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DURBAN – ICANN Public Forum  
Thursday, July 18, 2013 – 13:30 to 18:00  
ICANN – Durban, South Africa

Ladies and gentlemen, if you'd be kind enough to take your seats, we'll be starting our public forum momentarily.

STEVE CROCKER: Good afternoon, everybody. Welcome to the last day of ICANN 47 in Durban.

Being in Durban is very special. Being in Durban on today is extra special.

We're going to have a pretty vigorous and open public forum, followed by a relatively short but important -- and I hope you stay for -- a staff -- a board meeting. It feels like a staff meeting sometimes.

But we're going to start with something quite special, a talk from Nii Quaynor, a tribute to Nelson Mandela, on this Mandela Day.

I don't think there's anything else I want to say at this point except get comfortable, settle in, and we're going to have a good time here.

Nii, are you ready?

It's a great pleasure to introduce a real hero of the Internet, a real hero of Africa, and a hero of the world, actually.

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

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Nii has an extraordinary reputation throughout the technical community, as well as particularly throughout the African Internet community, often called the Dean of the African Internet Community.

He's a former member of the board of ICANN and a real sparkplug in all things related to the Internet.

He shares a deep technical background, going back into the United States, and has devoted his life to making things happen here.

Nii? Thanks.

[ Applause ]

And as an additional honor, he was inducted into the Internet Hall of Fame this year.

NII QUAYNOR:

Thank you very much, Steve.

I'm honored to pay tribute to Nelson Mandela on the occasion of his birthday this 18th July 2013 at the ICANN 47 meeting in Durban.

We have come from afar, from many countries gathered here, to wish you, Mr. Mandela, a very happy birthday, and to pay tribute to you and thank you for your wisdom and sacrifice through the years.

The personal sacrifices you made so that Africa would be free is what has made it possible to have this international multistakeholder technical coordination meeting here in Durban, South Africa, with Africans and non-Africans participating freely at this 47th ICANN meeting.

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You are a global symbol of peace and unity. We have all followed the challenges you faced, including 27 years of incarceration, and are all inspired by your total strength and commitment towards a principled cause, the resolution, reconciliation, and unity for all.

Mr. Mandela, the Internet came to Africa in November 1991 through the work of South Africans, which followed your release in February 1990 and preceded your award of the Nobel Peace Prize in December 1993. With the euphoria and inspiration from your triumph, several Africans and friends of Africa have faithfully spread the Internet throughout the continent, and I am proud to say there is Internet in every country in Africa. This created an African Internet technical community drawn from among a group of institutions named AF\* that participate in ICANN and the global Internet ecosystem.

In your honor, we commit to an open Internet for world peace and development. Let the Internet remain stable, open, and secure for unity and peace of the world.

We thank you for opening our eyes to new and better approaches to community building. The journey of the African technical community into ICANN started in 1998 at Cotonou. We have since then crisscrossed the continent, Cape to Cairo and back in, imparting the Internet. ICANN processes are inclusive, open, diverse, multistakeholder, and practice consensus, and we are more informed, therefore, by what we can live with and what works.

Indeed, Africa has now got the Internet but has yet to do much with it. We ask your blessing for Africa to truly adopt the Internet in government policies, regulation, education, and services. We must

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develop an information society or there will be no industry in the new economy in Africa; only consumers. That could start off a whole new techno-liberation struggle requiring knowledge and skills to be misapplied which we would wish to avert.

There are opportunities in ICANN for Africa to build its major Internet industries and develop the domain name business with registries, registrars, content developers, and technical service providers so that Africa would get ahead. Africans should take this challenge and build the businesses of the future to help their communities and countries develop.

Madiba, we wish you comfort and rest that is deserving of a tired savior. Your life is a lesson to all of us and continues to inspire us, especially as we nurture new communities. You lost dearly for the benefit of a whole community.

The media at times refers to me as the Father of the Internet in Africa, but in reality it is you, Madiba, who is the true Father of the Internet. You inspired freedom, unity, and inclusiveness, the very qualities that define the Internet, the very qualities that define you.

Happy birthday, Nelson Mandela.

Thank you, ICANN, and thank you, everyone.

[ Standing ovation ]

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STEVE CROCKER:

I think all of the issues that people have brought into this room are going to seem small compared to the extraordinary struggles that are embodied in the tribute that we've just heard.

This session is intended to give the community -- you -- a direct line of communication to the board of directors without formality, without filters. We'll start off by explaining what this session is and, equally important, what it's not.

The public forum is the community's opportunity to make comments and ask questions. It's your chance to talk directly to the board and, indeed, not only to the board but to each other, to talk in front of the rest of the community and to the rest of the community. It is not intended to be a replacement for the other formal processes that we have. It's not a replacement or an add-on to the public comments that ICANN seeks on issues and policies.

Please continue to use those processes on specific issues. That's the only way they'll receive proper consideration from the appropriate committees, supporting organizations, and staff members.

Those of you who attended the public forum in our last meeting in Beijing know that we have begun to evolve this session.

In the Beijing session, we experimented with the idea of providing as much time as possible for people to ask questions or make statements, and we deliberately tried to stand back from giving immediate responses.

The feedback -- and indeed our own assessment -- was that that didn't work out quite as nicely as we had expected, so we've moved the --

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we've made a change in that area and we will attempt to respond directly, as best we can. And Brad will take you through the details of that.

We welcome your comments on this process. We're happy to keep evolving it. I have a great distaste for pro forma activities, and so if this isn't real, then we either make it real or we move on and do something else.

So with that, Brad, our director of global media affairs, will now give you an overview of how the questions will be fielded. Take it away.

BRAD WHITE:

Thanks, Steve. So a few rules here. If you're in the room, queue up behind this microphone.

It's very important that you speak clearly, slowly, for the sake of the scribes. State your name; tell us who, if anyone, you're representing; and as was just mentioned, this is not only an opportunity to speak to the board, it's an opportunity to speak to the community.

So make it clear: Are you addressing the board, in expectation of a response; or are you addressing the community?

Remote participants can join in via two channels. You can e-mail your questions to [forum@icann.org](mailto:forum@icann.org). We'll receive those questions here. We'll let the board facilitator know that we have questions and be able to get you on at that point. I'll read your questions. We have a staff team that receives them almost immediately.

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We also have a telephone link, and if you go to the schedule for this -- for the public forum online, there's a listing of access numbers around the world.

Here are some rules that will govern this session.

Everyone either in the room or participating remotely is expected to conform with the standards of behavior.

Ted, do we have the standards of behavior? Oh, there we go.

Basically, the upshot is be courteous, be respectful.

To allow as many people as possible to be heard, everyone will be limited to two opportunities to speak on each issue. The first comment is limited to two minutes. There will be a countdown timer to urge adherence to this rule.

Ted, can we hear the countdown timer?

[ Timer sound ]

[ Laughter ]

I think that was intended for the board.

[ Laughter ]

BRAD WHITE:

Dr. Crocker, does that work for you?

STEVE CROCKER:

Yeah, that works just fine for me.

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[ Laughter ]

BRAD WHITE:

We have a little more kinder, gentler, notification.

Ted, can we hear the actual notification?

[ Timer sound ]

So for those of you who were in Beijing, we had a rather jarring, abrupt sound. We've gone with a kinder, gentler sound this session.

As was mentioned, one of the things we heard in Beijing was that attendees wanted more immediate board interaction. As Steve mentioned, in an effort to do that, we are going to try and facilitate board response here at this session.

If you were in the Beijing session, Mike Silber recommended holding the board to the same time limits as the community. In other words, there will be two-minute responses.

The board used to take a lot of responses. There were a lot of board members commenting. It took a lot of time away from questions.

It was the board's feeling that this is really for you folks. We want to facilitate as many questions as possible.

What have I missed?

Finally, we ask that if you're in the room, please use the mics. Don't use the remote access channels because it takes away the ability for others outside of the room to use them.

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Steve, did I miss something or is that it?

STEVE CROCKER:

No, I think we're good.

So a couple of points just to amplify and repeat.

As I said and as Brad said, we're trying to encourage dialogue, not merely a soapbox, so questions are preferable to comments but if you have to make comments, that's fine.

And something we want to emphasize this time: Feel free to explain whether you're primarily addressing the board or staff or whether you're actually trying to encourage community interaction.

In the interest of efficiency and courtesy, if someone has already made your point, you might want to consider the virtue of silence over repeating that and jumping in.

We have put some limits on the amount of repetition, so we have a two-bite-of-the-apple rule.

We have positioned key staff members up here with us to be helpful because many of the questions that we've heard in the -- over time are really ones that are best answered by the appropriate staff, and as part of the introduction of the new gTLD domain -- global domains division -- I've got to learn the terminology -- we have on my right, your left, the staff associated with that group.

Why don't you stand up or raise your hands.

Both. Yes.

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[ Laughter ]

STEVE CROCKER: And our regular team over on the other side. Your right, my left.

>> (Speaker is off microphone.)

[ Laughter ]

>> (Speaker is off microphone.)

STEVE CROCKER: Yeah. We're going to start off with a session -- a focus on the new gTLD status. Cherine Chalaby will provide the orchestration, moderation, facilitation of this, and let me turn it over to you.

When we finish this -- we've allocated about an hour for it -- we'll take a break and we'll come back with a presentation about the next ICANN meeting, ICANN 48 in Buenos Aires, and then we'll pick up with other subjects of interest.

We decided not to try to subdivide the session too finely, so gTLDs continue to be a clear topic, but everything else -- and there's a number of possibilities -- are all sort of lumped together.

And we'll proceed from there.

It's your show.

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CHERINE CHALABY: It's really the community's show, so we're open for questions. Thank you.

STEVE DeIBIANCO: Hi. Steve DeIBianco for the business constituency, and it's a request for the board.

The BC really appreciated the opportunity you gave to the community to comment on ICANN's response to GAC advice, but -- and there's always a "but," right? -- but we were not asked for public comment on how the board will respond to the non-safeguard portions of the GAC advice coming out of Beijing. It was just the safeguards that were open to the public.

We request that opportunity. And we'd also want to comment on any board responses that you're preparing for advice that's going to come out from here in Durban.

Your response to the GAC covers some incredibly complex issues that have broad implications.

For example, the BC thought that the singular/plural contention decision was incomprehensible and we also felt that your reply to GAC advice was incomprehensible because your main justification for sticking with the panels was the worry of setting a precedent for second-guessing panels.

But your decision creates an even crazier precedent, the precedent that applicants in the next round could suggest plural forms of any existing TLD.

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So while the BC is generally appreciative of all of the GAC work, especially on safeguards, some BC members are concerned if there's a legal precedent created by accepting GAC advice on geographical name TLDs.

So again, thank you for the opportunity to comment and please let us comment on all of the actions to GAC advice. Thank you.

CHERINE CHALABY:

Thank you very much.

Would any of my fellow board members wish to comment?

Okay. Thank you, Steve, for your request. We heard it and we'll take it into consideration. Thank you.

Next speaker, please.

MARILYN CADE:

My name is Marilyn Cade and I welcome the opportunity to raise a concern with the board about the issues related to security, stability, and resiliency.

I saw the topic of new gTLDs, and as it happens, this concern is related to new gTLDs, but I will just note that our primary and overarching issue and responsibility always has to be, first and foremost, a concern about the integrity, reliability, security, and stability of the Internet.

No other innovative opportunity can ever be a trump card to that.

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I know we all know that and believe that, but I just want to reinforce it because it actually surprised me not to see that topic by itself.

So that's one comment.

My question is about a concern I have about the failure to produce the report on dotless domains to the community in the time frame that there was a commitment to do that.

We all organize our work around the predictions of work that you give us, and I organized the work of one of my clients to retain a high-paid consultant with expertise.

We all organize our work. We need for you, the board and the staff, to prioritize and commit and deliver on reports like that so that we can talk about them while we're here in an informed way.

My question is: When will we have that report and what is your substitute to us for effective communication and engagement with us?

And it can't be a single 90-minute Webinar. It's going to have to be something more substantive.

I welcome the offers you're going to make to help us do our jobs in providing informed comments.

CHERINE CHALABY:

Thank you, Marilyn.

I will get staff to answer in relation to the report, but the community should know that dotless domains is on the agenda of the new gTLD committee the first meeting after Durban.

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But I'll let staff answer about the report and the input from the community.

Who from staff would like to answer?

Akram will answer.

AKRAM ATALLAH: If I can make this work.

THOMAS NARTEN: It's on.

AKRAM ATALLAH: Yes. Thank you, Cherine. Thank you, Marilyn, for the question.

We are actually -- we hoped that the report was going to make it before Durban, but we didn't want to rush the report and not do the work like it should be done, so it got delayed and we -- but we will be publishing it next week, as soon as we get the final version from the contractor.

MARILYN CADE: And the rest of the answer to my question?

AKRAM ATALLAH: Which was?

MARILYN CADE: Delivering the report is one step.

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AKRAM ATALLAH: Yes.

MARILYN CADE: The community doing our work and giving you our comments is the vital step. How does that happen?

AKRAM ATALLAH: So the next step is to post the report as soon as we get it. Then we will -  
- the staff will prepare a paper and it will go to the committee for the next step, and probably we will post that for public comment.

So coming out of the committee, so...

Does that answer your question?

MARILYN CADE: No. You're going to the committee with the report before you have input from the community?

AKRAM ATALLAH: No. We're going to post the report, and then we're going to develop a paper and that paper will go for public comment.

CHERINE CHALABY: Okay. I -- Ram?

RAM MOHAN: Thank you. And thank you, Marilyn, for bringing this up.

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I just wanted to add one thing. In the -- the status quo, if you look at what the applicant guidebook says, dotless domains are not part of what's allowed into the root zone.

So that status quo hasn't changed.

In fact, the only way for an applicant to try to move from there is to go through an RSEP process.

So at the very base, if you look at the focus on security and stability, I think the AGB does pay attention to that and says no dotless domains at this point.

CHERINE CHALABY:

Thank you. I'm not sure we got all the timing right, in Marilyn's view, but we'll take account of your -- the point and come back on that. Thank you.

>> (Speaker is off microphone.)

CHERINE CHALABY:

Yeah, I know exactly what they said.

Okay. Next speaker, please.

CLAUDIO DiGANGI:

Thanks, Cherine. My name is Claudio DiGangi. I work on staff for the International Trademark Association. We're a member of the intellectual property constituency.

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I wanted to join the statement that Steve DeBianco made that we're really appreciative of all the work that the board has done since Beijing and through this meeting in Durban.

I wanted to make a brief statement on behalf of INTA, particularly on the geographic names issue.

INTA strongly supports the recent views expressed by the United States. In particular, that it does not view the sovereignty as a valid basis for objecting to the use of terms and we have concerns about the effect of such claims on the integrity of the process.

Accordingly, it is INTA's position that generally accepted principles of international law provide ICANN a framework for assessing potential noncommunity-based objections to the delegation of particular applied-for strings associated with geographic terms.

These legal norms establish that nation states do not possess exclusive rights to geographic terms and the rights of trademark owners as established under international frameworks, including binding international treaties, must be recognized.

By adhering to these established principles, ICANN will ensure its decisions advance the global public interest in the introduction of new gTLDs. INTA remains available to consult with ICANN on these important issues. Thank you.

CHERINE CHALABY:

Thank you very much, Claudio, for this statement.

[ Applause ]

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CHERINE CHALABY: Would anybody like to comment?

Okay. Thank you.

Next speaker, please?

J. SCOTT EVANS:

Yes. My name is J. Scott Evans. I'm from Yahoo!. I'm a board member and an officer of the International Trademark Association. I am also a founding member of the IPC, a current member of the business constituency, and a founding member of the Brand Registry Group.

I have two issues I'd like to talk to the board about today.

First, I would like to agree with Claudio and his statement. It was my understanding and the understanding of my organizations, both here and outside of ICANN, that the role of the Governmental Advisory Committee is to look at the laws that exist in our world today that the governments have years together, in working cooperatively and through treaties and negotiated their national laws and international laws, and provide you with advice based on those precepts as they exist.

There is no international recognition of country names as protection and they cannot trump trademark rights.

So giving countries a block on a name violates international law, so you can't do it.

Now, if they want to object under the community objection process and bring their claim and have it looked at under the law as it exists, that's correct. But a blanket prohibition from a mark like dot amazon that has

trademark registrations from the very countries that are objecting, that own all the second-level domains in the country code top-level domain from those very countries, is wrong and I believe it sets a very dangerous precedent.

Second issue. And I've talked to Cherine about this and the only reason I'm bringing this up in the public forum is because I want the entire board to hear this.

Marilyn asked when the study on dotless domains is going to be out. Well, it was actually issued 18 months ago. It's SSAC53. And it says it will be terrible for stability and security of the Internet.

So when an applicant amended their application to seek to have a dotless domain, my technical people looked at it and said, "Well, ICANN's already looked at this issue and they say it's a bad thing."

[ Timer sound ]

J. SCOTT EVANS:

So my question is: Why are we having a second study?

Because when I have to sit down with people who run billion-dollar businesses, they don't think that looks credible and it starts to make you all look like you don't have any credibility. So I just warn you.

Thank you.

[ Applause ]

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CHERINE CHALABY:

Thank you very much.

Two points.

One on the country geographic names and the other one, the same point as Marilyn mentioned on dotless domains, but more so saying, you know, why are you waiting to make a decision.

We will take this input and we will come back to you about a definite time line for that. Thank you and we appreciate the concern.

Next speaker, please.

STACEY KING:

Hi. My name is Stacey King and I stand here today on behalf of Amazon and our millions of customers worldwide.

Amazon's vision is to be the earth's most customer-centric company, a place where people can come to find and discover anything they may want to buy online.

Like all online companies, the way our customers find us is through the Internet.

One of our goals in applying for dot amazon is to find new and innovative ways, mechanisms, and platforms, to surprise and delight our customers.

From 2007 to 2011, the GAC, the board, and the community negotiated rules for this process.

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Many of us remember these debates. They were difficult discussions and no one got everything they wanted.

But the result of these discussions was the applicant guidebook. This is how the multistakeholder model works.

That process produced several categories of geographic names that either could not be applied for, such as dot brazil, or required government support.

Dot amazon did not and still does not appear in either of these categories.

Prior to filing our applications, Amazon carefully reviewed the applicant guidebook. We followed the rules.

You are now being asked to significantly and retroactively modify these rules. That would undermine what had been hard-won international consensus to the detriment of all stakeholders.

Applications at issue are for our company name, an amazon brand, for which we have trademark registrations in over 125 countries worldwide. Even after submitting our application, we tried in good faith to negotiate, meeting in person, by video teleconference, making several offers for resolution including reserving names such as amazonas, amazonia and OTCA coexisting with future dot amazonia or dot amazonas. We were told each time to either withdraw or change our company name.

[ Timer sounds ]

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Under the rules after an objection was (audio problem) in Beijing and failed, our application should have moved forward. Instead without any support in the rules, our application was subjected to a second objection three months later.

We disagree with these recommendations and object to the material changes to the rules. If this board ignores the guidebook and accepts these recommendations, you will be allowing fundamental changes to the very nature and value of this multistakeholder process.

CHERINE CHALABY:

Thank you. To be fair to others, we need to stop here. But we hear the issue about dot amazon. I think my colleague Chris Disspain would like to comment on that.

CHRIS DISSPAIN:

Thank you very much for coming to the microphone and the comments that were made before. I just wanted to say, we only just received the advice. We understand that there is a significant amount of emotion and energy around it. There is a process that needs to be followed and part of that process is that the applicant concern will be able to make submissions to us formally. And we understand this is a very, very complicated issue and we will be very careful in decisions we make.

STACEY KING:

Thank you.

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CHERINE CHALABY: Thank you. I will take two more speakers and then we have online questions. So please go ahead.

CAROLIN SILBERNAGL: Thank you. Carolin Silbernagl representing dotHIV, a TLD applicant for the dot hiv top-level domain.

My comment addresses the topic of the GAC advice and specifically the list of strings touched by the Category 1 safeguards. The dot hiv TLD is on that list. We also have drawn Number 160 and have successfully passed initial evaluation as early as in April. Under the pre-Beijing conditions, we would enter contracting in two weeks. Post-Beijing world is different, and sadly post-Durban is also. Our hope was to see the blockage of around 700 applications by the GAC advice result during this meeting.

Instead, we are still left in complete insecurity on timelines, directions, and general guidance.

DotHIV is a small organization. Our operations concentrate on this TLD. The situation means we are not able to make an informed judgment about our organizational core. In reality, I have people in the queue to hire and cannot sign their contracts. I have plenty of launch partners and I have organizational partners, especially the partners the GAC wants us to work with, shaking their heads in disbelief. And, of course, I have a budget that runs tighter and tighter.

I want to urge ICANN board and staff to think about organizations like ours when going forward in addressing the advice. Please be fast. Please be concise. We are ready. We are waiting. We want to work

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with the guidance of the GAC. Just please allow us to move forward. A lot of the applications blocked by the advice bring initial value and innovative models to the space. And I'm convinced that by leaving us in the limbo as the situation is, this will harm not only individual applicants but the program as a whole. Thank you.

[ Timer sounds ]

[ Applause ]

CHERINE CHALABY:

Thank you very much. I think this is a question that needs some comments back from the board.

Who would like to respond? Okay. Chris Disspain, again. Thank you.

CHRIS DISSPAIN:

Thank you. I understand and I empathize. You should know that both the New gTLD Program Committee and the GAC are very well aware of the fact that having things, as you said, in limbo is of no good to anybody.

I can give you an assurance that we are aware of the fact that leaving things like this undealt with is problematic for you and it is our intention to attempt to solve the problem as quickly as we possibly can. So thank you.

CHERINE CHALABY:

Thank you, Chris.

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Next speaker, please.

KRISTINA ROSETTE:

Kristina Rosette on behalf of Patagonia Inc., which everyone knows withdrew its application last week and here's why. Patagonia is deeply disappointed by and concerned about the breakdown of the new gTLD process. Consistent with the recommendations and principles established in connection with that process, Patagonia fully expected its dot patagonia application to be evaluated against transparent and predictable criteria, fully available to applicants prior to the initiation of the process.

Yet, its experience demonstrates the ease with which one stakeholder can jettison rules previously agreed upon after an extensive and thorough consultation.

In particular, the definition of geographic names which the GAC formally accepted in its May 26, 2000 letter to the board as well as the GAC's February 2011 recognition that dot brand gTLD strings that also have geographic connotations should not be excluded but should be subject to requirements and safeguards agreed upon by the applicant and the concerned government.

Moreover, as of last week, Patagonia's best information which was obtained through a reliable and informed source was that the ICANN board would almost certainly adopt any GAC consensus advice that the dot patagonia application should not proceed regardless of its stated intention to create a predictable, repeatable process for the evaluation of new gTLD applications.

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Patagonia is gravely concerned about the precedence implicitly established throughout this process, precedence that call into question the viability of the multistakeholder model, that make clear that conflict of interest rules and principles do not apply to the ICANN-created and hired independent objector and that threaten trademark rights owned by thousands of entities globally.

If Patagonia had had any inkling that the process would unfold as it did, it would never have applied for dot patagonia in the first place. Instead, the thousands of personnel hours --

[ Timer sounds ]

-- and hundreds of thousands of dollars spent preparing and defending its application would have been put to productive use in support of its mission statement: Build the best product, cause no unnecessary harm, use business to inspire and implement solutions to the environmental crisis. Thank you.

[ Applause ]

CHERINE CHALABY:

Thank you, Kristina. We hear you and we hear what you had to say. And there is no presumption that we accept GAC advice without any reflection on it.

KRISTINA ROSETTE:

Understood. But I think it is probably helpful for the community to know that our source obtained its information from someone sitting at the front of the room.

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CHERINE CHALABY: Thank you.

Bertrand would like to make a comment.

BERTRAND DE LA CHAPELLE: Kristina, can you clarify the comment that you made regarding --

CHERINE CHALABY: We have one member that needs to respond only.

Mike, do you want to respond or do you want to give the hand to --

MIKE SILBER: I think Bertrand is going to ask a question. What I can tell you is that as a member of the NGPC, the information you received, whether the source is reliable or not, is patently false.

CHERINE CHALABY: Okay. We still have one minute for our response.

Bertrand, do you wish to anything?

BERTRAND DE LA CHAPELLE: Just a point of clarification, Kristina. Could you clarify the comment that you made regarding conflict of interest and the independent objector? Because I'm not sure I understand what it relates to.

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KRISTINA ROSETTE: It is in relation to the fact that Patagonia is of the view that the independent objector has a conflict of interest under all applicable conflict of interest standards that should have prevented him from filing a community objection against dot patagonia.

Those arguments and the information supporting them as well as supporting documents are the subject of my May 17 letter to John Jeffrey which was posted two days ago on the ICANN correspondence page.

CHERINE CHALABY: Okay. One final comment, Chris.

CHRIS DISSPAIN: I just want to make a very, very quick point because often in talking, things get garbled. I want to be really clear. There is no presumption that the GAC advice would be accepted. The bylaws are very clear.

[ Timer sounds ]

And the guidebook is very clear. There is heavy weight put on to the GAC advice. And if that understanding is misinterpreted by people to assume that the GAC advice, consent advice, will be accepted, then that's wrong.

CHERINE CHALABY: Thank you, Chris.

I'm now going to take a question from remote participation.

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REMOTE INTERVENTION: Thank you, Cherine. We've got a comment from Vanessa Copetti Cravo. As a Latin and Caribbean citizen, I would like to stress my objection regarding the application for the string dot amazon. Amazon is a region in South America that encompasses several countries in the region including my own Brazil and the region is well-known in the whole world for its biodiversity. The region is also recognized in international treaty.

It is important to highlight that the community do not support the application, neither do the governments involved as shown in GAC early warnings. Hopefully, it will also be shown in Durban GAC communique.

The name should be preserved in defense of the public interest involved. I hope the board will take this into consideration. Thank you.

CHERINE CHALABY: Thank you very much.

[ Applause ]

The previous speaker mentioned similar concerns about the dot amazon and the board will take into consideration very seriously these comments. Thank you very much.

Next speaker, please.

SOPHIA BEKELE: My name is Sophia Bekele, I represent DotConnectAfrica Trust.

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NANCY LUPIANO: Excuse me. Before you go on, can you remember to speak slowly. Our interpreters are having difficulty. Thank you.

SOPHIA BEKELE: My name is Sophia Bekele, and I represent DotConnectAfrica trust, is an applicant to the dot africa gTLD.

According to the Beijing GAC advice communique, DCA Trust application received a consensus advice described as the consensus of the entire GAC that our application should not be approved.

Since publication, DCA Trust has continued to question the validity of this GAC consensus and in its written response. Our understanding is that accredited Kenyan GAC advisor had objected to the GAC advice via an e-mail memoranda to the GAC secretariat with a copy to other participants. This is in line with the Principle 41 of GAC: A member country can put an objection in writing should they not be present at a meeting.

Amidst this climate of questionable consensus, the GAC objection advice was accepted by the ICANN New gTLD Program Committee. The decision is already the subject of reconsideration requests submitted by DCA Trust to the ICANN Board Governance Committee since June 19.

In the interest of accountability and transparency, DCA Trust is still looking for answers regarding how the consensus was reached by ICANN GAC at Beijing to issue a GAC objection advice against its application.

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Amongst the important points to consider and which I would draw attention of Miss Heather Dryden, chair of ICANN GAC, ICANN board member, and member of the new gTLD program committee is the following: Number one, an e-mail communication was written to you by Mr. Sammy Buchara on April 2013 stating he was now, quote-unquote, the newly appointed Kenya government advisor to GAC and at the same time informing you that should --

[ Timer sounds ]

-- the situation arise, Kenya does not wish to have a GAC advice on DotConnectAfrica application for dot africa delegation.

And, two, why this communication was not taken into consideration as a clear indication that there was no consensus on the issue. It appears that this has been ignored, an action that has now resulted in a questionable GAC objection advice against DCA application.

CHERINE CHALABY:

Thank you, Sophia. Would any member of the board or the GAC like to respond?

Okay. Thank you. Point taken. Thank you, Sophia.

Next speaker, please.

STEVE METALITZ:

Thank you, this is Steve Metalitz. I'm here on behalf of the Coalition for Online Accountability. I have two questions to direct to the board and

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the staff, having to do with public interest commitments and the dispute resolution policy.

The public interest commitments are a very important part of the new gTLD Registry Agreements. They have taken on more importance because of the board's decision -- or the NGPC's decision, which we strongly support, to take on board some important elements of the GAC safeguards advice from the Beijing communique.

A draft of the -- however, to us it is very important that ICANN make clear that it has enforcement responsibility for these public interest commitments and that it is not going to be outsourcing those to some dispute resolution process.

A draft of the PIC DRP was posted, comments were taken through April 27th. A summary was posted on May 14th. We heard at this meeting that revisions to that PIC DRP had been, quote, sent to the Registry Agreement negotiators, unquote, not to the community, and that a final version as it was stated would be posted around July 31st.

So I have two questions. One is a procedural one. Will the revision to the PIC DRP be posted for public comment or will it be a final version? And, second, in terms of the content of that, will it make clear that ICANN has an independent enforcement responsibility for everything in the Registry Agreements, including the public interest commitments?

CHERINE CHALABY:

Thank you. I would think this is better answered by staff. So who would like to answer these two questions? Will the PIC be posted and the enforcement responsibilities? Akram?

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AKRAM ATALLAH:

Thank you, Cherine. Thank you, Steve.

The PIC DRP is part of the -- that's part of the agreement is already approved by the board. The DRP process, the implementation of the dispute resolution, is being negotiated as we speak and we -- ICANN is taking a major step forward in assuming all of these mandatory obligations in the PIC as part of its compliance process.

So we are developing the process right now, and that will be posted for review by the community. Thank you.

STEVE METALITZ:

Thank you.

CHERINE CHALABY:

Thank you, Akram.

I think this interaction seems to be working reasonably. We have another kind of half an hour, but I'm sure we can extend a little bit. I'm conscious of the length of the queue. So we will keep going and then see how this takes us.

I would like to give everybody as much as possible an opportunity to speak. After another two speakers, we have another outside call.

So next speaker, please. Thank you.

FRED KRUEGER:

Hello, Fred Krueger, Minds+Machines. I would like to commend the board finally after some years signing the first contract. That's the good news.

The bad news is you signed four contracts. You were supposed to sign 20 contracts. Stop the insanity. We had expected 20 contracts a week. You have been promising 20 contracts a week. You are two months late in the 20 contracts a week from Beijing when it was supposed to start and now the first time you signed four contracts. So let's catch up with the four contracts. Let's next week sign 36 contracts so over the last two weeks we will average 20 contracts.

Even better, let's catch up for the two months that we've lost in Beijing. And in my opinion, let's catch up for the whole year and call this thing a thousand contracts in 2013. I think everybody would like to get forward with the stuff and I don't see any problem with signing more contracts faster. The first question is: Why aren't we doing that?

The second question relates to auctions. I've asked in the gTLD -- one of the gTLD meetings: When do the ICANN auctions start? And I was told they could start as early as October if everybody agrees. Well, that date is meaningless to me.

The date I would like to know is: When are people going to be dragged into an ICANN auction? When is the earliest date that two parties will be dragged into an ICANN auction if they don't agree? And I would love to get a month. But short of a month, can you give me at least a calendar year in which that will occur? Thank you.

[ Applause ]

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CHERINE CHALABY: Thank you. Two very straightforward questions. I'm going to ask staff to answer why we (audio problem) and the other one about the auction timing.

Akram again.

AKRAM ATALLAH: Thank you, Cherine.

I will take the first question, and I will let Christine answer on the second one.

The new gTLD operating team sent -- took the first 50 applications, identified the applications that have -- that can move forward in contracting. We sent over 30 requests for contract information. Out of those, we got four. So that's why we actually moved with only four. As we get more, we will do more. And we will continue to send more requests for contracting information until we fill the pipeline.

So we're not doing 20 a week and getting four. We are doing much more than that. We will up that and next week --

FRED KRUEGER: So potentially catch up?

AKRAM ATALLAH: Yes, absolutely.

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We are not necessarily going to limit the contracting to 1,000. We are committed to limit the delegations to 1,000 a year spread over the years. So we will try to get as much as we can as soon as we can.

And I will let Christine answer the same question.

CHERINE CHALABY: You have got 35 seconds, Christine.

CHRISTINE WILLETT: So we discussed at the new gTLD update that auctions would begin in October, starting in the September/October time frame. I described a timeline as to when auction procedures and documentation would be published. I certainly do owe the community a deadline. I've heard the request for a drop-dead date of last resort when applicants will be pushed into an auction. We believe that it has to have dependencies that it is not a hard date .

[ Timer sounds ]

But it will be dependent on other activities. So we are still working on that.

FRED KRUEGER: Can we get a date to get the date, please?

CHRISTINE WILLETT: I will provide you a date by my next Webinar. Thank you.

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CHERINE CHALABY:

Thank you, Christine.

Next speaker. And after this, we will take a remote participation. Thank you.

HEATHER FORREST:

Good afternoon. My name is Heather Forrest. I am a senior lecturer at the Australian Catholic University in the faculty of law. At the time the board commenced or voted in 2008 to commence the new gTLD program, I commenced a doctoral thesis in international law on the subject of the consistency with international law of the protection afforded by the applicant guidebook to geographic names.

My study asked two questions in particular: First, whether there was support in international law for an exclusive or priority right of states in geographic names; and, secondly, whether there was support in international law of the rights of non-state others that would disprove the exclusivity or priority of geographic names rights of states.

My study was comprehensive. I looked at international trade law, unfair competition law, intellectual property law, geographic indications, sovereign rights and human rights.

As the board approved the applicant guidebook, I completed my study and found that there is not support in international law for priority or exclusive right of states in geographic names and found that there is support in international law for the right of non-state others in geographic names.

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On the basis of my conclusions, I encourage the board to consider the role and value of consistency with international law in its decisions regarding geographic names. Thank you.

[ Applause ]

CHERINE CHALABY: Thank you very much. And thank you for stating your position very clearly and for telling us about the result of your study.

Would anyone like either from the board or staff to respond at this stage?

No? So we will take that as an input.

Sorry? Okay. Erika would like to respond.

ERIKA MANN: It is a very personal comment. I hope you allow me to do this. I read your study. It is very impressive. And I'm one of the persons on the board who refers quite often to international law, so thank you for your comment.

HEATHER FORREST: Thank you very much for your feedback.

CHERINE CHALABY: We still have got a few seconds. Anybody else would like to answer? Okay.

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Thank you very much.

We appreciate it.

I will take a comment from remote participation.

Brad, I can't see the length of the line from here. I want to make sure everybody has an opportunity, so could you manage, please, the line for us.

BRAD WHITE:

Sure, we will, Chérine.

REMOTE INTERVENTION:

We have a comment from Jillian Andrews, an educator and tech researcher. My question for the forum pertains to ICANN's plans for the allocation of proceeds from auctions.

In Footnote 1, Section 4.3 of the applicant guidebook, at page 4 through 19, ICANN stated that it would like to allocate funds to projects that are of interest to the greater Internet community such as the creation of an ICANN-administered community-based fund for specific projects for the benefit of the Internet community.

The majority of users alive today have no idea of the centrality of ICANN's work to the infrastructure of the Web they use on a daily basis. Most completed their schooling before Web addresses existed. The overwhelming majority of schools lacking unfiltered Internet access, savvy teachers, or connectivity in the first place still don't teach about the infrastructure of the Internet. They tend -- the trend in browser design to increasingly hide addresses means users will be thinking about addresses less and less.

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This means most people don't know how to identify and avoid spoofing, have no idea that WHOIS is available to them, and could be confused by the influx of new TLDs.

Given the drastic change to the landscape of the Internet as a result of the new gTLD program, I'd like to know what, if any, thought ICANN has given to the idea of developing and providing public education programs, not just for youth but also for adults about the new DNS landscape.

Such a program, in my opinion, could greatly contribute to the overall success of the new gTLD program and generally ensure greater public understanding of and participation in ICANN. Thank you very much.

CHERINE CHALABY:

Thank you very much.

Steve, you want to say -- Steve will respond to that. Thank you.

STEVE CROCKER:

Thank you very much. So I want to divide this up into two aspects.

And, Fadi, if you would comment on the public education part after I talk about auction proceeds.

We don't have any proceeds yet. And I have been clear on multiple occasions and I will try to be clear yet again, we are going to -- first of all, we don't have any proceeds yet. We don't know how much proceeds are going to be. We are being very, very careful and scrupulous about accounting for the funds, about segregating gTLD

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funds, whether they're revenue or whether they're potential auction or whatever.

When it is clear that there's a surplus and it isn't yet clear at all -- in fact, the indications go the other way -- we will make a separate careful and fully consultative decision about what direction to use those funds for.

So there's no commitments that have been made at all. There is many, many good suggestions, each one of which is on its own -- there is a strong case to be made. But we haven't gone through that process at all.

As a separate matter, which may or may not be tied to whether or not there is any surplus funds, part of the question has to do with assisting the community at-large in understanding some of the security threats and engaging in education.

Fadi, would you like to comment further on that?

FADI CHEHADE:

Two things quickly. I have six seconds. We have launched the first ICANN learning platform, digital learning platform. It was announced this week.

[ Timer sounds ]

It will be open in about a month. And, secondly, we have just launched the ICANN strategy panel on public responsibility so that we can work together as a community and define how best to engage deeply in programs and activities to support our public responsibility role. So these are the active things we're doing to answer your question.

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CHERINE CHALABY: Thank you, Fadi.

Next speaker?

DIRK KRISCHENOWSKI: Yeah, this is Dirk Krischenowski, founder and CEO of dotBERLIN. And I'm very happy to contribute something very positive here on the microphone.

And I'm speaking here on behalf of a group of 50 geo top-level domain applicants which are out there and have been working for meanwhile nine months very closely together with a lot of meetings there.

We are quite different from the rest of the geo TLD -- gTLD applicants due to the involvement and influence of governments into our initiatives, and we are accountable for very large communities in this sense.

We have worked very well together and, therefore, we are going to seek formalization of our group as a constituency here within the ICANN structure, especially within the Registry Stakeholder Group.

And we are -- would appreciate working with you, the board, on this issue and the other stakeholders in the community. And I hope the board will support us in our constituency forming within the next couple of months. Thank you very much.

[ Applause ]

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CHERINE CHALABY: Thank you very much, Dirk. Would anyone like to comment? Anyone from staff? David Olive.

DAVID OLIVE: David Olive, vice president of policy development support. Thank you very much for those comments, and we welcome you into the constituency process and work with you to make sure that goes forward with recommendations to the Board.

DIRK KRISCHENOWSKI: Thank you, I appreciate it.

CHERINE CHALABY: Thank you. I believe I'm told the line has now closed, but if we continue with this, which I think is a very good thing, we will do with this interaction, we will go past the hour. So with everyone's agreement I would like to continue because this is really a worthwhile dialogue. Yes? Okay. Thank you. Next speaker, please.

PAUL FOODY: Paul Foody, Ours Sold. In Beijing I asked -- I mentioned about the antitrust problems and the fact that rather than improving competition the new gTLD program is actually going to destroy it. And the response was to be, you know, referred to the 2010 economic studies. Now those 2010 studies referenced reports which were carried out by Paul Stahura, Antony Vancouvering, and Mr. Krueger, Afilias and they reported Nick Wood. Between them, those people are responsible for about 600 TLD applications. On the basis of the conflict of the interest

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standards as set out so eloquently by Kristina Rosette in her letter regarding Patagonia, surely that economic study must be thrown out. Equally, the initial decision to go ahead with new gTLDs which was made in 2007 by the GNSO, the number of people on that body who are either applicants or involved in assisting applicants is such that you really have to invalidate that vote as well. We're in a situation, however, where there is demand for new gTLDs but again, in the economic study the benefits of new gTLDs are calculated as net social benefits equals benefits to registry operator minus costs to registry operator. The important point there being, we're talking about registries rather than the dotless domains that so many people applied for. As a result, might I suggest that ICANN consult with maybe Chris Disspain who so eloquently referred to certain applications --

[ Timer sound ]

-- as blindingly obvious and let the blindingly obvious registries operate. Thank you.

CHERINE CHALABY:

Thank you very much. Would anyone like to respond? Okay, Paul, thank you for your -- Fadi would like to respond.

FADI CHEHADE:

Yeah, just one comment on something you said. I'm tired of people saying that the GNSO process is not open. The GNSO policy process is open. All of us are welcome to it. The fact that the constituencies are made up of the people who have an interest in the gTLD program does not preclude you or anyone from participating in making policy. They

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welcome us, they invite us, their working groups are open, they're free, and they're public. Thank you.

PAUL FOODY:

The root that we're on --

[ Applause ]

--The point is ICANN is about to give away rights to people claiming rights that simply don't exist. At the same time if you go to Google you'll realize that if you try to get to Google from Canada or America or England you end up at a different site. You end up at dot ca Google dot com or dot google dot ca dot uk. If we recognize that the Internet of the future is going to be far more like a Google search engine of today. We can use that facility to allow each nation to determine what they want to do with the various terms people are wanting to buy. I said that in -- in San Francisco in 2011. So why are we having this debate now about dotless domains like it's such a surprise. Thank you.

CHERINE CHALABY:

Okay. Thank you very much. Next speaker, please. We'll take two more speakers and then one more online.

KIRAN MALANCHARUVIL:

Hi, my name is Kiran Malancharuvil, and I'm here representing MarkMonitor. MarkMonitor endorses gTLD applications for by dot amazon and IDN equivalents applied for by Amazon. Respectfully we ask the ICANN board to allow these applications to proceed to delegation. Furthermore, we request that the ICANN Board solicit

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public comment and -- on this and all other future GAC advice to encourage the community and the GAC to cooperate and communicate within the ICANN multistakeholder model and so that the Board can arrive at a reasoned and impartial decision. MarkMonitor respects the important role of the GAC and the ICANN community. However, we believe that the GAC's objection to dot amazon is not consistent with the multistakeholder decision-making process. Furthermore, this advice appears to be averse to established rights and international legal conventions. To date, governments in Latin America, including the Amazonas community countries have granted Amazon over 130 trademark registrations that have been in continuous use by Amazon since 1994 without challenge. Additionally, Amazon has used their brand within domain names including some registered by MarkMonitor and including registrations in Amazonas community ccTLDs without objection. Amazonas community countries and all other nations who have signed the TRIPs agreement have obligated themselves to maintain and protect these trademark registrations. Despite these granted rights, members of the Amazonas community signed the Montevideo declaration in April 2013 and resolved to reject Amazon and Patagonia in any language as well as any other top-level domains referring to them. This declaration appears inconsistent with national and international law.

In conclusion, MarkMonitor urges the ICANN Board to reject GAC objections to dot amazon. We also ask the Board to seek public comment on this and future advice and to --

[ Timer sound ]

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--fully analyze the potential impact that any advice may have on the ICANN model and applicable law. Thank you.

[ APPLAUSE ]

CHERINE CHALABY: Thank you, Kiran. We hear your comments about dot amazon and we hear about the international laws, the comments you made about that. Mike Silber would like to respond.

MIKE SILBER: Actually, Cherine, I think there's some very interesting responses coming up and certainly it's going to present some interesting consideration for the NGPC. I actually just wanted to take on the previous comment and just indicate that I think there's effectual inaccuracy about some of those economic studies because while they're not perfect, they simply weren't conducted by applicants for new gTLDs.

CHERINE CHALABY: Thank you. Thank you, Kiran. Next speaker, please.

JONATHAN ZUCK: Good afternoon, Jonathan Zuck from the Association for Competitive Technology. We're part of a community of thousands of app developers around the world and have, in as many fora are available to us, expressed some concerns about Google's application for dot app. And the one that seems to be most likely to bear fruit at this point is the comment process on that application. And so my question is simply

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this, what is going to be your process to evaluate comments on TLDs that have not yet been accepted so that we know how those comments might fare once they enter that process.

CHERINE CHALABY: Thank you, Jonathan. Would Christine or Akram like to answer this question about process?

CHRISTINE WILLETT: Thank you, Cherine. Application comments were accepted and provided to evaluators for the initial evaluation as of September 2012. The only additional comments that would be going to evaluators are those participating in the community priority evaluation. So there was an opportunity for comments on individual applications that -- for consideration by evaluators. The application comment forum is still available. Anyone may make application comments, but at this point in the program there is not a mechanism for those comments to be considered for evaluation purposes except for community priority evaluation.

CHERINE CHALABY: Okay. Thank you, Jonathan. Next speaker.

>> I think we had one from the queue.

CHERINE CHALABY: Sorry. Did we have a remote participation?

REMOTE INTERVENTION: We do. Thanks, Cherine. This is from George Kirikos in Toronto, Canada. According to section 1C of the minutes of the June 27 Board meeting ICANN negotiated in good faith terms for a \$650,450 contract related to the development of the Automated Register Onboarding System, AROS, with a third-party vendor. The Board authorized the proposed agreement. I was surprised to read that it was negotiated in good faith rather than being put out to a competitive tender. ICANN maintains a list of open and closed RFPs and the AROS contract is not listed. ICANN has procurement guidelines which state in section 3.2 that a broad solicitation is recommended for use whenever the estimated purchase contract exceeds \$150,000. And is required whenever the estimated contract exceeds \$250,000. Note the word "required" is open to only one interpretation. While section 3.3 lists a number of exceptions, they apparently apply only to contracts worth less than \$150,000. One of the exceptions is, for example, quote, when the incumbent provider demonstrates a clear historic pattern of charging reasonable prices and providing consistently good quality service the exception appears ripe for abuse by ICANN staff. Since how does one know reasonable prices are being charged when one doesn't -- does not know what competitors would have charged for the exact same contract.

One, did ICANN issue an RFP for an AROS contract. If not, why not? Two, if there was no RFP, how does ICANN know it received the best possible price for the contract terms? Three, are there any other contracts exceeding \$250,000 that ICANN has entered into in the past 12 months that have been awarded without competitive

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[ Timer sound ]

RFPs? If so, which ones and with which vendors?

CHERINE CHALABY:

Thank you. I will ask Fadi or who from staff would like to describe the process of -- okay. I've got Akram saying he wants to do that.

AKRAM ATALLAH:

Okay. So in particular the AROS project was a specific implementation and we did not open it up for a -- we didn't do an open RFP. We actually identified four different kinds of implementations that we wanted to look at and we had four different vendors bid on the contract and we identified the implementation that both meets our technical need as well as our long-term needs in the sense that it -- it actually allowed us to leverage our future CRM platform in developing the software. The other thing that was a key in the -- in the choice of the solution was that the particular vendor had already developed a very similar solution for another -- for another registry, I think. So those two requirements made -- were actually the leading reason why we picked that particular vendor out of the four that applied. And the process actually does require us to do an open RFP for any job that is over \$250K, but there are exceptions, and the exceptions that apply for this particular RFP is that it was a very specific need and the knowledge was -- that we -- that we needed to go after was very specific and it wasn't an open technology that everybody -- anybody could have done in the time frame that we need to do it. So there were urgency as well as specific considerations. So we followed the RFP --

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[ Timer sound ]

-- process on every bid and we do the RFPs always. In certain exceptions we don't. Okay? I hope that answer.

CHERINE CHALABY: Thank you, Akram. Next speaker, please.

KEITH DRAZEK: Okay. Thank you.

Good afternoon, my name is Keith Drazek. I'm here speaking in my capacity as chair of the registry stakeholder group. I'm going to read a prepared statement regarding GAC advice. From 2007 to 2011 the GAC, ICANN Board, and the community debated numerous aspects, rules, and policies around the Applicant Guidebook. None of us got everything we wanted, and all of us at times felt we were not being heard. While different stakeholders have different views about particular aspects of the GAC advice, we have a shared concern about the portions of that advice that constitute retroactive changes to the Applicant Guidebook around the issues of sovereign rights, undefined and unexplained geographic sensitivities, sensitive industry strings, regulated strings, et cetera. These changes in essence only override the rules set forth by this community but also exceed what those same governments could do under their own national laws. GAC advice needs to be consistent with existing national and international law and the GAC should not use ICANN to create new rights or take away existing rights. ICANN should not be used by the GAC as a substitute for international treaty-based organizations like the ITU or the WTO or to

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regulate an industry they don't regulate at home or prohibit the use of strings that are expressly permitted within their national borders.

We respect the challenges facing the GAC. It is reasonable, however, to expect this advice will be consistent with the GAC's own principles for new gTLDs, including specifically its advice that no material changes to the Applicant Guidebook should be made after the application deadline. It is also reasonable to expect that their advice will be consistent with international law. We asked this Board to act today and in the future to protect the stakeholders before you and the people, companies, and organizations who they represent. We specifically call on you to accept the GAC advice only with respect to category 1 --

[ Timer sound ]

-- only where specific international conventions, treaties, and other legal instruments applicable in most jurisdictions regulate the implied use of such strings, and with respect to geographic names only where such names are precluded or regulated by the guidelines set forth by all of us in the multistakeholder created guidebook upon which applicants relied. At the very least we urge you to ensure that ICANN is not used to route around national and international law. Thank you.

[ Applause ]

CHERINE CHALABY:

Thank you, Keith. Thank you, and we hear you very well and you're saying that any advice or solutions that we find together must be supported by international and national laws. Thank you. Message understood.

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BRAD WHITE: Cherine, if I can interrupt for one second. Our scribes and our translators -- people are talking a little fast for them, so if I could just remind people to slow down just a bit, that would be helpful.

CHERINE CHALABY: Thank you. Next speaker, please.

STEVE DeBIANCO: Steve DeBianco of the business constituency. And it's a question for Board. Wednesday's security, stability and resiliency session on name cert -- internal name certs and collisions was a remarkable improvement from a similar session we held in Beijing because we moved from denial and defensiveness to data and discovery. So now it's time, and we're in the middle of some real debate and discussion on how to solve the problem. We saw data from Interisle on the number of collisions at the root in a single day. Some collisions occur on nearly all of the new gTLD strings, but an awful lot of collisions occur on a short list of strings, including things like corp and home, meds, site, and ads. And so at the end of that session I had an interesting exchange with the chief security officer of ICANN, and Jeff Moss said that the company line is that ICANN will do nothing to undermine SSR -- and I heard Fadi say it many times -- and Jeff added if there's a show-stopper deadlines could be moved. But I really do believe the data indicates that it's a more fine grain problem than a show-stopper. Maybe you don't have to stop the show but you keep the high collision, high impact strings off the stage until they've been mitigated in the user community. The show may go on then for

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the other strings, but here's the question from the B.C. For strings that do go in and for which collisions occur, who would be liable for the costs of business interruption and the costs of mitigation? Would that be ICANN? Would it be the registry that proceeded with the string that caused expensive and destructive collisions. Thank you.

CHERINE CHALABY: Thank you, Steve. Who would like to comment?

STEVE DeIBIANCO: Everyone is pointing at the lawyer.

FADI CHEHADE: And the lawyer doesn't want to talk so I will, and I'll get into trouble.

CHERINE CHALABY: Fadi the lawyer will talk.

FADI CHEHADE: Fadi the lawyer will talk. So Steve, what is the legal right of people to use corp within their network?

STEVE DeIBIANCO: I'm a programmer, not a lawyer.

FADI CHEHADE: Me neither. I'm a programmer, too.

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STEVE DeBIANCO: And as a programmer, when I was setting up the provisioning on my internal assets on my network, there's no restriction at that point. It's an internal name.

FADI CHEHADE: I don't have the answer either because I did program things that used dot corp myself, but the question is you're saying what is the legal implication. I ask you the other way. What is the right of people to use these things within their networks?

STEVE DeBIANCO: Got it. But I didn't ask a rights question at all. I asked about real hard dollars because business constituency members and small businesses are going to spend money solving that problem. So that won't be a rights lawsuit, Fadi, it will be a cost and business interruption lawsuit.

FADI CHEHADE: Lawsuits are around law. Having said that, I must be clear, we will not move forward, based on the reports we're receiving, on anything that will jeopardize the security and stability of the Internet and we will look at the strings that will cause issues and we will make sure we take our time and corrective action without stopping the show. Having said that, your use of lawsuits and rights and things like that, this is not for us to discuss because the people who are using these also do not have any legal standing on using them.

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STEVE DeBIANCO:                    Interesting, thank you.

CHERINE CHALABY:                Thank you, Steve. Just to inform everybody, I've just spoken with Steve and everyone in this line will be heard but the suggestion is we will take a break at 5 past 3:00 as expected, we will come back, we will have a presentation for 10 minutes, and then the exact line will resume again and each one will be heard. Okay? Brad, you okay with that?

BRAD WHITE:                        That works very well.

CHERINE CHALABY:                We'll take one or two more questions and then we'll stop at 5 past 3:00.

BECKY BURR:                        Thank you. Becky Burr with Neustar. I would like -- Neustar would like to associate itself, as other registries have done, with the registry stakeholder statement. But in particular, I would like to focus on the imperative for ICANN to act in accordance with the rule of law and in particular international law. Many people have stood up today and talked about trademark rights under international law. I would like to suggest to you that this is not simply a matter of trademark law and it has significant and I think very important implications for ICANN's future.

Under international -- there are international laws relating to expropriation of property and there are international laws relating to

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regulation of speech. The lawyers on the table are saying ah, but ICANN is not a state actor, therefore, it doesn't apply. Unfortunately, I don't -- I am not confident that is the case, and although I never disagree with Chris Disspain, the fact is that the Applicant Guidebook says that a government -- a GAC objection creates a strong presumption for the Board that the string will not be approved. So all I'm saying is the -- the strong presumption, based on government direction followed by GAC action, says to me you better be a little worried about whether those laws relating to regulation of expression and expropriation of property apply.

[ Applause ]

CHERINE CHALABY:

Thank you, Becky. Those are strong comments, so far everybody saying make sure international laws and national laws are being supported. Chris, do you want to respond?

CHRIS DISSPAIN:

So I just want to make sure that I'm clear about what it is I said. What I said is, you should not presume that we will just accept the GAC advice. That's not the same thing as saying there isn't a strong presumption. I said, you should not presume that we will just accept the GAC advice. There is -- and I forget where it is written, but there are things like we have to do due diligence, we have to reach out to people and so on and so forth. So I'm not suggesting there isn't a strong presumption in the guidebook, but you should not presume -- and I was responding to

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Christina's point -- you should not presume that we will just accept the GAC advice. Thank you.

BECKY BURR: I hear you. I just want to say the fact that the GAC Applicant Guidebook -- or that the Applicant Guidebook contains those words creates some issues for us.

CHERINE CHALABY: Thank you, Becky. We're going to take one more question, and then we will take a break after that. So next speaker, please.

EDMON CHUNG: Edmon Chung here, and don't worry, I'm not going to talk about IDN variants.

[ Laughter ]

So actually the topic of the day is about international treaties and conventions. I wanted to take the -- I guess on a positive way. I note that the Board has accepted the GAC advice on the overall -- all the new gTLDs and they have been implemented as public interest commitments. They've banded it public interest commitment.

I want to point out that, however, one I think very important part of the GAC advice seems to be missing in the implementation and that is the description about the international treaties and including the Universal Declaration of Human Rights. The reason I want to bring this up is that, you know, there are certain examples of strings that fall under that.

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One of the treaties, for example, under the Universal Declaration of Human Rights is the Convention on the -- on the Rights of the Child. And they -- they apply to certain strings. And I think it's very important to as we implement it, actually we're signing contract now and we're getting to some of those strings that potentially have implications on -- or regulated by certain international treaties. And I think, you know, I'm looking to the Board and the staff to implement it such that those safeguards could be in place as well. And for example, you know, I take the example of the Convention of the Rights of the Child, it is very important for the protection of children and their rights for those -- those strings that, you know, not necessarily what the GAC has identified but in general because that -- that advice is for all the gTLDs. And I look to -- I guess I look to the Board and the -- and the staff to actually implement that part of the GAC advice as well.

CHERINE CHALABY:

Thank you, Edmon. Would anyone like to comment? Erika.

ERIKA MANN:

I think one has to be very careful. Not everything that relates to international law can come automatically into, you know -- or shall be automatically evaluated. We have a discussion, not -- not a strong discussion on the Board but I'm pretty sure we will look into this. Everything related to international law as far as, you know, we shall take it into consideration, and I'm one of the members who is actually pressing forward, you know, to do so. So have the assurance we will look into it, but we can't reply to it at this stage and the moment here.

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EDMON CHUNG: Sure. I just think it's important. I believe it makes sense for registries that operate these strings to abide by those international treaties, and that's -- that's, I think, the point.

ERIKA MANN: Let us be a little bit more cautious and let's evaluate it first.

STEVE CROCKER: Thank you, Erika. Thank you, Edmon. So as Cherine described, we're going to take a break now. We're going to continue with the line after we come back and after we have the presentation on the Buenos Aires ICANN meeting. 3:25 will be our start time. Thank you.

NANCY LUPIANO: The coffee breaks are located in 3A where they have been all week. Please enjoy and return promptly. Thank you.

[ COFFEE BREAK ]

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NANCY LUPIANO: Ladies and gentlemen, if you would be kind enough to take your seats, we are going to start the second part of our public forum.

Once again, just a reminder to please speak slowly so that not only the scribes and the interpreters can understand you, but the board members that you are addressing your questions to.

Thank you.

BRAD WHITE: Folks, if you could all take your seats, we'll get goings in one minute.

Ladies and gentlemen, our next ICANN meeting, ICANN 48, is going to be in Buenos Aires, Argentina in November. We're now going to see a short presentation, a little preview look of that meeting. Carlos Liuzzi from NIC Argentina is going to speak to us.

Carlos.

[ Applause ]

CARLOS MARCO LIUZZI: Good afternoon, everyone.

As Brad recently said, my name is Carlos Liuzzi. I am from NIC Argentina, and the manager of international liaison unit.

I would like to start, first of all, by thanking the local host for having us in the beautiful city of Durban. Also I would like to congratulate them

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on this very special day, the 95th birthday of Nelson Mandela, and I would like everyone to give a big applause, I think, for that.

[ Applause ]

Thank you.

Buenos Aires.

We're really looking forward to it. I'm going to give a little news to everyone. Buenos Aires is not in Brazil, as many -- we had a lot of questions about that. It's in Argentina, a little bit down, south from Brazil. Even though we're very fond of our neighbors, it's another country.

[ Laughter ]

[ Applause ]

Yeah, Chile is also another country.

Very good.

I think that I have been talking to a lot of you these past days.

Everyone, most of you have already been to Argentina or know something about it. For those of you who have not been there, it's -- maybe you'll find, like, it has its European feel about it, still with a Latin - Latin flavor, maybe. So I don't know if that's a good thing or -- I think you will decide that when you go there.

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So what can you expect there? I think wine, a lot of meat, maybe some more wine, tango, and football matches. So I think that pretty much sums up what the Argentinians are all about.

And, well, you can have the video right now. I don't know, are you ready?

Okay. Thanks.

[ Video playing ]

[ Music ]

[ Applause ]

CARLOS MARCO LIUZZI:

Thank you for that. If you are wondering, that was electro-tango, something kind of new.

So last but not least, I would like to thank ICANN for choosing us and trusting the whole organization on us. We're under a new administration, and that is really important for us. And I would like to thank also Nick and Nancy's crew who have been very helpful with everything.

So we are very eager and looking forward to it, and you're very much welcome in Buenos Aires.

Thank you.

[ Applause ]

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STEVE CROCKER: Welcome back, everybody. We continue with the line as we had it before.

ALEX STAMOS: Hi. My name is Alex Stamos. I work for Artemis Internet, and I am a member of the New TLD Applicant Group.

We have been talking a lot this week about security and stability recommendations, and the NTAG has put together a response. We haven't been able to vote on it yet, so you guys will be getting a detailed letter, both the Board and the GAC, next week, with both our response to the SSRs as well as some recommendations on how we can set some reasonable technical controls we can all agree to.

I am also not a lawyer. I am a nerd and have been in the information security industry my entire career, and there is very broad consensus among the NTAG that we are conscientious parts of the Internet community. We have no desire to see any kind of safety or stability impacts. In fact, part of the goal of diversifying the Internet infrastructure in the new gTLD program is to reduce those kinds of risks in the future. And so I have been actually personally surprised at how willing people are to compromise to make sure that these things don't happen. Particularly on the talk of colliding name spaces, both colliding internal split DNS as well as cryptographic certificates. We recognize that that's a big problem, and the NTAG has consensus that we are willing to allow these small numbers of TLDs that have a significant real risk to be delayed until technical implementations can be put in place. There's going to be no objection from the NTAG on that.

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What we do object to is the use of the risk posed by a small tiny, tiny fraction, my personal guess would be six, seven, eight possible name spaces that have any real impact to then tar the entire project with a broad brush for contracted parties to go out to the Washington Post and plant stories about the 9-1-1 system not working because new TLDs are turned on is completely irresponsible and is clearly not about fixing the Internet. It's about undermining ICANN and undermining new TLDs.

We strongly urge the Board to reject the idea that safety and stability recommendations means that the whole TLD program has to be delayed. There are reasonable technical mitigations that can be put in place. We're willing to work with you, with the SSAC, with the RSSAC, and with all the interested parties. And we're looking forward to reports coming out in the next couple of weeks and for us to be turning over the recommendations, like I said, next week that we hope start the discussion.

Thank you.

CHERINE CHALABY: Thank you, Alex. Would anyone like to comment?

STEVE CROCKER: Thomas, do you want to comment on that at all?

THOMAS NARTEN: Not particularly, because I think actually there's a policy thing here.

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What you're suggesting I think in the case of names that exist in the wild, so to speak, that people are using internally, and there's work going on to produce a report on that. I mean, the idea that there is a relatively small number of names that pose the greatest risk seems to be the case. And what I'm hearing here is that if that's the case, let's work on mitigating the concerns around those but not block everything pending that.

ALEX STAMOS: Absolutely. That's exactly right. Yes.

THOMAS NARTEN: That to me certainly sounds reasonable. That's really a policy discussion, less a technical discussion.

CHERINE CHALABY: Thank you. Fadi, do you want to comment on no delay to the program?

FADI CHEHADE: Simply to say your comments are extremely reasonable. So we appreciate it.

ALEX STAMOS: Thank you, sir. I've never been called extremely reasonable before. I'm going to take that to heart.

[ Laughter ]

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CHERINE CHALABY: Thank you reasonable Alex.

Next speaker, please.

JACOB MALTHOUSE: Hi, my name is Jacob Malthouse with big room dot eco speaking in a personal capacity. This is a comment for the community. So Board and staff, I will ask your indulgence.

Hello, community.

So we've had a great meeting this week. As always, we've been impressed with the -- inspired and refreshed by the entrepreneurial energy and community spirit that surrounds ICANN meetings.

Our one fly in the ointment for us has really been this persistent meme around the impossibility around the community priority evaluation.

When we talk about this evaluation being impossible, we're talking about our community creating an impassable barrier for other communities to interact with us by the new gTLD process.

And I urge us to all be aware of the impact of this. I hope we can all agree that it is important that an evaluation we create is understood to be achievable. Not easy or simple, but effective, fair, efficient, accurate, and, above all, passable.

Let's ensure that the door to the ICANN community's new gTLD process is open to other true communities.

Thank you.

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[ Applause ]

CHERINE CHALABY: Thank you, Jacob.

And next speaker, please.

JEFF BRUEGGEMAN: Good afternoon. Jeff Brueggeman with AT&T.

I wanted to pick up the theme of security, stability and resiliency. I want to applaud the work that was done by the SSAC. It was excellent analysis.

My conclusion from the report is that further analysis is needed to more precisely refine the extent of the potential impact and decide what to do next. And my request is that as that be done, ICANN take responsibility not just for the decision about what goes forward but whether we think there is a limited impact or a broader impact; that we really have a coordinated plan for working with the users who are going to be impacted.

And as a company who is a major user of the Internet and has millions of customers, I think our request would be that you work with those of us who are on the front lines with customers to really make sure that is a successful process. And I think this is a chance for ICANN to really show it is going to take that responsibility seriously.

My question is, having been on the Security, Stability and Resiliency Review Team, one of our recommendations was that ICANN take a

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comprehensive look at the new gTLD program from an SSR perspective. And I think the issues I was hearing about this week, for me to confirm that in addition to looking at that from a budget and a resource perspective, this really would be a good time for ICANN to do that kind of a sophisticated SSR type analysis of thinking ahead as part of your strategic plan. And I think it fits very nicely with SSAC 59 that calls for an interdisciplinary approach for this.

So my request would be ICANN really proactively look ahead at not just whether -- its resource and employee needs, but also trying to think through all the strategic implications, even if it's not what ICANN is directly responsible for. I think you are in a unique position to do that analysis and provide very valuable information to those of us who operate in the general meeting space.

Thank you.

[ Applause ]

CHERINE CHALABY:

Thank you, Jeff.

So a request for a comprehensive look at the new gTLD program from SSR perspective.

Would staff like to look at that? Answer question?

Who would like to comment?

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FADI CHEHADE:

Simply to say thank you, Jeff. There's something very important in what you said that I think we will take very much to heart, that as we go out, once a plan is in place, frankly, or once a view is in place, we should plan the rollout of these things in partnership with the community. Right?

I think that's a very good thing you bring to the table. That you, in this case, could be a good partner in the education process, in the getting the community to appreciate what these things mean as opposed to us just trying to do this all on our own.

JEFF BRUEGGEMAN:

And I'm not sure how much awareness there is on some of these potential issues, and you don't want to find out about it in the Washington Post if you are running a network; right?

FADI CHEHADE:

Precisely. So two areas we can cooperate. One, as you said, education, planning together how we ensure the least impact. And second, frankly, in making sure we can get to the Washington Post first next time, all of us. Make sure we get the right story out, which we will do as well with you, in partnership with you.

Thank you, Jeff.

CHERINE CHALABY:

Thank you, Fadi. Next, I think we have -- sorry, we have a very patient remote participation comment. So if you don't mind we'll take this one first.

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REMOTE INTERVENTION: Thank you, Cherine. We have a comment from Hector Ariel Manoff of Argentina: I am a lawyer and a member of the Intellectual Property Constituency. My comment is in my own name, because the resolution of GAC affects me personally as an Argentine citizen and also as a world citizen.

Also, my comment is for the benefit of my clients who are affected in their rights. I also want to stress I was one of the experts engaged by ICANN to work in these issues for the IPR; i.e., Recommendation Implementation Team.

I am absolutely convinced that the position of the GAC with respect to what they call geographic names is wrong, and it is a bad precedent for corporate governance of ICANN.

Countries or the governments of these countries cannot deprive businesses and people of good faith in the use of language, of words, and even of names of places in their countries. They do not legally have the monopoly on the language. It would be very bad to have that.

For example, I ask if some state may be the owner of the word "freedom." According to the advice of the GAC, the State of New Jersey of U.S.A. could prevent the use of the word "liberty" because there is a place named Liberty Township in Warren County, New Jersey.

For the same reason, the use of the word "liberated," which is "freedom" in Spanish, could be objected by Uruguay because there is a town with that name in that country.

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I appreciate the work of the GAC to protect the citizens of their countries against abuse in Internet domains. I agree that they monitor gTLDs and are not granted to those who have committed fraud or misled users, consumers, or clients who have them removed from those who may commit problems in the future.

But it is wrong using censorship with the use of any word to conduct legitimate business activities in this specific space.

I consider also that if the Board followed the advice of the GAC, a very bad precedent would be set, allowing it to violate the rules of ICANN's corporate governance.

[ Timer Sounds ]

The discussion about which words that could be used as gTLDs was made long ago.

[ Applause ]

CHERINE CHALABY:

Thank you. This is another comment about geo names, about international and national laws, and respect of those.

Can anybody like to make one more comment on that?

No?

Okay.

Thank you.

Next speaker, please.

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TIM MCGINNIS: Thank you, sir. I'd like to thank you all, but first of all, my name is Tim McGinnis. Many of you know me. I'm with NCSG this week, and I would like to read three sentences from the NCSG statement regarding the Beijing communique.

In short, the GAC's Beijing communique is positioned not as advice but as a substitute for the policy work of the broader ICANN community.

As such, it constitutes a threat not only to the implementation of the new gTLD program but to ICANN's status as a multistakeholder policy development institution.

Unless this advice is rebuffed by the Board, ICANN undermines its supporting organizations, its policy development process, and the Applicant Guidebook, under which hundreds of companies applied for new domains.

And I'd like to add personally that I view it as a threat to the multi-equal stakeholderism that Fadi Chehade has inspired us with.

Thank you.

CHERINE CHALABY: Tim, thank you. Which part of the advice are you talking about?

TIM MCGINNIS: Well, we were talking about in particular the categorization. Large numbers of strings that are not exhausted, given exhaustive lists, but

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the active -- making categories, taking a second bite of the apple, things that are not in the guidebook.

CHERINE CHALABY:

Thank you.

Would anybody like to comment?

Okay.

Thank you very much.

Next speaker, please.

AMY MUSHAHWAR:

Hi, I am Amy Mushahwar. I represent the Association of National Advertisers, which its member companies advertise and contribute to over \$250 billion worth of advertising globally. We're major employers, and we're major revenue producers across the globe.

I'm here today to comment about SSR issues.

We learned in yesterday's presentation that there is a huge bell curve of new gTLDs. Almost all new gTLDs will be impacted by the domain name clash issue.

What we have not done is drill down into the individual gTLDs and actually discover what are the potential use cases and what are the potential impacts within each new gTLD.

Please be advised, even if there is a new gTLD that only has a few potential name clashes, perhaps that call could be a SCADA system or a

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critical piece of infrastructure that is only called periodically and episodically.

What we did as the ANA is we talked to our members and we asked what are the potential uses of the DNS for critical infrastructure? What are the potential uses of the DNS that can be impacted?

Here is what we learned. 9-1-1 calls using VOIP. We learned also yesterday in the SSAC meeting that many of the communications --

[ Timer Sounds ]

AMY MUSHAHWAR:

Oh, okay. Well, 9-1-1 calls, oil and gas pipelines, smart energy grids, wireless medical devices, wireless area networks. I urge you, this is not an SSR issue. This is a public safety, health and welfare issue for all of the globe.

If we proceed in the face of these dangers and we do not study this issue, we proceed to all of our peril as a global community.

Thank you.

[ Applause ]

CHERINE CHALABY:

Thank you, Amy. Would anyone like to comment on Amy's...

No one would like to comment? Amy, you've said it so well, nobody can comment on it.

Thank you.

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Okay. No, we have a comment.

Amy, wait.

Ram Mohan would like to comment.

RAM MOHAN:

Thank you. I'm Ram Mohan. I'm the SSAC's liaison to the Board.

So just from the ICANN Board's perspective, there is a study that has been commissioned about namespace collisions, and it's not -- all of the work is not done yet.

The Board is also asking other advisory committees, including the SSAC, for instance, that have subject matter expertise to provide advice on that.

So I think the point's well taken, but I'd also like to say that when we're looking at these kinds of issues, we look at it -- we should look at it not just as is there a risk but also what is the likelihood and the severity of the risk. So it's kind of on some sort of a continuum.

AMY MUSHAHWAR:

I understand.

RAM MOHAN:

But leaving that aside, work is in progress, and there is very serious consideration from the Board, and from what I understand from the NGPC on this topic.

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So you can rest assured that this will not just be brushed aside. There is going to be very strong consideration.

AMY MUSHAHWAR:

You know, Ram, I don't want to rest assured. What I want to do is bring my companies to ICANN and work with you.

We've tried to do that on the trademark issue, and, quite frankly, we weren't listened to about our security issues that link to trademark and consumer protection.

This is an issue that if ICANN fails, the global community fails.

We stand here ready, willing, and able to work with ICANN.

I personally publicized this issue to the chief information security Officer's executive network --

[ Timer Sounds ]

AMY MUSHAHWAR:

Between Beijing and this meeting, and there are still so many corporate actors who have no idea how ICANN impacts them and how new gTLDs impacts them.

Do not fail on this issue, and we stand ready, willing, and able to help you not fail.

Thank you.

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CHERINE CHALABY: Okay. Don't go. Fadi wants to say something.

FADI CHEHADE: Amy, first of all, congratulations on your baby.

AMY MUSHAHWAR: Thank you.

FADI CHEHADE: As you told you outside, I think I say it publicly as well, and as I mentioned to Jeff, we are committed to work with the companies that want to work with us. We will put together a plan. We will see how we can partner both on the education side and on ensuring the proper decisions are made here, just as ram said.

But, frankly, I want to be clear on something. Creating an unnecessary alarm is equally irresponsible.

AMY MUSHAHWAR: Exactly. And we're not. We're not.

[ Applause ]

AMY MUSHAHWAR: We're not.

FADI CHEHADE: So, please, let's work together. Let's check on each other, as I know you do very well, and I respect and welcome that.

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But creating unnecessary alarm when the experts' report, which we have not fully reviewed yet but we have seen and we will share with everyone to see, does not point to major issues beyond a number of names which we will quickly identify and go do very serious studies on. But that's a very, very small percentage of all the gTLDs.

AMY MUSHAHWAR: With all due respect, the current report doesn't go into any of the use cases. So we have no idea the severity of the problem.

FADI CHEHADE: Understood, understood. But they identify the number -- They did some tests. They gave us results. We will continue working these things. As I mentioned to you, we'll do tests. But, please, I think as publicly responsible members of one community, let's measure how much alarm we raise.

And in the trademark case, with all due respect, it ended up, frankly, not looking good for anyone at the end.

So let's do it calmly. Let's do it together this time. That's my commitment to you.

AMY MUSHAHWAR: Yeah, and let's do it with data. That's what we hope.

FADI CHEHADE: Absolutely.

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AMY MUSHAHWAR: And we want to work with you.

FADI CHEHADE: Thank you.

CHERINE CHALABY: Would anyone else want to work with Fadi on this, please, his door is open.

This was a true invitation.

Okay. Next speaker, please.

MARK PARTRIDGE: Thank you. My name is Mark Partridge with Partridge IP law.

I have a new issue to present involving TLD objection process.

I'm counsel for parties engaged in community am and limited public interest objections administered by the ICC.

I'm also a panelist with the WIPO legal rights objection procedure administered by WIPO.

I served on the IRT, and I'm a member of the Intellectual Property Constituency, but I make these comments in my private and personal capacity out of concern for that process.

I stand to express concern about the high amount of the deposits that are being required by the ICC. It has been reported that the deposits

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required from individual parties have, in some cases, exceeded 100,000 euros.

I'm aware of a consolidated proceeding in which the total deposit required was 1,134,400 euros.

I'm also aware of not-for-profit associations that have found the amount of the required deposit to be prohibitive for that not-for-profit association to advance.

I would note that these fees and deposits charged by the ICC are in stark contrast to the fixed fee charged by WIPO for the LRO objections. Thus, my concern and comments apply to the ICC proceedings.

My fear is that the unusually high deposits required for the ICC objections threaten to undermine the fairness and viability of the objection procedure going forward.

My question is, what can and will ICANN do, going forward, to address and correct this emerging problem?

Thank you.

[ Applause ]

CHERINE CHALABY:

Thank you for the question. Who would like to address this from staff?

Christine Willett. Thank you.

CHRISTINE WILLETT:

Thank you, Cherine.

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So thank you very much for the question.

The limited public interest objections and the community objections being considered by the ICC are substantial considerations. They are affecting -- considering cases with considerable commercial impact, and they are a different type of case than the other fixed-fee objections that were clarified in the guidebook and specified in the RFP process as dispute resolution service providers were selected.

Due to the nature of the limited public interest and community objections, the fees for those disputes were not capped. The hourly rate of the ICC and the expert panelists has been disclosed. It -- we -- they are identifying and impaneling expert jurists to consider these matters. So, while we acknowledge these are substantial fees and they may certainly be higher than expected, they are within the same order of magnitude of the range of fees that were identified in the guidebook. The applicant guidebook specified objection fees up to \$122,000. And we are aware of objections up to approximately \$200,000 in U.S. So, although it is substantially more, it is in the range. That applicant guidebook was also written four or five years ago. So some of those costs certainly may have increased in the intervening years.

The other point I would like to make sure everyone is aware of that the prevailing party in the objections will have their fees refunded to them. So that is one benefit. So the objector is -- sorry -- the DRSP is collecting funds from both the applicant and the objector to cover all of the anticipated costs with the intention of not going back to either applicant or objector to collect fees with the prevailing party getting their fees returned.

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CHERINE CHALABY: Thank you, Christine.

CHRISTINE WILLETT: Thank you. Cherine, may I make one more statement?

CHERINE CHALABY: Yeah. It's important to answer comprehensively on this one.

CHRISTINE WILLETT: Thank you. We have requested from the ICC further information about the details of their fee structure to provide clarity to the community. As soon as we have that, we will make that -- publish that and make that available.

MARK PARTRIDGE: I very much appreciate the explanation. And I think the community -- that helps them understand. I'm still very concerned about the chilling effect that these high fees have going forward. And I think it's a problem that needs to be addressed going forward. Thank you.

CHERINE CHALABY: Thank you, Mark. Thank you. And thank you, Christine, for leaving a comprehensive answer. Next speaker, please.

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SIVASUBRAMANIAN MUTHUSAMY: I'm Sivasubramanian Muthusamy. I'm a community participant who greatly admires ICANN governance and the people here. Raising an unusual issue. So don't take it as a wrong signal. My firm, Nameshop, applied for the string dot IDN as an ASCII string. The idea is to make IDNs identifiable and accessible by everyone on the Internet. The larger idea is for TLDs to contribute to the community's efforts to keep the Internet as one Internet. As an application, this new gTLD idea revolves around global public interest. In addition, Nameshop has recorded commitments to give away one quarter of its profits for the good of Internet year after year as a public interest commitment. The string applied for IDN was denied because it's an alpha-3 country code. Nameshop applied to change the string to dot Internet. The new string is not a geographic string, not really -- okay.

Nameshop applied to change the string to dot Internet by a change request. The new string is not a geographic string, not related to any country, not reserved, not prohibited. And it's not an already applied-for string.

The change request in order within the new gTLD evaluation framework. There are no provisions to discriminate this application for dot Internet. But it's unfairly denied without assigning reasons.

Nameshop's application is also an applicant support, which is also denied, which strengthens that change request denial.

It is not known if ICANN has unwritten rules related to the generic string dot Internet. And, not finding any reasons within published guidelines or available process, the new gTLD process attempts to suppress this

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application vaguely citing multiple criteria, absence of public interest, even when the application revolves around global public interest.

Under what criteria do we deny the change request? What is the specific reason? Under what criteria do we deny the applicant support request? What is the specific reason? In place of transparency, there is secrecy and in place of accountability, there is evasiveness, total evasiveness. No one wants to look at the round. Are you prohibiting the string dot Internet or reserving it for someone in the future? Is it fair?

CHERINE CHALABY:

Thank you. I think we get the message. I just want to know if staff would like to respond to that. Thank you. Staff?

AKRAM ATALLAH:

Yeah. So the change request was not denied based on the string. It was denied based on the request to change a string that was applied for. We do not accept any changes to the strings after the fact. If you remember, the applications were all closed until the reveal day because we cannot have applicants changing strings when they find out that the string was applied for, this wasn't applied for. So after the fact there were no string changes. And that's why the change request was denied, not because of the string itself.

CHERINE CHALABY:

Sorry. Bruce.

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**BRUCE TONKIN:** Yeah. Thank you, Akram. You might just want to clarify. I believe there might have been some spelling changes that were accepted. So just perhaps make that clear.

**AKRAM ATALLAH:** Yeah. The only changes to strings that were accepted were minor changes to either a -- the wrong spelling or some editing mistake. But, other than that, no string was allowed to change.

**SIVASUBRAMANIAN MUTHUSAMY:** Yeah. But it was not stated in any of the replies to me. And I went through the reconsideration process, which also did not say that this is the reason. So thank you for clarifying.

**CHERINE CHALABY:** Thank you, Akram. Thank you, Bruce. Okay.

So we have three -- three or more in the -- and we have a couple of people waiting patiently. But I think we can keep the online until the queue is finished. So next speaker, please.

**JORDYN BUCHANAN:** Hello. I'm Jordyn Buchanan with Google. I'd like to make some of the SSR conversations that we've had today a little more concrete, at least with a couple of examples that we're happy to discuss as an applicant for new gTLDs.

First, I'd like to very briefly address dotless TLDs. As people may know, we have submitted an application amendment for our dot search TLD

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that does include a registry service that includes dotless and a dotless element.

We fully expect -- and I understand that the guidebook provides that, if an applicant proposes to operate a dotless service, that there will be additional scrutiny and that ICANN will review that process and make sure that any security concerns are mitigated. We appreciate that there are potential SSR concerns, and we are delighted that ICANN will fully review that before deciding whether or not to allow that service to be operated. We do not intend to bypass the process or otherwise have our amendment approved prior to the full evaluation of the proposed service.

Second, I'd like to point out we are -- we're the applicant for dot ads. It has a low priority number, 392.

It's uncontended. There are no objections. I expect that under normal circumstances we might be able to start to operate it in the relatively near future. But it's not quite normal circumstances, because it also appears on the top handful of potential name collisions identified in the Interisle report, or at least the preview of it that we've seen. To that extent, I'm here to commit today we are not going to operate dot ads prior to a full evaluation of any potential security interactions. We'd love to talk to Amy and others in the community that may have issues. And we'll start to work on mitigation now. We have a concrete example. Let's start to work on the process and make sure that by the time we get to the point that we're ready to start to work through some of the other TLDs that maybe other people operate or are contended, we work through this issue. We won't delegate it until it's solved.

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[ Applause ]

CHERINE CHALABY: Thank you, Jordyn. Anyone wish to comment on Jordyn's -- Fadi.

FADI CHEHADE: Yeah, Jordyn, just to say thank you for the responsible approach you're taking and Google is taking here. It's appreciated. And I think even Amy and others would appreciate the way we are dealing with these potential issues. So, really, that's the way I hope all of us will cooperate to address these issues as a community. Thank you for that.

CHERINE CHALABY: Thank you, Fadi.

Next speaker, please.

JAMES SENG: Hi, my name is James Seng, IDNs. I'm here representing Zodiac Holdings. Zodiac is an applicant for 15 new gTLDs. All the strings, all 15 are focused on the Chinese market. And, as such, we have our HQ in Hong Kong. But most of our staff and operation in Beijing, China.

As we move on to prepare our launch, we are formulating some of policy. We encounter several issues I would like to share with the community here and perhaps also to the board and the staff.

Previously, at the public forum we talked about ICANN has to abide with international laws and treaties. We fully support and appreciate that.

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But the reality is that operators like us -- would-be operators like us is subject to local laws and regulation. Domain name industry in China is a regulated industry that requires approval from Chinese government.

So we found ourselves stuck between the international convention that ICANN is used to and how the local government expects and demands of us being a registry operator in the industry. This challenge is not just limited to data privacy like WHOIS but also in trademark protection and the priority of the trademark protection the way we deal with reserved names. The way that we take -- to take down the data escrow. Another example, there are particular regulations that talk about forbidden blacklist or names that are not ever allowed to register. But the list is considered trade secret, and we're not able to publish that list ever. So much for open and transparency.

So, as we move on to the launch, I hope that these issues have been -- that the ICANN community is aware. And I hope that the staff will look - - be more flexible and look kindly upon us for those who are stuck between this issue of international norms and local regulation. Thank you.

CHERINE CHALABY:

Thank you, James. Would anyone from ICANN management wish to answer to this or any board member wish to comment? Okay. Thank you.

So last speaker. Thank you. And then we'll take two comments from the online, and then we'll close this session.

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PETTER RINDFORTH:

Thanks. Petter Rindforth, intellectual property constituency, IPC.

The IPC greatly appreciates the role governments play in the ICANN multistakeholder model, particularly in matters where there may be an interaction between ICANN's policies and various laws and international agreements and where there may be -- may affect public policy issues. Having said that, we speak today to express concerns regarding the GAC's advice on specific geographic geo leads. The GAC's advice appears to be an effective retroactive change to the GAC position accepting the guidebook's definition of geographic names and calling for applicant government resolution, multi applicant reaction, where brand strings have geographic connotations. The IPC believes that GAC advice on geographic geo leads should be consistent with existing national and international law. We ask the ICANN board to solicit and consider public comment on how it should address GAC's geographic gTLD-related advice in its communique. The IPC is concerned about the procedure that the GAC's advice and action regarding geographic gTLDs regarding future and current gTLD application at the second level. Thanks.

[ Applause ]

CHERINE CHALABY:

Thank you very much.

Would anyone from the board or ICANN management wish to comment? Okay.

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PETTER RINDFORTH: You fully agree. Good.

[ Laughter ]

CHERINE CHALABY: Silence is a virtue. Thank you. Okay.

We now have closed the line. And, Brad, could you please tell us --

BRAD WHITE: Sure, Cherine. Thank you. We have two very short one-sentence type questions from two different parties. I might add these did come in before you shut down the queue.

The first is from Angus Richardson, CFO and director of administration for dot kiwi, limited.

REMOTE INTERVENTION: Can we please have more color on the potential for trademark prioritization for regional gTLDs?

CHERINE CHALABY: Any more details on that?

BRAD WHITE: There are none. That's the extent of the message. I'm assuming by "color," we're talking about details. That's just a guess on my part.

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CHERINE CHALABY: So -- okay. Who would like to answer from the ICANN management team? Karen? Please, go ahead.

KAREN LENTZ: Thank you, Cherine. The question, I believe, is a question that was asked yesterday during the trademark clearinghouse session. I mentioned that one of the issues that had been discussed in the community in relation to the rights protection mechanisms for the clearinghouse, the sunrise and the trademark claims, one of the issues that was discussed was the allocation mechanisms used by the registries and whether those could include, for example, a geographically-oriented TLD prioritizing in the sunrise among trademarks according to a certain region.

CHERINE CHALABY: Antony.

ANTONY VANCOUVERING: Thank you, Cherine. Dot kiwi is our client. I have some idea of the concern that is general to geographic TLDs. I believe the question refers to the importance for municipal governments and people who represent a geographic region, even if it's not designated as geographic as dot kiwi is, where there are some names that may want -- that people believe should trump a trademark right. For instance, police dot London should go to Sir Robert Peel's Metropolitan Police Force and not the band. This is a concern.

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I don't know if I'm accurately representing the question that was asked. But that certainly has come up a number of times.

CHERINE CHALABY: Just for the record, could you state your name and your affiliation.

ANTONY VAN COUVERING: Yes. I'm Antony Vancouvering. I'm CEO of Minds+Machines.

CHERINE CHALABY: Thank you very much.

REMOTE INTERVENTION: The last question is from Rami Schwartz. When will the definitive list of strings representing generic terms be published by the GAC?

CHERINE CHALABY: Would anyone like to answer this question? No? I -- we will take the question. And I'm sure that there will be a response some other time. Thank you very much.

Okay. So we have, I think, for this session, hopefully, had a good interchange and a good dialogue. We hear a lot of questions on international laws and national laws and respecting those into any solution. We hear concern that the security and stability has to be a very important priority. We hear a lot of comments on geo names. We heard comments on costs and a lot of comments on community

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involvements. I'm not saying this is an exhaustive list. I'm just trying to summarize the major themes.

So thank you very much. And this session is closed. I'm now passing on to Steve.

STEVE CROCKER:

Thank you very much. So the remainder of the time here is devoted to non-gTLDs. Maybe it will be very short. I'm going to attempt to match Cherine's moderation for a while. And then I'm going to turn things over to Olga, who will provide a high-energy finish for our session.

And we have -- it's about 4:20 here. We end at 6:00. I'm going to take less than half the time and turn things over to Olga.

So, with that, we just plunge right in. And I see the line has already formed. Take it away.

PHIL CORWIN:

Good afternoon. Philip Corwin speaking as counsel to the Internet Commerce Association. Several weeks ago CEO Chehade stated that domain registrants were ICANN's primary customer. We welcomed that recognition. Yet, while he talked that talk, we have just seen ICANN retreat from walking the walk. I'll cite two examples. At the Beijing public forum, we asked if ICANN intended to implement the unanimous STIRT recommendation that URS providers be placed under standard contract. One month later ICANN answered our question in writing and said, yes, a contract was under development. But, when we asked at yesterday's URS session about the contract status, ICANN's staff stated

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that no contract was contemplated. This breach of a written commitment is unacceptable. Second, in regard to the new RAA contract, we filed comments supporting the NCSG's position that the statement of registrant rights and responsibilities should be strengthened. ICANN's response was to leave the substance of the document unchanged but to downgrade rights to benefits in the title. Words do matter. Rights are enshrined in constitutions and universal declarations. Benefits are doled out by social welfare programs. We bring these retreats on registrant due process and substantive rights to the board's attention with the aim of working with you and staff to match reality to rhetoric in the days ahead. Thank you very much for your attention.

STEVE CROCKER:

Thank you. Do we have a management reply? Go ahead.

CHRISTINE WILLETT:

We have MoUs, memorandums of understanding, with our URS providers. I'm looking to the legal team to confirm that. So we do have agreements in place with the URS providers in terms of contracts. So perhaps there was a misunderstanding about that. I wasn't part of those written communications, but we can certainly go back and look at the communications and clarify any misstatements.

PHIL CORWIN:

Well, may I respond that my question in Beijing on the record was quite clear in stating that I did not view, on behalf of my client, the MoU to constitute an enforceable contract and asked if something bigger with

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enforcement provisions was forthcoming. And that was the question that ICANN answered in writing a month later. So my question was quite clear that I was not referring to the MoU. And the response, I had assumed, took the full substance of the question into account.

STEVE CROCKER: Amy?

AMY STATHOS: So, Phil, I understand your point. But just to clarify that an MoU is a contract. I recognize that you don't necessarily recognize that as the full contract that you were contemplating or that had been contemplated. But that is a contract. And it calls and requires the URS providers to comply with all the rules and procedures that are in the guidebook. So, in fact, it does actually require them to comply with the procedures as well as the rules that have been developed in the processing of the URS procedure.

PHIL CORWIN: Final quick response. I don't want to hold up the others. But, when you answer a question that a contract is being developed when the MoU existed before my question was raised in Beijing, I don't see how something could have been in development when it pre-existed the question. Thank you.

[ Applause ]

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STEVE CROCKER: Thank you. Evan.

EVAN LEIBOVITCH: Thanks, Steve. I'm Evan Leibovitch, vice chair of the ALAC speaking on my own behalf. But this is based on a number of conversations with a number of people within the At-Large and elsewhere. Without coordinating it at all with Phil, it relates to something he said and it has to do with the relationship between benefits and rights. Somewhere, somehow, section 9 of the RAA had some strange search and replace happen where the words "rights" were taken out and "responsibilities" put in. Not only that but it was done in a confusing way. The document for section 9 heading says "benefits and responsibilities" and the first section talks about rights. Since then there have been many talks this week about rights and responsibilities. The "B" word hasn't been used anywhere, but there it is in the RAA. Can someone explain how it crept in, why it's there, and what is meant by the distinction between rights and benefits? I think to a lot of people, there's a very real distinction in the word. I'd like to know how it crept into the RAA.

STEVE CROCKER: Management response here?

FADI CHEHADE: We'll look into that. That's all I can say. I'm trying to find out some facts, but I appreciate your comment. I appreciate the distinction between the two. That's all I can say.

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STEVE CROCKER: Thanks. Thank you. Next.

VOLKER GREIMANN: I'm Volker Greimann, general counsel of Key Systems, GMBH. I am an GNSO councillor of the registrar stakeholder group, but I'm now speaking in a personal capacity.

I'm not here with a question. I'm here with a suggestion mostly directed towards ICANN staff. I have been a participant in the RAA negotiations. And this and other recent events have shown a certain deficiency or lack of knowledge within ICANN with regard to the needs of businesses with regard to local data protection regulations and laws.

In my opinion, it would, therefore, be helpful that ICANN hire an expert on international and national data protection regimes around the world as an attachment to the ICANN legal team and use this person to provide advice to ICANN staff and also advice to the GNSO working groups that face these questions. I would also encourage ICANN to continue to reach out to national data protection officials and encourage them to participate in the ICANN processes instead of denying their legal statuses. That's it.

[ Applause ]

STEVE CROCKER: Thank you. You want to say something?

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JOHN JEFFREY: Thank you for the comment. And we certainly do work with experts on privacy issues. We've had many a discussion with you during the RAA negotiations about privacy. I think there were some comments that were sort of out of context that were reported in the media this week. We certainly don't want to diminish the role of privacy experts. That certainly wasn't what the comment that was made in the media was intended to be. So we take the role of privacy experts in these discussions to be very important, and we'll continue to do so. And we appreciate your request for additional expertise to be part of the discussion.

VOLKER GREIMANN: I just wanted to suggest that something more permanent be added to the ICANN staff. That would be helpful.

JOHN JEFFREY: We'll certainly take that under advisement.

STEVE CROCKER: Bertrand.

BERTRAND DE LA CHAPELLE: Yes. If I may chime in. You raise a very important issue, Volker, on the two sides. One, which is the competencies or the -- yeah, the competencies that can be acquired by ICANN or integrated within ICANN. I want to raise a slightly different issue, which is complementary, which is the participation of individual agencies from governments in ICANN's work.

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And I raise it because it raises a fundamental subliminal issue, which is the channel of the GAC is the main channel for government input. And, at the same time, there are many agencies, some of which are independent in the different countries, that are not represented, per se, by the governmental representative from one ministry or the other.

And so it is an issue that I think needs to be put on the agenda of some of the processes that are under way, particularly, on the panels that Fadi has mentioned the other day. Because it's part of the model to understand how they can fully participate, just like the law enforcement agencies began participating in the RAA in negotiations and so on. So I wanted to highlight this. Because it's broader than just enhancing the competencies of the staff. It is also how to engage the diversity of actors. And it is not an easy issue because it goes also to competition authorities and so on.

VOLKER GREIMANN: I fully agree.

STEVE CROCKER: Thank you, Bertrand.

We have a question online.

REMOTE INTERVENTION: Thanks, Steve. We have a question from (saying name.)

In April at ICANN's 46th public meeting in Beijing, ICANN announced your Beijing office foundation formally. Thank you so much for the

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office formation. I think it is a very exciting bit of news for users of the Chinese Internet community. Three months have passed. While I want to consult with your ICANN Beijing office, I've not been able to figure out the address and/or any other contact information of your Beijing office. Shall I contact your headquarters directly? Can you possibly publish that contact information?

STEVE CROCKER: This is definitely a management question.

FADI CHEHADE: So the office will be at CNNIC. So it's very easy for you to find it. It's the most important Internet place in Beijing. We are -- we have been waiting for the new vice president for Asia to start. He was here. Many of you met him, Kuek. And he will be starting officially very shortly. And we'll be setting up the details of that office.

One of the things we are discussing with them is also setting up an office that has a link in to all the stakeholders in China. And so we're discussing a form for that office that is unique so we don't end up with an office that has single stakeholder representation. So that's taking a little bit of time, but we're certain that Kuek will get all of this under control very shortly. And we will publish this on our Web site, and you'll be able to find it easily.

STEVE CROCKER: Thank you. Michele.

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MICHELE NEYLON:

Good afternoon, Steve. Michele Neylon, CEO founder of Blacknight. I'm also chair of the registrar stakeholder group and a member of the EWG, which is rebooting WHOIS.

Not speaking on behalf of the registrar stakeholder group, but speaking on behalf of myself and my own company.

I think I've raised this in the past, but I'll raise it again because it still seems to be something that hasn't quite been sorted out. And this goes to a certain degree of transparency.

ICANN publishes correspondence on its Web site. It publishes correspondence from stakeholders, from third parties, from governments, private companies, individuals. And it publishes them in a particular order. And that page actually has improved a lot, and thank you for that.

However, it's not at all clear what process, what policy, what -- how you decide which letters get published and when.

In many instances, the lack of a letter can lead to decisions being made without all the information required to inform them.

I would refer specifically to the case of the article 29 working party letter, which was submitted to ICANN well over a month before it appeared on the ICANN Web site. And, from conversations I've had informally with various ICANN staff involved in the RAA negotiations, they were not aware of that letter nor were they aware of its contents nor did they have a chance to fully understand its implications.

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Now, I'm not interested in discussing the RAA. I'm just interested in raising the issue with respect to the correspondence in general. So please don't get into the entire thing around this letter. That's just one example.

Since the letters get published by the date of receipt, not by the date of actual publishing, it's very easy for you to go to the correspondence page and miss out on a letter. Now, if I was being particularly nasty and wanted to beat up on you, I could say that you were actually trying to hide something. I may not say it, but I'm sure others will. So sorry. Okay. So thanks.

STEVE CROCKER:

I think that's a question for legal, yes.

JOHN JEFFREY:

I think you make a good point, and we have been discussing it internally and with a number of different board members as well. Letters come in a whole bunch of different ways. They come into parts of the organization and unfortunately sometimes they get different treatment based on where they come in. So we're undergoing an effort internally to make sure that we figure out a better way to approach that. We've had discussions this week about a specific process that could be published where we have a central location where correspondence can be sent. And if you are intending for it to be published, it would then immediately appear. So we are looking at ways that we can address that. And I agree with you we have some deficiencies there that we are working on.

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MICHELE NEYLON: I will ask you one quick very specific follow-up question. Who on the ICANN staff do I need to go to ensure that that actually has happened? I mean, I don't want to -- a kind of "We're looking into this."

JOHN JEFFREY: I'll personally take responsibility to make sure that that moves forward. And if you have any question about correspondence that you would like to post, please make sure you send it to me and/or the CEO. And I'm sure we'll make sure it's published.

MICHELE NEYLON: Okay. Thank you.

FADI CHEHADE: We now have a full registry/registrar relationship team. So I think you pick up the phone and you call your good friend Cyrus or his great growing team now and ask them. You're my relationship manager. I submitted a letter. Where is it? I need to know the following. And they should be there to support you on that.

MICHELE NEYLON: With all due respect, Fadi, I wasn't referring to letters from me or from any of my stakeholders. I was referring to letters and just -- you know, this kind of issue because, unfortunately, what can happen is that you and your staff will say, We're looking into this. We're going to deal with this.

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FADI CHEHADE:                                Yeah.

MICHELE NEYLON:                            But not one specific person has said, "I will take ownership of this issue and I will deal with it." And I find that at times that is very helpful.

It is the same with some of the reports where you say "staff said." It is not which member of staff.

FADI CHEHADE:                                Understood. Again, it will be very hard to get every issue to one person.

MICHELE NEYLON:                            I appreciate that.

FADI CHEHADE:                                I receive 3,200 e-mails and letters a month alone. Multiply everybody. It is very hard to pin it down to one person. we are rolling out the CRM system. We will be able to record for every stakeholder dealing with ICANN all the correspondence coming. And we're getting into a more organized shape. So I'm seconding what you're saying and agreeing with it, Michele.

I think we have a long way to get there. But we are working on it. And I think you will see improvements in that area in the near future.

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MICHELE NEYLON: Thank you.

FADI CHEHADE: Thank you.

STEVE CROCKER: Thank you. Next? I'm sorry. Akram.

AKRAM ATALLAH: Sorry. I just want to make sure that we complete the answer to Michele. When we receive letters, if the sending party requires it to be confidential, then it's not posted.

Is that correct, JJ?

So, otherwise, every correspondence is posted.

MICHELE NEYLON: Yeah, thanks. That would have been fairly obvious anyway. You don't need to state that.

JOHN JEFFREY: Although it is worth noting that it is sometimes ambiguous whether it is to be posted or not when things come in. So people submitting letters, it would always be a good thing to tell us whether you are intending for it to become part of the public record.

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MICHELE NEYLON: Just following up very, very briefly, that's fine for those people who are in this room or who come to this room and engage with you on a regular basis. But please do not ask governments or large corporates who do not engage actively in the process to follow something like that. That just won't work. If they mark it confidential, it is marked confidential.

JOHN JEFFREY: I wasn't trying to amend the process by that comment. Just merely since we have so many people that do send letters in the room, trying to provide some help to us. Thank you.

MICHELE NEYLON: I fully appreciate that. I fully appreciate that.

STEVE CROCKER: Good afternoon.

KHALED FATTAL: Thank you. Excuse my voice. I lost it trying to advance the multistakeholder model.

[ Laughter ]

KHALED FATTAL: I'm not the first victim either. My name is Khaled Fattal. I'm co-chairman of the Multilingual Internet Group. I will keep it brief. And I'm not talking about IDNs, by the way.

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It is another acronym which I think fits and serves to the heart of what we all work for which is multistakeholders and transparency and the mandate of ICANN in serving the global public interest. The subject matter is something that I haven't heard anybody talk about here during the last week we have been here in Durban. And it is a subject that has actually taken the world by storm. And it is another acronym which is called PRISM, P-R-I-S-M.

We all believe in the multistakeholder model. We all believe in the free and open Internet. But at the same time, this has shocked the international community about what needs to be done and how transparent is this free and open Internet.

And I think ICANN -- And I hope Fadi will actually give us a response to this. ICANN has a responsibility to actually clarify that it has had no role, just like the other big U.S. companies. The Google, the Microsoft have clarified they have had no back door to their service on the privacy of users.

ICANN in its mandate on serving the global Internet should clarify that it also has had no role in that because while you think I'm making a case that might make you feel uncomfortable, trust me, the conversation is better made while we're here rather than being made while it's in private conversation when Fadi is having private conversations --

[ Timer sounds ]

-- with ministers and prime ministers and presidents of countries. It goes to the heart of the multistakeholder model being transparent.

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So question here: Could you please clarify that ICANN in no way, shape, or form has actually received or worked with, or a court order, that it has provided that kind of access or back door? This would go to the heart of actually securing the role of the multistakeholder model and the credibility.

And last point: Perception is king. We need to take away the perception and (indiscernible) for it from here before we let it become a juggernaut that is insurmountable. Thank you.

[ Applause ]

STEVE CROCKER:

Thank you.

Fadi?

JOHN JEFFREY:

So just to be clear, for -- everybody in this room probably knows this, but we don't want to be ambiguous. ICANN is a private entity. It is a non-profit organization based in California. It is not a part of the United States government. We do not -- we're not aware of any relationship to PRISM or any of these services. And that's just the simple answer.

KHALED FATTAL:

Thank you for the clarity. But I don't think that addresses it clearly enough. And with all due respect, let me explain why.

ICANN has a mandate from the U.S. government in certain services, including IANA. The new gTLD, as I've highlighted for the last few years,

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does have an integral part of its performance, which is subject to the U.S. Treasury's OFAC and the SDN list, which is part of the U.S. government. So the perception can be that ICANN may be complicit.

The clarity that -- I'm actually putting the ball in your court, is step up to the plate and clarify that you have nothing to do with it. The explanation sounded very somewhat ambiguous. I think -- you remember, you are managing the IANA function. So that actually can go to the heart of people's perception that there may be a role. Perhaps, somebody else could add more to this.

JOHN JEFFREY:

I can ask two points if it helps. So, one, you mentioned OFAC. So OFAC, there is a set of laws under U.S. law that requires us to do business -- to be careful in who we do business with so we don't do business with people who are on a SDN list, Specially Designated Nationals list, a terrorist list.

So like any entity in the United States, we do checks against that list and we make sure no one we do business with is on that list. That's a common practice.

If we weren't in the United States but were located somewhere else, we would be doing the same sorts of checks for those places.

[ Timer sounds ]

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JOHN JEFFREY: As to the second point, as to IANA, the information about IANA is all very public. It is very published. There is no secret information. The rationales for the decisions on IANA are reports that are made.

You know, I don't know how to clarify any more than what we've already said. So I hope that answered your question.

KHALED FATTAL: It does answer the legal ramification. It does not answer the "how to deal with the perception" that there is -- Look, I have been in WCIT. I was in WCIT for 14 days. And I listened to the conversation, how people talk about, you know, we need to keep the Internet open and free. And to keep it open and free is not a blanket for others to come and spy on you.

The perception is alleged. That's fine. But the key point here is making it to the heart of the case that what we do -- my last point and I will leave you.

STEVE CROCKER: Khaled.

KHALED FATTAL: Listen, I'm making the point for you to actually be clear on it because this will become a juggernaut that ICANN will need to deal with as the time comes.

STEVE CROCKER: We appreciate the concern. Thank you.

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KHALED FATTAL: My pleasure.

STEVE CROCKER: One other element here. We believed that we had exhausted the gTLD queue of questions before. So let me ask that we focus on non-gTLD -- not that the last one was related, but just going forward that we keep it to other topics.

Go ahead.

CHRIS CHAPLOW: Thanks, Steve. This is Chris Chaplow, vice chair of finance and operations for the business constituency. The BC has an ongoing focus on the budget and operating plan. As a result of the request from the CSG and others, the board and management are taking steps to provide -- by providing staff recommendations for the SO/AC support requests ahead of the formal board approval. We thank you for that responsiveness.

We also appreciate you adding a second round of budget comments closing on August the 4th.

But we did truly struggle this year. ICANN is undertaking a set of changes called AtTask, which in the long-term will provide sufficient detail to assist us all in the fulfillment of our responsibilities to contribute to the development of a budget reflected of the broadest possible stakeholder support.

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However, there is no public detail on several large buckets of money. So we ask for further breakdown of such programs as the 5.5 million for implement regional strategies or the new exceptional item of 3.5 million, strategy panels. The subcategory costs here are not visible to the community nor is the ICANN Labs project.

Looking forward to next year, to make the budget comment process more efficient, we formally propose a half-day session ahead of the meeting, perhaps Saturday or Sunday, for those who carry responsibility within their groups and the constituencies to interact, not just with the finance team but together with senior staff who are, after all, the decision makers. Thank you.

STEVE CROCKER: Thank you. Anybody want to comment?

FADI CHEHADE: Good idea.

STEVE CROCKER: Thank you.

ELISA COOPER: My name is Elisa Cooper. I'm the chair of the business constituency, although I'm here speaking on behalf of MarkMonitor. MarkMonitor wishes to thank the expert working group for all of their hard work. And we're sincerely appreciative of the fact that they've developed a

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centralized purpose-driven approach to accessing WHOIS data which promises to solve many of the issues we currently face in today's model.

We ask that the expert working group prioritize the development of a bright-line test between commercial and noncommercial use on the Internet. And we believe that this will drive the resolution of some current questions related to privacy and access to data to stop abuse.

Additionally, MarkMonitor believes that any Web site that derives economic benefit on behalf of an individual or entity should be required to disclose the identity of the registrant.

Additionally, we also support the development of a comprehensive system including accreditation for privacy and proxy services to restrict use to only legitimate purposes.

We appreciate that the expert working group faces a very difficult task in anticipating the possible use cases for the service and developing access models for each.

We also look forward to the analysis regarding normalization of data and the development of systems that support identifying and enforcing abusive domain name systems by legitimate law enforcement agencies and business while still respecting the rights of users. Thank you.

STEVE CROCKER:

Thank you very much. And I appreciate you highlighting the work of the expert working group. Chris Disspain and I are both on that working group as liaisons from the board. And so we have firsthand experience

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with how hard that group is working to bring those ideas forth. There will be a vigorous public comment period.

[ Timer sounds ]

And I expect that you will bring these ideas into that process and very effectively.

Chris, do you want to add anything to that?

Thank you.

ELISA COOPER: Thanks.

STEVE CROCKER: Let me hold up. We have a couple of online -- Brad?

BRAD WHITE: Thanks, Steve. We have got one comment, one question. I can deal with them both at the same time, if you so desire?

STEVE CROCKER: Please.

REMOTE INTERVENTION: The first is a comment from Celia Lerman and Gabby Schlack (phonetic) from El Instituto, a Latin American e-commerce institute and a Latin American member of the business constituency.

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We would first like to thank ICANN for making sure that remote participants are given the fair opportunity to be heard as part of the line at the microphone.

We would like to state we do appreciate the GAC advice on geographical names and we do support it as do some other BC members, considering the implications for businesses in the geographic regions at stake.

It is not only the principles of trademark law that are at stake but also the open access to the Internet that we embrace and thrive in as well as respect for multiple communities around the world that have not participated in the new gTLD process, a process which did not adequately reach all regions of the world.

As active business participants in the ICANN community, we thank you for considering the GAC advice on geographic names that impact the businesses in our region.

BRAD WHITE:

And then do you want me to do the second one or do you want to ask for comment on that?

STEVE CROCKER:

I'm not sure I know how to respond to that. Is there any -- I think we just leave that there. Thank you.

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REMOTE INTERVENTION: The next item is a question from Uday Paralukar (phonetic). I hope didn't mangle that too much.

If the applicant has received an early warning from GAC and there has been no resolution till date, can the GAC still raise the early warning status and make it a GAC advice? And if so, by when can this happen beyond which ICANN will consider the early warning null and void?

STEVE CROCKER: Yeah. First of all, it is a gTLD question, which I would prefer we were past. But is there a management response here?

Yeah, this is probably -- the detail -- this is a very detailed question. Let me suggest that you take the -- an online access and e-mail address.

BRAD WHITE: If I understand correctly, you want me to follow the rules that I helped invent?

STEVE CROCKER: Yes.

[ Laughter ]

BRAD WHITE: My apologies.

STEVE CROCKER: Hi there.

JONATHAN ZUCK:

Hi. So this may not adhere strictly to play those rules of sophistry when I say that I think this comment only vaguely applies to new gTLDs. And it is by accident that I'm here in the second session and not the first. So forgive me in advance.

I just wanted to -- I know that the board is going to be considering a motion on the formation of the review team on consumer choice, competition and trust. And I'm excited to hear that because many of you know me in my alter ego as "metrics man" that I've raised from time to time at this microphone.

And so I just want to encourage the board to be as explicit as possible about the need to begin to collect data even if it won't eventually be a part of a metrics that's used by the review team because if the data isn't collected, it can't be used. And certain baselines need to be discovered, and I think there are plenty of metrics that were suggested by the GNSO and ALAC who have put a lot of effort into providing that advice pursuant to Bruce's resolution that was passed by the board in Cartagena. So I just want to encourage the board to be as explicit as possible in that process and to encourage staff to begin to collect data, especially those that are free or cheap to collect in advance. And I really appreciate that.

I also want to take my last ten seconds here to make a call-out to Maguy and her team at compliance who have really begun to build data into their processes. So I think if anybody is going to be ready to be a part of this review team a year from now, it is going to be the compliance team.

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And I really want to congratulate them on the worth that they've done.  
Thanks.

STEVE CROCKER:

Thank you.

Does anybody on management want to -- no? Thank you very much.

I like metrics, too, so you have a friend here.

JONATHAN ZUCK:

Will hold you to it.

BRUCE TONKIN:

I might just comment quickly, Steve. Jonathan, we do have a motion before the board in the upcoming board meeting.

I think after that motion is presented and if it is passed by the board, I can probably make a few comments in response to your question at that time.

JONATHAN ZUCK:

Should I expect a letter?

BRUCE TONKIN:

Right away I guess is my answer.

JONATHAN ZUCK:

Okay, thank you.

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STEVE CROCKER: Thanks.

ZAHID JAMIL: Zahid Jamil. I'm from Domain Name Dispute Resolution Center in Pakistan, member of the BC but I'm speaking in my personal capacity. I want to make that clear.

We and local dispute resolution providers and local CCs have tried desperately to maintain open access and openness of the CC space. And at times, we have to contend with governments who tend to not just apply law but just walk in and say, We want to take this away, this away, take all these words away because we want to block them.

A friend of mine from China said the same thing. That list is even secret. In our country, blocking DNS tends to be secret. So, indirectly, I will be unfortunately -- sorry, Steve -- be mentioning something that may have impact on us which you are about to decide on one way or the other related to the GAC advice.

So when we look at the GAC advice from where we come from, we see a right. Mostly it's been about IGOs and NGOs and that's fine because it was rooted in law. It was about RPMs, again rooted in law. It was about law enforcement so it was connected to some sort of criminal law and other things, international transport access and treaties and NLATs. That makes perfect sense.

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But when we look at this, it becomes difficult because when we have governments who come to us and say, Well, if ICANN is able to block X, Y and Z, why can't you in the CCs block these things also?

And our response usually is, Well, show us a law or legislate this or something. But now it seems like we may be creating a precedent or a norm of some sort that may then not only apply to the CCs, depending what we do, but maybe to the second level.

So the fight we're fighting on the ground may be impacted. So I would just like to sort of bring that to your attention.

In addition, I would also like to say that there is a reverse to the availability of domain names. Somebody talked about free expression. By not making, say, for instance, dot amazon available, guess what? Maybe one region in the world is being impacted but the rest of the world may not be able to access dot amazon. So what about their rights and emphasis as well? I want to leave it there.

[ Timer sounds ]

Thank you very much. It is a local thing. I'm sorry about violating maybe the rule on new gTLDs.

Thank you, Steve.

[ Applause ]

STEVE CROCKER:

Thank you. Hi there.

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ANDREW MACK:

Hi, Steve. Andrew Mack, A.M. Global Consulting. At the risk of scaring all my friends, I'm going to try to change the frame and say something nice.

I woke up this morning and it was raining and I looked out my window and I thought, "God, it's 6:00 in the morning. It's a terrible morning to go out and do a service project." But Nelson Mandela is one of my personal heros. And I got up, got on my shorts and my tennis shoes and off I went to the bus. I was astounded to see how many members of the ICANN community were there, including Fadi. And we went off and we painted some walls in a school, and I've got to say we're not particularly great as painters.

[ Laughter ]

There may be other things that we can do better. But as a community, I think it was extremely important. And it was important because it put us in touch with the reason why we're really here. There are these kids, these end users, who really don't even know what the Internet can bring them. And there we are talking to them. And I walked into the room and we were sitting -- we're sitting in the classroom and these children were completely wrapped in attention. They were so interested.

And it's about their future. I'd like to compliment ICANN for what we've done so far in terms of outreach, especially to Africa. When I first started in this process, there was very little African representation. These are regions of the world that need more attention, not less. They need more budget. They need more outreach. We saw that in the JAS process that didn't have the outreach that it needed.

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We need support for SOs and ACs. We are making progress. This is going right. Let's get it across the finish line. Let's continue to do more. As we've got budget that's coming in, let's make sure that that people at the end of that last mile, the kids who are the next generation, that we're reaching them, too, and by the time they grow up, they know what ICANN is. Thank you.

[ Applause ]

STEVE CROCKER: Hello again.

FADI CHEHADE: Steve?

STEVE CROCKER: Fadi?

FADI CHEHADE: We were so taken by that experience this morning that on the bus, on the way back we had a chat amongst the staff. And we decided that we really need to attempt to get out of our meetings at every ICANN meeting and embrace the community. There is no point in flying around the earth to cocoon ourselves and not go out and meet the community. It was extremely uplifting to be out there.

And just to give a statistic that frankly frightened me, I went into one of the classrooms to chat with the kids. There were about 30 14-year-olds. I asked: Who has heard about something called the Internet? Can you

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guess how many raised their hand? 30 kids. One. One has heard about it. 14-year-olds. As someone told me, our 14-year-olds think that all there is is the Internet. It is a remarkable statistic. And we have a lot of work, all of us, as a humanity to do, not ICANN. This is not ICANN's remit. However, at a minimum, as you suggested, we should get out at the next meeting and at every meeting and be in the community and do something, some effort to do that. And thanks for getting up and putting your shorts and coming.

ANDREW MACK:

Thanks for being there. Thank you for being so awake right now. I'm very impressed.

[ Applause ]

STEVE CROCKER:

Hi again.

ANTONY VAN COUVERING:

Hi, Antony Van Couvering with Minds+Machines. That's an excellent segue for what I would like to say, which is to somehow remind us of why we're here. And to look at that in terms of ICANN's engagement, not just with this community but with governments, law enforcement and everything else, because this is the Internet and it is extremely powerful. And my sense is that this board and this CEO forgets that sometimes.

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We're all talking about what are we going to do with governments. And John over there is being very careful in his answers and not to in any way expose the corporation to liability. That's his job.

But, Fadi, that's not your job. This needs to be a place of trust and respect. And I would love to see staff answering directly without having to go check with someone to see if that's the right answer. And I would dearly love to never hear again, "Oh, if you don't do this, we will turn you over to the ITU" and how scary that is. Frankly, I find that an empty threat from any number of perspectives.

And I do believe that if you play politics with politicians, the politicians will win. And we don't need to do that because we're the Internet and we're actually a lot stronger. And that's really why those politicians are here. So I ask the board to please keep that in mind and please remember our roots and why we're here. Thank you.

[ Applause ]

ERIKA MANN: Antony, can you see who said this?

ANTONY VAN COUVERING: Said what? Sorry?

ERIKA MANN: Should go to the ITU?

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ANTONY VAN COUVERING: Oh, not only have I heard it from Fadi, I'm beginning to hear it from people many levels down. It seems to be an institutional response. And I think that's scary.

FADI CHEHADE: So, Antony, you know how much respect I have for you.

ANTONY VAN COUVERING: And for you also, which is why I bother to make this comment.

FADI CHEHADE: Which is the last time we both spoke.

ANTONY VAN COUVERING: Several months ago.

FADI CHEHADE: Many months ago. Since then we have grown quite a bit as an organization. Our understanding of how to deal with the ITU has grown quite a bit. I think the evidence of that was shown at the opening of this meeting where the ITU's head, who, at the last ICANN meeting, said very different things, was finally in front of us admitting to our unique role and to our different role.

Having said that, frankly, I give you the credit of being one of the very first people in a private conversation now many months ago where you have helped us see -- helped me see. I should speak for myself -- that what we've got here is extremely precious.

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ANTONY VAN COUVERING: And powerful. I want to remind you of that.

FADI CHEHADE: And powerful. And you did. I remember that comment and where you gave it to me. It's now over seven months ago.

But you have to recall what I opened our meeting with this time. This is the first time I asked our community to join me in not being defensive. I haven't said that before. And you have some credit for that statement. So we will not be defensive. It doesn't mean we will fall in the arms of the ITU or run away from the ITU or use them as a scarecrow anymore. We will work. But they cannot erase us. We will not erase them. We will find the right balance. But we have to keep our head high. And what we've got is, indeed, powerful and precious.

ANTONY VAN COUVERING: I completely agree. The opposite is really the counsel of despair, and we have no reason to go there.

FADI CHEHADE: We're aligned 500%. And the credit goes to you for that. Thank you.

ANTONY VAN COUVERING: Thank you very much.

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STEVE CROCKER: Thank you. We now come to the moment that I've been waiting for. I'm going to pass the baton to Olga. We just continue smoothly right on. No break.

OLGA MADRUGA-FORTI: Okay. Thank you, Steve. We'll have to live up to the call of our chairman to have a high-energy session for the rest of our session. I know we -- it's late in the day, but we will -- we're up to that challenge.

So with that --

MIKEY O'CONNOR: Oh, boy. This is Mikey O'Connor, I get to lead off the high-energy part. This is great. I want to do a call to action. This is mostly to the community, in addition to you. This is not specifically directed at the board.

And I want to start off by admitting that I am clueless on something. Really badly dangerously clueless. And that's the issue of IDNs. And, when I'm clueless about something, I often react first with fear. And that's a bad reaction to this. The better reaction is to get more knowledge.

And so I'm up here to plug Edmon's JIG report that's out there for public comment right now where they're encouraging more attention and more resources to bringing up our collective level of understanding about IDNs and try to use that to drive out fear. And, with just a few seconds left, I'm going to take that aside. And I'm going to give you a more directed question.

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And that is: When is the last time, especially all of you folks, took a really solid vacation? Because I know that you guys are really tired.

[ Laughter ]

And so I really want to encourage base camp, which, to me, your base camp looks pretty steep. And so try and get a vacation in here. You guys are doing great, but you're looking a little crispy around the edges these days.

[ Laughter ]

[ Applause ]

FADI CHEHADE:

Steve, I think we hoped the board would not give us an extension of using funds until the budget was approved and that they would give us a month off while we all discuss the budget. But it didn't quite work.

So I'm taking my vacation next week. So starting tomorrow morning, actually, at 6:00 a.m.

STEVE CROCKER:

I have a feeling that the more vacation time that management and staff takes, the more money we save.

[ Laughter ]

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**OLGA MADRUGA-FORTI:** Getting back to the first part of his comment, any comments on learning about IDNs possibly in the course of our next vacation study? No? Okay.

Very good. I believe that we have a caller or a comment online?

**BRAD WHITE:** Yes, Olga.

**REMOTE INTERVENTION:** We have a comment from Kathy Kleiman who says, "This time I really am participating remotely. I send my regards to all and send this message as a comment to the board and community. I'm very happy to see a range of new voices participating in the ICANN process. The closed generic public notice process brought in a very large number of new participants from around the world. The article 29 working party letter is welcome for its participation of the European data protection commissioners. I agree with Bertrand that we need to find good ways to engage these new voices who may or may be able to attend meetings and may or may not know our processes. I would encourage our working groups and especially the Expert Working Group to reach out to these new voices, especially the article 29WP for proactive engagement. We know they are interested. Let's reach out to them."

**OLGA MADRUGA-FORTI:** Thank you, Kathy. Any comments from management on proactive engagement and outreach?

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FADI CHEHADE:

I think this was brought up before. And, frankly, first of all, Kathy, hello. It's good to have you online. And yes, we -- I think Bertrand's comment and yours are very valid that we need to engage and bring in to the conversation the broader public's interest and knowledge about these areas so that it informs what we're doing about these things. And we've done it, as you mention, Bertrand, very well with law enforcement when we needed to. And now here we need a different constituency to be informing us, and we'll be reaching out. However, there is a limit to making sure we check all the boxes. There are just so many constituencies we need to check with. And we will work with our community and you, Kathy, to make sure we get that input into our discussion. Thanks.

OLGA MADRUGA-FORTI:

Thank you, Fadi. Our next questioner.

NIGEL ROBERTS:

My name is Nigel Roberts. This is non-new gTLD. It goes to the heart of what we do. I guess, therefore, it is going to be of some interest to new gTLD folks.

I found it interesting to hear, both in this session and in the one before that was specifically new gTLD, about the number of people who have been highlighting the relevance of international law. I mean, I know there's one specific thing on the table here, but I'm looking at it from a general perspective. Now I have a feeling of groundhog day here. I've been highlighting the relevance of this since San Francisco meeting with various degrees of response.

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Now, I don't propose to rehearse my previous comments on this except to ask the board to consider one specific question of whether the corporation could potentially have legal liability in its home jurisdiction of California for any breaches of international law.

Now, my readings of the corporation's articles and the rationale of the Judge Schwebel in ICM against ICANN is (indiscernible.) Now, I also realize a proper answer to that question might be part of a privileged conversation you should have with your own advisors. And I don't expect to ask you that question today. The question I ask you today is whether you'll take opinion on that and, in line with your collective and individual duties to the corporation, take any mitigating action that might seem appropriate? Would you consider that?

OLGA MADRUGA-FORTI: Thank you. Do we have a comment from our esteemed general counsel?

JOHN JEFFREY: So I think there's been a number of good discussion points on international law and other points today. And I think one of the things that we should encourage is that like you when you have a view on this and it's an educated view coming from your experiences, you should really bring those to us. It's helpful to the directors. It's certainly helpful to my team and the management team to have those inputs and to be able to evaluate them and make them part of our thinking. So we encourage papers and documents and letters and anything that you could provide us which would help guide us. We spend a lot of money

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for that advice. And we spend a lot of time on it. And any additional information we get from skilled people like yourself that have knowledge in this area would be useful.

NIGEL ROBERTS: I appreciate the spirit of that. And maybe with a colleague or two, I'll see what we can do.

OLGA MADRUGA-FORTI: Thank you. Next questioner.

JAMES BLADEL: I'm James Bladel. Like many, I went on that trip this morning, Fadi and J.J. I was also thinking about those students, especially on the bus ride home. And I was looking at the neighborhoods that they were coming from. And I couldn't help but notice that many of the houses did not have numbers and many of the streets did not have names. And -- some people know where I'm going with this here.

The new RAA was percolating in my mind a little bit while I was thinking about this. Now, I helped develop that agreement. And I know that registrars hate it and the ICANN staff hates it and the community hates it. So I think that means we got it right. Because everybody hates this agreement. I think we -- we threaded those needles as best we could. But I wanted to point out just that -- we're working hard with ICANN staff to come up with a way to validate WHOIS data that doesn't keep folks like the folks we met this morning off the Internet.

And I think this is important.

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You know, I think we can find a way to do that. But it's going to be very difficult. And I think, when we met with the board on Tuesday -- and I think it was either Bertrand or perhaps Chris proposed that we go back to law enforcement and ask them to come up with some metrics to demonstrate that the implementation of the 2013 RAA has had some positive impact on the problems it was meant to solve. And I think that's a fair point and a great idea. And I would go even further and suggest that perhaps we have a parallel study from ICANN to demonstrate that we haven't closed off Africa and other developing regions with these new requirements by blocking folks like the folks we met this morning from participating in the Internet.

OLGA MADRUGA-FORTI: Yes. Comments from the board? Mike Silber, please.

MIKE SILBER: If I may. Firstly, I'm very gratified by the number of people who participated this morning. And thanks to my colleagues at dot za who helped arrange it. The reality is that every person who has a working mobile phone either has or at least should have provided an address. Otherwise their phone will be disconnected. Given that mobile access is the predominant form of access in South Africa, no one over there who has a mobile phone is not identified in some way through a law enforcement program under our local law intercept regulations. I work extensively in Zimbabwe, Zambia, and Congo where similar rules apply. All I can say is that people are not being prevented from accessing the Internet because they're unable to register without providing an address. They're prevented from accessing the Internet because of the

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costs involved because of regulatory interventions which are taking a while to come through. The needs to provide an address -- provide an address before registering a domain name is not an obstacle whatsoever. And I think trying to push the one onto the other is an insult to what you did this morning, for which I'm truly grateful.

JAMES BLADEL:

No, no, Mike. I want to come back on that for just a moment. It's not provisioning of the address. It's about verification of the address. I think that's the challenge is making sure the address matches something in a centralized database that we can push off against. That's the key. Not the provisioning of an address.

MIKE SILBER:

In South Africa you can do that. And including those people. It may not, however, be a street address with a number. It may well be the closest school. So, yes, without support of engaging law enforcement and others to see how you identify addresses in countries where they may not be quite the same standards as some other law enforcement are expecting, but I think that can be done.

OLGA MADRUGA-FORTI:

Thank you, Mike. I can add that South Africa would not be the only part of the world where you're likely to see descriptors to establish the -- a location. And I think Fadi or who else has -- Akram has something to add. Thank you, Akram.

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**AKRAM ATALLAH:** Thank you, Olga. So, James, as we talked during the negotiation, the idea is not to block people from getting on the Internet because we cannot verify their address. We would be working together with the registrar on a plan to see what best verification technology is around. And, if that is around for a set of countries and not the entire globe, then we would figure out how to make it work, how to have different verification for different areas. So we just have to keep concentrating on raising the bar. It doesn't have to be one extreme or nothing. We could do things in certain area and not do it in other areas because it's not valid or it's not available. We're not going to actually put the costs on developing countries where added verification is too expensive, so high that nobody can join the Internet. That's a lose/lose situation. So our aim is to do what we can where we can and keep pushing that. And, as things become available and we keep raising the bar, we'll achieve what we want to achieve.

**OLGA MADRUGA-FORTI:** Thanks, Akram.

**JAMES BLADEL:** That's exactly encouraging and what I hoped to hear. That we can do as much as we can where we can. And I think that having a study that tells us how well we're hitting the mark is a good thing.

**MIKE SILBER:** Certainly. And maybe just to add on to that. You certainly don't need your own name in order to access the Internet.

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OLGA MADRUGA-FORTI: I think we have a comment from Fadi.

FADI CHEHADE: Yeah. On your first part, you had another point that I want to make sure we don't leave off. You said when we engage law enforcement and law enforcement puts demands on the registrars and then we put them in a contract, you're asking for measurements -- I don't know where Mr. Metrics is -- but you ask for metrics. So law enforcement, before they ask for more, we put them on notice that they need to tell us what was the impact of what we did for them already, which had costs on the implementers. So I'm happy to inform you that, since this has come up to our attention, we have officially started asking law enforcement for this. Now, we're not near the point -- and they've agreed. So they've agreed. At least the first major law enforcement agency we contacted we said, "You can't keep asking our registrars and our registries to do more without some kind of data."

And, frankly, I want to give all the credit for that to our chairman who personally went with me and pressed that point very hard. And we will be now following through on that. Thank you.

JAMES BLADEL: Thanks.

OLGA MADRUGA-FORTI: Please go ahead.

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MICHELE NEYLON: Good afternoon again. Michele Neylon speaking, as usual, on behalf of myself, my own company.

At this time I just wanted to speak very briefly a little bit about the GAC and the engagement or lack of engagement that we as an entire community have with the GAC. I'm a member of RIPE. I run a network. I offer hosting services. And within RIPE there is a cooperation working group, and several people in this room are actually involved in that. And in the last RIPE meeting in Dublin there was conversation. There was dialogue between some of the people who turn up at ICANN meetings wearing a GAC hat and people from industry. And they weren't yelling at each other. They weren't screaming at each other. And they engaged, and they shared ideas, and they spoke.

Unfortunately, within ICANN what seems to be happening is you're looking at this really big picture stuff and Fadi going off and talking to governments and talking about ITU and all these things. But here in the room, there are people representing governments. There are people representing industry. Yet they don't come together except in a terribly formal, totally unnatural setting where the -- we go in, say, as the GNSO to a room. And everybody's wearing suits, and everybody is terribly formal. And everybody has been tied -- probably stuck in a windowless room for hours. And there's no kind of interaction at a human level.

And I look around this room, and I know a lot of people here. And there's interactions that are personal. GAC members are people, too. I'm not going to start challenging Heather. But it's both ways. I mean, registrars are people. Registries are people. There's plenty of other

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interests. It's just why on earth can't we actually have something a little bit more social, a bit more relaxed? So that, when we're having dialogue with the GAC and others, that we're actually talking and conversing like normal human beings instead of throwing stuff over the wall at each other and running away and hiding. Thank you.

OLGA MADRUGA-FORTI: Very good. Cross-community communication. And I think Ray has something to share.

RAY PLZAK: I would like to echo what you just said. Because the phenomenon that you're describing at the RIPE meeting also occurs at all the other regional registry meetings in that governments participate not as "the" government but as part of the government. And they bring in, in an informal way, if you will, perspectives. They answer questions about the way things are. And they actually are very informative in the policy development process in the regional registries. Different registries do things in different ways. They all, basically, have a participation from the governments, which is not an official participation. And so I go a long way in supporting everything you just said.

MICHELE NEYLON: Thank you.

OLGA MADRUGA-FORTI: Erika Mann.

ERIKA MANN:

I raised this point in a GAC meeting. I think we should really have more open discussions and cross-functional discussions, in particular, when discussions -- when a decision needs to be taken. Let me put it differently. Not decision needs to be taken, but decision needs to be prepared. And I would think we would move much faster and quicker if we would have a clearer understanding and if we would, as a community, would understand each other's points in a direct confrontation. It changes the dynamic. It probably can't be done, you know, in all environments. But in certain decisions -- a certain decision must be prepared, I think it's definitely a venue we should look into.

MICHELE NEYLON:

If you don't mind me coming back just very, very briefly.

Erika, as now, I'm Irish and we have certain kinds of stereotypes associated with us which as an Irish person with an Irish passport I'm more than happy to exploit.

What I was talking about is something much more informal. I mean, simply the opportunity to actually socially engage outside the rooms, not having a kind of more informal discussion. I'm talking about social engagement, which probably in my case would probably involve some libations, possibly a beer. That's what I was talking about.

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OLGA MADRUGA-FORTI: There's a comment from Fadi, but if I may for one second, I would simply like to agree with you entirely and invite other board members to agree as well.

This is an excellent suggestion and it's a key aspect of the multistakeholder process.

When I see colleagues from other international organizations come to ICANN meetings and begin to change in the way that they interact here, as opposed to more formal institutions around the world, it's really welcoming.

So I couldn't agree more.

And Fadi?

FADI CHEHADE: You may regret this.

Did you go to the ccNSO 10th anniversary party? They invited GAC members and GAC members were there, and if you were there, you would have seen GAC members dancing African dances.

[ Laughter ]

So -- but if you're up to this, you -- I think the GNSO should have a party in Buenos Aires and invite the GAC members. There's lots of great music there and I'm sure --

MICHELE NEYLON: Well, I can't speak for the GNSO, Fadi. I'm not the chair --

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FADI CHEHADE: No. But Irish people can invite the GAC, but certainly I don't think the GAC members are cloistered and if we invited them, some may go, some may not go, but I don't think ICANN can be involved in what people do informally, which is, I think, what you're asking or requesting to discuss.

MICHELE NEYLON: Not necessarily. I'm just -- it's more of a kind of a general suggestion.

FADI CHEHADE: Yeah.

OLGA MADRUGA-FORTI: Okay. Thank you. I think we have another question online.

REMOTE INTERVENTION: Yes. Another question from George Kirikos, Toronto, Canada.

Will ICANN follow its procurement guidelines meant to ensure that vendors and service providers are selected fairly and objectively with the highest ethical standards and appropriate levels of disclosure by issuing competitive RSPs for any past contracts that slipped through the cracks?

I brought this up -- I brought up this issue on the ICANN GA mailing list on June 29 with copies to ICANN's CEO, CFO, and chairman, but did not receive a response.

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This happens all too often to ICANN stakeholders. What mechanism, outside of asking questions three times a year at ICANN public forums, does ICANN have in place for getting answers to important questions of concern to the public the other 362 days of the year?

OLGA MADRUGA-FORTI: Thank you.

And to management, two aspects, no?

Communications and RFPs.

FADI CHEHADE: Yeah. Certainly.

If you recall, George, at the last public forum I promised that every question that was posed will be answered, and every question that was posed was answered. We followed up exactly as we said within two weeks.

We're not perfect and there will continue -- there are more questions. The community is growing. So I agree with you.

Now, you've sent me a letter on the 29th. I did receive it, indeed. But I was already, like many of us, heading down here so I hope you're patient a little bit. I'll try to get to you in Canada as soon as I can with an answer on that.

But I think also Akram answered you quite clearly today on the letter contents, but we'll be happy to also follow up as needed.

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Thank you, George.

OLGA MADRUGA-FORTI: Thank you, Fadi.

And our next question from the audience.

YOUNG EUM LEE: Yes. Young Eum Lee, ccNSO council, but speaking on my own behalf.

And I actually have raised this issue to the board and to the community a couple of times during this meeting, but I believe that this needed to be stated and emphasized again, and my statement is very much related to my previous comment here on the role of governments.

The issue of Internet governance is a topic that is being discussed in non-ICANN fora such as the ITU, as was mentioned previously, and I would first like to commend the sincere and effective efforts by Fadi in improving communication with these international organizations, as well as other governments.

But the fact that the ITU has been discussing topics related to Internet governance is something that we should still be very much aware of.

During the WTPF that was held this May, there was agreement on all six opinions that had been proposed, which included the importance of multistakeholderism, but it was also very clear that many governments are emphasizing the fact that the current governance situation does not allow for adequate governmental participation.

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Thus, a seventh opinion had been proposed which focused on operationalizing the role of governments, and it is most likely that this will be a high-priority topic during the ITU's plenipotentiary in 2014.

And although I completely agreed with Fadi when he stressed, during his speech and today, that ICANN is the organization that does multistakeholderism best and gives voice to governments by incorporating the opinions of governments through the GAC recommendations, many governmental regulators consider -- it seems to me that they consider the ITU as a more important fora, and some examples --

[ Timer sound ]

-- in the case of Korea is that higher officials go to ITU.

And so just mingling with GAC is not enough, and I would like to suggest that ICANN consider additional measures to deal with this issue.

Thank you.

OLGA MADRUGA-FORTI:

Thank you.

Any comments on additional and current efforts that I know are rather extensive?

Nigel Hickson.

NIGEL HICKSON:

A microphone. Yes, Nigel Hickson, European vice president.

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Yes, we've -- as Fadi Chehade has mentioned several times, we've been engaging with the ITU and we were represented at the WTPF, both at the opening ceremony but also in the expert working group that prepared these opinions that you're -- that you mentioned.

The opinion that wasn't agreed that Brazil put forward is going to be discussed and has been discussed already in other fora. It's going to be discussed at the Internet Governance Forum in Bali and it's going to be discussed, no doubt, at the plenipotentiary as well. It's a very interesting opinion. It looks at the role of governments in the whole of the Internet governance ecosystem, and clearly we're engaging with that as we already do.

We do take part in ITU, OECD, WSIS, and other events where Internet governance issues are discussed that relate to the DNS system and the other responsibilities of ICANN, and I can assure you that we're -- we're fully engaged and we try and play the appropriate role.

YOUNG EUM LEE: Thank you.

OLGA MADRUGA-FORTI: Thank you, Nigel.

And we do have 30 minutes left in our session, so the queue is closing, I would say, in the 30 seconds that it would take anyone to reach it.

Okay. Next question.

MARC PERKEL:

Hello. My name is Marc Perkel and I'm speaking on behalf of my role as first-time attendee at an ICANN meeting, and I have to say that I am extremely impressed with what's going on here in the multistakeholder model.

I see people being respectful and cooperative in a way that you rarely see in any type of forum this size.

And maybe it's because this multistakeholder model is so confusing that people have figured out that the only way they can get anything done is to be respectful and cooperative with each other, but I just want to say that the culture that has been created by this model of inclusion seems to work and it seems to understand the importance of the Internet in the future of humanity, and that I think that this is one international bright spot in a world that seems sometimes as if everything has gone mad.

So I just wanted to say thank you, and do not apologize for the multistakeholder model. What's going on here is phenomenal.

[ Applause ]

OLGA MADRUGA-FORTI:

Well, thank you, and welcome. Welcome to the community.

Any other comment?

FADI CHEHADE:

I'll just get you the tickets to the ball game later. Thank you.

[ Laughter ]

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OLGA MADRUGA-FORTI: Okay.

HANS PETTER HOLEN: Hi. I'm Hans Petter Holen from the Address Supporting Organization, been on the council there since ICANN was formed.

I'm not going to talk about names. I'm not going to talk about law. I'm going to talk about the future of the Internet.

There was a very interesting workshop yesterday on IP Version 6 chaired by my colleague, Fiona, from the AfriNIC region, and there were some very encouraging presentations there about, on the local level, implementing IPv6.

So I would like to challenge everybody in this room. Please go home, please ask your organization, "What are you doing to implement IP Version 6," and if you don't get an answer, push for it and come back to the next ICANN meeting or to a RIR meeting and share with us how we can pull off this transition to the next generation of Internet technology. Thank you.

[ Applause ]

OLGA MADRUGA-FORTI: Thank you. And we're all duly challenged. Very good.

Next question.

VICTOR NDONNANG:

Thank you very much. My name is Victor Ndonnang. I would, first of all, like to thank the board members for the opportunity. My time is short, two minutes, and I'm going to be -- go straight to my point, but I have to express some recognition before addressing my point.

First things, our host, ZADNA. And also, I would like to thank the board members, especially Ray Plzak, George Sadowsky, and of course the ICANN CEO and president, Fadi Chehade, for their support to the establishment of the African strategy and the beginning of its implementation.

During some of the sessions this week, especially the session about Internet governance, someone talked about multistakeholderism and was saying that it's not just about having everybody in the room, it's also about listening to them and trying to take into account their concerns when policies are made or decisions are taken.

All right. I would -- this is my -- MyICANN 47 T-shirt. My size, "L." And I think that most of the participants here, they get their T-shirt in their respective size. Everybody didn't take the same size. Others take small, "M," and other large and extra large. So my concern is, in ICANN, one size cannot fit all.

This is true --

[ Timer sound ]

VICTOR NDONNANG:

-- for the WHOIS. This is also true for ICANN, for the registry agreement. It's true for the ICANN accreditation agreement. This is my concern.

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I made a presentation in the presence of ICANN 47. It was the African DNS forum, and my concern in the RAA was about the financial requirement because one dollar in the U.S. is not one dollar in Cameroon, my country, and one IP address in the U.S. is the same IP address in Cameroon (indiscernible).

So in Addis Ababa, when we start implementing the African strategy, the ICANN CEO made a pledge, so (indiscernible) if we can have an African or a developing country RAA, not about technical specification but about financial requirements.

And my question is: We are in Durban, South Africa, now and there is no draft of such document. I would like to ask to the board members and to the ICANN staff if this is possible or not. And if it is possible, we are available to help, to connect you with experts in Africa in the insurance domain and business domain to start working on coming up with a draft of a RAA that will fix our economic environment.

Thank you very much.

[ Applause ]

OLGA MADRUGA-FORTI: Thank you.

Any comments on a one-size-fits-all RAA or not?

FADI CHEHADE: Yeah. Victor, thank you very much for your comment. I appreciate it.

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And, yes, one size doesn't fit all and we acknowledged that in Addis together.

The RAA, however, at the time was still being baked, and we just got it out, as you know, Monday finally. We have an agreement that can go out.

Now, we had agreed that we would look at the RAA without lowering the standard, because that's not the intent, and we agreed we don't want to create kind of two classes of RAA. That wouldn't be right. Neither for Africa nor for the rest of the world.

But what we did discuss is as soon as the RAA is done, we'll look at its provisions with the African community -- and Pierre has that on his plate -- and then we'll decide what particular things we can do to help you be in compliance with the full RAA.

And that's an action on our plate and we will do it. We already, by the way, started discussions with the African Development Bank, and in fact, even in our budget we have some discussion about that, to see how we can engage them and engage others to support the African community here in having the right size, you know, having all the gaps to fit that size.

So we -- that commitment is here, and we need -- Pierre, if you're in the room and you can hear me, I don't see you but your boss is sitting next to me so I'll make sure this actually does happen, now that we have a finished RAA.

And thank you for reminding me. That's exactly what you should be doing, and I appreciate it.

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VICTOR NDONNANG: Thank you very much.

OLGA MADRUGA-FORTI: Thank you, Fadi.

I think we have an additional comment from Ray Plzak.

RAY PLZAK: Thank you. The timer is going to ring in three seconds.

Victor, you pointed out something very, very important --

[ Timer sound ]

-- but it's not just the RAA where one size does not fit all. There are many things that -- where one size does not fit all, and so as we move forward with the African strategy, we have to continue to identify those things and continue to bring those things forward so that we can deal with them. And we must deal with them if the Internet is going to succeed in Africa.

VICTOR NDONNANG: Thank you very much.

OLGA MADRUGA-FORTI: Thank you. Next questioner.

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AYESHA HASSAN:

Thank you. Ayesha Hassan, on behalf of the International Chamber of Commerce, specifically the Commission on the Digital Economy.

I am a BC member but I am speaking here on behalf of ICC, and also just want to clarify that part of ICC has nothing to do with the dispute resolution service, part of ICC that has been commented on earlier today.

So that said, I'd like to build on some comments that have been made regarding the GAC.

My membership greatly appreciates the hard work and efforts of the Governmental Advisory Committee members and we greatly appreciate the challenging situations that they have to work through and want to acknowledge that.

That said, we also have seen over the years that part of the challenge has been perhaps that we all don't get enough opportunities to understand GAC perspectives, and likewise, GAC members perhaps don't have enough opportunities to understand the range of other stakeholders' perspectives.

And so building on what others have said, I also wanted to bring up an idea that I put forward during the very interesting and interactive meetings working group meeting this morning, which was perhaps to encourage the GAC to take a look at their schedule and see what could be done to adjust the opportunities for them to work on certain things at certain moments that would then allow and free GAC members to participate in more cross-community things, and which would also

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perhaps free them to be more socially interactive in the free moments for networking, et cetera.

Thank you.

OLGA MADRUGA-FORTI: Thank you. Another good comment on cross-communication.

Heather, any comment?

HEATHER DRYDEN: Okay. You're going to put me on the spot? I have been listening to all the comments throughout the public forum. And there's clearly a running theme here about ways to find the best opportunities possible for engaging in a way that's meaningful and that allows us to advance our work. And -- and the GAC does think about these things as well, quite a bit in fact. And so I think it's really heartening to hear that there is such a trust in finding ways to make things work better. And I'm confident that this will be well-received by our colleagues in the Governmental Advisory Committee. And looking at some of the less formal ways or, you know, alternative options, I think, is certainly something worth putting some thought to. We're going to be creating a group -- a working group on working methods in the GAC. And they are related, I think, to some of the suggestions we've heard today. So that may be one way to look more closely at this issue. And, as well, the accountability and transparency review team process is under way is one that's very important to governments. And I think we've been really clear about that in our communique from these meetings. But, in particular, some issues were raised that relate as well to these points

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being made. So all this to say that this is all really welcome. And I look forward to working with others in the community along with my colleagues in the GAC to improve these things. Yeah.

OLGA MADRUGA-FORTI: Thank you. I just want to remind everyone we have just about 18 minutes left. And, reminder, the queue is closed -- (speaking foreign language).

TIJANI BEN JEMAA: Thank you. I'm Tijani Ben Jemaa, and I'd like to speak French for the purpose of diversity.

I'd like to commend the initiative of ICANN to set up the regional strategy for the less advantaged regions. I think this initiative should be thanked for particularly before the people who took the initiative. And I would also like to name Mr. Fadi Chehade and his team here. But I would also like to mention Ray here who accompanied here in Africa for the implementation and the creation of such strategy. I think this will allow for greater diversity for greater inclusion and more participation. Thank you.

OLGA MADRUGA-FORTI: Merci. Thank you. Mr. Fadi -- Olga Madruga-Forti says on what you say about everyone's participation.

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**FADI CHEHADE:** Tijani, it's up to us to thank you because it's actually the community who made us advance together. So thank you very much, and we're here to go on working on the implementation of the strategy. Because it's not only about creating a strategy but about setting it up. Thank you.

**OLGA MADRUGA-FORTI:** An online question and then onward.

**REMOTE INTERVENTION:** This is another message from Kathy Kleiman. As to the MarkMonitor comment, I was shocked to see the Expert Working Group reintroducing the concept of use of a domain name and setting up a requirement of the commercial versus non-commercial use of a domain name. Not only is it a bad idea, not only is it an impossible task since many of us use our domain names for evolving and changing purposes, but it takes us far beyond the technical coordination role of ICANN. I see many pressures on ICANN to enter into content evaluation of how domain names are used in evaluating what we place on our Web site, our listservs, and our e-mails. I would urge the board and the ICANN community to push back on these comments and these pressures. We are not the global regulators of the Internet. And our job is not content. And I second Mikey's notion for a vacation. Thank you.

[ Laughter ]

[ Applause ]

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OLGA MADRUGA-FORTI: Thank you, Kathy. And next question. Comment from Steve.

STEVE CROCKER: Yeah. Thank you, Kathy. In keeping with the comments, other comments on the Expert Working Group, I think that's a very relevant comment. And I hope it won't get lost by being said only here. We have a very vigorous process involving the output from the Expert Working Group. And please make sure that those comments are directed right in to the middle of that fray.

OLGA MADRUGA-FORTI: Thank you.

JONATHAN ZUCK: Never fear, metrics man is here.

[ Laughter ]

Of course it feels significantly less heroic when it takes a half an hour to get here. And so, thankfully, the question about measuring the success of the new RAA wasn't life threatening.

But I did double-check, and the metrics that the GNSO submitted to the board in its advice included 12 specifically to the performance of registrars and who all signed the new RAA. So there should be some positive indicators associated with that new agreement.

And seems like a perfect segue to say that we never know the success of something until we actually define our goals for that something. It's

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very easy after the fact to say that something was successful. And it's much harder to set goals and then see if we reached them.

And one of the areas that I think is worthy of some additional consideration before it gets too far is ICANN labs, actually. Because ICANN labs is about a very important part of ICANN, which is public participation, which I think, as the blog mentioned, as you've mentioned, Fadi, is a very serious issue for ICANN and something that needs to be addressed seriously.

And I believe that a goal set or a requirements analysis is probably called for prior to a lot of technological innovation in that space, commitments about how comments will be absorbed, how feedback will be given to comments so that there's actually confidence that those comments play a significant role in policy creation at ICANN. I think those are actually policy commitments, management policy commitments that aren't even really things that require a PDP and that with, absent those things, it will, in fact, be difficult to define what the requirements should be for a technological solution.

[ Applause ]

OLGA MADRUGA-FORTI: Yes. Go ahead. Thank you.

CHRIS GIFT: If I may, this is Chris Gift, vice president of online community services. That's a very good point. We have been doing -- we've been collecting all the previous analysis on public comments. We have requested some

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other -- we have gone out to other consultants to see what other public comment and public consultation technologies are available.

I absolutely agree, when we're doing some experimentation, we are not -- and we don't want to change the process. That is not what any of this is about. It's about trying to -- there's been a lot of requests and issues about the process -- not about the process, but about the tools themselves. Can we elicit more comments? Can we elicit -- can we make them more publicly visible? So the experimentation that you're going to see is around that type. It is not around the public comment process itself. So I just wanted to be clear about that.

And --

JONATHAN ZUCK:

I guess I'd like to be clear that it should be. Fadi made a statement that I think is legitimate that this is 1980s technology or something used for public comments. But I would suggest that, if comments serve no purpose to the formation of public policy in this organization, it does not matter how outdated the system is with which they are received.

[ Applause ]

OLGA MADRUGA-FORTI:

Okay. Thank you. We have a comment from Sebastien.

SEBASTIEN BACHOLLET:

Can I speak French? This is Sebastien Bachollet. Thank you.

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Okay. This is an important question. We have a recommendation from ATRT1 on this subject. And it is true that in the framework on the works of the public participation committee, which is now called public stakeholder engagement which is a committee of the board, we have a clear issue with technology. And the current technology cannot provide what was asked for in ATRT1 and which was also a request from the community. So this is a 2-sided way. The policies will define the tools. But the tools will also help define the means to implement those policies. So we're working on it. I think Chris Gift's joining ICANN's team will help us very much. It will go a long way in the tools that are proposed and the tests carried out on ICANN labs are going to allow us to elaborate on it together and to find the best solution possible to address these needs.

Now, the first question you asked was whether it's useful to make comments. It's independent from the tools we use, if we don't use the tools. I think currently we do use them. The staff uses those comments in order to make reports on comments. And, when we need to take decisions or suggest a decision, we use the entirety of the comments that we are provided by participants. Thank you.

OLGA MADRUGA-FORTI: Merci, Sebastien. I see comments from Fadi and then David Olive. No? Thank you. Thank you very much.

JONATHAN ZUCK: Okay. I'd love to follow up more, but I know there's other people. But, again, I think making decisions about what the policies will be around

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those comments will help guide the technical requirements to software best able to serve those policies. And, absent those policies, we're designing software in the dark.

OLGA MADRUGA-FORTI: And our last question of the day, with energy.

MARILYN CADE: Thank you. My name is Marilyn Cade. I'm going to touch on three topics. The first I'd just like to say that I noted with great interest the announcement of the strategy panels. And I want to just reinforce the importance of understanding that we have now a 5-year strategy plan under way. The strategy panels are part of that. But I think it's important for us, the community, to understand that we have to do the rest of the work on the strategy. And there's going to be a lot of work for us to do besides the strategy panels and then they're providing other comments. So that's something that perhaps some may have misinterpreted. I just wanted to reinforce the commitment of all of us to contribute heavily to the development of the strategy.

My second point is by way of thanking the staff, Fadi and the staff and others, about something that is happening that I'm very happy about. And I was in Lagos, Nigeria, a couple weeks ago to help to support the launch of the ICT summit of AfICTA, the African ICT Alliance. And I encouraged business users and leaders to come to ICANN, and some did. I look around this room, and I see that so many other people from the African continent have come to join us. And I think they're going to be with us. The welcome they've received from the staff and from the

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board has been phenomenal. And I hope all of us as community contributors are going to be just as welcoming to newcomers from all regions. And I wanted to say to the newcomers, I hope we're treating you well. And I hope you're going to stay with us, and do count on our support.

My final point is about Internet governance. It is one of our important assets to -- for ICANN to work actively in this space.

Not just as the board and the staff but as the community. And I hope that you, the board and the staff, will understand that we, the community, includes the GAC members. But also many of us. And that together we have to keep working very, very hard in this additional space. Thank you.

OLGA MADRUGA-FORTI: Thank you, Marilyn Cade. Any comments from my colleagues on the board? No? Mike Silber.

MIKE SILBER: It was a pleasure seeing you in Lagos, Marilyn.

MARILYN CADE: I have to sneak in two seconds to say we were well supported by Mike who came and was a speaker and participant as well as by the CSO's office.

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**OLGA MADRUGA-FORTI:** Thank you. It looks like we're just about finishing right on time. We had a lot of really interesting topics come up, very varied. But we talked about cross communication, metrics, the role of government, the evolution of ICANN, and the role of intellectual property law and international law. And I think we really managed to have a real dialogue in this session.

So I thank you all very much. I congratulate you, and I turn it back over to our chairman for any remarks.

**STEVE CROCKER:** Thank you, Olga. Thank you, everybody.

This brings the public forum to a close. We're going to move rather quickly into a formal board session.

Let me tell you that, as part of wrapping this up, you've now experienced the somewhat adjusted format that we've used this time. We're looking for feedback. We'll continue to search for the combination that works best. That also means keeping the things that worked. So, if you liked it, we'd be happy to hear that. And, if there's things that you'd like to see changed, we, of course, want to hear that as well.

We have often used the forum as a place to thank departing members of the community. We will do that as the beginning of the board meeting as we pass resolutions in association with that.

Also, I want to offer a little bit of an apology. I, apparently, was scheduled to make some remarks last night at the gala. There was a

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little bit of overload in scheduling, and I wasn't there. I apologize to everyone who was there and to our hosts. I'll send a separate note. But we've been treated very well this entire week. And it's been a real pleasure to be here.

[ Applause ]

Thank you. I don't see any reason why we can't slide instantly -- you want a short break. Never mind. Stretch and reassemble.

STEVE CROCKER:

Regarding comments on this session, you can send them to [forum@icann.org](mailto:forum@icann.org).

[ END OF TRANSCRIPT ]