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TORONTO – ICANN Public Forum  
Thursday, October 18, 2012 – 14:00 to 18:30  
ICANN - Toronto, Canada

NANCY LUPIANO: Ladies and gentlemen, during our public forum today when questions are being taken, we will have a two-minute timer on.

At the end of your two minutes you will hear a buzzer sounds which simply means you are out of time. So we are trying to keep this in a very organized timely way.

Thank you.

There is one more detail that is slightly different than what we have done before.

If you notice, the Q&A microphone is front of you on the riser in front of the Board table. We would like you to line up to speak from this microphone this time when you have your questions.

Thank you.

STEVE CROCKER: I think we're organized now.

Welcome to the fun part of the meeting. Fun for you, you get to ask all the questions you want. Fun for us because we can see the end of the meeting coming.

It's actually been a great week.

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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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So on behalf of the Board of Directors, let me welcome you to the sort of compound public forum and public board meeting session.

This session is broken into three big pieces. The first piece is a reporting back to you of what we've heard.

The second piece is the usual public forum. And the third piece will be a board meeting. It's actually two board meetings, as a matter of form, because this is the annual general meeting where we have slight changes in membership and reorganize ourselves.

She moved my cheese.

[ Laughter ]

With respect to the Board reporting, this is a new regime that we started in Prague. And in this section, we'll tell you what we heard this week so far. And we will augment what we're going to tell you with what's heard today, and then publish all of that very shortly after the close of this week. And then we report next time on what we actually did about what we heard and what we had planned to did.

We have -- We started doing this last time, and we reported -- we published earlier this week our report from last time.

In the public forum, we'll move on with an agenda that's developed based on specific topics that were collected from community leaders, and of course have some open time.



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There are standards of behavior. When they come back to -- which are published on the screen now, and if it's possible, we'll flash those back up when we start the session.

We have interpreters for the six U.N. languages: English, French, Spanish, Russian, Chinese, and Arabic. Speak into the mic in one of these languages and the transcript in English will simultaneously appear on the scribe feed screen.

Meetings recorded and transcripts will be posted after the meeting publicly; again, in all of the six U.N. languages.

This is a shared resource that we have here, which means that if we consume the time on one thing then it's not available for others.

So you're encouraged to be brief and concise to enable as many other perspectives to be heard as possible.

We have limited time, and facilitate this, we have set the time limit to be two minutes. And there will be audible interruptions they end of that.

We're trying to facilitate dialogue here. Answerable questions are much more preferred to comments, and both are preferred to statements.

We have plenty of forums for public comment, but this is also an opportunity for those items where public comment periods are still open to provide those comments orally and in front of an audience, and we appreciate that.

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For items that are after that, where we're past the point of public comment and we're about to handle them as resolutions, pass resolutions in the formal board meeting, this is not the time to attempt to litigate those items. That time has essentially passed, and so let me just set the expectations that that's not likely to be useful.

Equally, while we appreciate the emphasis that is provided by additional comments to the same point, it does, indeed, consume this limited resource that we have, the time, and may not be the best use of it.

The rules of decorum that we had posted before apply equally to remote participants, and speaking of remote participants, although it's technically possible for a member in the audience here to come in through the remote participation, it's preferable not to. And so please queue up in the mic, leaving the remote channels for those who are really in -- who are really remote and not in the room.

So with that, let me get things under way.

I'm going to begin with thanks to various community leaders to have served in a wide variety of positions and who have left those positions after our last meeting in Prague or who may be leaving between now and the end of the year.

And we have a pretty -- a pretty lengthy list.

It is long enough and there are enough people involved, and we want to use our time efficiently here, so instead of having everybody come up and presenting certificates in the high-school-graduation format, we'll read off people and ask that you stand up and be recognized, and the



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ICANN staff who are supportive of each of the groups will be handing out certificates of appreciation.

Let me call on Sebastien. Are you in a position to read the At-Large? Yep? Good.

So we'll do these in groups, and I've asked for help for the larger sets of groups and I'll take where there's only a couple of people in a particular group.

So from the At Large, would you read the names of the people, and the positions, if you can, Sebastien.

SEBASTIEN BACHOLLET:

I don't have the list in front of me. I asked somebody to send it to me, but it was not yet done and I don't have it.

Merci beaucoup.

I just read the people in the At-Large. The chair of NARALO beau Brendler; the chair of APRALO Charles Mok; the vice chair of the APRALO holly Raiche; At-Large Advisory Committee Ganesh Kumar; At-Large Advisory Committee from APRALO Edmon Chung; At-Large Advisory Committee from the LACRALO Sergio Salinas Porto. Gracias.

[ Applause ]

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STEVE CROCKER: Would you stand up, all of you who are here. The Nominating Committee is not here at all -- I'm sorry, the At-Large committee is not here at all? There we go.

Thank you.

From the ccNSO, two ccNSO council members are leaving, Becky Burr and Juhani Juselius. Are you here? Stand up. No?

From the GNSO, Bill Graham will read the list.

BILL GRAHAM: Thanks, Steve. From the GNSO, GNSO Council Chair, Stephane Van Gelder; the NCSG Executive Committee and GNSO Council representatives, Rafik Dammak, William Drake and Mary Wong; GNSO Council representative Carlos Dionisio Aguirre; Intellectual Property Constituency representative and GNSO Council rep David Taylor; gTLD registries stakeholder group Chair and GNSO Council representative David Maher; and the Noncommercial Users Constituency interim chair and GNSO Council representative, David Cake.

STEVE CROCKER: Thank you.

The 2012 Nominating Committee, I'll ask Bruce Tonkin.

BRUCE TONKIN: I realize there's a long list of names here. Yeah, I'd just like to formally thank the 2012 Nominating Committee. I think many people don't



realize how much work goes into selecting members for the Board and the other organizations. It's a task of going through many, many resumés, doing interviews with of the candidates and also reaching agreement amongst a fairly diverse group of people. So they really do deserve great wreck 96.

The chair of the Nominating Committee of the 2012 is Vanda Scartezini. The chair elect, Rob Hall. And the members of the Nominating Committee: Lyman Chapin, Jose Manuel Alonso Cienfuegos, Joao Damas, Sarah Deutsch, Mohamed El Bashir, J. Scott Evans, Maria Farrell, Hartmut Glaser, Anthony Harris, Ole Jacobsen, Yrjo Lansipuro, Glenn Mcknight, Jacqueline Morris, Krista Papac, Waudu Siganga, Ken Stubbs, Siranush Vardanyan, and Jian Zhang.

And as you can see, a very diverse group, and they put a great deal of effort, and I hope you'll all join me in thanking them this year.

[ Applause ]

STEVE CROCKER:

All of us who have been appointed by the NomCom are particularly appreciative.

Finally, two groups that I'm particularly close to, from the Security and Stability Advisory committee, founding members of SSAC, Rick Wilhelm and Frederico Neves.

(Scribes receiving translation into a language other than English).



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Let me particularly recognize Akram, and just stand up, who served above and beyond in multiple roles during a very hectic, very energized transition period: COO, CEO, president, and member of the ICANN Board.

Thank you, Akram.

[ Applause ]

And Ramaraj. Let's see, you're hiding in there. A stalwart member of the Board for six years, provided excellent advice, guidance, wisdom. And an absolute model of how to do so with a minimum number of words.

The most efficient board member ever in that respect.

And Thomas Roessler -- We have a seat that is filled every year by a different person, and we are fortunate to frequently get the same person to come back, and so we have a degree of continuity (audio problem).

Excellent advice, and always positive approach to everything.

Thank you, Thomas.

We have.

(audio problem).

To each of you.

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This week and what we plan to do, because as I said, this is not a quite fully complete report because immediately after this, there will be a handful of dialogue that we will capture as well.

Let me comment just a little bit on the process that we use for this. It is a work in progress, although it's moving along pretty well.

The Board meets with different constituencies all during the day on Tuesday. We meet in other venues on Monday and Wednesday and today.

Board members take the responsibility for capturing the dialogue, and then we have an extremely hard-working board support staff. We have our stalwart mainstay (audio problem).

NANCY LUPIANO:

Diane is working now, Steve. She is back in her office.

STEVE CROCKER:

I see. And now part of her team, Michelle Bright and Megan Bishop. Did you guys come yet? There you go.

[ Applause ]

And among the many duties that the team has taken on, one particular one is to help assemble the comments, capture them in many cases, organize them and assemble the report that I'm here delivering to you.

We're in decent shape, I would say. We probably can improve, and so we'll be happy to take comments and try to refine this process. We're



quite serious about trying to make it work. But this is essentially the first time that we've done the whole cycle, and so this is the 1.0 version.

So the 11 topics that we've captured are the following: WCIT. What the Board heard where action was needed is a suggestion to establish an ICANN mailing list for those in the ICANN community who will be at WCIT, possibly widen the list to the ISTAR community and produce a WCIT paper on all WICT proposals. What we have planned to do is, indeed, direct the staff to set up a mailing list and direct the staff to produce a paper.

With respect to strategic planning, this has been a subject of quite specific discussion here, and what we heard was a suggestion not to proceed with the 2013-2016 strategic plan; that a new procedure is coming and needs to ensure that there are mechanisms for hearing input so that the community feels it has been heard.

Under our proposed action, the Board has, indeed, been discussing this since its September Board Workshop in Los Angeles, plans to continue to work on a report back as soon as possible. The Board recognizes that any strategic planning framework will need to include the results of the Africa Strategic Working Group as one of the key inputs, but certainly not the only one.

On the matter of GAC advice, the Board heard several matters from the GAC which it expects will be addressed in the GAC communique, but specifically notes that the timing of the Board's response to the GAC communique was suboptimal. That's polite. They didn't like it, and with perfectly good reason; that our response to the last communique came only shortly before this meeting.



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There are sort of two reasons for that. One was the sort of condensed time frame between the last meeting and this one, but more to the point, we are honing our processes for getting this done in a more timely way.

And so our proposed actions, the Board does acknowledge this problem. We'll endeavor to put in place a mechanism to assure timely arrival of its response. I can tell you this is one that I'm paying attention to myself.

Fourth item, WHOIS review report. There is no consensus on the actions that should follow the WHOIS review. That's what we say we've heard. And we are going to discuss that this afternoon, in fact, during the formal board meeting and you will see that and we are paying a lot of attention to this.

Fifth item has (audio problem) in the policy processes, indicated that a policy in this area is required (audio problem)

The Board sent a request to the GNSO to develop a policy in this area.

Article 29 letter (audio problem)

Concerns were expressed and the letter will be taken into account into finalizing the negotiations on the RAA. This is a little terse. It refers to retention periods and (audio problem)

With respect to WHOIS (audio problem)

Constituency and Intellectual Property Constituency requirements, IANA readiness, registry service readiness, and compliance readiness.



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Numerous concerns that we're not ready in some areas, will not be ready in time. What the Board plans to do is instruct the CEO to focus his full attention and energy on all implementation actions necessary to keep the program on track: The CEO is sitting here. He heard.

Eighth item, prioritization draw. We heard generally positive feedback that IDNs should have priority and various comments but not really consensus on other possible priorities or tweaks.

The New gTLD Committee will consider all the feedback from this meeting and from the comment period. And it's -- I don't think we're in a position to say more at the moment other than we'll give it some more thought and see where it goes.

Three more items. The rights protection in new gTLDs. The Intellectual Property Constituency and business constituency reached consensus on further mechanisms for new gTLD rights protection and agreed to socialize these to the rest of the (audio problem)

Receiving input on these suggestions (audio problem) the GNSO. So that is our plan, so to speak (audio problem)

On the trademark clearinghouse, a significant number of issues with regard to the trademark clearinghouse both from an implementation and a cost point of view. The CEO has already expressed that this is a top priority for him, and we support that.

And finally, on intersessional meetings, various parts of the GNSO expressed belief that it would be of assistance to have the new gTLD -- for the new gTLD process if ICANN facilitated an intersessional meeting



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for the GAC. And also, the registry and registrar constituencies and the NTAG believe that ICANN should support an intersessional meeting for them.

It requires a bit more to go from those suggestions to action. The Board will consider any formal request received for these intersessional meetings, and in particular, it's only partly within the Board's per view to be involved in scheduling meetings. We can offer, but it's their prerogative and I suspect that that's what the nature of the dialogue will be.

I apologize for reading. It requires a bit of work to put all the pieces together and feed these back.

Let me open the floor for -- I'm sorry?

Yes, I'm sorry.

Before we go to that, Bruce is going to say a word about the Nominating Committee.

BRUCE TONKIN:

Thank you, Steve. One of the things as chair of the Board Governance Committee this week I've had quite a few people in the corridors have a chat to me about, you know, how the nominating committee works, et cetera.

And I thought I'd just provide a bit of context around that.

One is that the Board Governance Committee appoints the chair and the chair-elect -- sorry, the Board Governance Committee recommends



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to the board appointments of the chair and the chair-elect of the nominating committee.

The Board Governance Committee has also become more engaged with the process side of things as the Affirmation of Commitments, the Accountability and Transparency Review Team had a Recommendation Number 3, which was to increase the transparency of the nominating committee's deliberations and decision-making process, and doing things like clearly articulating the time line and explaining what the criteria are, et cetera.

So as a result of our interaction with the nominating committee on some of these processes, we've also started to talk to the nominating committee about using some of the processes we use in the board regarding reviewing our performance and improving our processes. And so for some years the board does a self-review of how each individual board member feels the board is working. We do that through e-mail surveys and often through getting external parties to do reviews.

And we also do a review of the chair, and we provide the output of that review to the chair for his improvement.

So this year we've also talked to the nominating committee about using the same process there, so the 2012 nominating committee is doing a review of its activities for the past year. We're doing that through an e-mail survey. Each individual's response to that survey is anonymous, so we don't see the individual responses.

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And we'll also use an external person to interview the members of that nominating committee and produce a report.

That report will then be used by the 2013 nominating committee with respect to feedback and areas that their processes can be improved.

One of the things that the board specifically -- or the Board Governance Committee has specifically focused on is the topic of how does -- what's the right way for the board to give feedback to the nominating committee concerning a board member whose term is coming up for expiry and should that board member wish to re-stand for nomination, essentially.

So we're working through a process for doing that, and that's just an example of areas that we're trying to formalize. The methodology, of course, we will make public.

So I just wanted to give people a bit of a feel that we are working closely with the nominating committee, both the 2012 outgoing and the 2013 incoming, and I really want to thank the members once again of the 2012 nominating committee because they're all very engaged in wanting to work with the community on giving the benefit of their experience and to help the 2013 nominating committee.

So I just wanted to make that information available.

STEVE CROCKER:

Thank you very much.



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We now move to the interactive part of this part of the session: questions, answers, comments about anything that we've covered in our report to you.

So microphones are available. I see one microphone.

We are evolving (audio problem) in Beijing we may have actually a complete different physical arrangement (audio problem) so this -- this format allows the (audio problem) board and to the community at the same time.

I see a familiar face.

MARILYN CADE:

My name is Marilyn Cade. I chair the business constituency, and the comments I'm going to make are going to reference more than one of the topics that the board provided comments on, but I will -- (audio problem) -- purposes and then question quickly the rights protection. The consensus reached by the IPC and the BC on improvements and enhancements to the rights protection mechanism in order to help us as business users protect consumers and users.

I want to be clear that that is what is driving our "ask" for these improvements, and to say that we want to work closely, we will be asking for interactions with interested parties, contracted parties, or others, and we'll be putting teams together to do that so that we can be widely available.

Are there other questions the board would like to ask me at this point about that?

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I have other colleagues who may also be available from the IPC or the ISPs.

STEVE CROCKER: Thank you. I know this has been a subject of direct conversation already.

Fadi, do you want to say anything on behalf of the staff and...

FADI CHEHADE: Just to say thank you for delivering to us your consensus less than 36 hours ago. We took it to heart. I had an educational session this morning just to learn what it is, and I really appreciate understanding it and the rationale behind it. It will guide us all in finding the right solution for all the parties.

So thank you very much. It's very helpful to get these, your generous time to educate me and others on the rationale behind these. Not just what they are but what's driving them. Thank you.

MARILYN CADE: Thank you.

STEVE CROCKER: Thank you.

MARILYN CADE: I have one final 30-second comment, if I might.



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This is a BC comment, very heartfelt from us.

We are so pleased to see that the board has prioritized the IDNs. This has been on our priority agenda all the way through, including in the work on the policy during the council. We have called for it over and over. We called for other prioritizations but that is not the point of this comment.

Others probably have stronger words of appreciation to you, but let me add the business constituency's thanks.

[ Applause ]

STEVE CROCKER:

Thank you.

OLGA CAVALLI:

Thank you, chair. Thanks, board, for this opportunity. My name is Olga Cavalli, and I am the GAC representative of Argentina. I will speak in Spanish.

On behalf of Argentina, I would like to thank all who have supported our position against the application of dot Patagonia as a clothes gTLD for a brand. We have over 1100 comments against dot Patagonia as a clothes brand. We have also been supported explicitly by many countries, through their representatives at the GAC, as well as our embassies around the world. Thank you very much to all of them.

Argentina does not accept the application of dot Patagonia as a clothes brand TLD. I want to say to you that Argentina will follow all the steps



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necessary to defend this geographical region of our country. ICANN should not allow that brands capture geographical names. Mr. Fadi Chehade, CEO of ICANN, in your opening ceremony speech, you said that you will work for the public interest. Argentina trusts that will be the case. Argentina trusts in you. Thank you very much.

STEVE CROCKER:

Thank you.

[ Applause ]

TONY HARRIS:

Hello. This is Tony Harris. On behalf of the Latin American Federation of the Internet and Electronic Commerce, just to restate comments I've made during the week, we approve of the concept of the draw for new TLDs and would like you to consider, when you look at the way of implementing this, that the line that results from the draw take into consideration that you have single applicants, applicants with dozens or hundreds of applications.

Perhaps you can find a way that the initial line gives everyone an equal opportunity, whatever number they draw.

Secondly, on behalf of the Argentina Internet association CABASE, I would like to express support for what just has been said by Olga Cavalli as the (audio problem) sector Internet in Argentina (audio problem) dot Patagonia (audio problem) thanks very much.

[ Applause ]



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AMADEU ABRIL i ABRIL: (audio problem) the mic from me, putting that in the most evident place, looking all the time around.

Steve, some clarification what we are doing now.

This was part of my comments. (audio problem) structure of the public forum, really. I mean, this is the three minutes of glory where I can talk about anything or about, you know, just the -- what you said in the report? Is it the time to talk (audio problem) comes later or goes into any other business?

Quite frankly, this is part of the problem. I'm lost. Let's assume that this is just for general things that would like something about improving meetings and improving communications.

First thing, it's (audio problem) enough general communication. We have (audio problem) in which we can (audio problem) can tell you things, but there's not a place for the dialogue in the community.

You need to form a political party to have a (audio problem) the constituencies -- (audio problem) -- cc's or (audio problem) and talk to the board as in, you know, an individual interest group. I'm not criticizing the structure. I think that we need a structure regarding the (audio problem) interest, but we lack something more as ICANN, for ICANN dialogue on concrete topics, and especially something more than this public forum.



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On this -- on the format of meetings, there's something that I have proposed many times and will repeat again. It's a mystery to know what -- where the agenda comes from.

We have improved something. Now we know who is responsible so we can ask what's the meeting about.

But normally, you have an agenda (audio problem) you go inside the different topics and even me, who has been to 43 ICANN meetings, I have no idea who is talking about what, and why. It's everybody should have --

[ Buzzing sound ]

[ Applause ]

-- or just go back and I put myself in the queue again for a couple minutes?

The question is already -- it's we need to have a process for which people can propose topics and for which there's more transparency in who can volunteer or not for, you know, speaking or having (audio problem) to say something in a topic that might be of interest. Okay?

STEVE CROCKER:

Thank you. We got it. We're going to -- Fadi and I are going to give you a joint response.

First thing is, this particular session is, in fact, to respond to the things that we said -- that we just reported on. It is not the public forum, per



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se, although maybe we should just merge the whole thing together and not try to make the distinction.

Let me turn things back over to Fadi and then I'll add a closing word.

AMADEU ABRIL i ABRIL: So why you always enforce this two minutes for people who are talking on topic and you allow anybody to talk on topic? This I'm also lost.

FADI CHEHADE: Thank you. I appreciate your comments, and they come from, as you said, someone who has attended tens of these meetings, so we definitely should learn from your frustration.

We have asked Sally Costerton, our new leader in the area of communications and meeting management and strategy, to propose a set of iterative steps to make this a better meeting.

So nothing revolutionary, but we do see -- I mean, for those of us like myself and Sally and Tarek and Jean-Francois and others who are attending this for the first time, there are some pretty obvious things we could do to make all of us more effective in these meetings and to allow for more time.

Let's start with 15 minutes between sessions so people can walk normally and talk and interact and solve problems, right?

So we're looking at all of that. We appreciate there is lots of opportunity to get this meeting to be a more efficient and effective meeting.



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We're doing it very strategically, very calmly, and in a measured way, so you will hopefully start hearing from us. We will ask for your input, and we can implement some of these things as early as Beijing, I hope, but again, we're planning to do this in a measured iterative way (audio problem) for a long time and we respect that but we think there are also areas where we can improve, so we will pay attention to this.

STEVE CROCKER:

Good. Thank you.

Indeed, many, many of us are looking forward to Sally's good efforts in this.

I want to add one other comment with respect to Amadeu's suggestion about dialogue.

I like that comment a lot, but I also think that there is an important element here.

The board's role is really limited in a formal way to overseeing the operation of ICANN and the processes, and is not the principal forum for decisions about public policy or about policy matters at all or subject matter expertise.

That is all supposed to take place in the myriad of other mechanisms that we have available here.

So it's sort of inherently awkward, in a way, to suggest that there be a dialogue because the board has to be quite constrained in what it's

going to say. We can listen and then we can be quite deliberate in what we say and what we do following that point.

I'm sorry? Sebastien, please.

SEBASTIEN BACHOLLET: I'm going to speak English.

If I could have my two minutes like everybody else in this community -- not more, not less -- it would be great. Oh, well -- yes, merci. What I wanted to say is that it is a theme on which the community of participation works very hard. We want to -- we intend to continue to work with the community in a framework of -- especially of the public meeting like we had this morning on security, and also with the support of the staff. I am sure that the arrival of the new staff, especially Sally, will help us to go in the right direction, to be sure that we work hand in hand for those meetings to be more efficient. Thank you so much.

STEVE CROCKER: Thank you, Sebastien.

Michael?

MICHAEL PALAGE: Thank you, Steve. My name is Mike Palage. I am the President and CEO of Pharos Global.

In the interest of openness and transparency, I was involved as a consultant -- my time's not running.



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[ Laughter ]

I'm fair.

[ Applause ]

I worked as a consultant in over 150 gTLD applications, and my question goes to the point regarding rights protection mechanisms.

As an intellectual property attorney and (audio problem) sunrise concept back in 1999, I support ICANN's efforts to (audio problem) and abuse registrations. That is a positive.

My specific question to the gTLD committee is (audio problem) to perhaps access these names.

And let me give you a specific real-life example that I could share with the group.

In (audio problem) when I was working with Afiliias (audio problem) dot (audio problem) Yahoo! did not (audio problem) yahoo.com,. Yahoo.com was registered by a New Zealand -- (audio problem) to the new gTLD committee is: Are you considering mechanisms by which a person could demonstrate (audio problem) to perhaps register a name which someone else may want to try to block?

Because I think when you look at the ying and the yang, you want to balance both the rights of trademark owners as well as those that may have a legitimate right to use a mark which someone claims is a trademark. That's my question.

[ Applause ]



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STEVE CROCKER: And the answer is yes, of course. Thank you. Hi there.

TINA DAM: Hi. (audio problem) with dot MUSIC, and I should add for this comment a long -- a very, very longtime supporter of IDNs, and that is never going to change.

However, Steve, what I heard you say was that the perception that the board got was that letting IDN applications go first in the gTLD round, that was something (audio problem) what I heard was that the community was very positive about the (audio problem) namely to do something to support the parts of our community that (audio problem) I also heard that (audio problem) there was a lot of other (audio problem) and other types of applications that (audio problem) and even meet it better (audio problem) that's just my feedback on that.

STEVE CROCKER: Thank you.

SOPHIA BEKELE: My name is Sofia Bekele. I represent (audio problem) which sort of supports Tony Harris' initial comment. The draw process, as it has been designed, has an element of unfairness in it. An applicant, such as myself, with only one application must go to a draw with applicants that have multiple applications, who have like 300 or 200 in some cases. So I recommend ICANN consider reformulating the draw so that initial



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lineup for the evaluation after the draw includes one application per applicant, thus ensuring the applicants with multiple applications do not have unfair advantage over those with a single application.

Those were things we were deliberating earlier throughout the week, so thank you. I'll come back for my other comment.

[ Applause ]

STEVE CROCKER: Thank you. Chris, you want to comment?

CHRIS DISSPAIN: Yes. All I wanted to say was I just want to remind everybody that the public comment period is still open on this, and to make sure that you actually put your comments in in writing to the public comment processes, as well as if you feel the need to mention it here at the public forum. Thank you.

STEVE CROCKER: Yes. But we should not lose the opportunity to take what's being said here --

CHRIS DISSPAIN: No, no. Absolutely not.

STEVE CROCKER: -- with the full weight of it also being public comment.



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CHRIS DISSPAIN: I agree.

STEVE CROCKER: Great. Thank you.

Yes, sir.

ANTONY VAN COUVERING: Thank you. My name is Antony Van Couvering. I am the CEO of Minds + Machines and TLDH and an applicant for many new top-level domains.

My comments are really related to yours, Steve, around the -- the role of the board and why we're all here.

One of the reasons there's a long line here is that it is not at all clear to us that when the community comes together in a consensus position, that this is ably communicated by the staff to you.

This is a forum of last resort. And I'll give you a couple of examples.

We recently got together, everyone in the registry community, and made, you know, suggestions about the trademark clearinghouse that were well supported by all -- I won't say "all," but most members of that area, and they appeared to have been roundly ignored by the staff. So that's why I'm here, for one thing.

The other reason I'm here is to ask you please to consider, when you are looking at what might appear to be reasonable compromises when



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you're speaking to one group or several groups might not be fair or equitable, and in this case, I'm speaking about the additional IP protections that the IP and business constituencies have asked for.

In Nairobi, we were told, "We can't hurry this up because applicants must apply based on what they understand are firm rules in the applicant guidebook," and indeed, we did apply on that basis.

So when you are adding additional costs and restrictions to satisfy one community, please bear in mind that there's a history and there's an offsetting cost, so thank you.

[ Applause ]

STEVE CROCKER: Thank you very much.

Fadi, do you want to comment on this?

And did you want to comment? No.

FADI CHEHADE: If you could send me an e-mail of exactly which recommendations were roundly ignored, I'd appreciate it. And by whom. Yeah. Thanks.

STEVE CROCKER: Hi there.



JONATHAN ZUCK:

All right. Jonathan Zuck, from the Association for Competitive Technology and the IPC.

Fadi, you mentioned on Friday that 40 days is the period that you wait to become embalmed. I thought that was an interesting example. So I'm hoping that over this past week, you've felt sufficiently wrapped in the embrace of the ICANN community and we welcome you.

My question, I think, is actually mostly directed at you, but probably the board as a whole.

In reference to the trademark clearinghouse, which I think was mentioned, at least in the board report but not with a lot of specificity, there was, when it came up, I would say, some trepidation among staff about if the decision was made by the community that the best place to have it was centrally, to have it live, et cetera, there was some trepidation. And some of that may, you know, have its root in the debacle surrounding the TAS, for example, and -- but ICANN has managed to build other successful implementations and so really what I want is the commitment of you and the board that if the community decides that that's the right way to go, that you won't back away from building a world-class system that would be necessary for the trademark clearinghouse; that that won't be the reason that it doesn't get done; that, in fact, you're up to the task and that if we as a group decide that's the way that it should be done as the registries have suggested, that you feel confident that it's something ICANN can do.



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FADI CHEHADE: You have my commitment to consider all the options and to listen to all of them and do --

(Speaker is off microphone.)

-- and do what the community helps us, you know, to understand is the best solution. And I'm doing -- I'm already doing that.

So one thing that did happen is we did not come out and say, "No central solution." We said, "Let's listen to all the options, understand them, and together we will hopefully arrive at the right solution."

And we shouldn't shy away from doing the right thing because we're afraid that we are operationally not ready. We should always focus on doing the right thing and then figure out how to get there.

JONATHAN ZUCK: Excellent. Thank you.

ANDREW MACK: These are always too tall.

My name is Andrew Mack, AMGlobal in Washington, and I am -- two things.

First of all, I wanted to really compliment the efforts that were taken by everyone around the new Africa strategy, all of the outreach. It has been years and years and years -- Jonathan was talking about 40 days. I'm thinking of 40 years in the desert, of all the times when we really have felt that that community wasn't being given the airtime that was



appropriate. But related to that, as we're looking at the draw, I do have a little bit of a concern.

There were a lot of things that I didn't think made very much sense in the whole Digital Archery piece, but one of the things that did make sense was there were some cutouts, there were some implied preferences for underserved regions. I just got through a 2 1/2-year marathon with the JAS, and say what you will about how it went. There was a lot of good energy spent and a lot of focus on trying to address the needs of what we know is an unequal playing field. Let's face it, it's just not level.

That's okay. Things -- you know, the fact that we have the JAS and the board asked us to put that together, the fact that we have an Africa strategy and a new Latin America strategy in the works, is testament to the fact that we really do want more activity in those areas.

I think it's good for ICANN, and I think it's going to be good for this process if we can find a way to get those geographic focus areas back in this -- the final solution for what we do. Thanks.

STEVE CROCKER:

Andrew, just one point of clarification.

You mentioned JAS. My understanding is that we have a total of -- if I recall correctly -- three applications --



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ANDREW MACK: The reason I mentioned -- yes, you're absolutely right. There was a -- and it was a -- it was a real disappointment, for those of us who worked so hard on it.

The -- part of the challenge has been, Steve, that there wasn't a lot of outreach. Most people didn't know about the JAS. They didn't know that it existed.

STEVE CROCKER: Right.

ANDREW MACK: Right? And what it's -- the reason I mentioned it is only because when it comes down to it, the whole formulation of JAS at Nairobi was a recognition of the fact that we wanted to, as a community and needed to do more. That's all.

STEVE CROCKER: So I understand that. And clearly in the next round or any other formulation, we'd want to look at that very closely, but just with respect to what's in front of us at the moment, are you suggesting that those three applications should also be given priority with respect to the drawing?

ANDREW MACK: I think we -- with the very, very small number of applications from the global south, specifically Africa and Latin America, I think it would be a



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black eye for ICANN and a miss for the community if those ones were the last ones to be -- to be seated at the table. That's all.

STEVE CROCKER: Thank you very much.

[ Applause ]

SERGIO SALINAS PORTO: Good morning. Buenas noches. I will be speaking Spanish.

Good afternoon. I am Sergio Salinas Porto -- (audio problem) Internet users (audio problem) here before you is to request some attention on some gTLDs for their approval. Dot Patagonia, dot cba, and dot amazon or amazonia.

These are affecting public interests. The dot cba that has been presented by the commonwealth (audio problem) affects not only the (audio problem) republic but also the republic of Colombia, also Spain, and we have three provinces with the same acronym, and this acronym is used in our everyday use in our language.

Dot patagonia affects the region of Argentina and Chile, and the same thing happens with Amazon (audio problem) attention on (audio problem) for you to help that the (audio problem) --

SOPHIA BEKELE: (audio problem)



--requires that different stakeholders participate in its governance and that a proper forum is provided for (audio problem) to participate.

(audio problem) back in ICANN 44 ICANN meeting, we were concerned that a preliminary meeting was held between ICANN officials and -- (audio problem).

It was later transparent that the (audio problem) apparent exclusion from participating in that meeting as a prelude to a non-involvement in the process, both formulation and implementation.

However, in moving forward to a positive future and cooperative endeavors, we are thankful to Mr. Tarek Kamel, the senior advisor to the ICANN President and CEO, who also has a preliminary responsibility for leading the formulation, implementation of the ICANN African strategy.

Mr. Kamel has been gracious enough to meet with us here in Toronto and discuss the framework under which we can participate in the African ICANN strategy.

To this end, we are very pleased to announce -- (buzzer).

Anyway, we are very pleased to announce we have provided our proposals to ICANN via Dr. Tarek Kamel and we would like ICANN to consider that for the next upcoming meeting. Thank you very much.

STEVE CROCKER:

Thank you.

[ Applause ]



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This session, as we said, is the response to the board report. Let me ask that we limit the -- this queue to the people who are currently in the queue now. And so consider the queue as closed at the end of this.

And then we're moving to the general public forum. There has been quite obviously some blurring of issues anyway so I don't think this means that anybody is not going to get heard.

Professor.

MILTON MUELLER:

Milton Mueller, Syracuse University, Noncommercial Stakeholders Group. I wanted to address -- you mentioned in your report the Article 29 working group letter, and I also sat in on the GAC/board session in which that was addressed. And I think some clarification is needed.

The upshot of what the GAC is telling you is that the Article 29 group is this, quote, independent advisory body. And I'm going to give you the impression that it is sort of free floating -- (audio problem).

What Article 29 group is, is the assembly of the data protection authorities of the different European countries. And, therefore, they are, in effect, a law enforcement agency just as much as what we in the U.S. typically think of as a law enforcement agency such as the FBI and so on.

And so when they tell you that a certain policy of yours is against the laws that they are expert in, it is basically the same thing as getting an opinion from a national data protection law enforcement agency. And it is not something to be lightly dismissed.

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And the fact that the European Commission tells you that their position is not the same as Article 29, again, I think if you have had to choose between which one of those to dismiss, you should discount the European Commission opinion because I'm sure it would be overruled in a court of law if it were ever put to the test.

I would also like to report we have received private communications from at least two of the national data protection authorities supporting our position. And the Council of Europe, I think, would take the same position, although they have not publicly done so. Thank you.

STEVE CROCKER:

Thank you.

[ Applause ]

EVAN LEIBOVITCH:

Hi, my name is Evan Leibovitch. I'm vice chair of ALAC, and I represent an At-Large structure from here in Toronto. I hope you have enjoyed yourself here, visa issues notwithstanding.

Anyway, I'm basically here just to let you know that at least from the perspective from the At-Large, that is, all the people I have spoken to, the consensus in the room, issue of IDN prioritization, is a non-issue. It's unanimously liked. It is universally liked. It is something that we think is in the global public interest. As Marilyn said, we have some other ideas in terms of, as Andrew said, prioritizing applications from lesser-developed countries because there are so few of them and they serve a very important strategic need.



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I just wanted to make sure that you are aware that within the At-Large community, this was something that was very important to us and thank you for doing it.

STEVE CROCKER: Thank you.

JEFF NEUMAN: Hello. Sorry. I'm a little short here. My name is Jeff Neuman. I'm from NeuStar but, these comments are being made in my personal capacity. I have seen a great amount of change this week from the ICANN staff and the board. In light of that change, I would like to actually change the nature of my comments that I generally make.

The very first thing I am going to say is thank you. Thank you very much for the change I have seen this week.

[ Applause ]

It has been very refreshing. And the second thing that you rarely hear me say at the mic is on accountability. Anthony Van Couvering made a comment about the trademark clearinghouse. And while it was true that before this week we felt largely ignored, I think this week has been an excellent exchange of ideas, of concepts, of actually rolling up our sleeves, getting on the whiteboards, drawing things out, conversations with a lot of board members to understand why those proposals were being made.

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In the spirit of accountability, it is my fault I have not yet been able to reach out to all of the registries stakeholder group members. I have tried. I have gotten through to a lot. I will take accountability for that and make sure that I let all of them know what wonderful progress we have been making and hope to make in the coming weeks. Thank you.

STEVE CROCKER: Thank you.

ANTONY VAN COUVERING: Thank you, Jeff, for giving me an out. I'd like to bring up a different question. I noticed our new CEO, who I am very happy to welcome here, has been making the rounds and listening to people and I think that's a great step.

One thing that we as new applicants feel without any formal structure, we have an observer status within the registry, is that it is very hard to complete with these established silos. So, number one, I encourage you to get rid of though silos. And, number two, I would like to bring something up that the staff noted that with regard to the application and the clarifying questions, there was a lot of support from all of the applicants, or many of them, to be able to communicate with evaluators in more than this extremely structured way. I understand it is difficult for the staff, but we received a pile of clarifying questions. We would like clarification on clarifying questions. They were very difficult to understand. Given that if we don't do it right, our applications could fail, we need some way to be able to say this is unclear, we don't know what you mean. We actually in our pile of clarifying questions wrote



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several different versions trying to figure out which one was actually going to be responsive to the question.

So although I appreciate with this volume of applications that it is difficult for the staff, this highly structured and largely opaque process is extremely difficult for applicants.

And given that there's a fee for extended evaluation and time loss and all the rest, you may be getting rid of perfectly valid applications just because of the language that's used for the fact that the question is not clear.

So I urge you to think about how to take steps to help fix that. Thank you.

FADI CHEHADE: This is a very fair comment, and I'll take it to heart. Thank you.

STEVE CROCKER: Your turn.

ROBIN GROSS: Thank you. My name is Robin Gross, and I'm the chair of the Noncommercial Stakeholders Group. And I just wanted to pick up a little bit on the Article 29 letter and the RAA negotiations on that.

I think it is worth pointing out in the letter from Article 29, they do point out that they haven't been consulted by ICANN on these privacy issues. And so I think that we really have to push back on GAC a little bit who



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said that they have consulted with privacy authorities to find out, well, which privacy authorities and what specifically did they tell you.

I think there's been significant accommodations from everyone in the community to these requests from the law enforcement agencies. Everyone has pretty much bent over backwards to give the law enforcement agencies -- certain law enforcement agencies what they want.

And we're concerned about the staff adopting a position of the law enforcement agencies and then pressuring the registrars to do those -- to do those things that the law enforcement agencies want without taking into account the privacy rights of Internet users.

So there is a lot of concerns that remain about these requests. They risk violating local laws, putting people in jeopardy for following through with what the law enforcement agencies want.

There's concern about this revocation right that ICANN is pushing for. I feel it is overreaching and misplaces priorities. There's concern about the law enforcement agencies' request to require the registrars to police and control the behavior of Internet users. Shifting the burden like that, shifting the costs and the responsibilities to third parties is only going to chill innovation and freedom of expression and privacy.

I think it's worth saying that it's -- we're very, very appreciative to those registrars who have been involved in these negotiations -- (buzzer) -- and have been standing up to the law enforcement agencies. That's really all I had to say. Thank you.

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[ Applause ]

STEVE CROCKER:

Thank you very much. This brings to a close our inaugural version of the community questioning of our response to the community of what we've heard during the week. We will have some quite specific discussions internally about how well this has worked, and we welcome any comments on that as well.

And I'm sure Sally is taking notes and her mind is working furiously on this.

Okay. We now come to the regularly scheduled portion of the public forum. We have a number of topics. Filiz has done her usual outstanding job organizing all of this. There's a -- several topics that have been collected in advance. I'll read them quickly just to organize them, and then we'll move into specific -- into discussion of each topic.

Let me ask that you organize your questions to stay within the topic, and we'll continue to be pretty rigorous about time commitments.

The topics are the following: Role of supporting organizations and the ICANN board in policy development process. We'll take a break after that. And then when we come back, there will be a presentation about ICANN 46 in Beijing. And then we will continue with the public forum: Internationalization of ICANN and global outreach strategy, capacity-building and understanding better volunteer movement at ICANN and constituencies, MyICANN, and then an open session for any other business.



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So with that, let me ask that anybody who has comments, questions, et cetera, on the role of supporting organizations and the ICANN board in policy development process at ICANN to come forth.

Chris is asking me where did that come from.

CHRIS DISSPAIN: Who suggested it as a topic? That's what I was asking.

STEVE CROCKER: This is from within the GNSO.

Filiz, can you remind me where?

CHRIS DISSPAIN: If it is from within the GNSO, I guess it is from GNSO? No? Okay.

FILIZ YILMAZ: Can I explain where this has come from?

STEVE CROCKER: Please.

FILIZ YILMAZ: It was submitted by registry stakeholder group.

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STEVE CROCKER: The registry stakeholder group. Thank you.

Is there further comment on the board?

Ray -- excuse me. Ray?

RAY PLZAK: Yeah. Since the registry stakeholder group submitted this, I would like to hear them make the first comment about to elaborate on the concern.

STEVE CROCKER: Let's proceed, Wendy. Or Jeff?

WENDY SELTZER: After Jeff.

JEFF NEUMAN: I can't quite recall completely why this was. But I think, again, there were a number of subjects starting with the Olympic Committee/Red Cross topic that were sort of promulgated by the board in Singapore, and we were told in a top-down fashion that these marks needed to be protected.

We felt at the GNSO level and in the registry stakeholder group that that is something that should have gone through a policy process as opposed to just having been a decision taken at the board at that time.

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I will also -- you know, the one example here, too, is the IGOs is another one where we know that the GAC has presented and may very well present some ideas on protections.

We, in the GNSO, we feel ready, willing and able to take on these issues and to discuss these. I know that -- I understand the GAC has presented some ideas on their view of the law on the protection of the Olympic Committee and Red Cross marks.

I will take the minute I have left to give my own thought on that. While the law does protect the use of those marks in certain circumstances, the law does not necessarily require registries and registrars to take actions based on that. If you would like registries and registrars to take action to implement what is the law, that is something that we believe would have to go through a policy development process as opposed to something -- a decision made at the board level of automatically reserving those names in our contracts.

Again, we're willing to work with you. We just appreciate those types of issues being brought back to the GNSO.

STEVE CROCKER: Thank you.

Chris?

CHRIS DISSPAIN: Jeff, sorry.

[ Applause ]



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Just before you go, just because I know it is in the transcript and I want to make sure we're clear, I think what you just said was that in order for registries to have to do something that is the law, it has to go through a policy development process.

JEFF NEUMAN: That's not what I said. Can I clarify?

CHRIS DISSPAIN: That's what I thought. Yes, please, if you wouldn't mind.

JEFF NEUMAN: The registries always have to follow the law, with or without a policy process. The law as it is, as I understand it to be, is that there are uses of those marks that are prohibited by law.

However, the law, at least in the United States and in Belgium and other places where I've actually litigated some cases, state that a registry or registrar acting merely as a registry or a registrar is not liable for the uses made of those names, okay?

So the law may say that certain uses of those names are prohibited, but the law does not say the registries and registrars have to reserve those names. There is no law. There is no registry or registrar that has been held liable for merely acting as a registry or registrar.

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STEVE CROCKER: So your point is clear and appreciate that. I'm going to take a stab at trying to clarify something that I know is going to take considerably more discussion. The policy development process is something that we've invested quite a lot on and really take seriously and treasure.

We also have a requirement that when the GAC gives advice that is within the bounds of formal advice, as they say it, that we're under quite a lot of obligation to either follow that advice or have very strong reason to not to.

There is -- we are in a state where we have not gotten everything working smoothly, and there is a bit of ambiguity in the way we have done things which has led to some confusion. And the specific sequence that actually relates to this particular thing is that the GAC provided some advice. We asked for input -- and I want to choose my words very carefully -- from GNSO to be helpful to us as a matter of due diligence in our process. That may have been interpreted as either asking for or not asking for a policy development process.

I will leave things there. But I want to share with everyone that we are actively in the process of trying to knit these separate requirements and boundary conditions together into a coherent hole.

JEFF NEUMAN: Real quick response?

STEVE CROCKER: Yeah.



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JEFF NEUMAN: I agree with everything you said. I just want to note for the record that we have policy processes that are not necessarily the, quote, policy development process.

And I think it's very important when we talk in this community and even with the GAC and others, a formal PDP is required only in certain circumstances. But for other circumstances where you would like our input, there are many other policy processes, in lowercase Ps, to utilize to get you the feedback you need in a much quicker and more efficient manner. Thank you.

STEVE CROCKER: I can tell you that every time the "P" word is used I flinch.

Bruce?

BRUCE TONKIN: Yeah, just wanted to remind Jeff, or perhaps point out, that we actually do have an open process where we're looking for comments on just that.

And that's what I'd say, you're using a small P using your terminology. We have used the term "advice" but it is affectionately called policy advice, and I agree.

We have two extremes really. We have policy recommendations that come through the policy development process, PDP, which takes at least a year. And then we have lightweight public comment where we



just want to know, you know, What do you think of just changing this word in a contract? And that takes, say, 30 days.

But in the middle, we have a lot of ad hoc processes. And that's something the board is acutely aware of a,nd we saw that with most of the things with respect to the applicant guidebook, especially seeking feedback from you on how to do we actually start to provide predictability to how the GNSO gives us policy advice in a time frame that might be between two meetings, like over a three-month period and to actually start to build that into our processes.

Right now it is unpredictable. You don't know what we are going to do. Are we going to take a week or a year? We need to get it predictable.

STEVE CROCKER: Thank you. Wendy?

WENDY SELTZER: Thank you. Wendy Seltzer here from the Noncommercial Stakeholders Group of the non-contracted parties house of the GNSO Council. And I give that long hierarchical introduction to emphasize my point that the GNSO Council is broken. We are frozen into silos that make it difficult for us to give the policy advice and to do the policy work that we are chartered to do and that we want to provide for the ICANN community.

We are supposed to be the place in the GNSO where the interests of those who are working with and on the Internet come together, get hashed out among the different interests at play and reach consensus.



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As it is, though, we're stuck in voting positions that often prevent consensus and lock out the chance of agreement and moving forward.

So we need to fix that. We need to rebuild a true multistakeholder body. And I think to do that at this point, we need to catalyze from the top and then rebuild from the bottom.

STEVE CROCKER: Do you have specific recommendations on how to restructure things?

WENDY SELTZER: I think by throwing out the existing structure and then throwing it back to us to talk about how to restructure. But we can't start from the status quo because there are too many entrenched positions and interests in the status quo.

STEVE CROCKER: I understand very clearly the negative part of throw it out the way it is. I think it will be helpful to have some elements at least, if not a complete plan, of what a replacement structure or alternative method of proceeding would be, partly to provide the motivation and sense of positive expectation that if we entered that process, we'd actually get somewhere rather than milling around in chaos for a while.

WENDY SELTZER: Thank you. We'll work on it.



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STEVE CROCKER: Thank you.

FADI CHEHADE: Thank you, Steve. I made that comment when I met with some of the council leaders, that often we think that the structure is the solution. The same structure, for example, in Washington, D.C. works sometimes and doesn't work other times. It is the same structure. Maybe it is the people that we need to work on. And I know you just said throw out the structure, and you just threw out Stephane. He is a nice guy. I'm not sure he was the issue.

I really do think all of us can change how things work. Yeah, structures are not perfect. They can always be improved. But maybe also attitudes and readiness to cross the other side of the line and listen within a family sometimes gets us places. So I wish you a lot of success, and I know you have new leadership. We welcome Jonathan in his new role, and I know that all of you will be working with him to make this work. And I will support you every way I can.

[ Applause ]

MICHAEL PALAGE: Michael Palage. I'm the treasurer of the registrar constituency, but these are my personal viewpoints.

This is my 41st ICANN meeting. And in the 41 ICANN meetings that I've participated, I've participated in the registrar constituency, the registry constituency, the intellectual property constituency, and the business constituency. I've worn many hats.



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And one of the things in the last 13 years is I don't ever remember an occasion where I actually have agreed with Anthony Van Couvering and Wendy Seltzer. The GNSO is not working. It is not working. It is not optimal.

And to try to stress the point of its non-optimality is the following fact. My very first ICANN meeting was in Berlin, 1999. This was when working group A, which is tasked with the UDRP, was talked about. It was recognized by the board in June. And by October of that year, it was adopted and it was put in place by November. Five months.

And if you look at the UDRP, it's probably one of ICANN's biggest successes. What has happened again, supporting what Wendy and Anthony have said, is the GNSO, the silos in which people have to choose in which they want to participate, the walls have gotten wider and taller. It's impossible for someone new wanting to come in to figure out how they can participate without dealing with stuff.

This is the inefficiencies. And with regard to how to solve the problem, Steve, during our breakfast on Tuesday, I referenced a paper. I will give you the name of the paper. The paper that I referenced on Tuesday morning's breakfast, it is called "Operation Phoenix" and it is about taking back the GNSO to give power to the people. Thank you.

STEVE CROCKER:

Thank you.



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MARILYN CADE:

Thank you, my name is Marilyn Cade. I'm a member of the business constituency and I guess I was a little confused when I saw the question. So I would like to ask a favor, that perhaps when any of us submit a question to Filiz in the future we might also give a couple of hinting sentences so that we could all prepare. I read the question differently. For instance, from our perspective we would have thought it would have been the role of the Supporting Organizations and the Advisory Committees and the Board in Policy Development Processes. Since we very much believe that the Advisory Committees are also involved in Policy Development. So that would be my first comment from the business constituency perspective.

The second comment has to do with, I actually thought this was about the satisfaction of the ATRT recommendation number 6. And we will be providing further comments on that topic. We do believe that there are times when the Board will have to and Advisory Committees, according to the bylaw, the authority given to them, will have the ability to bring forward policy issues, the GAC obviously to provide advice, but Advisory Committees and the Board also have the right, according to the bylaws, to call for Policy Development Processes. So the heading was a little too difficult for us maybe to fit our understanding, but the summary would be that we do think that there are going to be times when the Board will need to push forward in bringing forward policy and the Supporting Organizations may have to -- we may need to dialogue more about how we adapt to address such situations.



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STEVE CROCKER: Thank you. (buzzer) oops. Point made -- your point is noted about the clarity of the topics that are listed here. Thank you. Bertrand. Later. Stephane.

STEPHANE VAN GELDER: Thanks, Steve. Stephane Van Gelder with NetNames. Just on the question of the role of Supporting Organizations, with reference to the GNSO specifically, I think you may want to start -- or the GNSO may want to start asking itself what the role of its council with regards to the SO in general is because I think what you have seen so far is a difficulty for people within the GNSO to actually understand what the question is because they don't clearly understand what their role within the organization is.

Now, if you talk to people within the GNSO, everyone will tell you they have a clear understanding of that. But I actually would challenge that reality. I'm not sure because everyone's clear understanding is different from everyone else's. So I would suggest that as far just for the GNSO, as far as that SO is concerned, we perhaps need to work on the clarity of the relationship or the role as we phrased it during our week's work here, the role of the council within the GNSO. Thank you.

STEVE CROCKER: Thank you.

CHUCK GOMES: Chuck Gomes from the Registry Stakeholder Group, and my ultimate goal is to address the topic there. But I want to first respectfully



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disagree with the blanket statement that the GNSO is not working. That's not true.

[ Applause ]

Is there room for us to improve our abilities to collaborate together? Lots of room. Is there opportunity for us to improve how we're organized? Absolutely, and we should talk about that. But a blanket statement that says it's not working is wrong.

Now to the topic. I looked at this, I struggled, and I was probably one of the ones in the registries that submitted this as a possible topic and the brevity of it there -- and it may have been our fault -- stumped me for a little bit. But one of the issues, in addition to what Jeff said earlier on this one that was of concern, we all know that the Policy Development Process itself is a bottom-up multistakeholder process. We then move in to other phases of mostly implementation and then final decisions. So part of the question that was really intended here -- and I apologize if it wasn't clear -- was okay, at what point -- is there ever a point where we move away from that bottom-up multistakeholder process, even in implementation? I don't think there is, and we have some concerns that have been talked about with regard to trademark clearinghouse earlier. I'm not going to reiterate those. I'm really pleased, like others, with how we moved away from that kind of top-down decision-making to having some real dialogue, productive dialogue, and are moving towards solutions. And that was part of the gist of that question. And by the way, it wasn't just one person submitting it, it was a Registry Stakeholder Group submission.

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STEVE CROCKER: Thank you very much. Again, in the interest of time, let me limit the queue for this topic to the set of people who are currently in the queue. Mikey.

MIKEY O'CONNOR: Thanks. Thanks, Steve. My name is Mikey O'Connor, and I got in the queue right behind Chuck for exactly the same reason. I reacted pretty strongly to the GNSO council is broken statement. I don't think that's fair. I think the thing I want to emphasize, and I don't think I'll take the whole minute to do it, is that at the bottom of the bottom-up process, which is where I spend all of my time, there's a lot of good stuff going on. And I want to point to several successes, that the whole GNSO community, I think, can step back and take credit for.

We took four weeks to write a charter for a fairly uncontroversial topic. It's called thick WHOIS. We came out with a unanimous vote on the council yesterday on that one. We took on a fairly non-controversial topic as to the difference between transfers or registrars and transfers of registrants. We completed that in record time, one year, including all of the built-in comment periods and got a unanimous vote out of the council, and we have a couple of other things that are going on that are pretty darn cool. So let's stop throwing the "broken" word around here. Thank you.

[ Applause ]

STEVE CROCKER: Thank you. Go ahead, Eric.



ERIC BRUNNER WILLIAMS: Thank you, Steve. Eric Brunner Williams speaking for myself only as an individual. I'm following up on the comment made about the -- essentially reform of the GNSO, and I want to point out that we did reform -- or we started the reform process in 2008 at the Paris meeting and what we don't have today, which we did have then, was a study on the voting patterns of the constituencies then which showed an interesting degree of correlation between several of the constituencies on policy matters and an absence of Policy Development in several of the constituencies and that was very significant knowledge at the time. We don't have a picture for the last four years to support any notion of how the GNSO actually works in the large view. So that's one suggestion is that as we look at the possibility of reforming or changing the GNSO we actually try to have some knowledge about how it's worked empirically as we did in the 2008 meeting and that report was done by staff so it's online somewhere.

As a suggestion in response to Steve's question, how would we fix this, I want to point out that the Policy Development comes from the GNSO and there's really no institutional vehicle for the public interest within the GNSO. There are stakeholders which have a variety of specific interests, but none which provide something equivalent to the degree of interest which the GAC has in the territorial jurisdiction notion of the public interest or what the at-large constituency might have for a non-territorial notion of what the public interests are. And with that I'll stop. Thank you very much.



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STEVE CROCKER: Thank you. I'm sorry, please proceed.

ALAN GREENBERG: Alan Greenberg. Quickly with regard to what Eric said at the last reorganization of the GNSO we did suggest a user type input and we were categorically rejected and said it's for registrants only. So a bit of history.

My position on the GNSO is somewhere between Chuck's and Mikey's. I'll give you a quick example. A week ago today ICANN staff posted for comments the implementation for the -- if I remember correctly -- the name is expired registration recovery policy. That was a result of a PDP that I chaired which resulted in some pretty watered-down recommendations, certainly based on what ALAC originally envisualized when it requested the issue report four years ago from Sunday, last Sunday. The Board approved the recommendations a year ago in a week and a half. By the time it's implemented, it's likely to be another six, eight months. Close the five years to implement some relatively minor changes is not a really proud record. Thank you.

STEVE CROCKER: Thank you. Go ahead, Robin.

ROBIN GROSS: Thank you. My name is Robin Gross. I'm the chair of the noncommercial stakeholders group. You asked for some specific suggestions on how we can improve the structure of the GNSO, and I've got a couple of ideas to float on that. First, I think we should lose the



bicameral house structure. This was something that was merely created as a counting tool on the fly and not really well thought-out. And now that we've had a couple of years to see how it's working, I can tell you, it's not. And it's encouraging gridlock and adding another layer of bureaucracy to an already extremely hierarchical and bureaucrat system. With this bicameral health structure you've got the non-commercial users and the commercial users in one house and the contracted parties in another house, but the problem that we often much find with this is that, at least with respect to the non-commercial users, we have much more in common with the contracted parties on many issues than we have with our own housemates. And so this is -- this is causing part of the gridlock and part of the problem that we need to move past. So what I would suggest we move towards is moving away from this -- this hard-wired historical constituency model and moving more towards lightweight interest groups that are based on issues. And loosely organized, easy to form, easy to dissolve, not entrenched in these resource and power battles and can really get people just focusing on working on a specific issue and then moving on to the next issue when that issue has been resolved. Thank you.

[ Applause ]

STEVE CROCKER:

Thank you very much. I'll note that my colleagues over the IETF generally organize in that fashion and have sometimes commented with a bit of an edge of the structures that we create as opposed to being formulated around issues. Thank you.

This brings us to a close of this topic.



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FILIZ YILMAZ: Steve.

STEVE CROCKER: Oh, I'm sorry.

We have comments from Filiz as well.

Thank you. We're not done yet. Filiz.

FILIZ YILMAZ: Thank you, Steve. Filiz Yilmaz reading a comment from Michael Graham. As a member of the intellectual property constituency of the GNSO, I disagree with Wendy Seltzer's comment that the GNSO is broken. My experience participating in auditing GNSO council it seems to me that the structure allows free, fair, and in depth sharing of ideas and opinions. In my participation in ICANN projects and working groups has been as a member of the CTCCC working group which was quite collegial and productive and completed a great amount of work in a short time. To address Wendy's comments and criticism, I think we need more specifics on how she believes the GNSO is broken, other than being within silos. Instead of tearing it down, I would follow Stephane's lead and suggestion that we clearly define and understand both the role of the GNSO, the role of the council, and the role of the constituencies in the GNSO. Thank you.

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STEVE CROCKER: Thank you very much. Are there other comments from the remote participation? No. Any comments from the Board? Bertrand.

BERTRAND DE LA CHAPELLE: Thank you, Steve. I'd like a quick remark regarding the formulation of the -- of the question, which actually relates to a word that is classical in international law which is the notion of subsidiarity. And subsidiarity is the matter of what are the respective roles and responsibilities of the different layers of a decision-making structure. What basically is behind this question is a very legitimate question of how much the Board should move or not beyond the role of overseeing the proper process, making sure that the procedures are being followed, making sure that the consensus that is presented is actually a consensus and that all views are integrated. One of the challenges that exists in the current ICANN model is that as we hear regularly from the GAC, the GAC advice is supposed to come to the Board and the question is, when does it come in the course of the process of development of policy.

So I won't belabor on this question. This is one of the challenges that we are facing and that we need to think about, because as Stephane was saying, this is self-replicating at lower levels. The question of the relationship between the council and the subgroups or the structures within the GNSO at large is a similar question.

Second point, it's mentioning all Supporting Organizations. I think when we're discussing this issue we need to take into account how other SOs are working. They're different from the GNSO but the ASO and ccNSO use different approaches for different problems. But we should not necessarily dismiss them as being irrelevant to thinking how we address

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the issues related to the generic dot level domains. How to decentralize the decision making is a fundamental concern, and sometimes I wonder -- it's just an open question -- whether we have not centralized a bit too much some of the questions we're addressing.

The debate about whether things are broken or not broken is mostly something that will have the opportunity to be discussed quietly in two processes, at least, not to mention the ATRT 2, but you know that the review of the GNSO is going to start next year and how this will be conducted will be a good opportunity for raising potential concerns regarding this and you know also that there's this ongoing and starting discussion on the impact of the new gTLD on ICANN structure and processes that will provide us the opportunity for a full session I believe in Beijing to address this.

Finally, I want to make a comment that is a very personal comment that the solution to all problems -- to any problem is not a policy. Sometimes as Jeff Neuman said, and I think Fadi has rightly initiated, it's rolling up your sleeves, getting in the room with the right stakeholders and trying to solve the problem. In many cases the GAC doesn't want to participate in the Policy Development Process because it's long. But if it is about getting different actors from the GNSO, from the GAC, from some operators outside, into the room to try to address a concrete problem, it's much easier to solve. And I would encourage people to think about this when we talk about the protection of international governmental organizations, talking and discussing with those actors and getting them into the discussion on what are their real concerns and what is the real concern regarding the protection of citizens and users is as important, not more important, as important of drafting



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documents of policy for protecting names or other things. Getting the people in the same room to solve the question is sometimes more interesting and more fun and more useful than fighting for policy.

STEVE CROCKER:

Thank you very much, Bertrand. This brings us to the end of the discussion. I think I finally -- am I losing anybody? No? The end of this topic. We're going to take a break. Jonathan, quickly.

JONATHAN ROBINSON:

Thanks, Steve. I'll just be very brief. I realize that the session has been potentially coming to an end for a moment or two. My name is Jonathan Robinson. I've just been elected yesterday, as many of you will know, to be chair of the GNSO council.

[ Applause ]

Like many of you, I share some frustrations about the throughput, the performance and the -- the output of the council, but I don't share the view that it's completely broken and we should sort of toss a grenade in there. I think Bertrand's made some very good points. We have a review coming up next year. We also have the opportunity to embrace the new season that Fadi so eloquently spelled out for us, and I just encourage you all to work those -- those that participate in the GNSO council, to work as best as possible within the existing structures in a collaborative, cooperative way and demonstrate that we can get the sort of improvements that we'd like to see, and that doesn't preclude any changes or benefits that may come out of the review process in the

future. But for the moment, we have what we have, and my goal is to make it work as effectively, efficiently, and positively as possible. So thanks very much.

[ Applause ]

STEVE CROCKER:

Thank you. And let me add my congratulations to you on your luncheon and your willingness to take on what is quite obviously a challenging role. We're going to take a break. The start time after the break, 4:15 sharp. We'll start with the presentation of ICANN 46 in Beijing. See you in 20 minutes, 25 minutes.

[ Break ]

NANCY LUPIANO:

If you would please take your seats, our board members are arriving on the table and we'll be able to start our public forum in just a minute.

Ladies and gentlemen, I would like to take the pleasure to announce the Chief Scientist of the China Internet Network Information Center (audio problem).

[ Applause ]



DR. MAO:

On behalf of the local host of the 46th ICANN meeting, CNNIC, CONAC and the Internet Society of China, I would like to express congratulations on the succession of the ICANN Toronto meeting.

We would like to also ask extend our warmest welcome to our distinguished guests who will attend the Beijing meeting in April 2013.

CNNIC just enjoy its 15th birthday in July.

In the past 15 years we dedicate ourselves performing our duty as a state network information center. And also with me is the star of the development of China's Internet industry. The 2002 ICANN meeting in Shanghai made a great contribution to the industry. We also believe the next ICANN meeting in Beijing will bring us opportunity to transform, and resolves to help all of us achieve a better ICANN community.

Today, with the purpose of extending Beijing's welcome and its best wishes to our guests, a video has been specially prepared by our three ministry-level officials. They are Professor Tan Tieniu from the Chinese Academy of Sciences, the higher authority of CNNIC; Mr. Wang Feng from the State Commission Office for Public Sector Reform of CNNIC, the higher authority of CONAC; and Madam Hu Qiheng from the Internet Society of China. They would like to apologize for missing this meeting, and in a truly special way, coordinate to work hard to welcome all of you to Beijing.

Finally, I want to speak a few words in Chinese.



I'm very happy and honored that I am given the opportunity to listen to Chinese simultaneous interpretation at the ICANN meeting. This is actually the first time. This is great news that the new CEO that has brought to us.

Beijing is the capital of China which has a long history and also splendid one.

In April, it's actually the best season of Beijing. So I'm confident that when you come to Beijing you will find the trip worthwhile, and I wish you a good stay in Beijing.

Thank you.

[ Applause ]

(Video playing)

PROFESSOR TAN TIENIU: Ladies and gentlemen, I'm sorry I can't be with you in Toronto at the 45th ICANN meeting. Nevertheless, I do want to take the opportunity to welcome you to Beijing next year on behalf of the Chinese academy of sciences and the China information network center, or CNNIC, as one of the hosts of next year's ICANN meeting.

The Chinese academy of scientists was established in November 1949. It is the most comprehensive research organization in China.

It is also the birthplace or the cradle of the Internet in China.



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We have also enjoyed very much and very productive collaboration with ICANN over the years.

As a very old Chinese goes, isn't a great pleasure to have friends coming from afar.

Beijing, as you know, is the capital city of China, a city with a profound history and culture. I'm sure you will find Beijing to be an exciting place for having an ICANN meeting.

So once again, on behalf of the Chinese academy of sciences and my colleagues at CNNIC, I wish to extend a warm welcome to all of you and hope to see you all in Beijing.

Once again, welcome you to Beijing.

Thank you.

[ Applause ]

VICE-MINISTER WANG FENG: Hello, on behalf of the central government of China I would like to congratulate on the 45th ICANN meeting and its successful completion. And also, to the China -- Canadian government and also Internet authority. I would like to thank you for your careful arrangement for this meeting. The Internet society of China has participated in all kinds of ICANN activities.

Our organization fully supports the gTLD project in ICANN. We participated in policy development and have applied to such domain names.



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The next meeting will be held in Beijing in April next year.

CONAC together with the CNNIC organization of China and also the Internet society of China will together host this event next year.

ICANN and the Internet society have had a lot of collaborations, and this is a further event to deepen this collaboration. And finally, we look forward to you coming to China. We warmly welcome you.

Thank you.

MADAM HU QIHENG:

Internet Society of China, my name is Hu Qiheng.

First of all, would I like to express a warm welcome to you to the 46th ICANN meeting which will be held in Beijing, China, next year, April.

The Internet society of China is one of the three hosts for this meeting.

We recall to ten years ago in 2002 when the ICANN meeting was held firstly in China in Shanghai. And during the past decade, we all witnessed the significance that this meeting brought to China.

The second time ICANN meeting in China will brought new driving force to the new decade for China's Internet development.

Beijing is a city joining the traditional culture and modern technology, and April is the best season in Beijing, very dry and pleasant weather. And I hope the full success of these ICANN meetings.

Welcome to Beijing!



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(Video concludes)

[ Applause ]

STEVE CROCKER:

Well, I was tired before. I'm ready to go again.

Good. We continue with the public forum.

The next topic is new gTLDs. Let me suggest that any comments or questions about specific gTLDs, and we have a rather extensive process. This isn't the optimum place for pursuing cases pro or con, actually,.

So with that, let me ask that people come to the microphone.

FADI CHEHADE:

While people are lining up, I'll just use this opportunity to thank the team from China that came here to present this excellent, enticing video.

Thank you for that. Thanks for the officials who spoke. We appreciate that.

I just want to tell you that, looking at this video, I'm getting warm and ready for China. I hope that Sally will somehow manage far less meetings so we can go out and not just see China and Beijing but, more importantly, for us to meet the people, the users, the local people.

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You know, we all travel all the way to Beijing or to Toronto or to any city. We should take time to meet the local Internet users, the local community that we ultimately serve.

So I hope that as we make this long trip, we use it as a trip to engage with the great people of China, the hundreds of millions of people who use the Internet. It's a remarkable opportunity for us, and I really look forward to making this a great milestone in our future in our relationship with the great people of China.

So thank you for that.

[ Applause ]

STEVE CROCKER:

Thank you, Fadi.

And let me add my thanks to the -- for the presentation, for the effort, and the clear invitation and great hospitality that I know we'll see there.

Take it away, Steve.

STEVE DELBIANCO:

Thank you. Steve DelBianco with a question from the business constituency. But I'll first echo what Fadi just said, because you said it's a new season at ICANN. We spend so much time indoors, I don't have any idea what season we're even in. So good idea.

So the business constituency -- let me get to the question now. The business constituency was an advocate of finding a way to create



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exceptions in the new gTLD registry contracts so that dot brands would have reasonable basis to use just one registrar, perhaps even their own, or that they be allowed to register their own names and control them.

And we were glad to see that that showed up in a Code of Conduct exemption. It's in the guidebook. And dot brands, in fact, will probably avail themselves of that. But we were quite surprised, maybe even naive when we learned there were hundreds of applications for generic key words, not brands but key words. And the applications came from companies who want to use it in a closed way, and some of those companies even have, let's say, a market presence. They're a single competitor in those key words.

So we expect those folks to apply for the exemption and the Board of ICANN, then, will be in a position whether to grant the exemption. The way it reads now is the Code of Conduct needed to protect the public interest? The question for you is the who and how will we determine exempting an applicant from the Code of Conduct is in the public interest.

And the B.C. and I have, for many years, advocated a real simple, limited definition for public to make that decision easier. And if you recall, that was the public interest for ICANN, is the availability and integrity of registrations and resolutions.

So isn't it time we let the community settle on a definition so we can start to evaluate these exemption requests?

Thank you.



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STEVE CROCKER: Thank you.

Hi there.

KATHY KLEIMAN: Hi. I'm Kathy Kleiman. I'm a long time ICANN participant and a number of numerous of the new gTLD guidebook drafting teams.

And I like Steve, but I never agree with him. This time I do.

I'm speaking to you about a growing concern of mine, and many others, in the new gTLD process. And it is the closed generics. The many applications that would seek to close off generic words by a single registry, through a single registrar to a single registrant.

That wasn't my understanding of the rules we created. The rules we created created a level playing field, registries working through registrars to reach registrants. Choice and competition were a clear priority in the new gTLD system. And I have to add that I was here in 1999 when we introduced registrars, and now, watching registrations, domain registrations marketed across the world in different languages, different currencies, different customs is wonderful. We did that.

So my letter to you of September 14th points out the many sections of the new gTLD guidebook that require nondiscrimination, choice, and competition with very narrow exceptions, as Steve addressed.

So here's my question to you: How can we get a narrow -- How did a narrow exception get so widely expanded? And could you please issue



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an advisory that the registry Code of Conduct is committed to competition and choice; that Section 6 is a very narrow exception, and it is, as Steve said, intended for brands and their brand names.

Thank you very much.

[ Applause ]

STEVE CROCKER: Thank you, Kathy.

CHUCK GOMES: Chuck Gomes from VeriSign.

And you may not be able to answer the questions that I'm going to ask now, and that's okay as long as the answer is forthcoming fairly soon for the sake of the community.

And the questions are these.

With regard to clarifying questions that were discussed in the new gTLD session, will the timing of those questions and the response period be scheduled in realization that we have a holiday season coming up?

Secondly, will the length of response time be lengthened to allow adequate time for complete responses?

Those questions are, in part, for applicants that we're supporting as a back-end registry operator for some of our partners who couldn't be here today. Some of them shut down over the holidays. Happens every



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year. So that's a very important thing to keep in mind. I suspect that happens for other people, other organizations.

With regard to VeriSign as a back-end registry services provider, and we are supporting over 200 applicants in that role, and any clarifying technical questions, we're going to have to help our partners be responsive, and we're a little concerned that two weeks might not be enough to did that by the time they communicate with us and so forth.

So again, I don't have to have those questions right now but I think it would be very helpful if those responses were provided forth with.

Thanks.

STEVE CROCKER:

Thank you, Chuck. I'm watching the clock and even though we have quite a bit of time in front of us we also have quite a bit of work. So the queue is now closed, and we continue.

JOSH LESLIE:

My name is Josh Leslie. I am just here as a member of the public. First, I just briefly want to express my gratitude for the accessibility of this ICANN meeting. No barriers to participation. Perhaps some barriers to -- sorry. No barriers to entry, perhaps some barriers to participation, but that's okay. And my thanks to CRAF for their help in organizing and publicizing, else I may not have known about it.

Brief prologue and then I'll ask my question.

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So I don't think I'm representing anybody. Maybe my grandmother. I'll leave it to you guys to determine who I represent.

I have been an Internet user, avid Internet user for about 20 years now, and I can say kind of in hindsight, I have not once typed in any of the new gTLDs since ICANN has come into existence. As an average Canadian Internet user, I go to dot CA then dot com, sometimes dot org, and then ccTLDs generally to get information, and I don't think that's atypical for a Canadian Internet user.

I want to hypothesize that ICANN is supposed to act as a steward of the public interest. I'd say that public interest has been maybe confounded with commercial interests on this issue, and that if the new gTLD program goes ahead, it's going to lead to complete ambiguity as to what different extensions mean. If that's the intent, that's fine, but my question is for my grandmother or my neighbor or siblings or me, what value does the new gTLD program add excepting any interest to commercial interests or economic considerations? And if anybody on the Board or your ICANN staff could answer that, I would be appreciative.

STEVE CROCKER:

Thank you. So I appreciate the question, but I have to say, unfortunately, the question has been asked many, many times already, and there's a thick stack of dialogue on the subject and I recommend a small amount of search will yield all the back and forth on that.

Thank you.

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Yes, please.

RAPHAELLE LAUBIE:

My name is Raphaelle Laubie.

This week, many of the community TLD applicants met to share information and concerns and work constructively to make sure our communities have a voice in the new gTLD process.

Community are the right balance in the new gTLD process between people and commercial interests.

We want to ask ICANN to see support and encourage our work to create community-based spaces.

We represent a number of associations, a number of people, type of work being done, from the global environmental movement to regulating industry to diversity groups. We represent the rainbow of public interest based on (indiscernible) opportunity that underlies ICANN decisions to open up the domain space.

Our community demonstrate the core ICANN values, the public and the community values of new gTLDs, reliability through community engagement, competition and choice, public interest, participation, trust, and opportunity.

Thank you.

[ Applause ]



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STEVE CROCKER: Thank you very much.

We have some people waiting for remote participation.

Let me turn to you, Filiz.

FILIZ YILMAZ: Thank you, Steve. Filiz Yilmaz reading the comment -- question -- rather, a question on behalf of Sammy Aboudi, Arabic business owner.

Thank you for the opportunity to remotely participate. How is ICANN planning to insure there is no user confusion, and that it protects registrants rights in regards to the IDN equivalents of existing gTLDs?

For example, ChineseIDN.ASCII.org

Thank you.

STEVE CROCKER: Yeah. I'm sort of seeing if there's a useful thing to say at this point with regard to that.

This is, in essence, a fundamental kind of question that has been built in to the Applicant Guidebook structure and to the whole gTLD process.

Thank you.

Let me take a second one.



FILIZ YILMAZ:

Filiz Yilmaz reading a comment on behalf of from Pierre Germeau, International Sport Federation.

The timeline of objection process is biased against communities A number of gTLD applications target certain Sport Federations or Sport community as a whole. Examples include dot rugby, dot ski, dot sport and dot sports.

Affected sport federations, SportAccord and the International Olympic Committee oppose some of them because they lack community accountability and appropriate governance. Other communities face similar challenges. While ICANN's announced an objection process, details have only been clarified recently; in part as late as yesterday. It turns out that objections will only be submitted to panels in May 2013, and that community priority evaluation will only take place once no further objections can be filed. This means that affected communities have no choice but to either file objections against each applicant at a high cost or incur substantial risks. This level playing field is tilted in favor of the non-community applicants. In order to minimize litigation, we request that ICANN allow community objections to be filed at least until two weeks after the determination of community priority. In that way, preemptive objections can be avoided. We also submit that both community priority panels and objections panels should proceed immediately rather than wait for the end of the objection period. In that way, a first objection proceeding can be a case for other panels, applicants and objectors to learn from.

STEVE CROCKER:

Thank you for the suggestion. I think we'll take it under advisement.



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Next, please.

SCOTT SEITZ:

I am Scott Seitz from dot Gay LLC, but today speaking on behalf of the community TLDs that met this week. We represent 30 applications and our organization count tens of millions in the areas from sports to banking, gay rights and other diverse global profit and nonprofit communities and groups.

And the context here is really avoiding process delays for our communities who have been outreaching to our people for a long time and their expectations and timing expectations coming up --

Community applications are often the ones responsible because of that for educating the public about the new TLDs programs specifically, and we are putting forward major global public interest issues, like universality and human rights, national regulations, trust and protection, sports values, environmental responsibility, consumer protection and often intellectual property of our constituents.

We believe that as communities we often represent the ideal of the ICANN TLD program and are the critical balance to strict commercial interests; however, we are concerned that some unintended consequences of the new TLD evaluation process will disadvantage us as community TLDs versus business TLDs and cause extra delays in our application to our -- and our constituency.

Specifically regarding contracts, we want to thank, actually, Kurt for announcing that community agreements will be handled as

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expeditiously as standard agreements, and not subject to additional delay, but we would ask to see that formally presented as soon as possible.

In regard to contention sets -- pardon me -- community applications with contention sets still face a number of delays and difficulties.

(Buzzer sounds)

We would be happy to work with the staff of ICANN to come up with solutions. We're asking for a dialogue.

Thank you.

STEVE CROCKER:

Thank you.

Perhaps it's useful for me to reemphasize that questions are strongly preferred, comments are acceptable, and statements are not desired in this. It's not the most useful use of the time.

Let's proceed.

Thank you.

JACOB MALTHOUSE:

Hi. It's Jacob Malthouse with Big Room, dot eco, also speaking on behalf of the group of community TLDs that met this week.

We want to thank staff for the information provided to applicants so far, and propose the community work with evaluators to identify and



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address areas where we can improve the efficiency of the process overall.

So we have two questions.

First question: Would the board and ICANN be interested to consider the potential of a pilot evaluation of a non-contested community application?

We think there are -- we know there are several members of our group that have volunteered to have their applications serve as a test. A pilot of this test could help add a deal of certainty and predictability to the community priority evaluation process, so we'd be interested to discuss that.

And secondly, we'd be interested to see if the board would be interested to think about a community clarifying questions pilot, as is occurring with the initial evaluations, to help refine how that process would work. And we'd be interested to work with the board and staff on that. Thank you.

STEVE CROCKER: Thank you. Interesting.

JIM PRENDERGAST: Hi. My name is Jim Prendergast with the Galway Strategy Group. I'll start off with just -- I was not able to attend the gTLD acceptance session earlier this week because of a conflict. I would just ask that as part of the communications program to encourage new gTLDs



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acceptance, that we look outside these walls, we look outside the ICANN conference, and we go out to the developer communities, we go out to other fora to get the message out to the people who are building software, building browsers, and building systems that will hopefully take advantage of new gTLDs.

Secondly, I will try and phrase my -- my pleading in the form of a question, and it relies on the clarifying question.

Somebody already mentioned that two weeks really is not enough time. In that same period, you have potential GAC early warnings, you have the drawing in Los Angeles, you have the reliance on third parties to get you answers.

And then finally, for nonnative English speakers, translation from English to their language, developing answers, and then back into their language, and then submitting them is really a challenge in that time frame.

So will the board consider extending the two-week period, so that people can get this right?

STEVE CROCKER:

Thank you. I think the answer to the question, as phrased, "will the board consider," is yes.

JIM PRENDERGAST:

Thank you.



PHILIP CORWIN:

Good afternoon. Philip Corwin speaking in my capacity as counsel for the Internet Commerce Association. I want to start by commending the board and Chairman Crocker for, in the discussion earlier today, noting that the suggestions that have come from some constituencies for changes in the rights protections, that you're working toward evidence of broader support from the GNSO prior to consideration and we think that's proper, particularly since some of those suggestions look like going beyond mere implementation to policy changes.

I just wanted to bring to your attention that last week we published a list of 12 principles that will guide our association's review of any proposals for changes in the RPMs. They were published at our Web site [internetcommerce.org](http://internetcommerce.org) as well as [circleid.com](http://circleid.com).

I'm certainly not going to read the entire list but did want to mention just a few of them. The first and most important is that domains constitute a bundle of valuable and tangible rights, similar to trademarks and other IP rights, and that reasonable balance must be achieved between trademark owners and domain registrants.

Another is that the RPMs, whatever they are, should enforce and protect certainly existing trademark rights, but not expand rights, and -- or create new rights, and we commend the new CEO for stressing that point in a letter he sent last month to Congressional leaders in regard to the suggestion for adding marks plus generic terms to the trademark clearinghouse database.

We think suggestions for changes premised on cost savings must prove -  
- must actually save costs, and then await market testing of the model.



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And finally, it's very important that the U.S. -- URS providers be placed under contract to assure uniformity.

[ Buzzer sounds ]

Thank you.

STEVE CROCKER:

Thank you.

AMADEU ABRIL i ABRIL:

Okay. Here I am again. I'm Amadeu Abril i Abril speaking on behalf of CORE and I would like proposing some refinements or some changes, so corrective methods to balance the side effects, side unintended undesirable effects of some, you know, pure random process, the draw.

You have already applied one, which is the priority for IDNs. We completely support that, as we support priority for not just gTLDs because the string is a geographic name, but those TLDs that have been applied for or with the support of a public authority that has made a judgment of the public interest in that area, which is something we need to take as granted. I mean, if they decide that, we will have long decided that internal public interested -- you know, a public interest, yes, belongs to interpretation of the local authorities and communities, not to ICANN to decide for the local public interest.

So we support that. We support also that for communities and for the applicants from less favored and completely, you know, deserted areas in terms of TLD infrastructure.



But beyond that, I mean, we have all these together something like 250 TLDs, 10 weeks of application. Nearly three months, okay? Probably less than that, if you really take up contentions, et cetera.

The problem is that these people have a right not to be de-prioritized but perhaps not completely -- it's not that they have an actual right to be the first in the world above everything else. This could lead to, you know, all or part of the applications feeling disadvantaged.

So one first suggestion is why don't we have a double track. Prioritized and, you know, nonprioritized, all the rest, and we have a round robin, one each, one each. I mean it doesn't harm anybody. I mean, those prioritizations, I'm sure that they will want to be on the last (indiscernible), but all the rest will not feel disadvantaged because of the existence of that. And you don't need to make any judgment of who's -- you know, have special rights beyond that. I mean, it simply works.

The other thing is regarding the nonprioritized ones --

[ Buzzer sounds ]

STEVE CROCKER: Thank you.

AMADEU ABRIL i ABRIL: I have three proposals that will come next year probably for the next round.



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STEVE CROCKER:                      Send e-mail.

FRED KRUEGER:                      Hello. Fred Krueger, Minds + Machines. We're a portfolio applicant for a number of new TLDs.

I want to address the issue of private auctions.

As you know, there are a lot of collisions, hundreds of collisions. In certain cases, there are 10 or 12 applicants for a single string.

ICANN has thought a lot about these auctions. You have a solution. Can we possibly use that same group, that same solution, for private auctions as well? Only if everybody agrees that the parties in a private auction should be able to use the ICANN process and have the money be returned to the participants in equal amounts.

I suggest that it would be very, very little work. It would help us out. I've had over 12 to 15 meetings already in this conference, and I'm not alone. I'm not the largest portfolio applicant, and a lot of single applicants also would like to have an ICANN process, the same process that is used as a mechanism of last resort. They would like to have an alternative to use that same process for private auctions.

I think it would be a great help. Thank you.

STEVE CROCKER:                      Thank you. Next?



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ROBIN GROSS: Hello again. I'm still Robin Gross of the noncommercial stakeholders group.

OLIVIER CREPIN-LEBLOND: And I'm Olivier Crepin-LeBlond, chair of the ALAC.

We have a joint ALAC/NCSG statement on the URS. Because we're two people, can we have four minutes?

[ Laughter ]

ROBIN GROSS: All right. We will read the statement quickly.

We would like to call the community's attention to the current status of the Uniform Rapid Suspension System, or URS. As a method to protect brand owners and Internet users against clear and obvious instances of domain abuse, the URS was a carefully crafted community-wide consensus. It involved many ICANN constituencies and hard-won compromises that we could both support and defend.

Recently, attempts have been made to reopen URS policy because of cost-related pushback from ICANN's first and only choices of service providers so far.

Our communities are concerned that important protections to both users and brand owners could be negatively impacted in the name of cost cutting.

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We ask ICANN to make every effort necessary to seek providers capable of implementing the URS as it now exists and demand it make no substantive changes to the URS without the same level of cross-community support that led to the current consensus.

And I'll just add this was approved by the noncommercial stakeholder group policy committee.

OLIVIER CREPIN-LEBLOND: And this was ratified by the ALAC this morning with 12 votes for, 0 votes against, and 0 abstentions.

STEVE CROCKER: Thank you. Noted.

[ Applause ]

OLIVIER CREPIN-LEBLOND: And of course we'll be forwarding this through the usual channels in writing as well.

STEVE CROCKER: Thank you. Next?

CONSTANTINE ROUSSOS: Hi. My name is Constantine Roussos and I'm from dot music.



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I was very pleased to hear the new CEO of ICANN, Fadi, say "It's time to do the right thing."

I want to express some of my concerns and these were reiterated at the GAC meetings in association to sensitive strings, and my question to ICANN in regards to these sensitive strings is: How will ICANN protect the public interest and preventing the lack of governance and the proliferation of the monopolization of these sensitive strings by single commercial entities that do not act in the best interests of these communities?

For example, the health sector -- e.g., dot med -- what if a single commercial entity wins dot med in an auction and any health-related information there won't be trusted?

Dot bank, what if the non-banking sector, a single commercial entity runs dot bank, will users trust that?

Thirdly, in regards to the copyright sector, how will these interests of IP be protected?

There's a lot of fears surrounding these sensitive strings, and we believe that ICANN should look at serving the public interest in regards to putting the governance structure that's required for these sensitive strings, and to prevent the monopoly of -- by single -- by single commercial entities.

For example, single registrants that would exclude the registration of domain names from legitimate members of that appropriate community.



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And also, to look into enhanced safeguards for some of these sensitive strings. For example, in our example, dot music, to prevent piracy. Since we're in Canadian, I would like to give the example of Justin Bieber. If you go to Google and you search "Justin Bieber MP3," 10 out of the 10 results are pirated results. Thank you.

STEVE CROCKER:

Thank you very much. I was serious when we closed the line before, and we're going to provide a little bit of assistance for interpretation of that. Thank you. Go ahead.

MICHELE NEYLON:

Michele Neylon, from Blacknight registrar in Ireland, not speaking in my personal capacity. I've had the rather odd experience at this meeting to actually find myself agreeing very strongly with people with which I normally do not agree. This afternoon is a prime example.

The day has come when I find myself agreeing strongly with Steve DelBianco. I'm in a stage of shock.

Steve DelBianco speaks much more eloquently than I, so I mean I would just refer back to what he said and say: Yes, I fully support what he said with respect to closed generics, which is the subject I came up to speak at the mic on.

Kathy Kleiman also spoke on this earlier, and I would just remind the board, if they have not read the letter that 16 of us sent to them on this subject, the letter dated 24th September.

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The key thing here is that the new TLD project was set up in such a fashion -- or so we were told -- in order to improve and increase competition of a top-level domain, where across top-level domains, that a consumer's businesses would have choices. They would be able to choose to set up a business under a dot shoe, if they wanted to; that a big brand owner could have a dot BMW. However, we have found ourselves in the situation now where several of the very big brands who have asked and actually demanded a large amount of protection in new TLDs are now in some ways perverting the entire process by applying for generic key words for which they do not have unique rights, and in order to run those as closed TLDs.

And I would hope that the board would consider these as being an issue that needs to be addressed. Thank you.

[ Applause ]

STEVE CROCKER: Thank you.

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

I'm interested in this report that the Security and Stability Advisory Committee produced on dotless domains.

Now, ignoring the fact that dot com registrants have been benefitting from dotless domains for the past 16 years, to my knowledge, and the fact that it is embarrassing that ICANN's collective intelligence didn't

foresee the problem before it went out seeking applications for new top-level domains, we have the problem that for every generic term for which a new TLD is issued, there is no rights. Nobody has any commercial right, any property right, over any word in the English language. I mean, that is enshrined in law, so far as I understand.

So given that, every TLD that you grant that is a word in any language, you are giving every browser operator, every device, whether it be an Apple cell phone or whether it's a Nokia cell phone or if it's a Safari browser, you are giving them the right to interpret that domain and send -- or that word in whatever -- in whatever fashion they want.

And so by doing that, you guys run the risk of completely decimating the Internet by separating it up into an Internet that depends on the device that you're using, the browser that you're using, and all the rest of it.

I've talked about this till I've been blue in the face. This -- this program needs to be thrown out. Thank you very much.

STEVE CROCKER: Thank you.

WERNER STAUB: My name is Werner Staub. I work for CORE.

Bertrand mentioned the word "subsidiarity" today and I was really happy to hear that. It was the first time, actually.

And yesterday or before, we heard Fadi talk about the objective of an ICANN that performs.



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Now, I don't believe that it is possible to achieve an ICANN that performs without applying the principle of subsidiarity. And essentially, in many ways, the objective is to avoid that any, if possible, problem that falls into ICANN's lap. Ideally, it would be handled before.

Now, it is -- subsidiarity is about handling the problems at the appropriate level, and that is what communities are, that is what local government -- public authorities are. They handle the stuff on the appropriate level, and they have already their accountability and governance mechanisms.

This is why I believe it is in ICANN's interest -- not ICANN as an organization, in the cause of ICANN's interest to give priority to those gTLD applications that already have credibility accountability and governance mechanisms. It is also those that will cause less problems. It is those that will lead the way for the others to be inspired with.

(indiscernible) those applications I just mentioned before where a private company monopolizes a key word and actually causes competition to be biased. For instance, if Google controls dot docs and only Google applications can run dot docs, the public doesn't know that this is Google. They just say documents are documents. If Amazon controls dot pay, the public doesn't think pay is Amazon. Anybody pays. It doesn't have to be Amazon. It's going to be perceived if such a string is in the hold of one competitor who can use it against the others. Thank you.

STEVE CROCKER:

Thank you.



JORDYN BUCHANAN:

Hello. I'm Jordyn Buchanan with Google.

I'll start off by noting that our application for dot docs does not actually imply that we ought to be the only ones with access to dot docs. It's open for any sort of collaborative documentation service.

So there's a lot of -- seems to me there's a lot of misinformation on some of these topics, and starting to look at the applications would probably be a good place to start.

I do note that, you know, there's a lot of interest in this discussion of closed generics, and I do just want to make a couple of points on the topic.

I think it's incredibly -- I understand why there's a lot of interest in the community in talking about the topic. I think it deserves some more discussion. I'm not sure this is the right meeting to have that discussion. I know now I can see the community, in addition to just the board, but that probably doesn't really make it a full-fledged discussion, especially given that we've cut the line.

So I would certainly say, you know, let's consider the topic, let's figure out the right forum to do so, but it seems very strange, just looking back at the comments that folks were making it earlier. I noticed two strange things is. Number one, it seems very premature. A lot of these strings are in contention sets. You've asked us as applicants to go and talk amongst ourselves and figure out how to resolve that contention. In many cases, it may be that the best option in all these cases is to open



some of these terms up through the resolution of the contention set. Making decisions prior to resolutions of contention sets on these terms seems oddly.

And secondly, I think looking at it through the lens of the ROCC is incredibly strange. I don't know why people are bringing this up. The ROCC asks the question of how we treat registrars. It does not ask questions about what the -- about the registration policies of the registry itself is. So if an applicant is proposing that they should be the only registrant allowable, whether or not you use other registrars or whether or not registrar -- we have to treat all registrars equally doesn't seem to address the point that's being discussed at all. Thank you.

STEVE CROCKER:

Thank you. Let me turn to the remote participation.

FILIZ YILMAZ:

Thank you, Steve. I have two.

The first one is from Elliot Noss, Tucows.

"It is worth noting that with new gTLDs, competition is about competition between TLDs, not within TLDs.

Closed generics were always a contemplated outcome of the new gTLD process and were exclusively acknowledged as such as far back as Seoul. Thank you."

Can I continue?



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STEVE CROCKER: Thank you very much.

Yes. The next one.

FILIZ YILMAZ: The next one is from Robert Johnson.

"Will there be any special contractual obligations for new gTLDs which are transliteration of existing gTLDs -- for example, transliterations of dot org and dot com -- given that those existing gTLDs have existing registrants and have some obligations, notably our price caps under their current agreement with ICANN? Thank you."

STEVE CROCKER: Thank you.

I don't know that we have a quick answer to that, but probably a better thing to do is to take that under advisement.

We have one remaining comment -- person waiting to comment, and thank you. Come on up.

RAMI SCHWARTZ: Thank you. My name is Rami Schwartz. I'm the applicant for the string -  
- for the string tool.

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I want to support those who have spoken against the intention of some players to take generic terms, build walls around them, and decide who can have access to utilize them.

It's perfectly valid to build walls around grounds or intellectual property to protect them, but not in the case of generic terms like dot music, dot pay, or the one I'm interested in, which is dot tool. It's perfectly valid to grant exemption to the rules to brand owners, but if they are granted exception to have exclusivity over generic terms, it will confuse the general public who does not expect a single competent to monopolize a commonly used term.

I ask you to please enforce your rules as drafted and require only the narrowest exception, only by brand owners, through the model of registry/registrars competition, which is the open model.

And I want to conclude reading three articles of the mission and core values of ICANN. Article 5: "Where feasible and appropriate, depending on market mechanisms, to promote and sustain competitive environment."

Article 6: "Introducing and promoting competition in the registration of domain names, where practical and beneficial in the public interest."

And Article 8: "Making decisions by applying documented policy neutrally and objectively with integrity and fairness."

I ask that the decision adopted by this committee contribute to a more competitive, democratic, and just Internet, and not one where big



interests are the ones that prevail nor where the depth of the pockets and not the ideas become the prime success factor. Thank you.

[ Applause ]

STEVE CROCKER: Thank you very much. This brings to a close the portion devoted to discussion --

[ Buzzer sounds ]

[ Laughter ]

FADI CHEHADE: I think you're done.

STEVE CROCKER: I'm done too.

We move on.

The internationalization of ICANN and global outreach strategy.

Filiz, can you supply a brief comment on the next level of detail on that?

FILIZ YILMAZ: Sorry. I'm having a system failure. If you can give me one minute.



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STEVE CROCKER: And let me ask people who want to speak on this to queue up. We're going to get ever tighter about management of time here.

Why don't we --

FILIZ YILMAZ: I'm back.

STEVE CROCKER: Ready?

FILIZ YILMAZ: Filiz Yilmaz here. We received this from NPOC and NCSG, regarding outreach to developing countries and globalization of ICANN, including the new applicant initiative and improving the fellowship program. Thank you.

STEVE CROCKER: Edmon, you're next.

EDMON CHUNG: Now?

STEVE CROCKER: Yeah.



EDMON CHUNG:

Okay. Thank you, Steve. And I sort of made a point to try to get at the end of the queue and at the top of the queue in this particular session, because I wanted to talk about IDNs, IDN gTLDs, and I think it has a very important aspect with the internationalization.

I recognize, I guess, as a --

First of all, I think that Fadi mentioned about a collaborative approach in reaching out to the community and working with different organizations is very important, and this brings me to sort of the comment I want to make and alert the board.

It's great that we have prioritized IDN gTLDs in the process. However, I have a -- I want to restrain myself. I need to alert to a couple of serious issues that you will be facing, one of which is -- the most important is the IDN variant project.

The IDN variant project is not finished yet, and that's going to -- that's going to have an impact when we try to delegate IDN TLDs, both in terms of considering the contention sets of IDN TLDs as well as considering the activation of IDN TLD variants. And that is very important because if you look at the statistic and -- it -- from the community as well as confirmed by ICANN, 20% -- almost 20% of the queries to these TLDs land in the variant TLD.

That means one goes to the variant when four goes to the primary TLD.

So that's very important.



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If we don't get this right -- and Fadi has been saying that we've got to get this right. If we don't get this right, it would be a very big disservice to the IDN community when we try to launch IDNs.

So just by saying that we've blocked the IDN variants is not enough. We have to make it work, because think about it. One out of five is going to the IDN variant TLD. We've got to make it work.

[ Buzzer sounds ]

Thank you.

STEVE CROCKER:

Thank you.

[ Applause ]

KHALED FATTAL:

Thank you, Steve. Khaled Fattal. Group chairman of the Multilingual Internet Group.

Let me just first start my comment by addressing the subject of prioritizing IDNs. And it's not at the heart of the subject, but let me start by saying that I welcome this move.

I take -- I would like you to take note that I'm not saying "congratulations." I welcome it. It's a beginning. It's a start. It's a step in the right direction. But it's not the full picture.

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Now, going back to the issue of the internationalization of ICANN, perhaps invoking the previous concessions, we put it in perspective as: What is necessary for ICANN to move forward to actually serve the global public interest and the next multibillion Internet users?

And I would actually like to bring to your attention a proposal I made a couple of years ago, actually in 2009, whereby I think it's probably time for ICANN to reconsider -- some of you on the board and perhaps previous board members are aware of it.

In 2009, I proposed that ICANN needs to strengthen itself and its processes by considering a new supporting organization that would sit in parallel to the GNSO and the ccNSO, and I proposed the IDNSO.

And I would like to ask you to think at a high level, not to look at the detail yet.

This is fundamental, in my humble opinion for somebody who has been coming to ICANN probably now this is my 40th ICANN meeting, and I have championed IDNs and multilingualism for a decade and a half.

We are probably not well equipped, infrastructurally and operationally, to deal with the next phase of what ICANN's challenge is in bringing in these users, giving them the belief that the multistakeholder model does serve them equally, equitably and fairly.

So some of you in the past liked the concept, but you felt perhaps you weren't ready for it.



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That was three years ago. I think had we had that factored into the new gTLDs, the valid point that Edmon raised probably would not have been an issue. We would have actually moved forward far more smoothly.

So at least now it's on your agenda, and just like you requested, Steve, earlier on, please consider the question and give us your thoughts. Thank you.

STEVE CROCKER: Thank you very much. Yeah.

OLGA CAVALLI: Thank you, chair.

STEVE CROCKER: Hold on for a second.

BRUCE TONKIN: Just wanted to respond to that previous speaker.

Just an option. And I respect your proposal for a supporting organization, but we do have an existing process to suggest a new constituency, so that we could actually have an IDN constituency within the GNSO as just something to think about.

KHALED FATTAL: Thank you. As a matter of fact, this has been very, very well considered, and I personally do not think this will work. The challenge here is the



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GNSO has been very well entrenched in serving the current registries. Everybody knows here, including many board members, that the IDNs on the GNSO has not been a priority, it has been always, to a large extent, the 11th hour sort of like stopgap or Band-Aid approach to address a particular issue.

IDNs need to take up their space for the coming multilingual Internet and the space that ICANN hopes to actually regulate and manage that space in a format that actually befits it.

So being a subset of the GNSO, I will contend from an expertise point of view that that will not work.

As a matter of fact, it would have been far more helpful three years ago, but that's in the past, or at least two years ago, that we could have created the debate of how to make this work. And this is what I think the issue is.

And what you just suggested, I heard this in private conversation from the previous CEO and I didn't ever -- I never believed it actually was the answer. The IDNSO would sit in parallel to the GNSO, it would sit in parallel to the ccNSO, and it will address any particular issue pertaining to IDNs.

The G's are where the two bodies will actually cooperate because they happen to be in G's.

The ccTLDs and the IDN community or the two supporting organizations will cooperate on areas where IDNs pertain to cc's.



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So I think from a high-level point of view, you could probably see the value of if you want to serve the next billion, two billion Internet users, you cannot serve them with the current infrastructure. Which goes to the heart of, you know, how do we actually move forward. It's a reminder. It's not a new proposal, it's a reminder that you have that at your disposal.

If you want to create an engagement to see how to do it --

STEVE CROCKER: Thank you.

KHALED FATTAL: -- it's yours.

STEVE CROCKER: Thank you very much.

[ Applause ]

KHALED FATTAL: You're more than welcome.

STEVE CROCKER: Olga.



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**OLGA CAVALLI:** Thank you, chair. Thank you, board. My name is Olga Cavalli. Now I'm talking in my role as university teacher, and me and other colleagues in the Latin American region, we run the South School of Internet Governance. It's a school that is possible thanks to the contribution of many companies and organizations that are present in this meeting and in other spaces.

We grant fellowships to students in Latin America region to understand about Internet governance and Internet engineering. It includes ICANN in the program. So about capacity-building and use in existing organizations, the school is there for you to use it and to train students.

We were successful in including more people from Latin America in this process. Many students are now part of the fellowship program and also now are active in several SOs and ACs. So count on the school. We rotate them among countries. The next one will be in Panama after the Beijing meeting. This one was in Bogota, in Colombia with a lot of success. Thank you very much.

**STEVE CROCKER:** Thank you. If I failed to say so before, the queue for this is now closed. We will take care of the people who are in the queue. Thank you.

Proceed.

**LIMEI LIU:** Thank you, Mr. Chairman. I'll Limei Liu, from China Organization Name Administration Center, CONAC. CONAC is an applicant for two Chinese gTLDs. dot (saying name) which means (inaudible) and dot (saying



name) which means public interest. We are also one of the co-hosts for the 46th ICANN meeting in Beijing.

In the opening ceremony of the ICANN meeting, Mr. Chehade presented us with a new season, new leadership and new views. I believe we have all experienced the freshness in this meeting. The MyICANN Web site makes information more accessible and the expansion of language for simultaneous interpretation. For instance, the addition of Chinese language interpretation makes equal participation more than just a slogan.

We believe this approach will give more fruit at the Beijing meeting. The host of the Beijing meeting has been very serious about the meeting and have already formed the team to prepare for it.

As you all may know, China is a country of over 500 million Internet users and over 1 billion mobile phone users.

We believe the Beijing meeting is a great opportunity for the Chinese Internet users as well as the government to get more knowledge about ICANN and the multistakeholder model.

We as a member of ICANN multistakeholder model have the responsibility to develop the Chinese Internet community and make it more mature.

We are confident that the Beijing meeting will be an impressive one and a milestone in the development of Chinese community and Internet. Just like the pictures in the last slide in Mr. Chehade's presentation, the bare earth --



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[ Buzzer sounds. ]

-- end harvest, we believe we will have (indiscernible) and a rich harvest.

Also, it is a great opportunity for all of you to experience life and developments in Beijing. We would like to take this opportunity, once again, invite all of you to Beijing. (Speaking Chinese).

Welcome to Beijing.

Thank you very much.

[ Applause ]

STEVE CROCKER: Thank you.

MARILYN CADE: Thank you. My name is Marilyn Cade, and I'm making a comment as the chair of the business constituency on behalf of the business constituency.

We have been very excited to see that the concept of internationalization is one of our four going-forward priorities in the new season. We very much welcome that.

It's also been exciting to see how many of the sessions that we have been in here have had some discussion that is relevant.



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One of the things that we all need to do is change our thinking away from thinking about us of today and understanding that the changing face of the Internet does also mean a changing face for ICANN.

So we have been earlier developing our own outreach and strategy of trying to go into the regions and work with existing business organizations to enhance awareness.

I've spoken on this before, and I've had conversations with board members. The business constituency feels very much like we must partner to create awareness and understanding about what ICANN is and then also from that pool of people bring people into ICANN. But we must also take ICANN into the community and the region.

So, as more people come to us in our constituencies, it is true we're not quite prepared to embrace them. It may be because we don't have enough chairs, so to speak, or we don't have enough language translation, so to speak. So I'm merely saying we are so enthused about this, but we think there are budget needs in interest of how to help the constituencies and the stakeholder groups be prepared to contribute to making this a success.

STEVE CROCKER:

Thank you.

Mikey?



MIKEY O'CONNOR:

Thanks, Steve. Mikey O'Connor. This was the statement I was planning to make. I said before I'm a complete fan of the working group process. And I just want to bring to the attention to the planners of the internationalization strategy what a huge underutilized resource that process is for bringing people into the process early at very low incremental cost.

This is something that already goes on. We do a lot of work in these things. It is a great way for people to learn about the organization in a way that isn't terribly stressful. You can join a working group and be silent for one whole working group and at the end have a cadre of folks you know from all over the world. So when you come to the meetings, you are not the bewildered person I was the first time I came, didn't know anybody and didn't know why people were rushing about.

So just something to feed into the strategy discussion is don't forget that giant underutilized resource that's at the bottom of the bottom.

STEVE CROCKER:

Thank you.

[ Applause ]

PAUL FOODY:

Hello, Paul Foody again. In the interest of internationalizing ICANN, is there a reason why ICANN has not yet made use of its incredible database of e-mail addresses?



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Why can ICANN not simply send an e-mail to every domain registrant, whether that's dot com, dot org, dot cc, whatever? Easiest way to get in touch with people who care about the Internet. Many thanks.

STEVE CROCKER: Would you be willing to reply to each person who sends you a reply explaining why don't they like that?

PAUL FOODY: If it came from ICANN, I would certainly read it. Whether or not I responded would depend on the topic.

STEVE CROCKER: I think we have pretty strong rules against this. Thank you.

PAUL FOODY: It's been 3 1/2 years since I first asked ICANN to send an e-mail to all the registrants about this. In that 3 1/2 years, it begs the belief that you haven't managed to change your rules so that you can send something as important --

STEVE CROCKER: Thank you.

PAUL FOODY: My pleasure.



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ALAN GREENBERG: I'm Alan Greenberg. I'm curiously going to talk about ICANN's success at global outreach. I'll start off by saying this has been a great meeting so far. The venue has been good. The organization planning has been great. Audio-visual services have been almost faultless, which is very unusual.

As a proud Canadian, I'm very ashamed at the number of people who were refused visas or who could not make their way through the red tape of visas here. Please don't let this happen again.

[ Applause ]

STEVE CROCKER: Thank you.

OKSANA PRYKHODKO: Hi, I'm Oksana Prykhodko from Ukraine, the EURALO secretary. I also would like to talk on visa issues. It was discussed a lot today about -- I would like to draw your attention to two aspects.

First of all, the (indiscernible) practice in some countries that the person who was registered with visa in one embassy may be put on the stop list for a lot of other embassies.

I would like to ask the board, GAC, ombudsman to do all your best to prevent this practice for Canadian visa rejections at this meeting.

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And another one, I have proposed to create a cross-constituency working group to analyze what can be done, what has to be done to prevent visa problems in the future and to worldwide use informational technologies. Thank you.

STEVE CROCKER: Thank you.

CHRIS DISSPAIN: This did come up in the PPC this morning. Had we actually been able to get the notes from the PPC down here, it would have formed part of the report.

It is very clear that there is an issue. It's not particularly an issue for one country. Different areas have problems with getting to other different areas for visas. And we understand that, and I have already started to talk about that. And Sebastien and I and the rest of the PPC will do some work and see if we can start figuring out some solutions.

STEVE CROCKER: Thank you. I'm sure that will be quite welcome.

Werner?

WERNER STAUB: Werner Staub from CORE. I said something this morning, was criticized for it by Chris because it appeared that I was talking favor of geographic TLDs when the topic was internationalization of ICANN.



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What I need to say is that ICANN should internationalize first by actions. It doesn't mean that the rest is not important. But it really seems a travesty if ICANN goes, pays fellowships and then tells people, Look, you have a project of your own. Stand in line and wait for the speculators to go first.

We have people who apply for TLDs in their countries. They have a local process, and this process is the best way to integrate with ICANN, not just for the subsidiarity purposes but also for internationalization.

STEVE CROCKER:

Thank you. Anybody queued up in the remote participation, Filiz? No, thank you.

This brings to an end this section. And we move to the topic of "capacity-building, understanding better the volunteer movement at ICANN and constituencies."

While people are queuing up for that, would you like to expand on that at all?

FILIZ YILMAZ:

Thank you. Filiz Yilmaz. This was suggested by NPOC, and the context provided was about raising questions of ICANN current volunteers to better understand the motivation of these volunteers. Why do they volunteer? Is it to better serve the DNS system? For a better Internet? Or to better serve their employer?



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Maybe there may never be a shortage of the contracted house volunteers, but there seems to be a shortage of the non-contracted party house volunteers. And are there conflict of interest issues here? Thank you.

STEVE CROCKER:

Thank you. So I see quite unusually we have nobody at all -- uh-oh.

[ Laughter ]

MARILYN CADE:

Thank you. My name is Marilyn Cade, and I am making this comment as an individual. I really struggled with what I was going to say about this. I started my life as a child abuse neglect worker. I have spent many years as a volunteer in working with youths. I worked -- I was a gang worker as a volunteer when I was much younger in St. Louis, Missouri.

I've been in the high-tech sector for a long time, and I volunteer in my community. I -- as many of you know, the work that I do at ICANN, I consider giving back.

I don't -- and I travel extensively in many parts of the world and work with people who are building institutions and capability in their countries, all the way from ad hoc coalitions to advocacy groups to other more formalized things.

The word "volunteer" doesn't fully capture the fact that we're institution building at ICANN. And I just wonder -- and I think all of the other questions are really important -- that, in fact, what you're doing



by dedicating your time is to create an Internet governance organization. And there are groups that if you go to your boss in a business in a developing country and you tell him you want to be a volunteer at ICANN, you're not going to get travel support.

If you tell him you're a member of a working group or you tell him that you're participating in helping to design the governance structure that is going to create and expand access to the Internet, your odds are a lot higher.

So I think the word, the intention is good about "volunteer" and in many societies and cultures it works. But I just think "stakeholder" and "participant" may help us. It is just one person's view.

[ Buzzer sounds. ]

STEVE CROCKER: Thank you. I like that idea. The queue is now formed, and we will take comments from people currently in the queue. Thank you.

MICHELE NEYLON: Thanks, Steve. Michele Neylon again from Blacknight. When I saw that topic on the agenda, I wasn't 100% sure exactly what it meant. The context is pretty helpful.

One of the things that can be a bit of an issue sometimes at ICANN is where people think because you're involved in this as a business, that you have ulterior motives.



I suppose that to a certain degree, that is the case. But those ulterior motives aren't always going to be negative. I come from a country that is not represented at the GAC. My government does not feel that putting a member in the GAC is a good use of their resources. I strongly disagree with them. There is nothing I can do about this. I have spoken to them about it, and they don't really seem to care.

The reason why I turn up at ICANN meetings, why I'm involved in working groups and I'm now on the EXCOM of the registrar stakeholder group, is I feel that my clients need to have their voice heard. They need the issues that they face on a daily basis needs to be addressed.

There is a fear among a lot of us at times that ICANN is run from a very North American viewpoint. This may have changed, may improve over time. But if you look at some of the documents that are published on the ICANN Web site sometimes, if you are not a native English speaker, if you do not come from a legal jurisdictional basis -- sorry, I'm not a lawyer so I don't know the exact words for that -- but which is very much North American, it can be quite daunting to understand what the hell it is all about.

Referring to us as "volunteers," I'm not sure if that's the best word. Members of the community, again, I'm not even sure if that's the best way to describe it. I think ICANN does have an issue where we as a group are making up -- making policies and decisions that can affect millions of users. Unfortunately, because the terminology, the acronyms --

[ Buzzer sounds. ]



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-- the acronym soup is so complex -- I will just finish -- a lot of users probably aren't aware that these things do affect them directly. Maybe that's something that needs to change. Thank you.

STEVE CROCKER: Thank you very much.

ALEJANDRO PISANTY: Good afternoon. My name is Alejandro Pisanty from the National University of Mexico and the Internet Society of Mexico. I have served this community as a volunteer with diverse types of compensation for expenses for many years.

I have observed a long string of volunteers pass other volunteers and people whose participation is an investment for their companies.

I think that we get the best results from volunteers when we have at least a public scrutiny test of people contributing substantively to ICANN policy. And when I say "substantively" I say beyond the budget, beyond the travel policy and beyond the translational language policy which are all important but don't fit directly into "policy."

When people or organizations who appear as volunteers -- who are volunteers, are tested against their representation, the whole concept on which we -- not on numbers but on the reality of who you are talking to, even if it is a single person.

The concept with which we build the present ALAC was a concept of a web of trust in which you will have the iTripoli chapter in some region in



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a country and someone will tell you, yes, these are 50 guys and they are honest. Let them come in and this will build out further.

And the third one is, of course, look if people come from organizations whether there are some internal processes that will tell you if people are really volunteering in the name of the organization or individually.

Number two, I think it's important -- and I have proposed this in the outreach meeting yesterday with Kurt Pritz and others to make an inventory of what is out there in capacity-building that can be attractive for volunteers that can serve the ecosystem in which ICANN is a very important piece to do more capacity-building. Use more the efforts that are out there. Let some other organizations do the work that's important --

[ Buzzer sounds. ]

-- and build an honest network all together.

STEVE CROCKER: Thank you.

MILTON MUELLER: Milton Mueller. With these buzzers, I just feel like it's "ICANN Got Talent," right?

[ Laughter ]

Anyway, I just wasted ten seconds.



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But I want to make a simple message to you about constituencies. Will the board and the staff stop telling newcomers that the way to get involved in ICANN is to form a completely new constituency structure and make everything in the GNSO realign themselves around that constituency structure? This is not a sustainable or scalable model. If you think about the fact that you can have public interest groups, you can have consumer interest groups, you can have consumer-oriented privacy interested groups, you can get narrower and narrower and smaller and smaller. And if you give people the impression of the way to get involved is to form a new constituency, then we are going to have an unsustainable system of representation.

We have to have generalized, basic groupings that are balanced and that can allow people to form their own little caucuses. But we do not need structurally hard-wired constituencies in the representational process. It is just exhausting to deal with this.

STEVE CROCKER: Thank you.

FADI CHEHADE: Thank you.

RON ANDRUFF: Good afternoon. My name is Ron Andruff. I came to ICANN in 1998 as a small businessman. And I got engaged in the process because there were so few people involved in the process of this incredible



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experiment, and it has been wonderful to experience the growth and the development and the maturity of ICANN.

We're like a 14-year-old child now. We can actually manage ourselves to a certain extent, but don't leave us in our room with our chemistry set. We will blow it up.

The bottom line is I came and participated not as a volunteer, although I have volunteered my time. Nobody paid me. I have foot my own bill, come to all of the ICANN meetings. And I have had the experience of having to pay a lot of costs for that. So I'm an investor in ICANN as much as anything else.

I prefer to be seen as a stakeholder. I think it is really important -- I echo Marilyn and Michele's comments. We are not volunteers by any stretch of the imagination. We are investors. We are stakeholders. I think really we have to make sure that anyone who comes to an ICANN meeting and spends a week here and argues and discusses and finds consensus, they should be honored as stakeholders. Thank you.

[ Applause ]

STEVE CROCKER: Thank you, Ron.

DAVID CAKE: David Cake here, chair of NCUC. I just wanted to say something very similar. There are a lot of stakeholders in ICANN decisions but not all of them are here. Of course, everyone who builds a business based on a



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domain or builds anything of value based on a domain name is in some way a stakeholder in ICANN, anyone who depends on the whole existence of the DNS or for that matter the whole Internet, because, of course, ICANN allocates I.P. addresses and in some way supports the entire Internet.

But the most important thing really is this little thing on our badges that says "participant." That means that we have something else at stake. We've invested our time to be here. And while we get many wonderful rewards in terms of attending gala dinners -- And I was just handed this lovely certificate of appreciation as I walked up to the mic. The most important thing is we put our time in. We expect to see something back in terms of actually changing something.

And the way in which I think we have seen some changes, the board and management have been focusing on how we can get a better return on our investment in time is the most important -- is a very positive change. That is what's going to keep us motivated. Seeing we've come up here. We've made a difference.

There are a lot of little things we can do to help about capacity-building, and we've been talking about all those this week. It is really great to hear you are listening about how we, particularly the constituencies, are going to get a better return on our time in that we might see more policy changes, we might see -- with less pain along the way. That's what I wanted to say.

We're feeling good about it. Our time will be rewarded better. That's what matters the most. Thank you.



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[ Applause ]

STEVE CROCKER: Thank you very much. We have somebody from remote participation?

FILIZ YILMAZ: Thank you, Steve. Filiz Yilmaz here reading a small note from Kathy Kleiman, ICANN noncommercial users constituency. I would like to share a beautiful video that I produced with Google on ICANN's multistakeholder process. We taped it at the Prague meeting, and it features ICANN volunteers from many countries and many groups across ICANN's community. They share why they volunteer and how others can, too. Could you please share the YouTube search term "ICANN story telling." Kathy also provided a link for us, Steve. And it can be seen in Kathy's comments recorded from the link for this agenda point on the public forum session page. Thank you.

STEVE CROCKER: Thank you.

FADI CHEHADE: All I know is that -- to the person who just asked the question remotely, I got a very enthusiastic e-mail from Sally after she watched this video and sent me the link. I will get to it. But at least from her comments, this is a superb contribution. So thank you for that.



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STEVE CROCKER: This was from Kathy Kleiman.

Kathy, are you still here or are you indeed remote?

FADI CHEHADE: We just discovered the loophole.

STEVE CROCKER: We actually had a clause in the -- nevermind. Thank you very much. We will all look forward to looking at your video. Thank you, Kathy.

Next session is on MyICANN. And I'm going to turn control over here to Fadi because this is his favorite project, the real contribution in a blazingly short amount of time.

Anybody want to come and discuss this? Is there anybody on remote participation?

CHRIS CHAPLOW: Hi there. Just a quick point. When you were on stage on Monday and you announced the MyICANN, it seemed a great idea. And I checked it out on the browser, and I found it didn't work. And that was because I had followed the ICANN normal system of my.icann.org So I presume I'm not the only person who has made that mistake. Or if I am, it was getting redirected.

FADI CHEHADE: We will link these. Thank you. That was a good comment.



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**WERNER STAUB:** Werner Staub from CORE. I went to myicann.org immediately after Fadi was speaking, and it was a very good surprise to find latest technology on there. I have a couple of suggestions. One of them is to help people who remember having seen something on the ICANN Web site and they lose track because they have no idea where it went.

What the MyICANN can do is to take a snapshot of the home page of the ICANN site and do a listing of it so we can go back in time. "Oh, yes, we saw that" somewhere. This was in the past and actually find it because we have a memory by position.

The other thing is, if at all, try to get memorable URLs in MyICANN at least for the most important topics. And right now, they're connectionless. And, finally, when you have a documented display, it would be good to display the URL of that document underneath the title.

**FADI CHEHADE:** Thank you. Great suggestion. I would really appreciate that you also take a minute to put them in through the "contact us" area so we make sure all these comments are used and leveraged to improve MyICANN. Please do.

And just a note to remind everyone, MyICANN -- this is just a beta start. There's going to be -- the roadmap is significant. In fact, we are already seeing the next version in less than 60 days internally. So this is very agile. There are a lot of things already in development and in testing



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that will be added to MyICANN soon. But we need your input. Please add it. Please send it to us. We will also be offering the MyICANN interface in multiple languages. So lots of things coming already. But thank you for the input.

JOSH LESLIE:

Josh Leslie again. I just wanted to express my gratitude again for MyICANN. As somebody fairly new to ICANN, I certainly appreciate the move towards push technology for getting information versus pull. I was fairly unsuccessful from pulling information from the ICANN site.

I just want to ask what are the intentions are in terms of the ICANN back catalog of actually going through and categorizing and kind of weaving threads through what documents are there so that somebody fairly new can go in and kind of follow that string back to where it originated in terms of your roadmap for the site. Thanks.

FADI CHEHADE:

We'll -- if you could, please, again put that comment through that section and we'll get back to you. But that's a fair request, having myself struggle to find things when I first joined ICANN. So thanks for the comment. Thank you.

Oh, by the way, we do have as of this morning 750 registered users of MyICANN and many more. The number of users is remarkable. So please go back to your communities and invite people to participate and give us ideas. My belief is if we hear back from you, we'll make MyICANN much better. So please give us your input to that.



STEVE CROCKER: Thank you. Good.

So this brings us to the end of the prepared structured topics and we now are in the open-ended "any other business" as it's called.

This is often the most exciting part of a long day. Let me warn you that what comes next is a formal board meeting, followed by alcohol.

[ Laughter ]

Let's go.

AMADEU ABRIL I ABRIL: May we have the alcohol before the "any other business"? It would really help. As you said you prefer -- sorry. Amadeu Abril i Abril from Core who by the way, whose chair, Iliya Bazlyankov, was denied a visa for lack of legitimate business affairs in Canada, so you are not legitimate or you're not business or you're not an affair, whatever you prefer.

So I have two questions that I already made in Prague regarding the trademark clearinghouse and it is about the contract with the provider of the services. We are designing here something that's not a registry, but sort of a meta registry but also a nouveau registry. It's a critical part of infrastructure of the future, not just for this round but it is here to stay for many other users. And while all the contracts and terms with registries and registrars are absolutely public, this one is not. So the first question is, will you pass the final draft agreement and will you



pass the signed agreement? And the second and most important question is, I heard some rumors about -- and I'll repeat what I said in Prague, some rumors about people from that side of the provider saying that there was a directive in Europe that you were going to grant some rights to the people that build a database and therefore the database is theirs. It is absolutely critical that we don't allow this. I mean, the question is that you need to guarantee in the contract that the data belongs to the people that introduced the data, is competent to introduce the trademarks, and the database belongs to ICANN. So that if at any time in the future, God prevent that, we have trouble with a provider we need to change that, this is feasible. This is the context with the registry, should absolutely be there. Can you guarantee that will be there? Thanks. Should I stand here until I hear the bloop?

[ Buzzer sounds ]

STEVE CROCKER:

Getting trained up to expect it, huh? Thank you very much. Your question deserves an answer. I don't know if we can answer it on the spot here, but we'll study it carefully. Let me also say that we have a sufficient set of people in the queue and -- is that Marilyn running?

[ Laughter ]

So we'll close the queue now. Thank you.

HOLLY RAICHE:

Hi, Holly Raiche, Chair of the Asia-Pacific region at large. This statement, that's a small s, has been agreed by consensus at today's



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ALAC meeting. We are happy to say that thanks to what we have heard from ICANN's new CEO and the vice president of compliance Maguy that the -- our mood has changed substantially to one of guarded optimism. We enthusiastically support the production and publication, particularly, of the compliance orders that will cover all contracts with registrars and registrants -- registries. While we remain vigilant to ensure that promises are met, we are greatly encouraged by the presentations made this week

Having said that, our attention is now focused on the regulations procedures that compliance must follow to enforce the agreements. We remain concerned that problems with the wording of clause 3.7.8 of the RAA undermines the enforceability of ICANN policy. In fact, we continue our concern about the overall method of RAA reform and reject the assertion that this is just another contract subject to closed negotiation. Public interest involvement in RAA reform is critical to building the kind of global trust that ICANN needs. In all this week has given us real cause for hope, and we will continue to work with ICANN staff to drive this agenda and look forward to making ICANN more deserving of the trust of the billions of Internet users worldwide. And you can expect follow-up statements from us offering concrete advice.

STEVE CROCKER:

Thank you very much. Mr. Noss.

ELLIOT NOSS:

Elliot Noss from Tucows. Fadi started off this week with a very provocative statement about ICANN's role in the public interest and



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specifically calling out the story of Malala, the 14-year-old Pakistani girl, and asked us to think about her as we carried on throughout the week. She achieved recognition through the open Internet. It was through the open Internet that the world was able to express outrage at what had happened to her.

I thought about her throughout the week, as we saw discussions around the WHOIS, as we saw discussions around the RAA, as we saw discussions around additional rights protection mechanisms. It is the open Internet that has allowed so many great things to take place. And the Internet need be considered open and any restrictions placed on that openness need be necessary. The goal is not to ensure, as a couple of people have said earlier today, that there are no harms done. With an open Internet, with any open system, there will be some small harms. But they always have to be balanced against the great benefits that openness and an open Internet creates.

So I'd like to put the thought back to Fadi and to all of the Board that between now and Beijing when you're doing all of your work that's going to take place and considering issues, that you also keep Malala and the open Internet in mind. Thank you.

[ Applause ]

STEVE CROCKER:

Go ahead.



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**MICHELE NEYLON:** Thank you. Michele Neylon, yet again, still with Blacknight. I'll try to keep this brief. Several members of the Board and members of ICANN staff have heard me voice particular opinions throughout the course of this week with respect to privacy, with respect to national law. With respect to the Article 29 working party letter to ICANN. And I would just ask the Board to look at this --

( audio problem )

As I said previously this afternoon, I am a citizen of a country within the European Union which is not represented in the GAC. However, the Data Privacy Commissioner for Ireland is a member of the working party and signed the letter which expressed deep concerns for privacy for European citizens and for European companies that are going to be -- could be forced to be party to a contract which would put them in breach of local law.

With the RAA negotiations moving forward and hopefully reaching a successful conclusion, I would ask you, and I may urge you, to take that into consideration. Please do not ask me or other European registrars to sign a contract that would put us in brief of our own laws. Thank you.

**STEVE CROCKER:** Thank you. Next.

**MOUHAMET DIOP:** Thank you, Steve. This is Mouhamet Diop from Senegal (indiscernible) behalf. I just want to address one point that when people talk about it it seems like very bizarre words. It's a legitimacy. I mean, this word



have several meanings to me, and I want to ask you the question to you boards that represent here. Your decision impacts the whole globe. And if you come back to that question, what give you the legitimacy you're doing here, it's because you have chosen to serve the whole community. That's the only legitimate thing that drives you here. And I want to say to that whole community that we get in front that ICANN is about commitment and engagement of people who want to serve, that's the source of our legitimacy. If you hear this outside of this assembly, when you talk about legitimacy within that it is only the voting system, when people have been elected through a normal system like election of a person or something like that, and this two notions are conflicting. And what I want to raise here is, we don't need to be ashamed of showing ourself as the legitimate entity of a whole community that our decisions are impacting the way they're using the Internet. And we need to assume it. But we need to open a new space for them for collaboration, and that's why we need to think about a new way of having diplomacy on ICANN. We cannot have an international strategy for ICANN without a diplomatic approach. And what is diplomatic? It means you guys will commit yourself to serve the whole community of more than 50 billion people, you have to see yourselves as real ambassadors of this spirit of this idea of serving the community. And we really need to consider the strategic approach for diplomatic true approach for ICANN that is not existing. Thank you.

STEVE CROCKER:

Thank you.



ALEJANDRO PISANTY:

Good afternoon again. Alejandro Pisanty here. Two very specific points. One, I want to congratulate the Board. I know this was started by Steve Crocker and I'm glad that the organization supported him in changing the format of the meetings. Actually shaving off one day of the meetings has been possible. Amazingly someone found a way to insert a meeting the Friday before it starts. So you still -- they still granted the acquisition to whoever wanted a meeting taking ten days, but actually shortening the ICANN meeting I find very successful.

I mean, I haven't kept logs, but this is another specific point. I think this is a meeting where I have seen more open microphone time in the open forum ever, except maybe very early meetings and that's a very welcome development. And there's also been some significant back-and-forth with the Board which I think is particularly important for the community. I encourage you personally to continue in this way. And if I would change anything, it would be more exchanges with the Board so the community can find out what the Board is thinking.

Number two, I am very glad and encouraged again this past week continued by the way the Board is approaching the security problems. The SSAC, the DSSA, all these efforts, and the Board working groups seem to be on track to avoid the impression of fear, uncertainty, and doubt, hype for an industry or the self-inflicted attack of a government that holds for heightening this risk and is proven solely fact-based approach seems to me particularly important.

I would like to also thank the -- I mean, have to have a word of praise for the hosts, for CIRA and for everybody in Canada who made this possible because it's a fantastic meeting.



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And a fourth final point, I have been very impressed with Fadi Chehade's approach.

[ Buzzer sounds ]

And I'm very pleased to see things that you have been saying yes two. Some of them I don't agree with but I think it's the right approach, but I'm really looking forward to when you begin to say no.

[ Laughter ]

STEVE CROCKER:

Alejandro, thank you very much for all of that. Let me note that you should have disclosed that you are the chair of the SSR review team and so I'm glad you like the approaches that we are taking in security.

JIM PRENDERGAST:

Hi. Jim Prendergast with the Galway Strategy Group. My trip to Toronto started last Friday with a 6:00 a.m. flight out of Washington Reagan to arrive in time for the NCUC policy conference that they held last Friday. Very insightful conference. I did not necessarily agree with everything that I heard, but I will leave Toronto with a much better appreciation for what I did hear. So I encourage people to attend the next one, especially members of the Board. Thanks.

[ Applause ]

STEVE CROCKER:

Thank you. Raimundo.



RAIMUNDO BECA:

Raimundo Beca. I will speak in English. This is only for the record. I mentioned this issue in San Jose, I mentioned it again in Prague. I still don't have the answer to that, even though Sergey yesterday in a workshop gave half of the answer for this. But this is not enough.

The issue is the following one. The -- we don't have yet which is the real amount of the historical cost which ICANN -- which ICANN used for the management for the -- of the new gTLD project and we need the figure for that audited. The last figure is an estimation made in September of 2010. It was a lot of expenses that were made after September 2010 and the one (indiscernible) phase is not covered in this, is only an estimation.

And the other issue is the answer to when this will be returned? We know you have absolutely enough money to return it and I hope it will be returned as soon as possible. Thank you. I will not be unpolite to ask for an answer now because I know Xavier is not in the room. His father died yesterday so he is not here so it would be impolite to insist in having an answer.

STEVE CROCKER:

Let me just offer up -- no, I actually didn't know that his father passed away. I'm sorry to hear that. The accounting for the gTLD program forward, backwards, up, and down is a very important topic and that several of us are -- made it very clear that we are going to have that and we have equally heard strong commitment so it -- it is coming. And



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including the past amount that has been borrowed from the reserve fund and that will be paid back. Ken.

KEN STUBBS:

Yes, good evening, Steve. My name is Ken Stubbs. I have a favor to ask. I'm somewhat dismayed at the fact that 20% of the members of the Nominating Committee will not be in attendance over the weekend because of Visa problems, principally the process has made it very difficult for them to participate. This is a global bottoms-up process. I am going to ask you, please, to encourage both the host companies that you -- countries that you negotiate with in the future and also Fadi, I'm going to ask you to please discuss the this with the staff, we need to make it possible to facilitate this, to make it easier for people. Especially those volunteers you're asking to participate on a global basis. So let's work twice as hard to make sure that we don't have the problems in Beijing. Thank you very much.

STEVE CROCKER:

Thank you.

PAUL FOODY:

Hello, Paul Foody. I'd just like to say thank you to the hosts and the organizers. It's been a really fantastic do here. Last night was great, you know, but I've only got two minutes. The other people I'd like to thank are the transcribers and the translators who do an incredible job. However, looking back at what I said earlier, I said, "you guys run the



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risk of completely decimating the Internet," and that was transcribed as, "you guys run the risk of completing did he say I'm mating the Internet."

[ Laughter ]

Yeah, exactly. Now, not quite what I said. So in the interest of clarity, since these are the only things that we can refer to after the fact, is there any chance, please, of submitting revisions? You know, maybe ICANN could encourage people who speak at the mic in every hearing sort of to go through the transcripts and just see that what they've said has been transcribed accurately and give that option.

Secondly, given the amount of -- the number of people who come on the opening day with prepared speeches, surely it should be possible to obtain a -- the speech beforehand to be given to the transcribers and to the translators so that the words that go on the screen are accurate. Many thanks.

Oh, yeah, one other thing, the -- the geographic TLDs, since many of these are being supported by the recognized authority for that particular geographical area, is it not possible in the interest of internationalizing the domain name space to give those applicants the option of getting the IDN at the same time, you know, speeding it all up. Just a suggestion. Thank you.

[ Buzzer sounds ]

STEVE CROCKER: Thank you. Werner.



WERNER STAUB:

Werner Staub from Core. I just have a couple of comments about our ability to make comments and about our ability to be heard, for people to be able to see what is done. One is of course the tool that we have thanks to our scribes. In the past they have been here with us, now they're working remotely and we have seen a deterioration of the quality and we know these are the first-class scribes. It's not so easy to follow something from a distance, so I think we should go to the expense, at least in key meetings where it is possible, to have some of the scribes here, if it is at all possible. It improves the quality and is also helpful if they know who they are -- who is speaking and see the people. It is helpful for everybody.

The other one is the public comment features. We're doing something with MyICANN but we have one enormous public comment repository which is the 11,000 and growing comments for the new gTLDs. This is not just a little things that people can comment. This is the essence of what ICANN is supposed to be about. And if you look at those comments we see it's extremely difficult to make them, it is extremely difficult to find them. If somebody sees an application, they're on one site, the comments are on a different site. There's no relationship to them. It is not possible to specifically reference one response such as Q18 in a public comment. We should actually apply some more technology there, and I'm convinced there's lots of talent out there that can help.



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STEVE CROCKER: Okay. These are helpful comments. Thank you. Anything else on the remote?

DAVID CAKE: David Cake speaking as Chair of the noncommercial users constituency. One of the recent speakers mentioned our policy conference that we held on Friday. We think it was a great success. We're really pleased with it. We'd like to thank all the speakers. Particularly we'd like to thank Fadi for appearing. But certainly everybody who spoke, everybody who went, everybody who paid attention. As the Chair of the constituency I'd really like to thank Robin Gross who did a lot of the organization. I know if she was up here she'd individually name all of the program committee but I'd only forget some of them. So I'd like to thank all the program committee, but most importantly here I'd like to announce that one of the things we resolved at our constituency meeting on Tuesday is that we were planning to do another policy conference before the Beijing meeting. I think we've got some support for that from staff here, which makes it pretty likely it will happen. So there will be a policy conference the day before the Beijing meeting. I would encourage everybody to attend. We very much welcome particularly Board members, so hope to see you there.

STEVE CROCKER: Thank you very much. Bertrand.



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**BERTRAND DE LA CHAPELLE:** Yes, thank you, Steve. Just a very brief comment to express also gratitude for the organizers of the conference on Friday. It was a very interesting day and it highlights the benefits of organizing discussions by topics in a cross-cutting manner, which is something we can introduce -- not replace everything but introduce more in the course of the ICANN meetings. And I think it's part of what Fadi and Sally are trying to do.

**STEVE CROCKER:** Thank you. Fadi.

**FADI CHEHADE:** Yeah. There were a -- there was one comment about me saying "no." So let me start.

[ Laughter ]

I'm going to share with you some good news and some bad news, but that's my closing remarks on many of the comments that I got. It's just remarkable how much we have to do. And if this week was anything for me, it was just an understanding that even the largest list of things I -- we have to do is just about doubled or tripled in size. Having said that, this is what I'm going to do, so we stay in sync. Because of course, not only does everyone hear "yes" to their particular interests, but we typically want to hear what we want to hear. So in order to make clear what is it we're going to prioritize and do, I will issue a letter to all of you publicly in the next few days in which I will tell you what I plan to prioritize and do between now and Beijing. It will be my scorecard for all of you to see.



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[ Applause ]

And that -- and that will be prioritized so that you know where my priorities are. And if it's not there, then it just didn't make it to the list for this period. So some things will just not make it. But the important thing is that we will be transparent, open, you will know exactly what our priorities are, what we are trying to do for you, and if you wholly disagree with these priorities, do drop us a note. This document will have a comment area. But I need to get moving, so I'll put that out for all of you to see and we'll start the work immediately.

STEVE CROCKER:

What was the bad news?

FADI CHEHADE:

Some things won't make it on the list, and for those of you who have been in closed meetings with me, you've probably heard me say more nos than in public. But we're handling a lot of work as we should quietly and rapidly so that we can get your work done at ICANN. And where needed I am saying no. And inevitably I'll be saying nos in public also, as time goes on. But for now, I haven't heard many comments here today or through this week that I didn't feel were coming, frankly, from a good place. And most of you are here. I heard people paying for their own trips, showing up meeting after meeting. There's an enormous amount of good will. I said this Monday and I say it again, it's just remarkable.

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So I'd love to say yes to everything and get it done, but I have to be judicious and I hope you will help me in that prioritization and will get the work done in the right priority for you.

STEVE CROCKER:

Thank you. So I'm going to deliver two pieces of news, too, but they're both good news. The first is that we have managed to get through the entire session here within the allotted time and even a few minutes to spare. This is unique.

[ Applause ]

A first. And I'm delighted. The second is that I think the right thing to do for the next few minutes is to take a brief stretching break. And so let me ask you to join me in standing up.

So we're going to have our formal Board meeting, but we're going to take a five-minute break between now and then, and then we'll reconvene and go into -- you want to make it -- you want to push it all the way to 6:30? All right. 6:30. 18:30. Thank you. We'll be back promptly.