those edits, we do have the option at the next available board meeting or Board Governance Committee meeting to approve them as-is.

However -- and you're quite correct that as a result of the further two reviews, it may involve going back and doing further edits of those conflicts policies.

So we view it as a continuous improvement process. There's no single end date. You know, as we get new material and new improvements, we'll make those, and then we will approve them, subject to public comment.

KRISTINA ROSETTE:

Okay. Thank you.

STEVE CROCKER:

Thank you very much.

ZAHID JAMIL:

Hi. This is Zahid Jamil from Pakistan representing the ICC for this moment.

Again, I'm sorry, it seems that the scribes probably sort of -- there was a typo in what I was saying and it seems that what was recorded was that the ICC believes the board does not need to be comprised of members with a range of experience.

That's not what we said and I'd just like that to be corrected and it could be recorded that the board does need to be comprised of members with a range of experience, including from within the community. Just wanted to stress that and make that correction. Thank you.

STEVE CROCKER:

Thank you for that correction.

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>> I think it would be a good idea if we all spoke a little bit slower so the scribes can understand what we're saying. Thank you.

ROBERT HALL: But I'm on the clock!

[ Laughter ]

STEVE CROCKER: Hang on a minute, Rob.

From the net?

FILIZ YILMAZ: Thank you, Steve.

Filiz Yilmaz, ICANN staff, reading a document from Bret Fausett, Internet Pro APC.

From July 1997 when the United States agreed to make the governance of the domain name system private and competitive and to create a contractually based self-regulatory regime, we always have understood that self-regulation meant regulation in which the regulated parties participated as peers. Ethical behavior does not require the absence of conflicts. In fact, in a bottom-up self-regulatory organization like ICANN, conflicts inevitably will arise.

When they do, we know that the system is working as it was designed.

An ICANN without conflicts would be an ICANN without people in positions of authority, with the industry knowledge and experience to make the careful balance of technical, public interest, legal, and business judgments required for ICANN's sound operation.

Disclosures and recusals, as we have now, will work better for ICANN and the community it serves than disqualification. Thank you.

STEVE CROCKER: Thank you. Rob?

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ROBERT HALL: My name is Rob Hall. I'm the CEO of Momentous and I am the chair-elect of ICANN. I want to talk about three things -- or of the nominating committee of ICANN. Sorry. Not --

[ Laughter ]

ROBERT HALL: Apologies. Oh, what a Freudian slip.

I want to talk about three things. I want to talk about transparency, conflict, and then unanimity.

I think -- I'm the first chair-elect, so no one's ever been in a position of mine where I have a year ahead of when I actually chair a committee to get ready, and one of the things that I think we've been doing ourselves a great disservice as a committee is taking the confidentiality provisions of what we do, where we should keep the confidence of -- you know, the identity, the privacy information, and in fact, our discussions about a candidate private, we've extended that somehow to everything about the nominating committee.

And one of the tasks I told the chair and vice chair of ICANN I would take on when they asked me to do this was trying to write a procedure manual and bring some transparency to our process. Things like our agendas and how we do things should all be public. There is no reason anything other than those three things I mentioned should be not completely transparent, and I've committed to do that. And so you will see us publish that document before the next NomCom sits. I know Vanda is working on getting documents out as we go now.

One of the -- one of the effects of that is, of course, people fear in a vacuum what they don't know, and so I think we can hopefully bring some transparency to it.

One of the first things that -- as an example, one of the first things that our committee does is it appoints a conflict committee within itself. So I don't know if that's well-known. Maria Farrell chairs this year's conflict committee, where if any member of the NomCom has a conflict with any applicant, they declare it, they can then seek legal advice from ICANN, but certainly there is a conflict regime within the committee as well.

It is unfortunate when I hear, you know, people tag different people on the NomCom. These are hard-working volunteers that have, you know, spent a lot of time doing the best they can to get the best board and the best GNSO and ccNSO and ALAC candidates.

I also want to close with unanimity.

So this -- this structure of the NomCom is deliberately set up, and in fact is the only committee within ICANN that has representatives from every stakeholder group. I believe everyone is represented in some way in the NomCom.

Last year's vote on the entire slate was unanimous. I don't think that's ever happened before in any other committee in ICANN where the entire community came together and said, "We believe so much in what we're doing that we will be unanimous in what we do across all segments of this diverse community."

I can tell you from experience egos are checked at the door, allegiances are checked at the door, and these people work very hard to get the best possible outcome.

I often don't hear the outcome criticized; I hear the lack of knowledge about the process criticized, and we're going to work on doing that.

Let me close by saying on unanimity: With this diverse group, perhaps I'll ask them this year to solve the WHOIS problem because they seem to be able to get unanimity across a wide selection.

Thank you.

STEVE CROCKER:

Thank you very much, Rob.

[ Applause ]

Filiz?

FILIZ YILMAZ:

Thank you, Steve.

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Filiz Yilmaz, ICANN staff, reading a comment from George Kirikos, Leap of Faith Financial Services.

To follow up on my prior question, shouldn't there be penalties to be in violation retrospectively of conflicts of interest?

Furthermore, even the chair's vote did not have an impact on the outcome in Singapore, isn't it correct he was still able to impact other people's votes during the internal debates that are not published? For example, the board's private mailing list?

Thank you.

STEVE CROCKER:

Thank you.

Anybody choose to respond here?

Cherine? Thanks.

CHERINE CHALABY:

The fact that our documents are being reviewed by external counsel and by a panel of lawyers doesn't mean that we have not acted.

So back in August last year, we set up a subcommittee of the Board Governance Committee that consists of three independent directors, and since that time, we've been looking at the conflicts as defined by actual, potential, or perceived of all of the board directors in relation to the gTLD -- the new gTLDs.

And we have acted since then, and in fact now for the last, I suspect, three or four months those that have been determined to be preliminarily conflicted have been recused from the meeting.

In terms of Steve, I don't know if the question is particularly to a certain point or decision, but something certainly now in my view that since that process has taken place, he has set the bar very high, he has excused himself from the gTLD program, and he takes no part in any of the decisions that are currently taking place at the moment.

STEVE CROCKER:

Thank you, Cherine.

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Bruce, you want to comment on the general issues of our procedures?

BRUCE TONKIN:

Yeah. Thanks, Steve.

One of the topics in the -- out of the review of the accountability and transparency framework was looking at the nominating committee processes, and the concept there was that I believe the nominating committee -- each nominating committee has sort of delegated authority to create its own processes each year, and one of the things the Board Governance Committee has been looking at is, should there be a minimum or standard set of procedures that would apply from nominating committee to nominating committee.

So I just wanted to sort of raise that it's something on our -- on our list of topics that we're discussing, and certainly we would value the work from the nominating committee this year that could serve as a framework for future nominating committees.

STEVE CROCKER:

Thank you.

Hi, Ken.

KEN STUBBS:

This is Ken Stubbs speaking.

First of all, Bruce, I'd like to compliment you and the Board Governance Committee on your commitment to constantly revisiting this issue and taking advice from the community, as well as the independent bodies that you've engaged to assist you.

And I realize, over a period of almost 14 years, that this organization and its -- is ever-changing and moving forward and that we're in a very fluid environment, so that commitment is very meaningful.

There was a comment that was made by Jean-Jacques with respect to outreach.

I want to remind everybody in the community that the nominating committee works very, very hard to try to encourage members of the

community to propose and reach out within their own constituencies, within their own communities, to encourage people to look at the opportunities that are available for service in the ICANN arena.

And we hope that you will work with us in helping develop more effective ways of reaching your community, because that's the only way we can keep growing and keep getting the global diversity that you want.

Thank you, Steve.

STEVE CROCKER:

Thanks very much, Ken.

Going once... going twice...

Excellent. Thank you all for a spirited discussion on what I -- what we all know is a relatively sticky question.

So we move on to the quite tame and uninteresting discussion about implementation issues around new gTLD rollout.

Hi!

TINA DAM:

Hi. So I promise -- this is Tina Dam, MYTLD.com. Can we start?

[ Laughter ]

STEVE CROCKER:

You seem ready. We are too.

TINA DAM:

So I promise you're never going to see me rush for the microphone like this, because I really -- don't really like so much standing up here, but I hope you take that as meaning that I really care about this subject that I'm going to raise.

And I'm sure there's -- nobody behind me, I guess --

[ Laughter ]

-- but I thought there would be and maybe others are going to talk about it too.

This whole suggestion for how you can do prioritizing, batching kind of thing with applications, I don't like it so much.

[ Laughter ]

TINA DAM:

And the reason I don't like it is because I think there's a part of our community that probably isn't here present to review that and raise objections about it who will have a difficulty in gaming that system that you're proposing to have in place. And because they have difficulty in gaming it, it means they're going to end up at the back of the line.

And that could, for example, be those applicants who are going to apply for financial support. It could potentially be some of the applicants for IDN TLDs. And I think it's really unfair for those applicants to not be able to participate in a gaming of the system so that they can get in front of the line.

And I do think that they deserve to be further in the front of the line because they do not know the systems as well as a lot of people here do, and so they're going to need some additional time to launch in a good fashion and really get out there in the market.

So I would suggest that you take those two categories of applicants and put them ahead of everything else.

And I really don't have a good suggestion to -- for what to do with the rest, of which I'm a part of, so I'm afraid I'm at a loss there.

But those two other categories, put them ahead. Thanks.

STEVE CROCKER:

Thank you. Let me call on Thomas Roessler to comment on this.

THOMAS ROESSLER:

Thank you, Tina.

We're dealing with a number of constraints as we try to resolve the batching issue.



One of those constraints is that actually the application window closes very quickly. So two responses, therefore.

The first one is, for the support of applicants, actually part of the approach there is that applicants who draw on the support pool will be at the end of the batching queue. That is a decision that has been made at the time when that was brought forward.

The second observation is that in the moment where I say something like that, there are many arguments we can make about whether that is just or not just.

And so at this particular point, we have a proposal on the table for a process that avoids -- and I think this avoidance is a good thing -- that avoids the board picking favorites among applicants.

That is fundamentally a good thing. We have the proposal that was presented this week. We believe that it is not a proposal that is well-understood at this point, where actually we have some confidence that it can function.

The state of play of the discussion is that a number of board members with a strong interest in the topic are currently working with staff, reviewing a number of possible paths forward and are working very hard to get a clear decision and a clear approach for the batching issue done and decided.

We agree with you that this is an urgent issue and that, yes, the community deserves to know what is going to happen.

TINA DAM:

Okay. So let me just follow up a little bit, if you don't mind me.

I know it's a really difficult subject for you guys to figure out how to go about it, but I've done, for example, some free IDN training for parts of the community that doesn't have any resources, and I can guarantee you they have no resources for how to figure this out either, even if they decide to apply.

And I say "if" because part of applying for financial support also means that if you fail to get that financial support, your whole application fails.

And so that's -- you know, it's just that community, I feel -- and I would have raised it in the public -- global public interest section, and I just really feel like we need to do something a little bit better for that part of the community. And that's all.

And I know that doesn't make it an easy thing for you guys to favorize anybody at all, but they're not here -- at least not the ones that I've worked with -- and they really need some more help.

STEVE CROCKER:

So let me thank you for now the line is not empty behind you.

[ Laughter ]

TINA DAM:

I see that. That's nice.

STEVE CROCKER:

Well done.

PHILIP SHEPPARD:

Thank you. It's Philip Shepherd, and not speaking in a personal capacity but speaking as director of policy for Sedari. And I'd just like, if I may, to read a short statement which I know covers some of the issues that we've been talking about this week, including the last one, but I think we want to summarize them, really, under one issue.

Certainty. Certainty in business is paramount. This means certainty in the TLD application process is paramount.

And Sedari, in its capacity in advising applicants of all types from all over the world, is concerned because there's quite a lot of uncertainty in this process.

Examples.

Firstly, a key element of certainty is the date of the application window. Now, if you tell us the key dates are January 12, March 29, and April the 12th, we implore you, please stick to those dates. Because anything else is actually adding cost to other people out there.

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Secondly, the trademark clearinghouse has introduced uncertainty. The provider is not yet known. The pricing is not yet known. Pricing which is relevant, of course, to financial projections. And even the detail of its operating rules are not yet known. We've had some very good descriptions of what is happening this week, but we are still at a position today where that is not known, and that is uncertainty.

Thirdly, uncertainty created because of what we just talked about, the batching process, is dramatically unhelpful.

A more creative solution surely compliant to California lottery law and fit for purpose is required. An approach that's essentially randomized and compliant is surely possible with a bit of intelligence applied.

The fourth and final element of uncertainty, I think, is the more complex.

The GAC seems to have an emerging role as a surrogate evaluator. Governments or the GAC indeed have four opportunities, as we all know, in the process to intervene in different ways. How this plays out remains to be seen.

But the issue of uncertainty here is that we've essentially introduced something that is a little bit outside of the system, and we feel this reflects a little bit, perhaps, a failure in our development process.

The solution is going to be working with the governments, I think, to help resolve their concerns, and especially to clear up misunderstandings.

In short, I've summarized four elements of uncertainty which are in the process. They've all been quite well debated so far. I think we know about them. But just to say that perhaps in the future, let's try to work together to have some more certainty in this process, so the timing and the costs that result from that do not happen again.

Thank you so much.

STEVE CROCKER:

Thank you.

PHILIP CORWIN:

Good afternoon.

Philip Corwin, speaking on behalf of the Internet Commerce Association representing domain investors and developers.

I would like to address the -- one of the two new rights protections for new TLDs.

One, of course, is the trademark clearinghouse, and the implementation advisory groups -- the two separate ones for that -- have just completed their work, but the other new rights protection, the URS -- uniform rapid suspension -- nothing has yet been done on that.

At the Dakar meeting, I asked ICANN staff when we could expect to see implementation begin for URS. I was told in about a month.

Five months later, I asked the question again and was told that an RFP will be put out in about a month. This is disturbing. We think it's problematic that the board has suggested that a credible URS can be done at a very low price point. The only analogous procedure available right now is the RAS available at xxx and that's administered by National Arbitration Forum and they charge exactly the same as what they charge for UDRP, \$1300, not 300 to 500. The main difference is in the rapidity of the response.

Finally, in regard to the open comment on defensive registrations, ICA did not comment on that because the notice was quite clear that the questions were being asked about the top level but many interests responded with suggestions to change the URS, which is a second-level remedy, and again, bringing up suggestions have been rejected by the board before to turn the URS into a cut-rate UDRP, particularly with lowering the burden of proof and providing a transfer option.

We would suggest that the time has come to begin implementing URS and not again reopening it and reigniting a divisive debate about what's in it.

We recognize that trademark interests need a credible process for protecting their legitimate interests, but registrants need a credible process as well that protects their due process rights, and this is critically important to the success of new TLDs.

That success ultimately is going to be based on registrants adopting them, and if registrants think their rights are not adequately protected, that will discourage registrations.

Thank you very much for your consideration.

STEVE CROCKER: Thank you.

Rod, would you like to work out a response there?

ROD BECKSTROM: Sure.

Thank you, Phil, and I'm going to ask our expert on the executive team, Kurt Pritz, to provide a response.

KURT PRITZ: Thank you, Philip. Is this working?

Okay. There you go.

Thank you, Philip. All good issues and they've all been discussed at this meeting.

So for example, with the trademark clearinghouse and getting some information to potential applicants on costs -- or -- and registries and registrars, we met with a potential provider during this week and we informed them that we want to get at least bracketed costs out to the community as soon as possible.

We also informed the board that that was a key issue for this program.

We do continue to march along to program plans on URS and UDRP, so you'll see the RFP for UDRP come out essentially right after this meeting.

PHILIP CORWIN: For UDRP?

KURT PRITZ: For URS. I'm sorry.

Yeah, we'll reinvent that.

PHILIP CORWIN: Yeah.

KURT PRITZ: And then -- all right. So you broke my chain of thought.

In a meeting with the UDRP constituency, we certainly identified the importance to getting to a price target on URS and think there will be work with the community on the process and potential providers to make sure we get to that. Because we understand that, if the URS isn't cheaper and quicker than UDRP, then it's lost its potential effectiveness as a rights protection tool. >>PHIL CORWIN: We'll look forward to reviewing your RFC when it comes out and seeing who applies from all the other aspects. Thank you, Kurt.

STEVE CROCKER: Thank you.

STEVE DEL BIANCO: Steve Delbianco for the business constituency. Today is the Ides of March, the 15th of March, the anniversary of when Julius Ceasar was killed by people he was trying to serve and serve with.

Ceasar might have fared a lot better if the soothsayer, when she said, "Beware the Ides of March" had also handed him a list of names beware of. And 60 days from now, we're going to have our list of names for all the applications that have come in. That is going to put ICANN in a unique opportunity to really concentrate its efforts on concentration improvements which can minimize the risk to the program and maximize its success. I'll just give you two examples. The business constituency submitted a list of 10 such implementation improvements, because we're committed to the success of the program. We sent it to Steve and to Heather and posted it on defensive applications comment forum. But one of them, in particular, would benefit from having a list of names. And that would be, if there are any controversial or near controversial terms that are going to invite scrutiny by governments or the GAC, one of the holes we need to plug is, if they file an objection or early warning and the applicant makes that change in their practices or

makes promises to their government, the government is going to want to hold that applicant to the promises if they withdraw their objection.

And we know that this is very much different than what I discussed on the 1:00 panel, because it's not in the contract at all if the applicant cuts a deal with the government to satisfy their concerns, but ICANN will be held to enforce it.

One other small one would be, if we looked at the list of names, we could take a look to see where fraud and abuse would be particularly vulnerable in domains. That might serve to induce people on payments on donations, on banking, things where the abuse really hurts folks. That will allow us to concentrate on implementation measures there to minimize the amount of fraud and abuse, leaving aside all the other names that are not going to be a problem with that.

So the BC firmly believes we can do it and believes that the focus we'll get, once we had the list of names, will help. If Ceasar had a list of names, I'm sure he would have lasted a few more years. Thank you.

STEVE CROCKER:

Thank you.

CAROLIN SILBERNAGL:

Hello. This is Carolin Silbernagl from dot HIV. Thank you for the opportunity to speak. As an applicant for a community targeted and nonprofit TLD, I would like to make a statement on the importance of timing in the whole process before us. This is very much going in the direction of what Tina just said. So thank you for opening.

Timing and the threat of delay are crucial factors in the application process, especially for smaller organizations, for nonprofits, and also for a row of applicants coming from the developing countries.

The question when your application is evaluated has a huge impact on the financial room for maneuver afterwards during the launch period. So time is money. And operational costs risk to eat up the buffer that is in the planning and that would be otherwise used for community outreach for marketing and for acceptance billing for the TLD.

Of course, all of us are planning our budgets in a very careful manner and taking possible delays into account and their costs also. But in the

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end budget can be a zero sum game if there is no huge organization backing you.

So, taking this into account, I would like to urge ICANN and ICANN board and ICANN staff involved in the gTLD program to consider those effects in the process. Firstly, discussions around batching have been heated for a good reason, I think. In my view, a qualitative precheck should play a role in the decision how to fill the batches. Secondly, the financial instrument in the applicant support program was not as helpful as we have hoped for. Also because it includes at least six months for the applicant to wait and to get delayed.

And, finally, please consider this issue whenever you're tempted to accept further delays in the way before us, because they have the potential to harm, especially those applications working in a public interest. Thank you.

STEVE CROCKER:

Thank you.

JORDYN BUCHANAN:

Hello, I'm Jordyn Buchanan with Google. First I have a relatively short statement. I'm going to just take note of the fact, I think, that this is the first public forum I've ever been to where the topics everyone wanted to talk about actually -- we got to ahead of the schedule on the agenda. And there seems to be plenty of time to actually talk about it. So this is also the first meeting I've attended with you as chairman, Mr. Crocker. So I'd like to very much thank you for your chairing this meeting. It seems to have been incredibly effective.

So, with that, I'll move on to my statement, which is so Google is following the new gTLD process with considerable interest. But we note there may be some confusion on an important point related to web search and Google, in particular. We've heard some suggestion that new TLDs might somehow help in ranking within Google search results. Matt Cutts, a distinguished engineer who works on our search team made a short post on his Google+ page yesterday, which I will read quickly because I think it's fairly illuminating on this topic. To quote, "Sorry, but that's not just true. As an engineer on the search quality team at Google, I feel the need to debunk this conception. Google has a lot of experience in returning the web pages regardless of the top-level domain name. Google will attempt to rank new TLDs appropriately, but



I don't expect a new TLD to get any kind of initial preference over a dot com, and I wouldn't bet on that happening in the long term either. If you want to register an entirely new TLD for other reasons, that's your choice. But you shouldn't register a TLD with the mistaken belief you'll get some sort of boost in search engine rankings." Thank you.

STEVE CROCKER:

Thank you. And, with respect to your complement on the process, very much appreciated. Credit goes principally to Filiz, who has done a fantastic job, in my view, organizing things. I'm following her lead. And the credit is hers, not mine. Thanks.

KEN STUBBS:

Ken Stubbs. I'd like to kind of make a comment close to what Tina was talking about, predictability, for those people who are considering applications, is extremely important.

The introduction at this point in time of a system for dealing with batches throws a real -- how do I put it? -- kind of clogs the machine up slightly. Basically, I don't think the system is all practical, number one. Number two, I think it discriminates in favor of high technology.

Number three, I implore the board to go back with more creativity, to look at the laws. There are possible options that may be available. Also, please try to look through this process from the minds of people who got started. If we knew that this was going to happen at the end like this, we may very well have had different business plans. By that I mean that we -- there's a high probability we're going to end up with significantly large numbers of domains. This batching process can have a serious impact. And I think most people would like to see something that would be, I will use the term a little more fair and closer to expectations. I do believe that there may be a possibility -- and I will throw it out and maybe the easiest way for ICANN to do is actually apply under California law for a specific lottery. I think, if you're concerned about breaking the California law and lotteries, maybe what you need to do is work within their legal framework for lotteries. I may be totally wrong. Jones Day may have killed that idea. But it's something to consider. I know the term may not go down well, but it may be closer to the expectations that most people had at the very beginning of the process and maybe even closer to what a lot of the board members envisioned in terms of what happens when we get all these applications in.

Thank you very much.

STEVE CROCKER: Thank you.

TONY HARRIS: Hello, my name is Tony Harris. I'm speaking for the Latin America Federation of the Internet and Electronic Commerce, e-Com LAC. I'm here as a simple, humble applicant and just to express concern about some very interesting ideas I've heard over the last few days about batching.

I trust ICANN. I trust what you're doing. and I would really hope that you would not decide to favor certain categories of applicants over others. I think that would be unfair. And I'm willing to take my chances on whatever system you provide and not be at the risk of being shunted to the end of the line because some other category of applicants is considered more worthy of rapid evaluation than others. Thank you very much.

WERNER STAUB: Werner Staub from CORE.. I'm going to go back to Carthage in history, not to the Punic wars but to 2003 when the ICANN board in Carthage announced that the program would be currently enrolling out was going to -- supposed to be ready by the 31st of December 2004. This is the 9th year of delay.

During that time, people who have prepared public interest applications or community interest application in the context or public interest were told that, essentially, if you want to have a real estate analogy, that public transfer and hospitals and schools should be on the same level as casinos and other things or just private property or private towers or protected areas for some.

We have worked and made many applications -- some of them actually have been fatally wounded just by the delays. Some of them have survived. Now, the next thing is going to -- this is batching. Sorry to have to contradict. But some people have said here we want to have a robotic system that does that. Somebody has to look at it. Of course, the only criteria that could be used is public interest first. And we have to look at the public interest on the scale of ICANN. That should not be so difficult. It just takes a look. There's not much to say. But each one of the applicants could be asked a couple of further questions right now

such as whether they have their application just for the real interest or whether they believe, whether they believe this is in the public interest or in the community interest. They should be able to state that. Some will not pretend to be acting in the public interest very honestly. If they will apply for their own brand, why should they pretend to be in the public interest? That would be ridiculous.

Now, talking about the brands, 90% of the applications that we're going to see will be brand TLD with no third party registrants. This category is not recognized at all by the process. In the past ICANN has said that this was a diversion. We would not like to put efforts into defining such a category. So now we have a process designed for a certain type of thing. And what is going to run in that process is something else. Essentially, just the real estate, to use the word again, that a given brand claims in the cybernetic world. How do we have to -- do we really have to protect the brand, which is the registrant, against the brand, which is the registry? There's the total nonsense of asking questions. Invalid questions have no purpose in the context. And that is for 90% of the applications. This means that it is certainly reasonable to make a special category often and evaluate them together. This should be much faster, and it should be possible to do way more than 500 in one go.

And, finally, this is, again, the same thing I'd have to say. Announce the 2013 and the 2014 rounds now before this round ends. Some of the brands will decide to go for it later. Actually, many will actually then be reassured and not try to do jump on at the last minute.

STEVE CROCKER:

Thank you. Hello, Raimundo.

RAIMUNDO BECA:

Raimundo Beca, speaking only for myself, not in representation of any organization. As the -- a former board director and former chairman of the finance committee, I have to make a plea. The plea is the following: When the application fee was calculated, many people in the room -- in several rooms said that it was very, very expensive. I fully defended the value of the fee, because it was very well-calculated by risk people analysis. And we have -- at this moment, we're going to receive the money in some of this or we're receiving money, in fact. And we're going to be able to make the expenses. And I think we should be very, very transparent to the community in respecting the commitment.

Which were the commitments? The first commitment was that ICANN had to spend from its own budget historical costs. These historical costs should be paid the same day with the money. I have seen the calculations of the next budget, and it's -- it's not paid in the first day. Maybe, afterwards, ICANN will be forced to give, again, money to the list prior. But we should respect the commitments.

The other commitments it's -- is that the -- -- this is a zero sum exercise. There should be not be -- there should be not a money -- ICANN would need money. If ever, because of the options, ICANN receives some excess, this should be used with the policy defined by the board, discussed with the community. I have been hearing this week a lot of suggestion of people saying oh, we're going to have -- this is the time to invest in everything which bring someday to do. The other commitment is that the -- in the expenditures, the fee was calculated. The fee was calculated with clear pockets, clear boxes to which the budget should be allocated. And the boxes are -- well, historical cost, number one. And in this order. Number two, a reserve for refunding. Because there's a high probability that there is high level of refunding. So we have to put this money up.

Then the third one is the risk, the value of the risk, which is 1/3 of the fee, approximately. 1/3 third of the fee. And -- well, if -- and if something else lasts afterwards, well, then the -- the -- a policy should be made in how to invest. The way it is today, the budget is presented as a part of the budget of the budget of ICANN. I think it is not very transparent, because we're -- one can only see how the -- how the problem affects the budget of ICANN. But we're not really seeing how the expense is met. This is a project. I know that for fiscal reasons in the United States we have at the end of the year to make a balance sheet where we include the company is the only one that has to present the balance. But that is the end of the fiscal year. But in the administration, the daily administration, we should have very, very separate indications. Okay. Thank you very much.

STEVE CROCKER:

Thank you very much. Rod, would you like to respond?

Sure. Thank you, Raimundo Beca, both for your service and for your concern and attentiveness to the financial management and reporting issues on the new gTLD program.

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And, with that, I'd like to defer to Xavier Calvez, our chief financial officer, to provide a response.

XAVIER CALVEZ:

Sorry. As a warning, I will be speaking in French. (Scribes receiving French language.)

I'll wait a little bit then. So you should translate that in French.

[Laughter]

(Still no translation.)

Okay. I'll do it in English first. And, if we have time, I'll do it in French.

So I have had the opportunity to discuss it with Raimundo, and other members of the community as well, who had the similar type of questions on the subject. So, first of all, we have not yet established the budget for the fiscal year '13. We have only provided and published on January 17th, a framework, which is a -- of the budget -- which is only summarized in preliminary version of the types of information that will be presented in the final budget.

So that's one preliminary comment.

Second, the information in that document was not aimed at necessarily representing the amount of details that we do intend to include in the budget in order to ensure that adequate information is being provided. And we will make sure that, in the final budget, we take into account all the feedback that we have received from various members of the community, either during this meeting or during previous conference calls or in writing to provide the adequate amount of details on the budget. And I invite anyone to send me an e-mail with further requirements on the level of detail that they would like to see in the budget to make sure that we take that into account, including to Raimundo's point, including the distribution of revenues in the various buckets he mentioned as well, as the detail of how the costs will be used. I didn't have a clock to go by, so I will save you the French translation of this. Thank you.

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STEVE CROCKER: Thank you very much, Xavier. We've had a couple people queued up on the net. Let me ask Filiz to take two, please.

FILIZ YILMAZ: Thank you, Steve. Filiz Yilmaz, ICANN staff reading a comment from Jacob Williams, Urban Brain.

We commend ICANN on launching the program as planned on January 12, though it wasn't without sacrifice or flaws. The final or most recent version guidebook was not published prior to the launch of the new gTLD application window which has been problematic because of the history of delays in the new gTLD program. Many applicants waited until the final guidebook was actually published before even considering a final decision on whether to apply. Several local governments in Japan and around the world have just barely published letters of support and some are still in deliberations with just two weeks before the TLD application system registration closes.

With no second round date published, extreme pressure is mounting for applicants to push applications through at the last minute. The lackluster communications campaign sponsored by ICANN barely grazed Japan, a country that houses the second most global 500 companies in the world, second to the United States. We have spent countless hours educating potential applicants, including big brands, local entrepreneurs, and local governments about the requirements and the process of applying.

In doing our work, we have been met with numerous misinterpretations of the guidebook and the application requirements.

In fact, to date, the only document published in Japanese is the new gTLD FAQ sheet, which was printed in 2010-'09, three years ago. We have offered our support to the ICANN communications team on three separate occasions to work to assist in publishing materials in Japanese at no cost. And we were met with no results. Lack of materials in the local language has created a disconnect in Japan and elsewhere around the world about the actual requirements and work involved in applying for a TLD as well as the actual cost of running the TLD once delegated.

Finally, it is important that applicants have a clear idea of how the batch processing mechanism will work as well as the timing of each batch. The board seems to be trying to send the message that we all don't

have to apply in the first round, but we have not been given a date for the second round. Given ICANN's track record of delays since announcing the program in 2008, how is any legitimate applicant going to gamble on waiting another four or five years to apply. Shall I continue with second comment, Steve?

STEVE CROCKER:

No. I think we should respond to this one at the moment. I'll take the very last part of this.

(Scribes receiving foreign translation.)

The second round, we've said everything that we can say so far, which, in summary, is a commitment that there will be a second round, a dependence on two key factors. One is how many come in during the first round and then certain pieces of work that have been committed to between the first and the second round.

We -- there isn't a way to be clearer about the precise timing. Obviously, once we know how big the first round is, one part of that will be greatly -- the uncertainty will be reduced considerably. We'll have a much greater calibration. And then, as we go along, we'll have further calibration about the work to be done. That's simply the best that we can do there.

With respect to the availability of materials in Japanese, Rod, do you want to say anything about that?

ROD BECKSTROM:

I can -- I don't have an exact -- Akram? Looks like Akram has something to say, our chief operating officer. If we can, please, get a microphone to Akram. Thank you.

AKRAM ATALLAH:

Our commitment on our translation policy is we'll translate into five U.N. languages. And we tried to catch up and deliver on all of these translations in time. But Japanese is not one of the languages that we do translate. And, therefore, we don't have any plans right now to have that translated.

STEVE CROCKER:

Sebastien.

SEBASTIEN BACHOLLET:

Yes, yes. Yes, yes. (garbled audio) -- proving that we have some tools, but not yet all the tools. And I am very worried about that. I think it's a pity for all of us. Because I can afford to speak in English. But, if there are people in this room and I would like very much that you come to the microphone, if you speak French or Spanish. And we will make everything to translate you, even if the tools are not working. Please, come to the microphone. That's my first point.

My second point is that I disagreed with the two answers you were -- that were given to you. I -- when the new gTLD program came, I asked specifically for a second round. And I still think that we can say something more than we will do a second round. We can have some commitment about the date. Even if we don't say it will be the 6 February of 20yy. We can say something like it will be the year X or in the six months, the last six months of yy. We don't want to do that, we are afraid. And I am very, very unhappy with that. But that's not the situation.

About the translation, I think I tried to say and to push that we need to have a business summary translating more than the six languages and eventually less documents translate in total in the six languages to balance the budget. And, for the new gTLD program, it's the question raised by Japan is just one language in this world. But from the discussion they -- we have this morning in the new gTLD support program for the needy applicant, it was clear that there were a lack of documentation distribute meeting organized in the developing country. And, eventually, the translation in local languages was also missing. If we think that we will go to the overall world with five languages, it's -- for some project, it's not possible. Then I urge ICANN to do something. But in the same time saying that it's too late. It's done. But we need to think about that for the next round. And I hope that it will be defined sooner than later. Thank you.

STEVE CROCKER:

Thank you very much. I'm going to move to another question from the net, and then we'll switch back to the queue on the floor.

FILIZ YILMAZ:

Filiz Yilmaz, ICANN staff reading a comment from David Conrad, registrant, independent.



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ICANN for years attempted to keep all the IDN CC and IDN gTLD processes parallel. Now, with more than a year since the first IDN ccTLD went into the root, still no IDN gTLDs are available to users and that reason should be sufficient for IDN gTLDs to be prioritized as they are the only part of the new gTLD program which is a necessity and not a matter of choice along. Thank you for the opportunity to remotely participate.

STEVE CROCKER:

Thank you very much. On the floor. Go ahead.

CONSTANTINE ROUSSOS:

Hi, this is Constantine Roussos from dot music. I have a few comments. The first one is that I find it interesting that ICANN wants to protect themselves from lottery with the batch system when we as applicants have been gambling for the last -- at least I have for the last five years waiting when we don't even know who we're competing with until May 1st. That's my first comment. So I'm just trying to be consistent here in terms of the gambling thing. Because I think it is pretty much -- there is some gambling aspect in this whole gTLD program.

The second thing that I wanted to talk about in the batch discussion was to alert some history upon you which is the dot EU sunrise launch. There were two companies, one of them was called Yellow Register Online and the second one was Drake Ventures, and it was based on a timing methodology. So I will tell you the domains that they got. Yellow Register got sex dot EU, travel dot EU, music dot EU, buy dot EU, search dot EU, sell dot EU, poker dot EU, anyway it goes down. Drake Ventures got money dot EU, internet dot EU, loans dot EU, stocks dot EU, and it goes down and down.

So this is a -- because we were told benchmark your stuff. Look at how many registrations X and Y have and create your COI and do this. So what I'm saying is why didn't ICANN benchmark this to see a real-life occasion of two companies gaming this thing the same way that you guys are trying to set it up. And I guarantee you, I will find a way to make it as fast as possible. Even if I get a 10-year-old guy that's really fast, plays games and I tell him calibrate, calibrate. So again, there's a -- I don't know if you looked at the disabilities act. What if someone's an older person and he's really slow at pressing the button. So we can think of 1,000 reasons how this can work or not work.

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So my third comment is about the creative community. I would like to make a suggestion for -- for ICANN to make suggestions to the evaluators to look upon industries such as music, movies and games, to look upon copyright and to ensure that whoever gets those strings, there is a multi-stakeholder governance in there that represents the interests of not only those creators but also people in the community of those -- of those (poor audio) of that community. Thank you.

STEVE CROCKER: Thank you.

ADRIAN KINDERIS: Yes, just as a warning I will be speaking in Australian English. So if the transcribers can get that together.

[ Laughter ]

Thank you. My name is Adrian Kinderis from ARA Registry Services. I just wanted to quickly respond to Jordyn Buchanan's comment which was indeed a response to my blog post on new gTLDs and the impact of search. I do so because it seems that, given the 140 characters of Twitter, that the tweet universe has summarized this -- or his comments at least -- the TLDs will have no impact on search. I think this is dangerous for the advocacy of the program at a time when all of us are keen to promote it, and I certainly know that wasn't Jordyn's intention. But indeed I never said it would. I did merely say in my comments the way content is -- excuse me, where content is equal, having a domain name that is more relevant should impact your search results. But above that, I believe it is fantastic that Google have been prepared to engage in the conversation, especially when it's addressing little old me who normally doesn't have anything to say. Insert laughter here.

I think it's one of the most important questions when we are out there advocating the new gTLD program to some of the biggest brands in the world and indeed entrepreneurs and they want to know how will they impact search. So I do applaud Google for coming forward and having something to say.

Just to finish off. Having content will always be important, however, having a domain name that is relevant is certainly going to help and moreover, having an authoritative or genuine name space where you do that, as in the case of a brand, should do more so. If a TLD doesn't

matter, then why did Google bother to change the algorithm to assume that a dot CO name was indeed a generic term. That's all I have. Thank you.

STEVE CROCKER:

Thank you.

[ Applause ]

TIJANI BEN JEMAA:

Tijani Ben Jemaa, vice chair of ALAC -- sorry, vice chair of AFRALO. I'm sorry.

[ Laughter ]

Okay. Following the advice of Sebastien and encouraged by Xavier, I will speak French and I hope that it will work.

Listen, I have a big preoccupation regarding the publicity done for the program for the new gTLDs in general manner and also for the program for applicant support for new gTLDs. It's true, I recognize much effort was done for online promotion, Twitter, Facebook, Google, et cetera. As you know, these tools work very well in North America and Europe but they do not work so much in Africa, for example.

What was needed to be done, and what is needed to be done, are events with a lot of noise around certain events to attract people's attention and to inform them that they have an opportunity to enter in this sector although they are not able to pay \$185,000.

So this support program again ICANN launched it with the community's efforts, I was among them, I was a member of the -- this community, so this program was done for these people, for the people from these regions and if you don't do promotion in these regions, we didn't -- we haven't done our work.

It's true, there will be requests for assistance and help, but I'm not sure that those who will receive benefit from this assistance will -- will be the ones that deserve them more because some are not aware that can take -- use this -- this opportunity, take benefit from this opportunity. We -- another -- another preoccupation we got in promotion is regarding the recruiting of SARP members, Support Application Review

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Panel. For the recruiting, it would be nice if we had members from the community from these countries that need assistance. They understand better the files that come from these people and of course there won't be only them but there should be members like them and these countries, these regions are not provided with this information, a big effort, outreach effort should be done for these regions. Thank you very much. Thank you.

JUDITH HARRIS:

Judy Harris with Reed Smith in Washington, DC, and I work with the ANA Association, the National Advertisers and the CRIDO Coalition. First of all, I want to thank everyone for the incredible welcome and warm reception I got here this week. It's been quite a learning experience for me and I appreciate the opportunity.

I just wanted to make one quick point regarding the comment window that's now open on the do not -- on defensive registrations. And my group has put forward a very, very simple proposal for the do not sell list at the top level. I don't want to go into all the details of that. Let me just say that in our comment -- in our reply comments I'm going to be synthesizing everything I've learned from reading other people's comments and see if I can put together a really short, concise suggestion for a way forward.

I do want to say that as I've been sitting and learning and listening, two issues keep becoming -- are repeated over and over in every session I go to. One is the batching issue, and the other is people wanting to know the certainty of when the second window will open. I understand all of the concerns and I don't purport to know nearly as much as anybody else in this room. I do want to say that our very limited proposal, I think would help with respect to both of those challenges.

First with respect to batching and how to go about it, I know you need a plan and I know you're getting lots of input in that. I do believe that this do not sell list would have the advantage of substantially -- it's a guess, but substantially reducing the number of applications you get and therefore, you might never have to implement the do not batch proposal that you adopt and you might not subject yourself to all the challenges that might follow. And when you read the details in our reply comments, I think you'll understand why that works.

Secondly, there's going to come a time, between the first and second window, when there's going to be all of these evaluations. One of the

issues on which you're going to be evaluated on is the cost benefit and the number of defensive registrations. If you consider our proposal on the top level, you will be able to represent that 100% of the applicants for the new TLDs are not defensive. They're all because people who have applied want to run registries -- want to run registries and be registries and we will eliminate the need for defensive registrations. It will help substantially with smaller, you know, NGOs, IGOs, small business, who don't have the fee of admission. You can read about the details of what I propose. I know my time is up, but I really do think serious consideration of what we're suggesting -- I don't see any downside to it, I really don't, and I do think it will help you with those two challenges that are on your plate. Thank you very much.

STEVE CROCKER: Thank you. I'll go back to the net for a minute.

FILIZ YILMAZ: Filiz Yilmaz, ICANN staff, reading for Fred Krueger, TLDH. Regarding possible batching processes, perhaps the Board of ICANN could consider using the same technique that airlines use when they're overbooked. They offer people money to take a later flight.

[ Laughter ]

[ Applause ]

STEVE CROCKER: If I might reply –

FILIZ YILMAZ: Can I finish, Steve?

STEVE CROCKER: There have been airlines that simply bring another airplane, and so think of us like a shuttle that operates as quickly as possible.

FILIZ YILMAZ: Continuing, for example, \$4,000 would be a good number to get people to sit out the first round, especially brands who have no plans to deploy. Would ICANN consider such a process for dealing with more than 500 applications in the first round? Thank you.

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STEVE CROCKER: Thank you. Olivier.

OLIVIER CREPIN-LEBLOND: Thanks very much, Steve. Olivier Crepin-Leblond, Chair of the At-Large Advisory Committee. I've just got two comments based on the batching part of things. With regards to batching, we haven't had the chance in at-large to have a large consultation about the matter but several of the members that I have spoken to, including myself, are in favor of batching applications together. However, we are on record for the favorization of community applications, and so I do remind you of that. Thank you.

STEVE CROCKER: Thank you very much.

STEVE METALITZ: Thank you. I'm Steve Metalitz. I represent the Coalition for Online Accountability. I'd like to make one comment and one question. The first speaker in this queue said the staff has proposed a methodology for batching and I don't like it. I think you've actually heard that from many people in this queue, and as I've gone around and talked to many, many people this week, I haven't yet found anybody who does like this approach. I think a lot of people think that we can do better than that.

And several of us have helped to develop some suggestions along this line for the -- for ICANN to use the categories that are already recognized in the new gTLD Applicant Guidebook and which are self-designated by registrants, so it's not a question of ICANN picking, use those which happen to also overlap very considerably with the types of applications that your economic experts told you presented the highest likelihood of benefit to the public, and start with those. It's -- we hope it's a contribution to this discussion, and we appreciate your consideration of it.

My question is this, we've heard in the last hour about a lot of implementation issues, batching is only one of them, very difficult issues on which the staff is going to need a lot of guidance from the Board, oversight from the Board, and direction from the Board. You are, after all, the Board of Directors. Since so many of you have recused yourselves from active consideration of the new gTLD issues, how is that going to be handled? How is the Board going to meet the challenge of having a very reduced Board in numbers, providing the needed

direction, oversight, and guidance to the staff on implementation decisions?

STEVE CROCKER:

Thank you. First, a comment. We're -- we're at the time, so the queue is now closed. We'll process -- we'll take all the comments of the people currently lined up and no more from online.

The -- just with respect to the last point, there was a consideration as we went through this very rigorous process of considering conflicts and so forth as to whether or not we were getting close to the edge of reducing the number of people. It's a big board. We get complaints about having a big board, and it's a little smaller now in that respect, but it's still plenty big. So I don't think we're short of bandwidth and talent and so forth on that. Yeah. Judith.

JUDITH VAZQUEZ:

Not to sound flippant, but I recused myself believing myself incompetent to address the problem of batching and was advised that I had to be in a conflict position, and now I have to think of what new gTLD to apply for. But that's how complicated it's become for us. Thank you.

STEVE CROCKER:

Thanks. Any other comments? Thank you.

YANNIS LI:

This is Yannis Li from Dot Kids Foundation. We're a foundation formed by children's rights organizations with a guardian structure that invites the participation of kids. And we're working hard to apply for the dot kids gTLD and we believe strongly in the mission for it to be –

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[ Speaker off microphone. ]

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Oh, sorry. Slower. Yeah. We strongly believe that for the mission for it to be operated in the best interest of kids. And we understand and respect that ICANN developed process for the new gTLD process, however, we passionately believe that the dot kids TLD actually carries meaning that requires fresh consideration which means dot kids must be a domain with the best interest of children at heart and participation will contribute to the betterment of the Internet where it must not be

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neglected. They should also be a stakeholder in the multi-stakeholder approach and so the dot kids gTLD must be a global platform that drives the creation of kids-friendly content on the Internet and it should enable and empower kids to participate in the Internet governance.

And with the core principle in advocating children's rights and for seeing actually the impact of this dot kids domain which will have on kids and the general public around the world, we believe that dot kids, no matter who runs it, must follow certain kind of guiding principles which is the first one thing is to adopt the United Nations convention of the rights of the child as the fundamental guiding principle and it should secondly operate as a not-for-profit initiative promoting the kids-friendly content on the Internet.

And thirdly, it should promote the well-being of children online and uphold the children's rights. And fourth, it should allow children's participation on Internet governance by making this dot com as a platform for childrens an important part of the multi-stakeholder approach.

And lastly, we believe that the money we earn from the registration should support children organizations and initiatives around the world. So actually I'm now here speaking on behalf of all others who also have a strong concern the well being of the children and those parents hoping to have a safe and kids-friendly content on the internet for the kids. We hope the ICANN committee can take my comment to your deep consideration. Thank you.

STEVE CROCKER:

Thank you.

ANDREA GLORIOSO:

Thank you, Mr. Chairman. My name is Andrea Glorioso, and I work for and speak on behalf of the European Commission. To be absolutely clear, I am not speaking on behalf of the governmental advisory committee as a whole. I have a question and observation to make.

The question, which may be stupid, but I would really appreciate a clarification and for that clarification to be on record. We are hearing about batching, batches or batching, and rounds. I would like a clarification on record that these are two different things. So we may



have different batches in different rounds. Again, I would appreciate the clarification from the Board on record.

An observation, a previous speaker has made reference to gaming of the dot EU top-level domain. As you may or may not be aware, the European Commission is responsible authority for dot EU. It has a contract with EURid, which is the registry for dot EU. I am here until tomorrow. The team from EURid is, to my understanding, also here. So I offer to whomever has made the comment, I'm sorry, I didn't quite get the name, to offer any clarifications to what -- any clarification to the opinion that he has expressed. Thank you very much.

STEVE CROCKER: Thank you.

PAUL FOODY: Paul Foody. I heard the lady –

[ Speaker off microphone. ]

Okay, sure.

ANDREA GLORIOSO: I asked for a clarification from the Board for the record. So nodding is not sufficient. I need it to be on the record. Thank you.

STEVE CROCKER: We can give you a very brief and crisp response in what the words "rounds" and "batches" mean in our context. I can do it, or do you want to have somebody else -- so a round is what has been opened up. This is the current period, all of the applications will come in, we're closing the window for this round in April, and then we will process the applications in that round. The discussion about a second round is reopening the window, and that's the discussion about how long it will take to process the items in this round and the work that needs to be done, some of which are items that EU has specifically requested and pushed for. Excuse me.

Within a round we have the capacity to process 500 applications at a time. We call those batches. And so then there's a discussion of how do we take the applications within a single round and spread them over,

if necessary, more than one batch. Those are the technical terms. Thank you.

PAUL FOODY:

Paul Foody. I heard the lady speak about the do not sell list. As much as I -- I think that's a move in the right direction. Surely it would be a much better idea to get a we need list. We're talking about 1,000 new gTLDs. If we really need these, it shouldn't be beyond the ability of the various people involved to generate a definite requirement with perhaps a minimum number of subscribers calling for those new gTLDs.

Much as I contest Constantine Roussos, I believe that he should be given an effective monopoly on the word "music." He has at least gone to the trouble of getting and listing subscribers to his service, and at current level I believe he had 1.4 million people saying that they would happily go for a dot music address. That is the sort of attitude I think other new gTLD applicants should apply.

As regards the Google comment, it puts me in mind of the comment by President George Bush which said, "Read my lips, no new taxes." And also a promise by ICANN that there will be no more than 1,000 new gTLDs in any one year. Thank you.

STEVE CROCKER:

Thank you. Just a second. Bertrand. Oh, at the end. Fine.

KHALED FATTAL:

Thank you. Mike Wallace here.

Sorry; Khaled Fattal.

I'd like to -- I know we have all been talking about batching but I am not going to be talking about batching. I would like to do some batching, please. And the batching I would like to bring in, maybe just to close the line that has just finished with my comments, is to factor in a few very serious subjects for you to consider which I think should resonate well with what are the serious concerns that this Board should address.

Speaking of the new gTLDs, speaking of the example I use on the financial support and some of the (garbled audio) improved, and fundamentally looking at how to serve the global public interest. We can batch them all together, and I think we can come with some really

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good examples of how things could be done a lot better as well. Because to be honest with you, I, and many like myself and maybe some of you on the Board see the risks to the single root if we don't succeed.

This is not the only church or this is not the only parish, and this is not the only village where the conversation is taking place. There are other conversations taking place elsewhere. And we need to lead by example in doing what we know we can do better in serving the global public interest beyond just pure definition, just like you had, for example, taken the advice I had given on serving the global public interest in the job description -- the description of the next CEO. It needs to be filtered throughout the organization.

And I think in that sense, many of the answers that you are looking for, whether it's batching, whether it's rolling out the new gTLDs, or whether it's the next round, will fall into place. And the areas where it needs even greater, crisper clarity, the community will be more than happy to help.

But fundamentally, I think we indeed to do a fantastic job ASAP before the single root is at risk.

Thank you very much.

[ Applause ]

STEVE CROCKER:

Thank you.

Bertrand.

BERTRAND DE LA CHAPELLE:

Thank you, Steve. My somewhat forward looking comment regarding implementation issues.

One of the big implementation risks that we will confront as a community is the fact that there are a certain number of precautions, objections, procedures. But we may end up in a situation where a certain number of potential, very legitimate objectors only realize after the window of intervention has closed that there were actually objections procedures. This is the worst situation we could find ourselves in.

It would negate the amount, the tremendous amount of effort that has been put into drafting this program. It would actually harm the potential applicants who would be potentially subjected to litigation afterwards. And it would negate the rights of people who would have the right to object.

I would like to take this opportunity, therefore, as I did in the previous session, but I reiterate it for those who were not there, to call upon all of you and ICANN as a structure and the Board itself will have the duty to do this as well, but to take every opportunity in your own networks, including when your network and probably especially when your own network is critical about this process.

To take every opportunity to socialize, promote, advocate, raise awareness about the expected date of release, even if it's not a precise date but a ballpark date, of release of the list strings so that people are aware this is coming, and this communication can be done now. And, second, either at the time of the release of that list or even before, and hopefully with the help of ICANN, circulate a clear and simple description or links towards the objection procedures that are available.

And I encourage any of your networks or you individually as connectors to the ICANN community for the people you represent or are connected with to interact with ICANN, make requests for documents, information, simple elements that you can use in your networks.

It is extremely important that even if we use normal media, press, or even new media, the real channel for information is through you to the people you know to make sure that this message has gone through.

I wanted to highlight this. This goes for governments, and this goes also, which is another topic, for informing the actors who do not participate in this process, including governments who are not participating in the GAC but that need to be aware that there should be a channel for them to voice their concerns through appropriate intermediaries.

Thank you very much.

STEVE CROCKER:

Thank you, Bertrand.

Well, we had been running ahead. We managed to solve that problem.

Cherine, you wanted to -- You did? You didn't? You do?

CHERINE CHALABY:

No, I think just a follow-up to Steve Metalitz's issue about have we -- by applying the conflict of interest, have we depleted the board to a point where it can't function. The answer, as Steve said, not at all. Plus our conflicts-of-interest policy allows us to call back on subject matter experts in a limited way to participate in discussion, give input, obviously not on voting and make decisions.

So I don't think we are in that situation at all. I wanted to say this to give you that comfort.

STEVE CROCKER:

Thank you. All right. I would like to move on to item 9, contract compliance. And we start afresh.

Anybody interested in this subject?

Is there a race to the microphone here?

JONATHAN ZUCK:

It looks like I have 20 minutes. So that's great.

STEVE CROCKER:

You have two minutes, of course.

JONATHAN ZUCK:

I wanted to begin by saying we had a very exciting session this week that was about the board resolution –

STEVE CROCKER:

Please say your name.

JONATHAN ZUCK:

I'm sorry. Can I start over? My name is Jonathan Zuck with the Association for Competitive Technology.

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I was excited about a session we had in consumer trust and competition that was related to the metrics that we began to design around measuring some factors of success for the new gTLD program. I was excited because I really view it as a really good start down the process of actually having measurable objectives that can be managed to and can be evaluated later, as we grow in our maturity and build a culture of review and sort of active metric-based management. I think this was a great start.

And Buddha teaches us there are really only two mistakes you can make on the road to truth. One is not going all the way, and the other is not starting.

So as I turn to the issue of compliance, I have a real confidence in the compliance department and in Maguy and the conversations we've had that there's a real impetus to go all the way, to really search and figure out what all the requirements that are needed, to put in a system that will be really perfect going forward in terms of the overall needs of the community and the compliance system.

I'm more concerned about the here and now. I am concerned about the fact that this explosion of TLDs is coming very soon, and that we don't currently have a system that's totally functional. And I really believe there needs to be parallel tracks of making tactical adjustments to the system, expansions, potentially temporarily, of staff or whatever needs to happen that are technical in nature that go on in parallel with the impressive strategic moves that Maguy and her team are making. Because I really believe that while we often say that we miss the forest for the trees, this is a real case where we might be admiring the forest and just really run into a tree as we have this huge expansion of new TLDs.

So like I said, we want to go all the way, but let's make sure we also start.

Thank you.

STEVE CROCKER:

Rod, do you want to say something about compliance?

ROD BECKSTROM :

Sure.

First, Jonathan, I just want to say thank you for the very kind remarks about our excellent director of compliance, Maguy Serad. We are very pleased to have her on board. And we've seen excellent growth in the group and, as you said, great strategic work, and I also think good tactical work in the near term going on. But you raise a good point, and that's always a balancing act in operations, point, but we'll take your good comments under consideration.

Thank you.

STEVE CROCKER:

Thank you. And just a second. We have people on the net.

Filiz.

FILIZ YILMAZ:

Filiz Yilmaz, ICANN staff. Comment from George Kirikos, Leap of Faith Financial Services, plus a question.

What is the status of the dot jobs arbitration which was initiated in May 2011? Is ICANN intentionally delaying the arbitration in order that the new TLDs program is not affected by any adverse outcome of the arbitration which could reveal holes in its contractual procedures?

Does the ICANN board commit to not launching new TLDs until after the dot jobs arbitration is complete?

Thank you.

STEVE CROCKER:

Thank you.

Rod.

ROD BECKSTROM :

Yes. Thank you for the question, George, and I'm going to have our General -- excuse me, have Amy Stathos from our legal counsel office respond.

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AMY STATHOS: With respect to the dot jobs arbitration, no, we have not been purposely delaying that. We have been following the process, and you will notice that there's been an update. We recently were informed by the ICC that they have finally appointed a third arbitrator. So the process will now continue with the arbitration process, once we get notification from them for a status conference.

STEVE CROCKER: Thank you, Amy.

Kieren.

KIEREN McCARTHY: Hi. Kieren McCarthy, dot nxt.

Part of what I wanted to say was about the dot jobs issue, and it's been nine months that that's been -- before the third arbitrator was named, which is rather extraordinary. And I think partly is because it's under ICANN's legal team instead of under ICANN's Compliance Team. If it was under ICANN's Compliance Team, I think if you have a compliance mind set, you go and you sort these things out.

I think the legal team do their job, and they do their job very well, but it's a different mindset to what you need with compliance.

And there was a GAC rep earlier this week said: We have spoken to our countries and we have a lot of experience with this and you should have a stronger, more independent compliance department. And I happen to agree with that. And I think there are various examples that you can see where because you don't have a strong compliance department, ICANN has made a few strategic blunders.

And I do think having a very, very long dot jobs arbitration process when you are just about to have thousands of new registries is one of them.

Another one is, for example, with the RAA negotiations, a strong compliance team, to my mind, should be leading those negotiations because they are the people who are going to have to force registrars to follow the RAA.



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So to my mind, at least, it makes perfect sense for the Compliance Team to be leading those negotiations because they are minded to find practical solutions.

So my point is it doesn't matter why, but a strong Compliance Team, independent or strong or whatever way you want to do it, is almost definitely going to be in ICANN's interest.

STEVE CROCKER: Thank you.

Rod.

ROD BECKSTROM : Thank you, Kieren.

I just want to say we think it requires litigation experts to handle those important issues.

Thank you.

WERNER STAUB: Werner Staub from CORE. And I have a comment about compliance with contracts that we are all looking forward to, but those are contracts that are not yet signed. They will be signed.

And for those contracts of course we have public expectation. There's a link between compliance and the expectation of the public.

The public will see (garbled audio) applications for new gTLDs where people make commitments on what they are going to do with a given gTLD. However, the way it looks, it may have a bug in the contracts, and the only (garbled audio) committee-based TLDs seem to feel obliged to stick to what they have committed to.

Whereas the other ones might regard it as being just a commitment that could be changed.

Now, there is an objection procedure where people make decisions whether or not to object based on the assertions that were made in the contract. And the (garbled audio) these in the letter of the currently published model agreements, we should try to make sure that

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compliance has the required tools to do what the public expects it to do (garbled audio) the contracts are then signed.

STEVE CROCKER: Thank you.

KRISTINA ROSETTE: Kristina Rosette, vice president, IPC, speaking in my personal capacity feeling rather agreeable today.

So I am here to say that I agree strongly with what Jonathan Zuck said and I will be frankly a little more pointed and perhaps not so agreeable.

We are now getting to the point where the new director of compliance has been in place for a year and it is absolutely without doubt the case that there was a significant amount of work that needed to be done and that had accumulated before she even arrived.

But at a certain point, you really do have to start implementing and stop designing.

We cannot allow the perfect to be the enemy of the good here. There's simply too much at stake.

And with regard to Kieren's point, I think it's time to take a very close look at moving compliance out of the legal department and have it report independently to the Board. Because the fact of the matter is that the General Counsel who heads the legal department has an ethical and fiduciary obligation to the corporation to minimize risk. And as a fundamental matter, that is going to be antithetical in many cases to an aggressive enforcement of contracts.

[ Applause ]

STEVE CROCKER: Thank you.

Filiz? Nobody else in the queue. I think we are done and we are now moving to item 10.

ELLIOT NOSS: I am waiting for "any other business."

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STEVE CROCKER: I see. We are now on item 10, "any other business," and we are ready to go here.

ELLIOT NOSS: Great; thanks. Elliot Noss, Tucows.

I wanted to comment this week on a little bit of a higher level development that I'd seen evolving that was encouraging to me, and that was what I would mark as great progress in the relationship of governments to the multistakeholder model. And I think it deserves calling out.

There's been lot of the to'ing and fro'ing and struggling for position in the relationship in how governments would actually work inside a multistakeholder, and I really think this meeting, the Costa Rica meeting, signals a bit of a change.

There was very clear around the IOC and Red Cross issue, there was very clear involvement and participation in trying to move forward and resolve an issue as opposed to sitting outside the process.

What I was most struck by was the comparison to another major stakeholder group inside of the ICANN process, one that at the beginning was very resistant of ICANN and the whole multistakeholder model. One that sat outside it. One that wouldn't, in many respects, bless the ICANN model. And that is the ccTLD community with the -- in what became the ccNSO.

Anybody who remembers the early days will remember that the ccTLD community, in fact, with very active participation from some people who ended up playing very active roles on the Board of Directors for many years, were well outside of ICANN and multistakeholder.

So I thought what we saw today was the first in what will still be a long, I expect tumultuous process with ups and downs in the relationship, probably the most important relationship that we will see between governments and multistakeholder.

But I want to call out this meeting as, from my perspective in a long-term perspective, a great success.  
Thank you.

[ Applause ]

STEVE CROCKER: Pleasure to hear that.

CHRIS LAHATTE: Hi. My name is Chris LaHatte. I'm the ICANN ombudsman. I've met a lot of you already. Like a previous speaker, I will need a translation but this time to New Zealand English, which is different from Australian English.

During the course of this forum I heard a lot of people express unhappiness about many different aspects of things that are happening. And I just wanted to now take the opportunity to remind people that the ombudsman is here. If you feel there has been some unfairness in the decisions that have been made and that if there is as much unhappiness as speakers seem to indicate, then there should be a line outside my office extending right through to this hallway.

But I think in reality, it's not quite as extensive as that. But please, if you are upset by a decision that's been made or you think it's unfair, then do come and see me.

So I just should really call this a commercial break, and my door is always welcome to see any of you.

Thank you.

STEVE CROCKER: Thank you very much, Chris.

AYESHA HASSAN: Ayesha Hassan from the International Chamber of Commerce speaking for ICC as well as our BASIS initiative.

As many of you know, ICC and BASIS is very involved in the Internet governance landscape, processes and forums, one of which is ICANN. And I wanted to underscore how much we appreciate the fact that there was an ICANN and Internet Governance Forum landscape discussion this week, and in particular, I'd like to thank the organizers and the staff who were involved. I know there were a lot of challenges in scheduling, but I was extremely pleased to see that after a few years

of having such a session or an IGF session, this one was on Monday, which I think improved the ability of some of the stakeholders from across stakeholder groups to actually take advantage of that opportunity to learn more about what is happening in the Internet governance landscape and how ICANN fits into it.

So I just wanted to thank everybody involved, and I hope that the scheduling of that kind of session will continue to make it open for as many people who can benefit from it as possible in the future.

Thank you.

STEVE CROCKER:

Thank you.

It was -- no, I was going to ask about the scheduling versus in conflict with other things, but it wasn't, was it?

AYESHA HASSAN:

It was in conflict with other important things and I realize that's an ongoing challenge. But in the past it's been on Thursday, and one of the stakeholder groups, the governments, are often gone by then.

STEVE CROCKER:

Yeah.

AYESHA HASSAN:

So from our perspective, this was an improvement and we can keep working on it.

Thank you.

JOHN CURRAN:

Good evening. I am John Curran speaking as the chair of the Number Resource Organization, or the NRO.

I would like to provide an update on a project of the Regional Internet Registries, a joint project that you know as Resource Public Key Infrastructure, or RPKI.

For the last several years, the Regional Internet Registries have worked closely together and with the IETF to develop and implement a

distributed system that provides for the certification of IP address blocks. This is an important functionality that's missing in today's system.

I'm proud to say at this time that all of the Regional Internet Registries are offering (dropped audio) RPKI services within their regional communities.

(garbled audio) in early 2011 we invited (garbled audio) productive meetings at that time with engineers on both sides to talk about the RPKI system and making sure there is compatibility in the software that's being developed.

In the Singapore ICANN meeting, my conclude he go from RIPE NCC, Axel Pawlik, got up and made an important statement about the need for community consensus when developing this important RPKI system.

I'm here today to emphasize that statement and to reconfirm it.

Since that Singapore meeting and the many months, there's been various dialogues in the ongoing -- ongoing dialogues in the global community, and those continue to happen. And while we're making great progress in understanding the issues involved in rolling out global RPKI, it is still true that we need to have consensus in the operator community globally in order to make this happen.

At this time, there is no firm decision on the top-level structure of the RPKI infrastructure. We intend to continue these dialogues because we know global consensus on the understanding of the top-level infrastructure of RPKI is a critical and necessary component before implementation.

The support of the global operator community is key in making this happen. We, at the NRO, the Regional Internet Registries working together intend to continue the dialogue with the operate community to help achieve this goal.

Thank you.

STEVE CROCKER:

Thank you very much, John.

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We have a message from the net. Question?

FILIZ YILMAZ:

Thank you, Steve. Filiz Yilmaz, ICANN staff, leaving on behalf of Evan Leibovitch, vice chair ALAC but speaking personally.

Sorry I must participate remotely. This is under AOB because it encompasses some other topic. I think ICANN is missing an opportunity to fully address issues of consumer choice and trust with its actions so far. While the current consumer choice, competition, and innovation working group has done an excellent job, it has set itself a very narrow scope that ignores the wider picture of how end users access Internet information and services.

Every time someone uses QR codes, URL shortening services, and mobile apps, they are bypassing direct use of URLs. And these innovations ought to be considered within the larger picture of the DNS is accomplishing its purpose.

Thank you.

STEVE CROCKER:

Thank you. Any response? No.

Next, please.

MAUREEN HILYARD:

My name is Maureen Hilyard. I am the board chair of the Pacific Islands Chapter of the Internet Society, called PICISOC, representing 22 member countries and other Pacific end users. I would like to raise some membership issues.

Firstly, a personal one. I am from the Cook Islands, and when I applied for a fellowship from Cartagena in 2010, I found that the Cook Islands was not listed as an ICANN member, member country, and it still isn't.

I understand why, but I would ask the board to look into making an exception to the U.N. rule so that future applicants for a fellowship from the Cook Islands, Niue and the Tokelau Islands will not feel that they have no right to become a member of ICANN.

The geographic regional working group is looking at an appropriate regional model for ICANN but after listening to the latest discussion I

wonder why the proposed model cannot be more flexible. Because of their historical associations, not all our PIC ISOC members are affiliated to APRALO, although PICISOC is. Nevertheless, PICISOC represents and offers outreach opportunities to all its members.

If the board were to help us to achieve some much needed resources to assist with these outreach activities within our region of developing countries, we would very much appreciate it.

To conclude, I believe that the small islands developing states within ICANN deserve formal recognition, and I would suggest that a special interest group for SIDS meet at ICANN gatherings to provide a more coordinated voice from this unique and diverse group.

At the same time, it would remind the Board of the difficulties created by the great expanses of ocean that exist between the tiny masses of land on which many of us live.

Thank you.

STEVE CROCKER:

Thank you very much.

MARILYN CADE:

Thank you. My name is Marilyn Cade.

In March of 2010, we went to Nairobi for ICANN, and I see in the room today our host, Philip Okundi.

In October of 2011, many of us returned to Kenya for the IGF, the sixth Internet Governance Forum.

To me -- and that, I should say a word of appreciation to the able and significant leadership of Alice Munyua, one of the vice chairs of the GAC and to Philip for Kenya's hosting of both of those meetings. And I set that in front of us to point out that to me and to many in the community, the Internet Governance Forum and ICANN, our sister organizations, we are new models of working together to deal with tough subjects but not in a tough way.

We both, both the IGF and ICANN, have very similar challenges, and we have some work that is very congruent and some work that is very different for us to focus on.



Today, the Internet Governance Forum is funded through voluntary contributions from governments, from organizations, from companies and from me as a micro-enterprise.

I contribute roughly \$5,000 a year, because I think -- to the donor's fund at the U.N. because I think that the IGF must continue and must be voluntary funded.

ICANN also makes a contribution and I thank you for that contribution, but I am here to ask you to do something special. As we go to Azerbaijan in November of 2012, I am here to ask you to create a \$100,000 fellowship travel fund to bring participants from developing countries to Azerbaijan to participate –

[ Applause ]

MARILYN CADE: -- in the Internet Governance Forum and to help to strengthen that organization as they help to strengthen us.

STEVE CROCKER: Thank you. Marilyn.

ZAHID JAMIL: Thank you, Zahid Jamil. I am speaking as legal advisor to the board of the Commonwealth Cybercrime Initiative. This is an initiative of 52 member countries of the commonwealth which was given heads of government approval in October last year.

We would just like to acknowledge and thank ICANN for its cooperation in making the space available for our Commonwealth Cybercrime Initiative at this meeting to what we see is an important issue and look forward to working with the ICANN security team in the implementation and capacity building of DNSSEC in commonwealth member states, ccTLDs, as well as on other important issues related to cybercrime. And we look forward to continuing to take advantage of this opportunity at future ICANN meetings.

I hope I was slow enough.

STEVE CROCKER: Thank you.

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And as is evident, the queue is very short, and it is hereby closed.

You have the honor of the last word, and then I want to say a few closing words, and perhaps other board members do, too.

PHILIP OKUNDI:

Thank you, chairman. My name is the honorable Philip Okundi. I am chairman of Communication Commission of Kenya.

I would like to thank the Board for a very good organization of this conference, the manner in which all chairmen have been very understanding and allow a lot of ventilation of ideas to go through. And I think that we have achieved a great deal.

Further, I want to thank you that during this meeting, the chairman, you the chairman, agreed to organize a meeting for the African representatives who came for this meeting. In that meeting we had a chance to discuss a number of things, and a lot of things, sensitive and not sensitive.

I think this is the right kind of atmosphere to allow people to start to participate in the process of the ICANN.

That meeting is good. It's gone very well back home, and I thank you for that arrangement.

I want also to say that in this meeting it was expressed the voice of African community, the AU, to join ICANN. And I think that meeting itself signaled the acceptance, the warm heart with which ICANN has allowed these people to come. And I think this is something that we shall be looking for. AU is our body for organizing the continent as a whole, politically, economically, and socially. And if it can be accepted, that one I think will be coming forward and I'm sure that will work.

With regard to meetings in Africa, I think we're not the best of hosts. We started this process, and the process of the growth of the Internet is growing like mushrooms in our continent. And I think that when you give us a chance, like we are seeing going this way, I think more and more we shall participate and share in this development with, in fact, the whole world today.

I thank you so much. We are taking back home that we met with our colleagues. We're also happy that one of us, Alice, is helping Heather in GAC, and they're work being very well. We are well briefed what they do, and I think this is a positive development.

I want to lastly say that I want to thank Marilyn for those kind remarks about what has happened in our continent, our country in terms of the growth of the Internet organization.

I thank you very much.

[ Applause ]

STEVE CROCKER:

Thank you very much. Those words warm our hearts, and it's very good news about the African Union's desire to join ICANN.

We've had a number of very positive interactions this week, and speaking personally, I look forward to more. And I think that we have mutually a lot to learn about each other, but I think it will be a positive engagement and very helpful to the Internet and to the globe overall.

So thank you.

I want to close with a couple of remarks, but first I want to ask you if any board members want to say any closing comments?

Rod.

ROD BECKSTROM :

Just very quickly say I want to thank everyone for the extremely positive spirit of all the contributions today. It seemed like an excellent open forum and a great sign of the model working.

STEVE CROCKER:

Agreed.

I want to say -- I want to express appreciation for all of the participants who have come, traveling great distances, often at hardship and personal expense. But I also want to recognize the people behind the scenes. We have an incredibly hard-working staff. The hours that people put in is just amazing.

The Board works quite hard, too, but the Board gets treated with a little more care. I know firsthand how much effort each staff member puts in and the selflessness with which they operate. And it's a genuine pleasure to be part of the organization.

The supporting organizations and the advisory committees all have enormous commitment and engagement. It's an amazing collection of people, and trying to diagram the moving parts here is beyond my capability.

So I want to, again, thank everybody. The number of different major themes that are in progress, substantive ones, very technical ones, much more philosophical ones, governance and legal oriented, and sort of broader causes all interplaying in the same environment. It's really quite thrilling.

So thank you very much.

We are having a board meeting tomorrow morning and reports from the supporting organizations and from the Board committees in our traditional fashion. I'm hoping we can change the tradition a little bit, but tomorrow is going to be just like always. And I'll see you here at -- what? 5:00 a.m.?

[ Laughter ]

No, what time are we starting? 7:00? 7:00 a.m.

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It's 8:00 a.m.

STEVE CROCKER:

So I apologize. I am governed by Diane keeping my schedule.

What time are we starting tomorrow morning? 8:00. So now you are relieved. 8:00 doesn't seem so bad.

And with that, we're adjourned for today.

Thank you very much.

[ Applause ]