
BUENOS AIRES – ICANN Public Forum
Thursday, November 21, 2013 – 13:30 to 18:30
ICANN – Buenos Aires, Argentina

STEVE CROCKER: Welcome to the public forum.

This is the part of the week that many of us look forward to eagerly, some because we're anxious for the interaction and some because this marks the -- we're near the end of a long and exhausting week.

This session is intended to give the community a direct line of communication to the rest of the community and to the board of directors without formality, without filters.

Let me reemphasize that this is a forum not only to talk to us, the board of directors, but also to talk to each other.

The public forum is all about understanding, communication, free exchange of ideas, and in just a few minutes we'll welcome your questions and comments.

We're going to do things a little bit differently this time and we'll give you the details in just a few minutes.

Before we hear from you, we need to do a few things first.

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.

I'd like to begin by giving you a very brief summary of what we have heard in Buenos Aires over the week and what we are doing about these issues.

I'm going to cover three things, basically.

Internet governance, we heard concerns about how ICANN stakeholders can meaningfully contribute to the fast-evolving Internet governance discussions and the importance of including the ICANN community as a whole was emphasized, and we recognize the importance of the ICANN community not being left behind and we want to develop ways for the community to contribute to the dialogue.

Part of this process was the session we had on Wednesday morning which Fadi led discussing 1net and the upcoming Brazilian meeting.

Another topic of things we heard about related to the strategy panels. We heard a lot of questions about the strategy panels.

The CEO indicated that the reports from these panels will be one of the inputs -- one of the inputs -- in ICANN's strategic planning process. Certainly not the only.

And as you no doubt noticed, there have been several sessions this week to inform and discuss those panels with the community and we're committed to that process.

Another topic that had been quiet for a long time and has now come back into discussion is "What are you going to do with all that money from the auction, the probable auction proceeds?"

We heard concerns about the use of probable proceeds from the TLD auctions and we feel it may be premature to make a final decision in this regard, but you'll note that we've made this the first item for discussion at the meeting today.

Before we get into the mechanics of how we're going to proceed today, I want to divert attention a little bit and take notice that our longtime friends and allies and colleagues in the Internet Society are meeting here. They're having a board meeting Saturday-Sunday, I believe; that on Friday morning our two boards are going to get together, as we do on a fairly regular basis, and share both specific details and feelings about how things are going.

This gives me the opportunity to indulge in a personal pleasure here.

Lynn St. Amour has been President and CEO of the Internet Society for quite a long time and has had an absolutely dramatic impact not only on the Internet Society but on the whole space, on the whole Internet itself.

I've had the pleasure of knowing her, working closely with her, served on her board for a few years. She twisted my arm to chair

the Postel award committee originally. And it's been one of my personal pleasures to know her and I've come to treasure her. I've learned multiple useful lessons long after I thought I had left school.

So she's coming to the end of her tenure, not there yet, and will go on and do other things, I am sure, but I wanted to take this opportunity in front of this community to recognize her and to acknowledge the enormous contributions that she's made. And I'm joined in this by another person who's had a lot to do with the founding of the Internet Society and a member of the community. Roll tape.

VINT CERF:

Hi, Lynn. It's Vint!

This is sort of a happy and sad moment for me. You've been part of the Internet Society fabric for a very long time. I have the highest respect for what you've been able to accomplish, and I was particularly impressed when you organized and successfully bid on the operation of the dot org domain through the Public Interest Registry. This had a transforming impact on the Internet Society comparable to your personal impact and leadership.

The organization is going to miss you, but it absolutely has benefitted from all the time and energy you've put into it, and I can assure you that everyone who follows behind (a) will have big

shoes to step into; and second, will benefit greatly from the ground that you've plowed, the seeds that you've planted, and the care with which you've managed the organization.

So we wish you a fond farewell and we wish you great success in what you decide to do next.

So see you on the net!

STEVE CROCKER:

Lynn, you're hiding here somewhere.

[Applause]

Please stand up.

[Applause]

These guys are pressing me for creating yet more commotion and a bigger photo op out of this.

There will be many more tributes to Lynn over time, and perhaps we will have additional opportunities, but we sprang this on her as a bit of a surprise and I wanted to make it as personal as possible.

We will keep this now short and we'll move back to business, but I don't think there's any question how much we appreciate Lynn and her many positive qualities, personal, professional, and in every dimension.

So thank you very much, Lynn.

All right. Back to work.

Let me start things off by explaining what the session is and, just as important, what it is not.

It's a forum for the community's opportunity to make questions and ask questions, a chance to talk directly to the board in front of the rest of the community, intended to encourage dialogue, put things on our radar that might not be there or might not have been there previously.

It's not intended to be a replacement or an add-on to the public comments that ICANN seeks on issues and policies.

Please continue providing your formal feedback on specific issues that are open for public comments using that system. That's the only way they will receive proper consideration from the appropriate committee or supporting organization or staff members.

Those of you who have attended the public forum at our last meeting in Durban know that we are still evolving these sessions. Some of our initiatives might work, some of them may not. So we welcome comments, suggestions afterwards, since nothing is in cement.

Brad White, our director of global media affairs, will now give an overview of how questions will be fielded. Brad?

BRAD WHITE:

Thanks, Steve.

What the board has done --

For those of you who have attended other public forums, you know that we have designated time slots for certain issues. This time, the board actually heard the community and said, "You know what? It's not really right that we set the agenda for the public forum. We want the community to help in that process to set that agenda for those dedicated time slots."

In just a few minutes, Dr. Crocker is going to ask those of you who think you have an issue that warrants a dedicated slot -- you know, a 45-minute slot or so for this afternoon -- he's going to ask you to queue up at one of these two microphones.

In one sentence -- let me say that again. One sentence. This is the ICANN community. That's a foreign concept. One sentence. Think verbal Twitter.

In one sentence, talk about what your idea is for a dedicated session. During the break, these guys will decide what those issues are and what should be placed into the agenda.

It's important to note that that doesn't mean if you've got an issue that doesn't end up in a dedicated slot, that last hour of the public forum is basically an open mic, so all issues are there.

We're simply trying to determine what issues you want to put in a dedicated time slot.

When we get into the issues, queue up between one of these two microphones. You will be called in alternating order at the mics. For those of you who have been to the public forum before, the last one in Durban, it's not dissimilar from what we did then except we've got two mics this time.

Remote participants have two channels of participation. Email your questions or comments to forum@icann.org. We ask that the people in the room use the mics. We're trying to keep the inroads into the room for remote participants free as much as possible.

Also during this session, we're yet again having a phone line. I don't think we've ever gotten a call but we have high hopes that someday we'll actually get a call.

Now the rules that govern the session.

Three major points.

Speak clearly for the sake of the scribes. If you're moving really fast in your speech, which I usually do -- they're always telling me to slow down -- speak slowly, speak clearly.

Give your name. If you're representing an organization, tell us who it is.

Also, adhere to the standards of behavior. Ted, can you -- can you put those up?

Basically, these are the standards of behavior that have always governed the public forums. The upshot is be courteous, be respectful.

To allow as many people as possible to be heard, everyone will be limited to two minutes.

If you were in Durban, it's going to be the same sort of drill. We tried this in Durban. We got very good feedback.

We keep trying to evolve this session, based upon what's coming back at us.

The two-minute thing on the part of people who are speaking and on the part of the board was very well received. We're going to stay with it.

There will be a countdown timer to help people adhere to that two-minute limit.

Board members also have agreed to put themselves under a two-minute limit.

You can have a second bite of the apple, so to speak, on each issue. Someone can readdress it. They can come back up.

All of -- everything we're doing here, again, is based on trying to make this better.

We're experimenting. This idea of having you guys input more into what the agenda is, is us listening to you last time and the board basically saying, "This should be a community function."

So it's an experiment. It may work. If it doesn't work, we won't use it next time.

With that, Steve?

STEVE CROCKER: Sebastien, you want to chime in here?

SEBASTIEN BACHOLLET: Yeah. I would like to add that all of you may use each of the six U.N. languages that have simultaneous interpretation. We have very able interpreters in the room and you have the possibility of using the headsets, so please ask for them at the front desk and speak as many languages as possible.

Thank you very much.

STEVE CROCKER:

Thank you very much, Sebastien.

Let me echo the invitation to use whatever language you're comfortable in, of the six that we know how to translate, and during the latter part of this, two of the sessions will be moderated by Gonzalo Navarro and by Olga Madruga-Forti in Spanish, so that we get the benefit of maximizing the participation from the local community.

All right. So even though this is a bit of an experiment, it's not that far from what we've done before. Let me ask those of you who have a suggestion for a subject of a dedicated time slot, if you would please queue up behind one of the two microphones.

As Brad said, we want one sentence. This is an agenda-forming activity, not the activity itself. We'll keep this very brisk, accumulate the suggestions, and then we will put them together into an agenda.

So -- and then of course at the tail end, we'll have an hour for any subjects that haven't been raised. So this is not the only opportunity.

We're going to do this for no more than 20 minutes and then we're going to stop. We're going to move into a discussion around the gTLD program because we know that that's one area for sure that we're going to handle.

Cherine Chalaby will be the moderator for that session, and during that period and the break that follows, we will form the agenda and show that at the beginning.

So if someone has already suggested your issue, please be courteous. No need to repeat it. We have it logged.

Let's begin. I'll just start over on the left.

Michele?

MICHELE NEYLON:

Good afternoon -- sorry. Good afternoon, Steve. I'm Michele Neylon, chair of the registrar stakeholder group and also a member of the EWG with Steve and others.

The one I would like to suggest is ICANN contract versus local law.

Thank you.

STEVE CROCKER:

Thank you. Mikey?

MIKEY O'CONNOR:

I'm Mikey O'Connor. I'm a GNSO Councillor representing the ISPCP constituency but speaking on my own behalf.

I'd like to offer: Strengthening and broadening the bottom of the bottom-up multistakeholder consensus-based process.

STEVE CROCKER: Thank you. Fire away.

JOTHAN FRAKES: Hello. I am Jothan Frakes.

I'm here in a personal capacity representing the Mozilla Foundation and the developer community, and I would like to discuss universal acceptance.

STEVE CROCKER: Thank you. Amadeu?

AMADEU ABRIL i ABRIL: Amadeu Abril. Interpreters' and scribes' best love of nightmare. And the topic is ICANN, slash, NTIA, slash, governments, management, slash, policy control in the root.

STEVE CROCKER: I don't know if we completely got that. Did we capture that?

We did. Okay. Thank you.

AMADEU ABRIL i ABRIL: Sorry. I told you I was a terror of the scribes. I apologize.

Let me make it simple. Control over the root.

STEVE CROCKER: Thank you.

ELISA COOPER: Elisa Cooper. I'm chair of the BC, and we'd like to talk about string confusion and new gTLDs.

STEVE CROCKER: Thank you.

BOB BRUEN: My name is Bob Bruen and my issue is the bulk acceptance of WHOIS inaccuracy complaints by ICANN. They used to accept it. They don't anymore. I want it restarted.

STEVE CROCKER: Thank you.

PAUL FOODY: Paul Foody.

I'd like to have some discussion on ICANN's -- how ICANN will determine whether or not the new gTLD program was a success or a failure. Thank you.

SERGIO SALINAS PORTO: I'm going to speak in Spanish. I'm Sergio Salinas Porto, member of LACRALO, president of the Association of Argentina of Internet Users, and I would like to discuss the subject of ccTLDs, especially dot gs and dot fk that have to do with the Malvinas Islands.

Thank you.

WERNER STAUB: My name is Werner Staub. I propose accountability of parties selected by ICANN towards Internet users and their communities.

STEVE CROCKER: Thank you.

MARILYN CADE: My name is Marilyn Cade. I'd like to ensure that we talk about name collisions and also that we talk about ICANN acting in the public interest in all of its decisions.

STEVE CROCKER: Thank you.

SIVASUBRAMANIAN: My name is Sivasubramanian. I would like a brief public discussion on ICANN's overall role and responsibilities to the Internet, and what it should do beyond DNS.

Thank you.

STEVE CROCKER: Thank you.

JOTHAN FRAKES: Jothan Frakes once again.

I -- after hearing Elisa Cooper's suggested topic, I would offer that mine could be consolidated into that discussion.

STEVE CROCKER: Thank you.

CINTRA SOOKNANAN: Hi. I'm Cintra Sooknanan. I'd like to talk about the NomCom.

STEVE CROCKER: Thank you.

I want to talk about the NomCom, too, but I can't.

[Laughter]

ADRIAN KINDERIS: Adrian Kinderis, ARI Registry Services. I'd like to talk about the conducting of the public forum.

STEVE CROCKER: Thank you.

[Laughter]

KHALED FATTAL: You probably know what I'm going to talk about.

Khaled Fattal, Multilingual Internet Group.

How to repair the trust in the multistakeholder model in light of the Snowden revelation. Thank you.

STEVE CROCKER: Thank you.

I observe that the -- both queues are empty, which means that we have brought this portion to a close.

Let me thank you all for rather stellar cooperation with the very brisk process that we had in mind and it's a major success.

All right. So with that, let's move directly into a discussion about gTLD auctions which will be facilitated by Cherine Chalaby.

Then we'll take a break, and when we return, we'll lay out the subjects for the afternoon.

Before I turn the will floor over to Cherine, let me emphasize that we are trying to encourage dialogue, not merely provide a soapbox.

So questions are preferable to comments, and both are preferred over elongated statements. If someone's already made your point, you may wish to consider the virtue of silence over a time-consuming repetition.

You ready?

The floor is yours, Cherine. Thank you.

CHERINE CHALABY:

So before any questions are posed and speakers come, let me set the scene and then hopefully take some questions. Regarding the auctions, I think there are two things we would like to talk about. One are the rules for the auctions and the other one, the use of the auction funds.

In terms of the rules for the auctions, we have already received some feedbacks and comment from the community but we would like to receive much more. So what we will do in the next two weeks, we will put a paper out for public comment and hopefully that will encourage a lot of you to give us all your input regarding the rules.

Regarding the funds and the use, the first point I would like to make is to reassure the entire community that any funds and any proceeds from the auction will be put into a segregated fund and totally ring-fenced. It will not be mingled or go into the reserve fund that we have. It will be totally, totally separate.

Regarding the use of this fund, here again, we need your input. So the board will find the best means of engaging this community to agree on how we will use these funds. So I invite everyone now for comments with regards to the rules and the usage of the funds, or anything else you may wish to talk about with regards to the auctions.

KLAUS STOLL:

Klaus Stoll, NPOC. I would make a very direct suggestion for the use of the funds. I think what's needed in Internet governance is that actually the global user community of the Internet actually knows how Internet governance works. And there should be a foundation created which has as its goal the -- to inform the global general public about Internet governance, its impacts and uses in appropriate form. Thank you.

CHERINE CHALABY:

Thank you.

Next speaker, please.

AMADEU ABRIL i ABRIL: Amadeu Abril i Abril, oh, that's me. Oh, sorry. Amadeu Abril i Abril from CORE speaking in a personal capacity here. Cherine, is there any possibility that we'll revisit the -- inability of auctions of the last resort in certain cases. Auctions are good when people come here with commercial interest to apply for a TLD. If two people applied for dot web, probably it is the best solution. I really believe that it is the worst solution if, for instance -- let me give you a concrete example. Two companies own mark -- Merck trademarks or two communities believe that they represent the art community. In these cases auctions is the worst solution that we can have. They have a problem which is not an ICANN problem and should be solved elsewhere and I really believe in those cases, where there's a real life, not an ICANN application problem, we should have a mechanism for just holding all the applications until they resolve their -- that concrete conflict somewhere else instead of just using that mechanism.

As for what to do with the procedures, I will have my wife calling you with a couple of suggestions.

CHERINE CHALABY: Thank you. So the suggestion here is that can we avoid auctions in certain situations. Who would like to take -- respond? Mike?

MIKE SILBER: I just wanted to clarify, if the suggestion is that we change the rules midstream without community consultation.

CHERINE CHALABY: Would anyone else like to --

MIKE SILBER: Last time I checked the board was criticized for proposing clarifications of the guidebook. I didn't realize rewriting the guidebook on the fly was acceptable.

AMADEU ABRIL i ABRIL: I'm not saying without community consultation, but perhaps at the very least we should ask the involved parties whether they believe that the auction is the best solution in that concrete case.

CHERINE CHALABY: Excuse me, a minute. May I ask if any other board member or staff would like to make a response to the last comment? We have Akram Atallah from staff. From management, sorry.

AKRAM ATALLAH: Hello? Yes. Hi. Thank you, Amadeu, for the question. Let's be clear that actually the auction is called the auction of last resort and the reason for that is that we want the applicants to try to

settle this between themselves and not through an auction. If they cannot do that, that would be the last resort. Thank you.

CHERINE CHALABY: Thank you. Next speaker, please.

MARILYN CADE: Thank you. My name is Marilyn Cade. I made a comment earlier that I wanted us to, as one of our topics, talk about ICANN acting in the public interest in all of the decisions that it takes. I will just say that I individually so much regret the idea that we find ourselves in a situation where gTLDs that are community facing and community committed are forced into an auction environment with parties who perhaps have purely a financial interest. So I regret that. And I'm going to go on to talk about the use of the funds.

A number of years ago I wrote a proposal for a client that I advised named overstock.com and that proposal addressed the use of auction funds that were related to single letters in one of the legacy TLDs. But in the course of doing that proposal we met extensively with a multistakeholder group, small but multistakeholder, to talk about the categories for which those funds might be allocated. And it just might be useful to think about them. I'm not suggesting that they be used but I am going

to suggest that a very quick public comment process could be convened on this.

We have been talking extensively about the need to broaden and deepen participation in ICANN and in the other Internet governance fora such as the Internet Governance Forum. We have been talking extensively about the importance of strengthening the capability at the edges, not just at the core, in SSR. I think we have the opportunity to take any funds from the auction and use it in a responsible way to strengthen the capacity of the broad community in helping to contribute to SSR in the Internet, and I don't mean that that is just DNSSEC. I think it goes beyond that to deal with some of the issues that were identified by the SSR review team. But I think in addition to that that we should focus heavily on strengthening participation from all stakeholders from developing countries. Not just governments, not just civil society, not just NGOs, but also the small business community and mid-sized business community who are the engines of social and economic growth in the emerging economies that we need to be actively engaged in ICANN and in the Internet governance issues overall. Thank you.

CHERINE CHALABY:

Thank you, Marilyn. So we commit to a public comment process on this issue and we will take the two suggestions you made in

terms of the uses of funds definitely into consideration. Thank you very much. Next speaker, please.

PAUL FOODY:

Paul Foody. I'd like to echo everything that Marilyn Cade just said. Additionally I think -- I don't think it's going to be much money. I think that the mechanism that you've got, this idea of the last resort auction, I think all the money is going to be doled out between the bidding parties. So I think there's going to be very little money left. But what there is left, I think it will be a great idea if you used it to market to everybody, to let them know, let the Internet user, the domain registrants know, that they are part of this bottom-up policy, this bottom-up process. And they have a say in what's going on, so that if they don't like what's happening, they can register their dissatisfaction and hopefully do something to change things. Thank you.

CHERINE CHALABY:

Thank you. Next speaker, please.

WERNER STAUB:

My name is Werner Staub, saying this in a personal capacity. The auctions, of course, are a question of what the money is going to be used for but they're also a question of how the money is levied and specifically what the objective of the auction is. The objective of the auction is. Now, it was always said that this was supposed

to be a tiebreaker auction. The properties of the auction, as we learned in this session this week, is not a tiebreaker auction. It is a revenue maximizing auction. I think ICANN has a duty to correct this. It is not about maximizing the revenue at any cost. It is about getting the most desirable public policy result.

CHERINE CHALABY: Would anyone like to answer this, the point that was made for it, that it isn't about maximizing the money, it is a tiebreaker. Can -- anybody would like to comment? I've got Bertrand and then Akram.

BERTRAND DE LA CHAPELLE: Werner, just one question, and I'm not sure that I am familiar enough, on a personal basis, with the different types of auctions. How would you describe the distinction and definition exactly of tiebreaker, and apologies for revealing a big gap of knowledge here.

WERNER STAUB: Okay. Maybe because I've always worked in that kind of thing before working domain names I may be kind of partial, but an auction where the parties participating are put under maximized - - a maximum amount of pressure, and under a need to ready as much money as possible at the point where they know they will be able to negotiate and being put under a time pressure where

everything happens on a single day, that is a bad idea. If it did not want to maximize revenue we would say there's going to be an auction divided into rounds, one round every two weeks, and it would be a bound and they could go back and negotiate. What is now being said is they're going to be told here is an agreement that you have to sign that they don't know yet and that they will no longer be allowed to negotiate and they have to have the whole money ready. If they have \$2 million, that auction can go up to billions of dollars. We know at least one case where in -- the risk involved for the parties is in the billions. So actually ICANN is facing a situation where an auction could theoretically go up to \$1 billion or more.

CHERINE CHALABY: Thank you. Akram.

AKRAM ATALLAH: Thank you, Werner, for the question. The guidebook actually stipulates that you will use this type of auction. There are multiple reasons for that, and one of the reasons is that there are direct contentions and there are indirect contentions and they all have to be put in one auction and therefore -- and when an indirect contention is broken, the auction becomes multiple strings. So there are a lot of different issues that dictate that you will have to follow this auction process. However, as Cherine mentioned, we will be putting the rules of the auctions for public

comment and we'll gather all the comments and we will appreciate your contributions and we will see if there are any changes required justifiably to be made. Thank you.

CHERINE CHALABY: Excuse me. We have an online question which I'd like to take.

REMOTE INTERVENTION: Thank, Cherine. We have a question from Jean Guillon. "How does ICANN guarantee consumers that registers won't, one, register domain names to themselves to auction them at a higher price or two, send pre-registered domain names to auctions." Thank you.

CHERINE CHALABY: Sorry. Can you repeat it again?

REMOTE INTERVENTION: Certainly. "How does ICANN guarantee consumers that registrars won't, one, register domain names for themselves to auction them at a higher price or, two, send pre-registered domain names to auctions?"

CHERINE CHALABY: Okay. Chris.

CHRIS DISSPAIN: Sorry. It strikes me that's a question about second-level registrations rather than a question about TLDs, so we'll leave that aside, I think. Thanks.

CHERINE CHALABY: Anybody else would like to add? No. Thank you. Next speaker, please.

PATRICK KANE: Good afternoon, Pat Kane with VeriSign. I'd like to suggest that any funds that are collected in the auction of last resorted not just be managed by ICANN staff alone but managed by a community body because ICANN in the past, when they've collected funds for these types of purposes, have not been as accountable as they should be. Specifically the dot net fee, the 75 cent dot net fee that is for each dot net domain, was tagged in the contract for very specific funding and ICANN has never been held accountable for that funding.

[Applause]

CHERINE CHALABY: Thank you. So the suggestion here is that the funds are managed by a community body and not by ICANN. Who would like to talk

to that? No one. So we will take this as an input. Okay. I'd like to move to the next speaker, please.

MARTIN ANDRE:

Martin Andre, I'm from Merck. I do not want to change the subject of the discussions from auctions to community considerations but since it was brought up just a short remark on that instance. I'm a little confused that we are already considering auctions in the Merck versus Merck situation where we still have some stages, according to the guidebook ahead of us, like the community validation process. And I'm very much relying on the application of the ICANN rules defined for that process, and then we have to wait for that outcome before it comes to an auction at all. Discussing an auction seems to be premature at this time, from my understanding, and I want really to put any trust into the diligent application of the rules and diligent consideration as to what the applied for communities are during the process.

CHERINE CHALABY:

Thank you. Management? Akram?

AKRAM ATALLAH:

Thank you for the question. The community priority evaluation is ongoing. We are discussing the auction rules that we will be taking on in the near future. We have not started any auctions

and we are preparing to make sure that the rules that we implement are -- are all understood and satisfactory by the community. Thank you.

CHERINE CHALABY: Okay. Next speaker here.

CINTRA SOOKNANAN: Thank you. My name is Cintra Sooknanan. I'm speaking in my capacity as a member of the joint applicant support working group, as a member of the At-Large new gTLD working group, and as the community observer on the support applicant review panel. Applicant support was given to the sum of \$3 million to community applicants that applied and the money that was not used from that fund was reabsorbed into the ICANN budget. I would like to suggest that the auction funds go into a reserve fund which will be for the next round of gTLDs to support community applications, as well I think the mechanism for the single applicant that was approved for community support needs to be reviewed so that they are not put at a disadvantage due to an auction process. And that applicant that I'm referring to is the dot kids application. Thank you.

CHERINE CHALABY: Thank you very much. And who would like to comment on this? So basically you're suggesting that the money goes into a reserve

fund and used into the next round to help all the issues you discussed about.

CINTRA SOOKNANAN: Yes, as well as the protection of the approved applicant.

CHERINE CHALABY: Thank you.

CINTRA SOOKNANAN: Sorry. This fund needs to be really invested properly so that it's not reserved for anything else and it's really safeguarded because -- I'm sorry. Community applicants really need to have this fund that was -- it was the purpose of the JAS working group and I think it really would bolster ICANN's objective in this new gTLD process.

CHERINE CHALABY: Thank you. Rest assured the money will be in a separate fund completely. Thank you. Next speaker.

AVRI DORIA: Avri Doria, member of NCSG. I want to sort of endorse many of the comments that have been made here about the use of the money. A lot of really good uses. What I really want to suggest at this point is taking into account that, of course, you will be putting that money in a reserve fund, because that's how the policy was

written, but also suggesting that you constitute a cross-community effort. I won't give it a name of what type of effort it is. But a cross-community effort to, basically, start figuring out how the multiplicity of requests of that money that you will be holding in reserve for the community will be distributed. Thank you.

CHERINE CHALABY:

Okay. So the proposal here is to constitute a cross-community group to talk about how the multiplicity of requests are going to be taken into account. Okay. Thank you. Would anybody like to comment on that? Olga?

OLGA MADRUGA-FORTI:

Thank you, Avri, for that suggestion. And your suggestion as well as the prior are excellent examples of the specificity with which we can start associating some of these ideas and get to work. So I appreciate that.

I would ask you, if you can come back for a second, would you include in that concept in the future how information is disseminated globally regarding the use of the fund? I don't mean by that to assume automatically that it will be used for further applications, but certainly the topic of -- in developing countries, not having information about programs in order to thereby gain benefit is certainly another offshoot of this topic.

AVRI DORIA:

Thank you for the question. In fact, the at-large has a new gTLD working group that has been working on an analysis of the sort of spread of communication about the last round or the round we're currently in and has started -- has, basically, prepared a questionnaire collecting information and is working on a set of proposed remediations for the problems that we've all seen with global access to the program. And so the plan is within the near future -- and I need to get back to the calendar.

But we intended to have it now. So, hopefully, we'll have it in six months. I apologize for the schedule slip.

But, basically, a set of recommended remediations for the problems we had in terms of reaching globally with the new gTLD program and with the support for this. Taking, including into account, requests from the GAC that had come through, advice from the GAC that had come through for things like free applications for certain kind of applicants. So thank you for it. We're working on it, and I hope to have it for you very soon.

CHERINE CHALABY:

Thank you. I have two board members who would like to make a contribution to this. Ray and then Kuo-Wei. Can you make it short so we can allow everybody else to talk about the subject, given that we have I think half an hour to go? Thank you, Ray.

RAY PLZAK:

My comment will be briefing than your direction.

Avri, thank you for bringing this up Tuesday in the NCSG. And, as you correctly pointed out when we had the discussion between the board and the NCSG, that, while, as Steve pointed out, we're not in a position right now to decide exactly what to do with these funds, it's very important to continue a dialogue about what to do with these funds. And so I would like those that are standing in the queues to please spend more time discussing what we should be doing with these funds as opposed to what we should be doing with the auction system. Thank you.

CHERINE CHALABY:

Kuo-Wei.

KUO-WEI WU:

Yeah, actually, I'm the same point. I don't think -- you know, we should listen from the queue instead of respond immediately. I think there is a lot of alternative channel we can use in this fund instead of we respond immediately. I think that that might be a better way to get more input from the queue.

CHERINE CHALABY:

Thank you. Next speaker, please.

SIVASUBRAMANIAN MUTHUSAMY: My name is Sivasubramanian. I expect substantial revenues from actions from some high-value TLDs, running into probably tens or even hundreds of millions of dollars.

So my objection to ICANN was to structurally separate the proceeds. Structurally and legally separate it into a foundation that cannot be used for day-to-day operations. So I would suggest that the board take sufficient legal advice to structurally separate it for the good of the Internet. Thank you.

CHERINE CHALABY:

Thank you. You have our commitment to do so.

Next speaker, please.

KAVOUSS ARASTEH:

Good afternoon. My name is Mr. Arasteh. First of all, let me respond or comment on the use of the auction fund by community.

Yes. The idea is good. People applaud to that. But the modality is important. How community could manage the auction fund without having accountability, to whom they are accountable. The community are a vast number of various modules which starting from a single person to group of persons. So people

proposing that need to propose the modality and the accountability.

Second: Coming to the main question, auction, distinguished colleagues need to be very careful of the process of auction. It may not be a healthy process. It should be, if it is to be used, to be limited to the minimum under certain particular circumstances. Experience has shown that at least in three occasions, auctions resulted in a total collapse of the system. Thank you.

CHERINE CHALABY:

Thank you very much for your comments regarding the idea to have a community who could manage the auction fund.

And we understand your comments about using the auction in the very special circumstances. Thank you.

ZAHID JAMIL:

Hi. Zahid Jamil. My point's about how to use the money as opposed to the process itself, I guess, a bit. We have examples from the telecom sector where USF funds have been used for purposes. I think that's something we can look at. So it's not all together a new unique idea to use the auction funds to do good work, especially if we're going to use it for public interest processes or even for charitable organizations.

And, in that respect, I'd like to use an example. The example of the dot HIV application. This is an application that, basically, is clearly charitable. It is helpful to the public interest. Unfortunately, its priority has taken it to 160 down in the list of applicants. That's just how we wrote the rules. I'm from the GNSO. Fair enough. That's how we did it. Now we're here.

So I had a few suggestions.

One: If we can't -- and I understand rewriting the rules is a problem. But, if we can find a way as an implementation to somehow help these sort of applicants which are helpful to, one, reprioritize them in some way. If that's a problem, there's another solution. Basically, they're running out of money in their operations. And they'll have to withdraw. I think a few have already done that. So that's the first thing. Either reprioritize them, if we can, fast track them in some way. Second, if not, then the auction funds that are available should be available to these sort of charitable applications. We've done that already. This is not new. Because we did it with JAS and the SARP where those applicants that applied were able to get that kind of funding if they could show that they were in the public interest.

And, talking about the SARP, by the way, that money is still available because only one application was successful. And there is a pot of money that is available with you that is allocated for this purpose but hasn't been used. Maybe to reopen -- as a third

item, reopen that so people can apply for that may also be an idea.

So number one, reprioritize.

[timer sounds]

If that doesn't work, maybe use the JAS funds available.

On the last, very quickly, point made by Cintra, let me clarify, maybe just to take that point home, the one applicant who won in the SARP who actually got the funding shouldn't be now faced with a situation where he's going to now be facing an auction. He's an ICANN-funded supported application. I don't know if that makes sense to then have him compete in an auction. Thank you.

[Applause]

CHERINE CHALABY:

Thank you very much. Three ideas about the prioritization, the charitable application, and the JAS fund.

Would anybody like to comment on this? Thank you for your input.

Next speaker, please.

CHUCK GOMES: Chuck Gomes speaking as a GNSO participant who has been involved in the new gTLD process since 2005 when the PDP was initiated. I think it's important to set the record straight with regard to how the use of auction funds would be determined. The commitment was made by the board and staff years ago that that would be determined by a community process. I have heard things that didn't make that clear recently, and I think it's important that we set the record straight on that. Thank you.

CHERINE CHALABY: Thank you very much. I confirm that it will be determined by a community process.

Next speaker, please.

SARAH FALVEY: Hi, my name is Sarah Falvey. I have a process question. I know that you don't want them, but I think this is an important thing that we're not really talking about. And that is I think that the rules that you guys -- that have been put together by staff are very reasonable. But what happens is that, by not allowing applicants to be in more than five auctions simultaneously, it means that those applicants, particularly the portfolio applicants, are not going to be able to sort of move through their contention sets.

So, if you take, for example, Donuts, they're in 150 contentions. Where, if you do that five per month, it will take 2.5 years to get them through all their contentions. So auctions will be going on for at least that amount of time. And it drags in all the single applicants and things like that, because they're stuck on that same time schedule and can't move their applications through as well.

So, if we sort of think that moving through auctions is relatively quickly and making sure that people can delegate as quickly as possible, sort of given the business models, it might make sense to sort of come at it from a different angle, which is, you know, if we think that auctions should take six months total, sort of work it backwards so that we can devise an equitable plan so that everyone can move through auctions and they're not sort of held up because of portfolio applicants or things like that. It also means that, you know, applicants who are not in contention sets will get to launch much more quickly than those that are stuck in contention. So I think we should think about moving people through contention sets in an equitable fashion and as quickly as possible.

CHERINE CHALABY:

Okay. So equitable plan for portfolio applicants. Bertrand.

BERTRAND DE LA CHAPELLE: If I rephrase, one thing that you said that I think is important to keep in mind, if I understand correctly, there might be situations where applicants -- and I don't have them in mind -- but where applicants are applying for one or two TLDs and, because they are in contention with applicants that have a huge portfolio, they may be dragged relatively late. I don't know what the solution is, but I wanted to make sure that I understood correctly.

SARAH FALVEY: That's a stipulation. I think we should be thinking about that. Because I don't think it's an intended -- I don't think we -- when the rules were designed, I don't think that was thought about. I just want to make sure that people are realizing that people could be waiting two years before they're able to delegate, and it's through sort of no fault of their own.

BERTRAND DE LA CHAPELLE: You mean that, when the rules were drafted, nobody expected there would be huge portfolio applicants?

SARAH FALVEY: No. The auction rules were just developed recently. So I think we already knew the scope of the problem at the time.

BERTRAND DE LA CHAPELLE: Thank you.

CHERINE CHALABY: Thank you. We have four speakers. And then Mike Silber has been asked to be put in the queue. So I will put Mike after the four speakers.

Can I go to the left there?

CHING CHIAO: Thank you, Cherine. This is Ching Chiao from the registry stakeholder group. I'm speaking on behalf of myself.

I have two comments here that are actually opposite, but I'd like to make the comments here for you to consider.

First of all, is you have the numbers of applications from different regions now. So I guess that's a useful reference that how you develop the new gTLD program in the next round and how you should maybe to allocate some of the funds to promote the awareness of new gTLD as well as consumer protection in, let's say, from my region, Asia PAC, and other needed regions.

My other points are actually on the opposite side that, understanding many of the requests here of using the fund allocation to fund. But we've heard the board and the community actually have the commitment to reduce the application fee in the next round.

So I would like to simply just repeat and maybe just to hear from the board in the public setting is that the commitment is still there. You're not saying that we're spending this much of the money from the auction fund. But the second round, if there's any, the application fees still goes up. So just offer my comments here. Thank you.

CHERINE CHALABY:

Thank you. So two good comments. One is allocate the funds to promote new gTLDs and consumer protection in certain areas. On the other hand, reduce the application fee in the next round. Maybe we should split them in half.

But thank you for this -- thank you for your comment. We'll take this into account. Thank you.

ADRIAN KINDERIS:

Yes. Adrian Kinderis from ARI registry services. Two suggestions on how you may want to use the funds. The first one potentially could be to fund projects relating to addressing issues with usability and universal acceptance of new gTLDs, especially IDNs, given the focus that ICANN has put on IDNs previously. Second may well be to use the funds to support the funding of the emergency back-end registry operator or the EBERO system that has been put in place and allow the registry operators and

applicants to get back their letter of credits and escrow funds that have been allocated. Thank you.

CHERINE CHALABY: Thank you. Thank you for two good ideas. Management would like to comment?

AKRAM ATALLAH: Thank you, Adrian, for your comments. We appreciate them. They're just part of all the comments we're collecting. And I think that the board will take into consideration their value. Thank you.

CHERINE CHALABY: Thank you.
Next speaker, please.

MICHAEL PALAGE: There we go. Thank you. Michael Palage. I have a statement and a suggestion. The first statement is I'd like to echo a lot of the concerns that both Werner and Amadeu had articulated earlier. I think this -- these are points that I, during the drafting of the applicant guidebook, articulated. I talked about the unintended consequences of auctions. Unfortunately, Mike, I'm not going to ask that we move the goal post. I understand the portfolio applicants won't allow it nor will ICANN legal. So we're going to

deal with the situation, and this is kind of hard coded into the guidebook.

But what I would ask the board to consider is, when you're meeting with the ISOC board this weekend, if ICANN auctions are such a good thing, what would have happened if dot org was auctioned off back in 2003? Would -- ICANN's single biggest ally in defending a multistakeholder model, would they have had the financial resources to invest in defending it if dot.org was auctioned off? I think that's, if you will, a self-answering question.

So my suggestion is the following: Take some of the financial resources that may be generated from this auction of last resort and put it into a litigation fund so that the next time ICANN could act as a true trustee and perhaps pick those applicants that are deserving of a TLD and perhaps duplicate or create more ISOC allies to help in defending a multistakeholder model.

[Applause]

CHERINE CHALABY:

Thank you, Michael. Thank you for the suggestion. I would like, if possible, to close the queue now. Because we have about 12 minutes to go, and I'd like to have enough exchange with the speakers. Michael, thank you very much for the suggestion.

I would just -- I think there was one more speaker and then you, Mike. Is that okay? So I'll take the speaker there, and then alternate to this.

JORDYN BUCHANAN:

Jordyn Buchanan with Google. I'll be quite quick because most of the concepts I'm going to talk about here have been spoken about by previous speakers. And I'll try to follow Steve's guidance as to how we want to use time. But, briefly, I think Ching a couple speakers ago made an important note about potentially using funds for future funds and decreasing the cost to make the program more accessible to a variety of types of applicants, which may meet many of the public interest goals that are being discussed here in the context of this round.

But, in addition to that, I will note I thought I heard Kurt Pritz say when he still worked at ICANN some years ago or about a year ago, that the money that has been retained from application fees that may not -- that may end up in surpluses, that would be a possibility to use for that. And that was the initial plan for that. But those funds is another possibility for how to reduce the cost of future rounds.

Beyond that, I'll just heartily endorse the comments made by Ching and Adrian that there's a lot of moving parts around the program, whether it be helping resolve issues around name collision, raising awareness of the TLD program, working on

acceptance, that are all consequences of this program but using the money related to auctions in order to make that process go smoother so that Internet users don't -- you know, have as good of an experience as possible from the launch of the program would be an incredibly valuable use of auction funds.

CHERINE CHALABY:

Thank you very much. Would anyone like to comment? I think you are endorsing all the comments about in some cases putting the money towards a future round to reduce costs or to resolve key issues like those you just mentioned. Thank you. Mike, it's your turn.

MIKE SILBER:

Thank you. Mike Silber in my impersonal capacity.

Firstly, thank you to those who have spoken since the chair's admonition. We've actually somehow returned to the topic as was raised rather than turning this into a litany of complaints about the auction process, but rather a discussion about what to do with it which was intended. You have certainly my personal assurance that this is just the start of a community engagement. This is not the community engagement that was being spoken about.

I would just point out that I'm absolutely staggered by the number of people who are suggesting that suddenly things that were in

the guidebook can be changed and that can be under the guise of implementation. Because I've been hearing all week that staff has been allowed to run rough shod over established GNSO policy in the name of implementation and the board needs to pull them back. I've heard people suggesting that we need to change boats midstream because it's not working. And yet all week I've been castigated for allowing staff to suggest any sort of tweak to anything that has been cast in stone and written on the tablets of the applicant guidebook.

So I really appeal to this community, get a little more consistent. Because I don't know what to do any more sitting up here. And you've got people haranguing us saying you can't do this; and you've got people saying do it more, do it more.

CHERINE CHALABY:

Thank you, Mike.

I'm conscious of time. We have seven speakers. So, Philip. Paul.

PAUL TWOMEY:

Paul Twomey in personal capacity but as a former CEO. A couple of things. I'd like to confirm what Akram said earlier. There was never intent in this process to actually end up with auctions. The intent was that there would be a forcing mechanism for people to deal with each other. So I don't think this characterization that

ICANN put this in place to make money for ICANN stands any ground. It's a coincidence.

Coming to how you use the money, a couple of things you should consider.

First of all, if you're going to establish a foundation for the use of this money or separation, is the foundation going to have a long-term future? Or are you going to spend all of the funds through? Are you going to be Carnegie Foundation or Bill Gates Foundation? Which one are you going to be?

The second is where does this sit within the mission statement? If it's going to sit within the mission statement, clearly, then it's directed towards the protocols. I've heard several people here put forward things to me that sound like development, IT development.

If you move into IT development, which might be something you think about, think, first of all, about the mission statement. Think secondly about whether Californian law would allow you to do that if you're shifting from one mission to the next.

And then the third thing I'd ask you to think about, particularly if it ends up as a long-term foundation, how do you manage the politics of patronage? Are you running the risk of moving into the politics of patronage model which might conflict with the bottom-up model?

CHERINE CHALABY: Thank you. So three comments about the -- if it is internal foundation, is it long-term or not? Is it consistent with the mission statement? How does it affect California laws? And is there a risk of going into the politics of patronage, which is inconsistent with the bottom-up? Thank you very much.

RAMI SCHWARTZ: My name is Rami Schwartz. I'm an applicant for dot tube. And I have a question. You mentioned -- I don't remember exactly the language, but you mentioned that this was called the auction of last resort because ICANN was going to encourage other means of resolving the contentions before the auction. So that was like an action of last resort. So my question is simple: Other than stating that, what is ICANN really doing for encouraging negotiations and for stopping this that has become a poker game where all the applicants have poker faces and nobody wants to share any information or anything because they are all frankly waiting for the auction? So that's the question.

CHERINE CHALABY: Thank you. Akram, you are the person that mentioned this last resort. Can you respond, please?

AKRAM ATALLAH: Sure, thank you, Cherine.

The guidebook says that basically we will give time for applicants to resolve these things among themselves. It doesn't actually say that ICANN will go into arbitrating or negotiating on behalf of either applicant. So it is not our intention to get involved between applicants, but we are not pushing the timeline to accelerate negotiations or to force people into the auction. We are giving applicants as long -- a long time to resolve their contention sets among themselves. I hope that clarifies.

CHERINE CHALABY: Thank you. So we have three more speakers left because the two people in each queue are ICANN staff and they are closing the queue there.

So may I go to the next speaker on the right?

JONATHAN ROBINSON: Thank you, Cherine.

Jonathan Robinson speaking in my capacity as my relationship with Afiliat, an applicant for new gTLDs.

I think two things, Cherine and colleagues. One is that it is very welcomed that you have commenced the discussion on auction proceeds. It is great to see that, and I hope we'll have a productive and fruitful discussion on that ongoing.

Second, I would like to speak in support of what Sarah Falvey, I believe she was talking on behalf of what NTAG was saying. We need a predictable, reliable sequence that does -- that is business-friendly in terms of respecting the applicants that have been waiting in the queue for some substantial period of time, can't afford to have an auction process that is drawn out over a number of years. It needs to -- your intention with the five -- batches of five is well-meaning, but it seems to me that it's relatively easy to do a model that predicts out how this is going to go and get their auctions done and dusted within a reasonable time frame. And by "reasonable" I mean less than 12 months. Thank you.

CHERINE CHALABY: Thank you. Would management like to comment on that? Management would like to comment on that?

AKRAM ATALLAH: So thank you for your feedback. The rules are going to be posted online. We are looking for feedback from all the different parties. The intention, as you said, of the five per week is to allow applicants with multiple applications and contention sets to know how much money they owe before the next auction comes up on them. So we will look for all of your feedback. And if five is too low and there is agreement that should be higher, we can accommodate that. But we're looking for the feedback. Thank you.

CHERINE CHALABY: Thank you. Next speaker, please.

ALEX STAMOS: Hi, my name is Alex Stamos. I don't consider myself a domain person which I guess I don't get to say anymore because this is my fifth ICANN meeting. That's when officially I think you get tainted.

But when you come from ICANN from the outside, this new TLD program was really exciting, right? The first words in the applicant guidebook is that "ICANN wants to promote diversity, encourage competition, and enhance the utility of the DNS."

And those of us who thought you guys meant it came up with ideas to use the Domain Name System to do new things, to innovate, to invest behind a small number of names. And as it stands right now, if the top five applicants finish their remaining applications and win each 1/3 of their contention sets, then of all the non-trademark terms, over 50% of them are going to be operated by those five applicants. And we are going to be in an Internet by 2014 that by some measures is less diverse than it was in 2012.

So I understand the point about getting mixed messages about the applicant guidebook being a tablet that came down the mountain. But I do encourage the board to take a step back and think about this auction process that is advantageous to

companies that have -- with billions of dollars of cash who have no desire or no drive to make any deals versus those of us who have actually tried to innovate and are getting steam rolled over because we have already lost dot green.

There is a lot of people out there who are trying to do innovative things, the dot eco people, dot pay, dot gay, and folks who are trying to face -- I don't have their endorsement. I'm just trying to name some people who I know are doing this work.

And all these people are facing applicants who are either large companies or are using non-domain revenue to win this and to lock in their dominance of the Internet for decades or they are facing applicants who have the ability to play poker and raise money, billions of dollars, off a \$185,000 application fee.

So I hope you guys perhaps take a step back and think a little bit about what the Internet is going to look like in 2014 if we stay on this pace.

[Applause]

[Timer sounds]

CHERINE CHALABY:

Thank you. Good point.

Do you have a suggestion?

ALEX STAMOS: We have a couple suggestions. We're going to have detailed suggestions in the comment period that hopefully is opening up. But if you consider this a public good, there is actually a lot of interesting auction models that governments use when auctioning off public goods that keep people from monopolizing it that change the rules based upon what utility goes into it, a judgment of utility, or how many applications you are.

So if you look at gas leases, if you look at wireless spectrum, right now there is a big fight over wireless spectrum where two providers in the U.S. are trying to dominate it and the government is setting the rules up to make sure that doesn't happen. I think there are a lot of good examples out there.

I'm not an economist but you can hire one to help you figure out which ones work and which ones don't.

CHERINE CHALABY: Thank you. Thank you for the good input. Thank you.

ALEX STAMOS: Thank you, sir.

CHERINE CHALABY: Sorry. Bertrand would like to comment.

BERTRAND DE LA CHAPELLE: Sorry. Just one quick point. When talking about suggestions, it is clear that among all the different interventions, there are clearly two tracks. One is about the proceeding, how the result of potential auctions could be used, which is an issue that can wait for a little bit.

The other question -- the other track which is suggestions or comments or issues that people have with the very principle of auctions or the way they are conducted or whatever, this is a different timeline and I would encourage when we debrief to make a clear distinction between the two and for the board to discuss whether there is a need to open some discussion or not. But those two things have a different timeline, and I just want to highlight this.

CHERINE CHALABY: Thank you. Last speaker.

LOUIE LEE: Hi, my name is Louie Lee. I work for Equinix, a data center provider. I am the chair of the ASO address council. I'm in front of you on behalf of myself, just as a citizen of the world.

On January 3rd of this year, 2013, Annalisa Roger sent a letter in on this very topic. Even though she withdrew the application for

dot green, I think her input is still valuable. And now that you are ready to receive this input, I would like to read just a paragraph from her letter.

"Any new gTLD string that is focused on the world's environment, i.e., dot green, dot eco, eco, et cetera, should have the ICANN auction proceeds directed towards a global non-profit entity already in place that is currently funding the social, environmental, and economic aspects of green and sustainable projects which benefit all people. This keeps the money raised for environmental purposes within the very community that is targeted and meant to benefit from an environmental TLD being launched.

"Bringing the global environmental movement online via the power of the Internet is a concept the environmental community has been made aware of and is hopeful for and is looking forward to.

"These auction proceeds, representative of environmental action, will help fund new global initiatives which will naturally lead to global public benefit and the likely success of an environmental focused TLD as well as positive awareness in general for all new gTLDs coming live online as a result of ICANN's new gTLD program."

I urge you to look up her full email. Thank you.

CHERINE CHALABY: Thank you. We will look up --

[Applause]

We will look up the full email, and we will take this into account in our deliberations. Thank you for reminding us of that.

So I would like to ask Steve, who I know is very passionate about this subject, to make a closing remark regarding the auction topic.

STEVE CROCKER: Thank you very much, Cherine.

Cherine's opening statement about the -- putting a ring fence around auction proceeds and having a separate process for determining what to do echos my very strong feelings that I've expressed from time to time.

And speaking as chair of the board and working with Cherine who is chair of the Finance Committee, we're in perfect sync on this.

This session here brings back into the foreground the discussion about what to do with the funds, what the processes might be, and so forth. This is the very beginning, not the end at all, of a conversation gathering ideas. And I don't know exactly what the steps are going to be because we haven't worked it all out. But this is a public process and will continue to be a public process.

So this is -- this session was run very smoothly, very briskly, and gathered a lot of useful ideas, both specific ideas and strong senses of expression and feelings. So thank you very much.

We're going to take a 15-minute break. That means that we're going to be back in session at 3:20, and we will begin with a list of the topics that were selected from the first part of the session.

Thank you, again.

NANCY LUPIANO:

Ladies and gentlemen, during the break, we're going to run a graphic of the people who have attended 30 and 40 of our ICANN conferences. If you see your name, there will be pins at the table across the room by the door. Congratulations to all of you for your enthusiasm.

[BREAK]

STEVE CROCKER: Okay, folks. Let's get back in session.

NANCY LUPIANO: Ladies and gentlemen, could you please take your seats. We'd like to get started with the next portion of the public forum, ICANN 48. Once again, if you would be kind enough to take your seats, we'd like to get started with the next portion of our program.

BRAD WHITE: Ladies and gentlemen, if we could ask you to please take your seats.

NANCY LUPIANO: Ladies and gentlemen, again, if we could please ask you to take your seats. Ladies and gentlemen, before we begin with ICANN 48, we want you to hear a few words about ICANN 49 in Singapore.

[Video]

[Music]

[Applause]

[Video ends.]

BRAD WHITE: It is my pleasure to introduce you to Jia-Rong Low with our Asia-Pacific hub office in Singapore.

JIA-RONG LOW: Hi, everyone. My name is Jia-Rong. I'm with new Asia-Pacific hub in Singapore. And I would like to take this opportunity to welcome everyone to Singapore for the next ICANN meeting. As you all know, we have established a new Asia-Pacific hub that's based out of Singapore just a few months ago. And our new team is very excited to be able to host the next meeting. And just in a couple of weeks when we head back to Singapore, we will work very closely with our events team to make sure that we will have a well-planned, well run event in Singapore and to welcome everyone there.

As a Singaporean, I'm also very excited to welcome everyone to Singapore and that the ICANN meeting will be returning to Singapore since our last meeting in 2011. While some things in Singapore have changed, Singapore is a very fast developing country. In just two years, those of you who have been in Singapore in 2011, you may find that some parts of Singapore will have changed almost completely but some things still don't change. It is still very hot outside, and indoors it is very cold. So bring a lot of winter jackets if you need.

And some of you may have heard of the joke that Singapore is a fine city. We still are. So we may get fined for littering. We may

get fined for jaywalking, for chewing gum. So be careful on that. I'm very sure we won't be fined for having a good meeting. And that's what we are going to look forward to.

So welcome to Singapore.

[Speaking non-English language]

In English, let me say: Come to Singapore.

[Applause]

Thank you.

BRAD WHITE:

We will now turn the floor back over to Dr. Crocker who will explain how the rest of the afternoon is going to break out in terms of those sessions.

STEVE CROCKER:

Thank you, Brad.

I'm not yet done savoring how nice it is in Buenos Aires and, yet, now I'm tantalized and salivating about getting to Singapore.

We continue. At the outset, we said we were going to take in suggestions about what to talk about, organize those; and now we are at that point.

We have -- we collected 14 topics, suggestions. We've grouped them into three groups. Let's see. Is there a slide that has -- no, okay.

So the first group is on multistakeholderism and trust issues. What else did we say about that? So there will be a collection of topics there.

I should pull these up in just a second.

Second grouping will be around the gTLD program and the specific issues there.

And then in the third, as part of but not the entirety of the last session, a series of four topics.

And with apologies, I owe you what that list is. I will have it for you momentarily here.

Here we go: Multistakeholder model; accountability and trust; five items, strengthening and broadening the bottom of the multistakeholder process, universal acceptance, accountability of parties accepted by ICANN toward Internet users and their communities, ICANN's role and responsibilities to the Internet, what ICANN should do beyond DNS, and how to repair the trust in the multistakeholder model in light of the Snowden revelations. Olga Madruga-Forti will moderate this session. And we will start with that.

The new gTLD program issues will encompass: ICANN contracts versus local law; string confusion and new gTLDs; bulk acceptance of WHOIS inaccuracy and complaints; new gTLD program, was it a success or failure; name collisions; ICANN acting in the public interest. And then under the third session -- Gonzalo Navarro will moderate the second session.

And under the last session, which Bertrand de La Chapelle will moderate: ICANN government policy control in the root, control over the root, the Malvinas, NomCom, and conducting of the public forum.

With that, I would like to turn the floor over to Olga.

OLGA MADRUGA-FORTI: Thank you, Dr. Crocker. I would like also to thank my colleagues in the board and the very active and future participants and veterans in the multistakeholder process.

First, I would like to know if you all -- we have translations here, if you need it. There's ear phones right here.

With this, we will start then.

SERGIO SALINAS PORTO: Hello. I would like to ask the issue that would be last, is a local issue and that is dealt with by the local community and the

thought that this will be dealt right now. If I misinterpreted this, then I would like this to be explained.

OLGA MADRUGA-FORTI: I would like to give the floor now to Dr. Crocker. As you can see, this is a different way to hold the forum, so the topics are a fresh - - they have just been established by you.

SERGIO SALINAS PORTO: I ask again.

Dr. Crocker, this is my question. An hour ago, many of us came here and raised the issues. One of the issues had to do with an initiative by the local community (scribes receiving Spanish and English at the same time), one of the issues that have to do directly with the auction (indiscernible). I would like to ask you if you have placed this item, if the board has placed this item as the last item to be dealt with and decision? And if so, I need to say that I'm very frustrated by this.

STEVE CROCKER: Thank you for the comment. I will be very straightforward with you. We took the list of topics that came in. There were 14. We looked at the topics -- and I will take personal responsibility because we did this right here -- and looked at each of them and

this is only a question of practicality, grouped them into the best collections -- the most similar as possible.

Of the 14, they fell into five that fit into this general topic, five that fit into the gTLD issues and four that were essentially unrelated to each other.

There was no particular bias or purpose but the topic that you raise is, indeed, one of the four that did not have any close connection with the others. And in the general picture that we had presented of trying to have these grouped and then have a collection of other topics, it fell naturally to the end.

I understand that it's possible to interpret that as having some particular purpose and so forth, but that's not what was going on at all.

So let me ask you with respect, let's proceed with what we have organized here. We will make sure there is plenty of time at the end and look forward to hearing from you.

OLGA MADRUGA-FORTI: Okay. Thank you, Steve.

SERGIO SALINAS PORTO: Thank you.

[Applause]

OLGA MADRUGA-FORTI: Thank you, Steve. We invite then the person to begin speaking.

Next question.

MIKEY O'CONNOR: Thank you. My name is Mike O'Connor. I am a member of the ISPC constituency, a member of the GNSO Council, but I'm speaking in my own capacity. I'm also a person who's predicted nine of the last three recessions, so I'm a somewhat cautious and easily scared type person. And sometimes when I get scared, I get outside the boundaries just a little bit. So I have a personal apology to make before I go to my question. And that is to my friend and board member Bill Graham.

I got outside the lines earlier this week, Bill. And I'm really sorry I did that. We've spoken about it, but I wanted to do that here.

So with that, let me tell you what Mikey's obsessing about right now. I'm not obsessing so much about name collisions. I think we've made really good progress there. Not out of the woods but good work this week. And commendations to all.

I want to refer you to the ATRT2 report. And right at the back, the ICC did an appendix that has a table that scared the bejebbers out of me. And I just want to summarize it for you. It is a table of how many working groups the people who were surveyed had

participated in. A hundred people had participated in one working group. Another 20 people had participated in two. Then for people who participated in three, four and five, there were two, two and one. And then there were three people who participated in six or more. And since I participated in a lot more than six, I guess I'm in that gang.

Now, the thing that scares me is that what means is that the bottom of the bottom-up process, the multistakeholder part of the bottom-up process, the consensus part of the bottom-up process, is very small. So that's the reason that I raised this as a topic, and I'm glad it's there.

And the question -- I'm out of time. Sorry. The question is: Can ICANN devote this portfolio to a single senior staff person and bring multi-dimensional focus to this effort to broaden that base? Thank you very much.

[Applause]

OLGA MADRUGA-FORTI: Thank you, Mike. That's a very important question about how to broaden engagement, active engagement and, therefore, enrich the multistakeholder process. So I will now give the floor, first of all, to Fadi Chehade.

Fadi, you have the floor, please.

FADI CHEHADE: I'll definitely take this into consideration, Mikey. I think it's a good idea. I'll note it. I think it's the right way to go. But let me check with the staff and work out how we can do this. But you're right. If that bottom is not there, the top is useless. Thank you.

OLGA MADRUGA-FORTI: Olga Madruga-Forti speaking. Any other comment from the board members? Okay. If not, we will proceed to the next question, please.

ELISA COOPER: Hi. My name is Elisa Cooper. I'm the chair of the business constituency. And my comments related to the multistakeholder are as follows: While we were very concerned about some of the recent processes that have occurred around the Montevideo statement and other Internet governance related issues, we are very encouraged and we are looking forward to working collaboratively. We already have a number of BC members who are very active in Internet governance. They're active with the WCIT. They're active with the ITU. They're active with WSIS and others. However, as we move through this new changing Internet governance landscape, we would strongly encourage that ICANN does a number of things: One, that ICANN limits its focus to the

scope of issues related to DNS registrations and resolutions; two, that we continue to focus on operational excellence.

Now, speaking personally, I think that we have made some great strides in operational excellence in the organization. And we would like to see that continue.

Three: We want to encourage an abundance of caution so that we are not causing issues such as name space collisions.

And then, finally, we would like that ICANN continue to be the paradigm of a multistakeholder model, maintaining accountability and transparency. In addition, that means also honoring all obligations and reviews required by the Affirmation of Commitments. Thank you.

[Applause]

OLGA MADRUGA-FORTI: Olga Madruga-Forti speaking. Thank you. Thank you for your comment. Any? No. Next question.

PAUL FOODY: Hello, Paul Foody. I was at the One World presentation on ATRT yesterday. And they had the graphic showing stakeholder approach to accountability. At the center is ICANN and around it are circles of the similar size -- staff, IGOs, government, civil society, business, industry. It completely ignored domain name

registrants, but I take it that's probably included within business and industry.

My question is: Given the recognition that Internet users are a stakeholder, what effort has ICANN taken to contact Internet users other than staff, IGOs, government, civil society, and business industry? What efforts have you made to indicate your existence let alone what role you play? And then, again, other than Internet users, we've also got another group which is the people who aren't Internet users, people who are not Internet users either because they're very remote or because they're very poor or a combination of the two.

So, when you're talking about accountability, you've got to look at those people, too.

OLGA MADRUGA-FORTI: So I interpret your question to be one that relates outreach to the topic of accountability. And I believe that that would fall under the ambit, generally, of the comment seeking cycles as per the varied and specific topics.

So I don't know, Fadi, if you have something to add in that? We take that point.

PAUL FOODY: Thank you.

OLGA MADRUGA-FORTI: Point well-taken.

KHALED FATTAL: Thank you. Khaled Fattal, multilingual Internet group. Yesterday I took an opportunity to congratulate ICANN on something that is new in my book and probably many in the community's books. For a change, we're starting to see ICANN listen. Perpetually, we used to call on ICANN to listen better and better. You're listening. And I think the fact that we're put some controversial issues on the discussion is really a step forward.

But I think the comments we've made public, private, and some of them that are already in your archive on how to repair trust in relations to the Snowden revelations are already on your books. What we need to see is how do you wish to do that? It is no secret that the Brazil summit has been invoked because of that NSA surveillance issue.

Today I'm wearing with pride the pin that shows that I've been a member of the ICANN community and member of the 40+ attendees. Actually, more than 40. I have a vested interest in protecting what I've always believed in, which is the multistakeholder model. And we want to ensure that where we are going and how we're going to ensure this gets delivered is done with clarity.

So the challenge I'm posing back to the board again is -- you've heard us. I'm reminding you again, you're hearing us again, tell us what you want to do with clarity so we know then how we can support you or help you clarify the direction.

Time is of the essence. The summit is happening in a few months' time, and there's not much time for delay. So I'm waiting for now, not just the listening. I'm waiting to hear from the board and the management on what the plan is. Thank you.

[timer sounds]

OLGA MADRUGA-FORTI: This is Olga Madruga-Forti speaking. Thank you. Unless they learned my Spanish in the last 10 minutes, they might not be able to understand me.

This is Olga Madruga-Forti speaking, and I will speak in Spanish now.

Fadi, can you please tell us about what ICANN does within its remit, within its code, in order to repair the trust in the multistakeholder process? Can you tell us about that, Fadi?

FADI CHEHADE: I will just quickly answer Khaled, Dr. Fattal. And then I will answer also the other folks who spoke before you.

I think it's extremely important, as Elisa said, that from here on we move together. It's very important. And I think you have our commitment to do that.

On yesterday morning I specifically made the request that our SO and AC leaders form a cross-community working group so together we can all work on planning ICANN's participation in all these global activities. I'm committed to that. I think they're committed to that. And I'm waiting to hear from them as soon as possible so we can form this group. And I welcome, certainly, your input and everyone's input and participation in that working group. Many of you, as we said Tuesday morning, have been working on this for years. There's nothing here that we have invented or brought up that is not known or understood. It's been worked on by many of you for years. So let's come together and use this very important historic moment to shape the debate forward. I invite you to join us for that.

KHALED FATTAL: Look forward to it.

FADI CHEHADE: Thank you, Mr. Fattal. And then, to Mr. Foody, your comment was about outreach. And I want you know we are working extremely hard to increase our outreach. We have more than

tripled our resources in the area of engagement and outreach. And more to come.

And, of course, there is just never enough. You know, if we want to reach, two, three billion Internet users, it takes quite a bit of work. But we are engaged. And we're doing a lot more. And I hope you will see the fruit of that in the months and years ahead. And, finally, to Ms. Cooper, I think I want to assure you and assure your community that we are not going to take our eyes off the operational ball, nor off the ATRT2 implementation ball.

You have our commitment that we have enough breadth to continue doing that with the utmost fidelity and commitment as we have in the last year.

OLGA MADRUGA-FORTI: This is Olga Madruga-Forti speaking. Thank you, Fadi.

I think you have a comment from Chris. No? So we will proceed with the next speaker.

ERICK ERIARTE: I am Erick Eriarte. I am the chair of the Peru ISOC chapter. (multiple speakers) I want to say that the cultural diversity and the difference of origins that is bringing us all together here has to be recognized at all times.

So my concern is that ICANN's actions will fall beyond or outside their remit and look towards the very first thing that you can find and find the very first multistakeholder model that you can think of.

So my direct question to the board is: Is ICANN seeking a unique or single multistakeholder model? Because, if we focus on the necessity of these -- each of these has their own cultural dynamics. The Brazilian model is great for Brazil. But it couldn't be applicable in Peru because we're a smaller country with a different economy, with different cultural political realities. So, again, I ask the board: Are you seeking a single model to implement the stakeholder mechanisms? If this is so, we are losing our greatest richness, that is, our diversity.

And, if this is not the case, I beg you please let us keep diversity and let us enable the liberties or freedoms in this very rich Internet in every community. We do not want one Internet. We want a diverse Internet. Thank you.

[Applause]

OLGA MADRUGA-FORTI: Olga Madruga-Forti speaking. Thank you. Thank you for your comment. I want to especially thank you for your group, for your email group. You always keep us updated and informed at all

times. So thank you. Thank you very much. I think Ray is going to address your comment or question.

RAY PLZAK:

Gracias, Olga. Erick, my friend, I am completely empathetic with what you're saying. And the real issue is how do we integrate all of our -- all of our multistakeholder voices together?

You correctly point out that there are different groups of stakeholders in different areas. And the example you used in the country codes, each country, as you correctly point out, has its own group of multistakeholders. But then they, in turn, integrate into a larger group of multistakeholders, which is the country code domain, which in turn integrates into a larger group of multistakeholders which is the ICANN group of multistakeholders. So you are correct. It is a matter of appreciating our diversity, utilizing its strength, and bringing us all together so our many voices can contribute to a common goal. So I really appreciate your comment. Thank you very much.

OLGA MADRUGA-FORTI:

Gracias. Olga Madruga-Forti speaking. Bruce Tonkin has a further comment on this.

BRUCE TONKIN: ICANN itself consists of different multistakeholder models. The GNSO, the RIRs, the ASO, the ccNSO, the GAC, all really have different models by which they reach consensus within their groups. ICANN itself is continuously evolving, because we have this review process. And we continuously review our structures and evolve our multistakeholder models. I think it would be arrogant for us to say to any other group that our model is the one way.

But I also think that what we're trying to encourage is this general approach of multistakeholderism to look at other issues that are not currently within ICANN's mission. In other words, other groups can take learnings from what we do, and we can take learnings from what other groups do. So I agree with you. We should be encouraging diversity.

OLGA MADRUGA-FORTI: Thank you, Bruce, George Sadowsky has the floor.

GEORGE SADOWSKY: -- the position that you have put forward. The multistakeholder approach is what we all believe in. The ICANN is one instantiation of that approach, as are a number of other organizations in the Internet sphere. And it's important that we recognize that. The Brazilian approach is one approach. ICANN has an approach. ISOC has an approach. National organizations have approaches.

And it's important to find the approach that fits the goals that -- and the problems and the goals that you have in your particular community.

Thank you.

[Applause]

OLGA MADRUGA-FORTI: Olga Madruga-Forti speaking. Thank you, George. Sebastien has the floor. And after that, Fadi.

SEBASTIEN BACHOLLET: Sebastien Bachollet speaking. Thank you, Erick. For the last three years, I've been thinking that the word "model" is a word that we have to leave behind, that we have to forget.

And I think that my fellow board member has understood you. I also believe that this is a language issue or linguistic issue. Because maybe it's harder to find other words to describe "multistakeholder" in English. So it is very well for us to do it in Spanish or in French maybe, too. Thank you, Erick.

FADI CHEHADE: You spoke very clearly. But I want to add one small thing that I think I heard you say. Because I'm working with my colleagues, with the Brazilians. Brazil does not intend to promote its CGI

Internet multistakeholder model as a (indiscernible) model. I assure you of that. Quite the opposite. In fact, they were asking how we can feature multiple models at their conference so people see and view different models. So I can assure you that there isn't any view by us or by them that their model is the model for Latin America or the world by no means. And I urge you to come up with a model that works for you. And, frankly, it may be even a better model. And I hope it is.

OLGA MADRUGA-FORTI: Olga Madruga-Forti speaking. Thank you, Fadi.

ERICK IRIARTE: Erick speaking. I take this commitment from the board. I accept this commitment. I think that everybody is committed to diversity and not to just one single model. Thank you.

OLGA MADRUGA-FORTI: Olga Madruga-Forti speaking. Next question, please.

Olga Madruga-Forti speaking again. Please, we need to take care of time. In the interest of time, please I will ask you to be brief in your questions. And I thank you for your participation. Thank you.

JONATHAN ROBINSON: Jonathan Robinson speaking in my capacity as chair of the GNSO Council. Thank you for restarting the clock.

I think, when I see this topic, this multistakeholder accountability topic -- in the same way as I guess Fadi seeks to ensure you that his executive team and he will continue to focus on his generic domain names, the division and the work, I think it's up to myself, the members of the GNSO Council and, in fact, many of us in this community to stick to our knitting and demonstrate that we do our work. So, in some ways, while we're focusing on this big picture and all of this moving and changing universe, it's incumbent on all of us to do what we do do and do it well. So I think I should remind you that we've done a number of things, notwithstanding Mikey's well-founded concerns about participation in working groups. We've got two current GNSO working groups one of which is just finished that had in excess of 40 people participating in it, one of which has recently commenced which has in excess of 30 people participating in it. We've had leadership training and development for GNSO participants at this meeting. We've committed to efficient and improving processes throughout.

And, you know, one of the challenges that we face I think is that we often set off multiple processes running. So one of the things that's come out of our sessions here is improved and enhanced coordination between the activity. And, for example, one of the

things we're going to try and do is look across the universe of WHOIS work that's going on and try and map the links between all of that and make sure it is properly coordinated and effectively managed from a kind of overview basis. So there is plenty we can do.

I also -- if I turn and look at this room, I see an enormous resource, actually. And I think in business we would call that in-selling. So Fadi when we talk about sometimes selling out to the outside world and trying to bring more in, we've got a huge and well-qualified resource here. And so my job, I think, is to sell our processes and our work to those within our community and get them increasingly engaged

[timer sounds]

Thank you, Olga, and thank you, colleagues.

OLGA MADRUGA-FORTI: Thank you, Jonathan. all good points.

[Applause]

It's nice also to point all of the -- point out all of the good things and very effective things that are going on. Thank you. Next question.

JONATHAN ZUCK: Yes, good afternoon. Jonathan Zuck from the Association for Competitive Technology.

I just want to say I've enjoyed episode 48 of the telenovela that is ICANN. Perhaps we should call it "Restless Voices." I think a lot of sessions were devoted to healing. And perhaps that is a good thing. We all come to these meetings wearing a very specific hat, representing a specific constituency. For me it's the IPC because I represent small businesses. But I also run a nonprofit, so I have an NGO interest. I'm a photographer and a filmmaker, so I also generate content and am concerned about the future of content and the Internet censorship. And I do my banking and airline travel online, so I'm a user concerned with just the basic fundamental working and integrity of the DNS. I can honestly say that after a week in Buenos Aires, I am a multistakeholder, you know, much to the regret of my nutritionist, I have to say.

[Laughter]

[Applause]

JONATHAN ZUCK: Seriously, among all of this healing, I think there's two threads of conversation that have come up this week that apply to everything we've done.

One of them that I'm very excited about professionally is the idea that we need to actually define success in order to enjoy it.

Before we get started down the path of any endeavor, we need to figure out what we want the outcome to be and what would be ideal. Because it's only in that environment that, when we get there, when we reach that finish line, that we can really enjoy that success. And that's happening through consumer metrics; it's happening to the ATRT. It's happening all over the organization. And I'm very excited about that.

The other thing is something Fadi mentioned in his discussion on Monday. He mentioned the new ICANN. The new ICANN for which the true constituency are the registrants and the end users and that all of us simply are here in service to them.

[timer sounds]

And so I just want to thank you for your commitment to that model and the new ICANN, this move from cliché to substance, from classical telenovela to modern telenovela. And I want to give my commitment to be part of that new ICANN. Thank you very much.

[Applause]

[Timer sounds]

And so I just want to thank you for your commitment to that model and the new ICANN, this move from cliché to substance from classical telenovela to modern telenovela. And I want to

give my commitment to be a part of that new ICANN. Thank you very much.

OLGA MADRUGA-FORTI: Thank you. Thank you. And with that, with those comments, we will bring this session to a close. We will close the line of speakers. The queue is closed in this session. Okay, thank you.

Amadeu, please.

AMADEU ABRIL i ABRIL: I will follow Sebastien's advice or recommendation, so this should be Spanish, what I'm speaking, or something like that.

When we speak about the multistakeholder group or multistakeholder model, well, I am here because I think that we are making a mistake.

We wanted to be multistakeholder 15 years ago. We wanted different interests and functions and cultures and views or regions within the Internet.

In 2013, it seems that "multistakeholder" means that the same person is IPC, registrar, registry and maybe he's at the GAC and in the board, too. And then we don't know how this works at the end of the day.

So I would advise the board to very seriously and urgently take the advice that we have to forget about debating a reform. And we have to forget about that feudal system. I want a group of bald Catalan people because I will be the chief there. And I will have a seat at the NomCom, at the GNSO, and I will be sent to Montevideo or elsewhere.

So the logic is we are here to represent the interests of the ones that are not here, not the registrants but the Domain Name System users.

And the most important thing here is what Jonathan, Amadeu, or whoever are doing in order to favor these people, not what my commercial interests are. And, therefore, we have to seriously review what our internal systems are and our conflicts are.

But we have to stop creating feudal kingdoms with little kings and queens, if you will.

Many people say that they are concerned about Montevideo. Why are you concerned about this city? It's a very nice and calm city. They are worried about Brazil. Well, on the contrary --

[Timer sounds.]

-- I don't know where this is going to but I thank Fadi for his courage to start something, to begin something that will take us away from the place we have been for the last ten years.

We have always been at war with Eurasia, the ITU, or whatever. No, that is not true. Let us admit what we have to do and think of other processes with other solutions.

[Applause]

OLGA MADRUGA-FORTI: Next speaker. Please, go ahead.

MARILYN CADE: I'm Marilyn Cade. And I want to start out by noting that we came here this week, and we've had a series of meetings and discussions, and I think all of us have agreed to go forward working together.

But I want to share some thoughts that I need to ensure that we've conveyed clearly because in the exchange of views that we have had about how things transpired or what journey we're on, a lot of questions have been asked but we haven't yet reached the point where we have any answers at all to those questions.

Fadi, I understand, is going to a meeting in Brazil on Monday. And we have laid out the idea that the questions are going to be gathered up and compiled. We also laid out the idea that there will be a cross-constituency representative group that will help to advise on what ICANN believes and wants.

And I will just say again that old adage that "if you don't know where you are going, any road will get you there" is really a risk for us as an organization because it isn't just Brazil that we're going to as a meeting. We're on a much longer journey. There is a huge series of meetings that we need to know what the ICANN community's guidance is in all these meetings.

I'm going to ask that the list of questions be fed back to us. I'm sure that the stakeholder groups will work very cooperatively to quickly put together a list that we can work on internally.

But now I'm going to make a plea. I have heard some of you, and Fadi, use a phrase that hurts my heart. You called the Internet Governance Forum a "talk shop." Let me give you a different understanding. It is a place of dialogue where we talk about really tough things --

[Timer sounds.]

-- but no longer in a tough way. And I hope we will continue --

OLGA MADRUGA-FORTI: Thank you.

MARILYN CADE: Because we're saying we support it. We do support it. We go there. But let's really value the fact that we cannot reach understanding until we talk to each other.

OLGA MADRUGA-FORTI: Thank you.

MARILYN CADE: And dialogue is our first step.

OLGA MADRUGA-FORTI: Thank you. Thank you very much.

We have one comment from Fadi. Thank you.

FADI CHEHADE: Sorry. Marilyn, just a couple of comments on what you have just shared, which is important. First of all, I don't need to tell you that the ICANN community is one of the largest supporters of talk shops like the IGF. Talk shops are good. We need to talk. There is nothing bad about talking. You are right that maybe the term is, at least somewhere -- sometimes in English viewed negatively, but that wasn't the intent.

Dialogue is important. We're all for dialogue. And I'm sure you know that ICANN and the broader technical community and business community have been immensely supportive of the IGF in the past, in Bali, and we have been very proactive in making sure -- and I want everyone to hear that, that we ensured in Bali

that three countries have now committed to backing the IGF for the next three years.

So if anybody in the WSIS process thinks this is going to go away, we've got some news coming for you. We have three countries already committed: Turkey -- thank you, Turkey -- I know you are here -- for your 2014 commitment in early September.

[Applause]

And Brazil, lest anyone is confused that the Brazil conference in April is a replacement for the IGF, Brazil committed to the 2015 IGF. Thank you, Brazil.

[Applause]

And, finally -- and nothing like good, you know, competition, Mexico jumped in and is now committed to the 2016 IGF.

[Applause]

And I'm hoping that within the next few months we will hear commitments for 2017, '18 and '19. So everyone is clear, we're committed. ICANN is committed and will continue to do its job. Thank you, Marilyn, for your frankly unrelenting work to make sure that this talk shop works.

OLGA MADRUGA-FORTI: Thank you, Fadi.

In the interest of time, we are going to borrow back those few minutes from Fadi and in order to finish the queue within the time allotted, can I ask that we all graciously agree to limit ourselves to one minute for these remaining questions. Thank you.

WERNER STAUB:

My name is Werner Staub. I'm the Swiss guy who talks about William Tell sometimes. The story about William Tell is not about the apple. It is about accountability. It is about the word that actually has become popular in Switzerland, "foreign judges." It is about the process by which somebody may be put in charge and that person may not be asked about accountability to the community where that party has been put in charge.

And right now ICANN is in the process of putting parties in charge, right now with the gTLD program. These parties must be accountable to the affected people in their respective area. And we have a process by which from the beginning, back in 2007, it was said that the communities must be protected. This has largely been ignored or misunderstood. It went this far that we have letters from parties saying that the communities according to the guidebook which has somehow elevated to the role of a Bible or an absolute law, that what ICANN has promised in precluding in the communities that they think they should be able to acquire in an auction. It is incumbent on ICANN to make sure

that those parties who are put in charge will be accountable and they can be removed, if necessary.

OLGA MADRUGA-FORTI: Excellent. Thank you. Of course, transparency, absolutely.

Next question, please.

EVAN LEIBOVITCH: Evan Leibovitch. Given that At-Large -- my name is Evan Leibovitch. I'm vice chair of At-Large. We were very quick out of the blocks to support the efforts. We had a letter written in support of the Montevideo statement and your efforts in advance of Bali. And I hope it was helpful.

But obviously it didn't stop there, and there were the events of this week. In light of the conversations that we had with the board, in light of the conversations that we had with George, in fact, specifically coming in afterwards to talk to us, and in light of, shall we say, the interesting meeting we had 30 hours ago, you asked for cross-community working groups. There weren't a whole lot of things concretely happening at the end of that. So I just wanted to let you know that today there was a meeting between ALAC and NCSG, and we agreed to form a cross-community working group that is open to participation from anyone. It is designed to come up with some deliverables to help you to work things out --

[Timer sounds.]

-- and to make this happen. And so I invite the community to help, and I want to help you out with this.

[Applause]

DAVID CAKE:

I'm David Cake from the NCSG. Just sort of since the issue of accountability came up in the last few months, NCSG have been engaging with some -- many of these accountability mechanisms and trying to get an issue reconsidered.

I'm not speaking here as sort of officially, just as someone who has been watching these processes pretty keenly, things like the request for reconsideration and the CP where we're currently engaged in. This is my personal observation. The way either those mechanisms or the way that the board uses them tend to throw you pretty quickly up against ICANN legal counsel. That quickly becomes a pretty adversarial kind of position. That's not really a complaint about counsel. That's -- I mean, that's their job. But that's not -- their job isn't accountability, and it's not working very well.

So I know there's some suggestions in the ATRT for looking at these things. That's really our feedback.

[Timer sounds.]

What we do have is the ombudsman. I just want to say in the board meeting, there was a bit of an undercurrent -- I think in the answers to some of our questions there was an undercurrent of "use the ombudsman, you dummies." And in reflection, you're right. He does a great job, and we should use him more. And if he's probably getting -- he's getting pretty busy. And if he needs some more resources, you should give it to him.

OLGA MADRUGA-FORTI: Bertrand, can you address this, please?

BERTRAND DE LA CHAPELLE: You were right to mention the ATRT2 and the interaction that the board had with the ATRT2. I and a few others highlighted how important the part of the report or the draft report that was circulated related to the system of reconsideration and so on is one of the very, very important elements in the implementation afterwards. So point taken. And this is clearly something that the board has on its radar screen.

OLGA MADRUGA-FORTI: Okay. I believe that this session is complete. We may bring this session to a close. I want to thank you all for your active engagement. I believe that a series of questions and comments have brought to the fore -- have been brought to the fore and

clearly we are committed to giving the replies or replying to all the questions that we couldn't address in the interest of time.

And I encourage you to actively engage and also to please -- you know, there is a future trend that is wear ear phones for simultaneous translation. Please go ahead with that.

Thank you.

STEVE CROCKER:

Thank you, Olga, for your excellent and vigorous moderation of this session.

We're going to move briskly to the next topic moderated by Gonzalo Navarro on gTD -- again, gTLD issues. We don't have time for a full break. But let me suggest everybody stand up, stretch, turn around and sit back down. And then Gonzalo will be in charge. And I will show you what I mean here.

Gonzalo?

GONZALO NAVARRO:

Okay, guys. Can we continue, please? Ladies and gentlemen, if you could take your seats, please. Thank you.

Guess what? I'm going to speak in Spanish. So let me tell you that you look really, really nice and professional with your

headphones. And actually this looks like a real international organization with that kind of environment. So please do it.

Everybody knows that I am not fond of speaking at the public forum. But once I get a chance to speak, look at the topics that have been assigned to me. So let us get started and let's hope that you find the replies that you are looking for.

So, please, the gentleman holding his computer. Go ahead, you have the floor, please.

MARTIN SUTTON:

My name is Martin Sutton. I represent the gTLD applicant HSBC. I'm also a member of the BC and interim president of Brand Registry Group.

Many community members are recognizing the importance of bringing new voices and new innovative business models to ICANN. The group of applicants representing dot brands, applications corresponding to an existing registered trademark have been in discussions with ICANN for many months concerning the ICANN Registry Agreement. We are grateful for the work ICANN has undertaken to move forward with us, particularly this week. We are pleased to see the ICANN community recognizing that in many ways the introduction of trusted dot brand spaces will be a rising lift -- a rising tied to lift the new gTLD program.

Historically, much of the ICANN community's focus has revolved around certainly more traditional open domain spaces. Although many of these domain names have brought opportunities to businesses and individuals around the world, they have also given rise to fraudulent activity and online (indiscernible) continues to be a serious problem for many brands.

More importantly, the sale of domain names is not the only future online model. This is why a group of applicants representing hundreds of brands that have applied to partner with ICANN and reshape the DNS have been discussing three minor changes to the standard ICANN Registry Agreement to better reflect the nature of dot brands, the new entrants into this space.

It is a bit of a puzzle with a different shape from (indiscernible) ICANN's invitation to organizations to apply for new gTLDs.

These proposed RA changes are subject to an applicant meeting the definition of a dot brand which we have worked carefully on with ICANN over the course of this year.

This would be achieved through a new proposed contract Specification 13 which we are pleased to say has ICANN support and which we expect to be posted for public comment early next week. These changes will allow brands to better maintain --

[Timer sounds.]

-- their trusted online spaces to the benefit of consumers and governments worldwide. They also reflect the stated intentions of dot brand applications which were posted for public comment.

These changes will also help ICANN to fit this piece of the puzzle into the large picture to improve the perception with companies wanting and willing to partner with ICANN in a predictable and effective manner.

Again, we are pleased to be part of the new ICANN and to be (indiscernible) with you. And we simply wanted to publicly acknowledge ICANN's hard work to reflect this new dot brand partners.

[Applause]

GONZALO NAVARRO:

Thank you, Martin, for your comments.

It's also important to use -- that you use your time available so that we all, at the Board, have the opportunity and the time to give you our replies, and instead of using up the time of other speakers.

But thank you very much for your comments. They are very well taken. And I'll see if somebody, or a board member can take your question. Any board member would like to take this question? Okay.

Thank you.

Adrian, go ahead, please.

ADRIAN KINDERIS:

Thank you. My name is Adrian Kinderis from ARI Registry Services.

I would like to discuss name collisions. In matters of security and stability of the Internet, the ICANN Board has an obligation to treat all TLDs equally. However, at the recent ICANN Board decision to delegate an IDN ccTLD whilst delaying the delegation of new gTLDs in order to investigate name collision issues, it demonstrates what appears to be a governance disconnect between the Board and the New gTLD Program Committee or the NGPC.

On August 27, 2013, ICANN formally communicated to all newly and soon to be contracted parties an announcement about the impact on contracting and it noted amongst other things the delegation of low risk strings will be held until we have evaluated community concerns.

In apparent disagreement with its own stability and security stance on this issue, on the 28th of September the ICANN Board approved the delegation of an IDN ccTLD, being dot Iran in Farsi.

It had been applied for under the ccTLD fast-track process.

As part of a rationale for the Board's decision, under the heading "Are There Any Security, Stability, or Resiliency Issues Relating to the DNS," the Board stated: ICANN does not believe this request poses any notable rises to the security, stability and resiliency.

The Domain Name System does not distinguish between a gTLD nor a ccTLD. Therefore, I do not understand how the ICANN Board could make a decision to delegate an IDN ccTLD on the same day that the NGPC discussed the name collision study and was not able to pass any resolutions on the issue.

[Timer Sounds]

[Applause]

ADRIAN KINDERIS:

Which was wrong? Was it wrong to delegate -- Was it wrong to hold up gTLDs or was it wrong to delegate Iran? And what is the process to go forward?

GONZALO NAVARRO:

Thank you very much for your question. Akram, would you like to take this?

AKRAM ATALLAH:

Thank you, Adrian, for your question.

Let's be careful about how we classify collision risk and what it presents.

A collision presents an opportunity for abuse. It doesn't actually -- it's not a risk by itself.

So although we have delegated the dot Iran, that is a one ccTLD that continued to be delegated. In the new gTLD program, we're looking at 1400 new TLDs that are going to be delegated within the next 12 to 14 months.

If you look at the number of delegations, that represents a higher probability of abuse, not necessarily an imminent risk.

So we are talking about opportunities to abuse more than actually we are talking about the risk itself.

Now, this has been identified as a risk. You will see that there is a resolution from the Board, from the NGPC that was given to the Board in the last NGPC meeting. This resolution requests staff to move the new gTLD -- the collision issue to the Risk Committee of the Board.

We will be doing that, and this will be one of the risk issues that we will be addressing in the Risk Committee within the next few days. And the recommendation from that will go to the Board to be addressed.

Thank you.

GONZALO NAVARRO: Quickly, if possible.

ADRIAN KINDERIS: Quickly, thank you.

Thanks.

So if I understand you correctly, it's about the mitigation of risk. So would you say that dot Shabaka, having 100 names on its list, is a small risk or a large risk going forward?

AKRAM ATALLAH: Hello? Yes. I would like -- I would like to stay away from assessing risk on the fly, but the risk does exist. The risk might be minimal or might be larger.

When we looked at the new gTLD program, we looked at it as a whole and not one by one. And that's what we're doing in the study that we're going by.

The study will look at each one individual TLD and assess the risk.

Until now, we've been looking at the entire new gTLD program and the introduction of all of these TLDs at the same time.

ADRIAN KINDERIS: Thank you.

GONZALO NAVARRO: Philip.

PHILIP CORWIN: Philip Corwin speaking on behalf of the Internet Commerce Association which I'm proud to represent as a member of the business constituency.

As new TLDs launch, there will be a focus on the operation of the new rights protection mechanisms, the RPMs. We know the trademark community will be watching, but registrants, potential registrants, will be watching as well, and if they do not perceive that they have long-term legal security in their domain registrations, that will undermine the long-term success of the program.

ICA filed a letter this fall regarding what we thought were flaws in the trademark claims notice. Unfortunately, there were absolutely no changes made in response to that letter.

This is important because the receipt of that letter is going to be considered by the separate URS and UDRP providers regarding a critical issue, which is what is the impact of receiving that letter on the question of whether there's been a bad faith registration, and we may get differing decisions from different providers. This again points up the need for a better agreement between ICANN and the URS providers than the current two-page MOU, and for a

standard and enforceable agreement between ICANN and all UDRP providers, a position we've long held and that the business constituency has endorsed. I note that the business constituency wrote to ICANN in September raising questions about the UDRP status report issued the day after the Durban meeting ended and that the BC is still waiting for replies.

So to conclude, yes, absolutely, trademark rights must be protected in new TLDs but the rights of registrants must be as well so a fair, consistent, and balanced application of both the new RPMs and the UDRP.

Thank you very much.

[Applause]

GONZALO NAVARRO: Gonzalo Navarro thank you, Philip, for your comment.

Akram.

AKRAM ATALLAH: This is a very loaded question. We would like to reply to you in writing, and we will do that next week.

PHILIP CORWIN: Thank you very much.

GONZALO NAVARRO: Thank you.

JOTHAN FRAKES: My name is Jothan Frakes, and I'm speaking today as a volunteer with the Mozilla Foundation, an organization that I've supported since 2006.

By becoming a point of presence and an integration within this community for collaboration on IDNs and eliminating issues with universal acceptance. And I come to you to elevate to your attention something to report progress, which must be very welcome.

Essentially, through the efforts of the joint IDN group, the variant IDN group, the various support points within the organization from the Board, from the community, when these four new TLDs that were IDN, these gTLDs, were added to the root, they worked. They worked in a software program called Firefox. And that was a result of hundreds, perhaps thousands of hours of many volunteers worldwide, and it was with the help of the universal acceptance program that we were able to take the message and the organization back to the developer community and to be able to come up with something that would be a useful forward-thinking, scalable solution. So when you type dot Shabaka it works.

[Applause]

JOTHAN FRAKES:

Thank you.

I additionally contribute to an effort called the public suffix list. The URL is publicsuffix.org.

I have been an advocate within the community, within the ccTLD community, to make sure that that list is constantly updated, and by updating this list, it brings awareness of the TLDs, the new TLDs that we're adding, whether they're ccTLDs or gTLDs, to the community of developers. By editing in one place this cascades out into a variety of libraries, very popular libraries, that developers use, such as PHP, Perl, JavaScript, Java, C. I can enumerate through the list. But it magnifies the ability for developers in the development community to benefit from some of the innovation that is possible with the new strings. And as we had happen in the year 2000 when form validation or mail programs would not work, this is something that we're doing proactively within the developer community to have programs work. So these new TLDs and the innovation work.

And I would like to thank staff and the community for all the great help. And I would like to call attention to Steve Sheng and Naela Sarras from staff for all of the help and support they have given me within the universal acceptance role.

Thank you very much.

[Applause]

STEVE CROCKER: I'd like to ask a question about that process. You mentioned an updated list of suffixes.

JOTHAN FRAKES: Thank you, Steve.

So the public suffix list complements the IANA list of TLDs in that it descends deeper, such as the analyst would identify U.K. as a top-level domain, and this goes into a bit more elegant description of these strings. So it would contain co.uk, org.uk, such that applications can be much more sophisticated about how they address these domains.

STEVE CROCKER: But the question that comes to mind is although the top-level domain -- the list of top-level domains had been stable for a long time, and that led to trying to embed that list in various applications, that in itself is quite dangerous as we have a dynamic list.

So I hope that we're not encouraging applications to use something other than the direct lookup from the root as the definitive list of top-level domains.

JOTHAN FRAKES:

We certainly are not. However, as you mentioned, there are a variety of approaches that people have taken over time. And what this does is it just creates a bit more elegance because it's frequently updated. It's probably the one central place that's frequently updated that contains a list like this that's available to developers.

And I got involved with this because I saw a huge disconnect. And I have been working very hard to reduce that disconnect.

STEVE CROCKER:

I appreciate that. But I -- it still strikes fear in my heart that the developer is going to be embedding a particular list without going back to a dynamically updated and authoritative list. And I'd much rather see the developers put into their code references to the correct root rather than having their own internal list. No matter how much -- how aggressively you try to update, not only is it a question of whether you can keep it updated but whether or not they can keep their applications updated and whether or not the people they distribute their code to are going to download the updates.

JOTHAN FRAKES: I may have not articulated this well. I'm not the point. I simply contribute the connection so that the community can update this list and be aware of it.

STEVE CROCKER: Thank you.

GONZALO NAVARRO: Thank you for this interesting interaction.

I have counted quickly the people that we have in both queues and I think that we need to close the queue now.

So we are closing the list of speakers with a lady in white at the end, with both ladies. So we close the queue.

Next comment, please.

GONZALO LOPEZ PENA: I'm going to talk in English. I would have preferred to talk in Spanish but I see people are not using headphones and I want my message to arrive. So I will try to do my best in English.

My name is Gonzalo Lopez Pena. I'm from (saying name) even though besides this comment is going to be in person, of myself.

As a user, I'm very concerned about one thing, and I wanted to take.

With new TLDs, I can see that a lot of new gTLDs have got to be referred to the same product or service. We don't have clarification now, we don't have a division into subjects, so since we have so many, they could all apply to same product or service. For me this brings two things that wake up my mind. The first would be as a user, I probably can go to the Internet and ask to buy -- I don't know, a I hear a brand, a trademark is (saying name) and put that in I see in Google, (saying name) trousers, and I think that may be, may cause confusion to the user but most important to me is the company here. First of all, if the users get confused by using Google with the same trademarks -- sorry, the trademarks (indiscernible), so we both know that you can have a trademark registered in Argentina, another in Norway with different extensions, but in this case they will mean the same. And the Internet market applies anywhere.

My biggest fear is that the companies, first they lose customers because the customers will get confused and the second biggest fear is I'm afraid we are somehow legalizing trademark theft. And I am going to try to explain myself.

Here is the thing. Big companies can register the same trademark than small and medium companies in different countries under similar gTLDs. If they make better investments in marketing and

sought better investments in marketing because they have the power to do that, they can take the first pages in Google, and by taking the first pages in Google, the medium and small companies that have the same name could be left aside because of the confusion cost.

[Timer Sounds]

GONZALO LOPEZ PENA: That may be -- please, if I may have an answer.

Thank you.

GONZALO NAVARRO: You may ask the question quickly. Do you have a question?

GONZALO LOPEZ PENA: Yes, the right question would be am I correct on this thought?
This could happen or not?

GONZALO NAVARRO: Thank you, Gonzalo.

Would any member of the Board like to address this?

Let me quickly try to address your question. No, I don't think so.
That is the most direct -- answer that I can give to you.

Fadi would like to address your question.

FADI CHEHADE:

I'm not going to give you an answer, but I hate -- I hate for you to leave feeling like no one said anything. But simply to say you're asking questions about market dynamics and usage that we cannot totally predict today. But we will be watching, because if market dynamics start invoking our mission and making sure that our core values expressed in our bylaws need attention, we will pay attention.

But today, I mean, you mentioned, for example, everybody necessarily using Google. But who knows? Innovation may tomorrow have 20 new engines. I don't know where we will go.

So let's just let the market sometimes -- let's let this permission less innovation lead us places, and we will learn from them. And if ICANN needs to do something because our mission calls us to, we will, because I'm sure you will keep us awake and aware of that.

GONZALO LOPEZ PENA:

Thank you very much. It's important to have an answer. I know you will do your best as (indiscernible). What I'm seeing here, and this is my perspective, just to finish, I saw one time in a drawing where somebody said well the need for opportunities will be market driven, and equality of opportunities, the first one to climb

the tree will get the prize -- the surprise or the trophy. But he was talking to a giraffe and (indiscernible) the monkey. I think that here what will happen is the companies that have more power, economic power, will know how to take the trademark, use marketing position in Google and take the other trademark away. But thank you. I hope it helps.

GONZALO NAVARRO: Thank you, Gonzalo.

Before giving the floor to Michele, we Brad with a remote question.

REMOTE INTERVENTION: Many IDN gTLDs have been signed. Some IDN ccTLDs have been put into the root. Many IDNs have been registered but few of them are queried by the DNS. One of the reasons is that many applications do not support IDNs. After about eight years of hard work, IDN email protocols or multi-language email address IETF protocols have been published this year and last year. But many email service providers and softwares do not support these IETF protocols. APEC, the Asia Pacific Economic Cooperation, has a project to promote the implementation and deployment of multi-language email addresses.

To promote IDN email is to promote the use of IDNs and IDN TLDs.

Does ICANN have any plans to promote the implementation and deployment of internationalized email addresses or IETF protocols such as supporting the open source project or any other concrete plan? I'd like to hear comments from either the CEO and/or ICANN board.

GONZALO NAVARRO: Thank you. Fadi.

FADI CHEHADE: You're asking us to do a top-down activity. I think the best way to make these companies hear us is bottom-up. Write them. Use Firefox. Stop using whatever. If these guys from Firefox seem to be using it, maybe show these companies what they need to do through your own actions. Bottom-up action on the Internet works very well.

ICANN will continue talking to these companies and we're very engaged with them. We're not going to stop doing that, but nothing like all of us voting with our feet and our hands and the browsers and the systems we use. Let them know.

GONZALO NAVARRO: Thank you, Fadi.

So it's more than one thing that has to be solved. Kuo?

KUO-WEI WU: I think we have now, first of all, the international email have to go to IETF RFC. After the RFC it still needs to depend on the and company willing to implement it. And there is a -- you know, we can wish. But we cannot push Microsoft or Google or whoever that you have to do it. You know, so that is -- there is our situation.

GONZALO NAVARRO: Gracias, Kuo-Wei. Gonzalo Navarro speaking.

Thank you, Kuo-Wei.

I would like all of you to have the opportunity of speaking today. I think that both lines have 10 persons in each, and we have 10 minutes to conclude this list. So, please, I would ask you to reduce the intervention of each of you to one minute, if possible.

MICHELE NEYLON: Michele speaking. Thank you, Gonzalo. I will try to be brief. That, since my Spanish is not that good, I will do it in English.

-- chair of the registrar stakeholder group. I'm speaking here today on behalf of some of our European members, including ourselves. And I think also, since the topic I'm raising is one which is of concern to several of the European gTLD registry applicants,

this is with respect to the conflict between ICANN's contracts and local law.

Now, Fadi spoke in Munich a few weeks ago about this. And then was a rather -- I think is possibly the best way to describe the debate between several of us and Cyrus. Hi, Cyrus.

And this issue, unfortunately, is really coming to a head. Several of the members have come to me over the last few days and they've expressed concerns. Because what's essentially happening is that you put in place a waiver process that just does not seem to be functioning.

And the problem is this and this is the question I have: If ICANN can please consider providing some kind of waiver or something for all the European registrars instead of making us jump through hoops just to get -- to actually comply with local law. I suspect there are other people standing in the queue behind me who have having similar issues from the registries side. Thank you.

GONZALO NAVARRO: Gonzalo speaking. Thank you. It took more than a minute but a good question. Akram?

AKRAM ATALLAH: Thank you, Michele, for your question. You have our commitment that we will work on the waiver. We got a lot of

process. And we got the waiver mechanism in place. And now we need to make sure that the process is -- does not make you jump through hoops. And we will do that. Thank you.

MICHELE NEYLON: Thank you.

STEVE DelBIANCO: Steve DelBianco with the business constituency. I want to make a point about the contradictory results and decisions that are arising out of the string confusion objections and, in particular, the plural and singular forms of the same TLD. At the Beijing meeting, the BC appealed to the board to stop the insanity of allowing the delegation of both the singular and plural in the same form. The GAC, in their Beijing communique, made the same request in terms of a reconsideration. Just last month the BC, recognizing that the objection decisions were not fixing the problem, sent a letter to the board and management giving some concrete suggestions on how to resolve this. An example of this would be if dot hotel and dot hotels would both be delegated despite the fact that dot hotel is a community applicant that is (multiple speakers) who would have its own control over the second level.

That situation is going to arise if we don't act very, very quickly. In the letter from the BC to management and board, we suggested

that ICANN at this point quickly publish more specific instructions for the resolution of objections on string confusion and singular and plural and to set up an appeals process where an independent body would use those specific instructions and evaluate them all the same way.

[speaker off microphone]

Now, for those in the room who are rolling their eyes at yet another appeal on 2,000 strings, just remember that three years from today, those very same strings you're going to earn from this round will be subject to competition from another applicant adding an "S" to the end of your string.

So my question to the board is do you share the concern over singular plural confusion? And, if so, are you willing to do something creative at this point before it's too late?

GONZALO NAVARRO: Gonzalo Navarro speaking. Now we'll change the clock. So now from now on you will have only one minute.

Any comment with respect to this comment? Mike Silber?

MIKE SILBER: Steve, thank you. I think the issue is well-taken. It's something that's causing us grave concern, and it is something that we're looking at very closely with the staff. I can't promise that your

suggestions will be implemented exactly. But it's certainly something that's being looked at in terms of implementation. Because it's causing many of us a great deal of concern. And some slightly less, but they're also worried.

GONZALO NAVARRO: Gonzalo speaking. Thank you, Mike. Next speaker to the left.

PETER VERGOTE: My name is Peter Vergote. I'm speaking on behalf of DNS Belgium. We are applicant for two geographic gTLDs.

I'm going to try to be as brief as I can, but I have three points to raise. The first point has already been raised by Michele. And I want to fully endorse it. It's about the relation between the registry contract and local law, more in particular, European privacy law.

And I would like to call upon ICANN. Don't put us in a situation where a gTLD registry might find himself in a situation where he either has to break his contract with ICANN, either has to be in breach with binding European privacy law. So, please, consider this and help us out in finding a solution that is acceptable for ICANN and acceptable for the new gTLD registries. Second point is clarity on the timing. I would like to ask help from ICANN to shed more clarity on the timing as new gTLDs are approaching towards a launch.

[timer sounds]

[speaking off microphone]

Now things are being -- because there is a lot in contention, and we don't know what the effect is going to be on the queue.

GONZALO NAVARRO: Gonzalo Navarro speaking. Sorry, but we're out of time. If you would like to talk with us after the meeting, I will be personally in charge of discussing this issue with you. Thank you very much. Constantine.

CONSTANTINE ROUSSOS: Constantine Roussos. I'm here to reiterate our concerns, as noted in many letters sent to ICANN and GAC about the new gTLD process in regards to community objections. We feel vindicated that GAC and the ICANN NGPC have addressed these issues that were objected to after the objections were filed. However, we are highly concerned with newly created procedural loopholes, PICs, and NGPC resolutions which can be used by ICC panelists to indicate that material harm can no longer exist since ICANN has been rightfully addressing these issues after all original applications or community objections were filed.

We also feel vindicated that exclusive access to music named applicants such as Amazon have agreed to change their

application status to non-exclusive. However, again, this is 180-degree change of position has not yet been addressed by the ICC to rule in favor of objectors. And we have communicated these material changes to ICANN.

We feel we will face a detrimental process issue and the loss of significant funds if

[timer sounds]

[Speaker is off microphone] -- application is inconsistent.

GONZALO NAVARRO: Thanks.

CONSTANTINE ROUSSOS: Also last, but really quick, we're also concerned by statements by nearly all portfolio applicants in their non-public rejection responses that have stated in writing that, quote, GAC advice is irrelevant. Again, GAC advice is irrelevant.

GONZALO NAVARRO: Thank you.

[Applause]

Jordyn.

JORDYN BUCHANAN:

Jordyn Buchanan of Google. A little bit of downer of a line. I thought people would be excited like I am about the incredible progress that has been made since Durban. We have TLDs in the root. The NGPC has done a fabulous job of resolving most of the GAC advice, in particular on category one.

I mostly want to stand up here and thank both the board and the staff for continuing to allow this program to proceed and allow it to proceed both safely and in a manner that's consistent with the goals of competition as well as improving the future of the Internet. So, first of all, thank you very much.

In that same spirit, I just want to note that many issues are being discussed today. IDN acceptance, universal acceptance, and so on are being addressed by the community. We want to work to this. Google is working actively to improve IDN acceptance in all of our products. Fair Winds Partners, another applicant has put together a group of industry players to try to work on universal acceptance issues across the industry. I think that's the right way to address it. We're happy to work with anyone. Please reach out to us if you're interested in working on resolving these from within the industry rather than relying on ICANN working from without to try to solve technical problems within companies. Thank you.

[Applause]

GONZALO NAVARRO: Thank you, Jordyn. Gonzalo Navarro speaking. I know it's complicated, but please try and adjust yourself to the one-minute slot.

BRIAN BECKHAM: My name is Brian Beckham. We heard Martin Sutton mention the shared work of ICANN and dot brand applicants this week. And I just wanted to go on the record as wholeheartedly supporting this effort and again thank ICANN, in particular Cyrus and his team for its efforts and partnership.

On to my question: We would, however, very much appreciate your clarification on what seems to be lingering misunderstanding on the question of open and closed or category two applications.

We believe you cleared this up this week. But some applicants and community members appear to still misunderstand the current state of play and/or continue to make representations based on what they perceive to be quote, unquote, closed applications. Earlier in this week in its discussion with the NGPC and in its just-issued communique, the GAC sought clarification as to how strings are identified as being generic, implying that the category 2 list should not be considered final.

Can you please confirm whether, at the time of contracting, all applicants will be asked if they intend to claim dot brand status to seek application of newly proposed specification 13?

[timer sounds]

[speaker off microphone]

And, if an applicant does not claim dot brand status and the string in question is a generic dictionary term, then, given that NGPC's implementation of the GAC's characteristic advice and the GAC's question of this week, can you confirm that no such non dot brand registry would be permitted to operate as an exclusive access registry unless they're able to demonstrate that the registry would be in the public interest? Finally, can you please --

GONZALO NAVARRO: Sorry.

BRIAN BECKHAM: -- whether an applicant for a dictionary term is allowed to apply as an exclusive access registry it is either because they're, A, a dot brand TLD or, B, determined by ICANN to be operating in the public interest.

GONZALO NAVARRO: Gracias. Thank you very much. It's a very long question. It's very difficult to answer right now, so we're taking note of your question. And it will be answered by the next meeting. Thank you very much.

PAUL FOODY:

Paul Foody. The aim of the new gTLD project was to increase competition. Steve (saying name) back in Sydney explained how increasing costs for your competitors reduces competition. We're in a situation where, thanks to the dot brands taking TLDs for themselves closed operations through individual businesses that the equivalent of a dot com space today, tomorrow will be a dot TLD for about a million bucks. Now, whilst that makes a lot of sense thanks to the tax reasons for the top companies, for everyone else it's a little bit out of their range.

On the secondhand, you've got thanks to the IRT, all of which, as I understand it -- may be Mike Silber will correct me on this -- all of which were intellectual property lawyers, have established a new domain name -- [timer sounds]

[speaker off microphone]

-- process that will require -- will enable dot Os to have new domains.

GONZALO NAVARRO:

Thank you very much.

PAUL FOODY:

Yeah, thanks.

GONZALO NAVARRO: Marilyn.

MARILYN CADE: My name is Marilyn Cade. And at the microphone right now I'm speaking as one of the authoresses of the business constituency on behalf of the members of the BC. We have been very concerned and interested about the impact of the name collision issue. And I will say how much we appreciate the progress that has been made since Durban where I expressed disappointment about the delay in the publication of the report. We support the October 4th collision occurrence plan and note that BC members will contribute to the evolution of the implementation. And we have been very happy and welcome the progress that has been made with the appointment of the consultant. We believe the framework study that is just under way should pick up the trial delegation points from the SSAC's latest paper, SAC062.

And, secondly, while we might like to generate case studies for the framework, this is a big challenge to companies since it would have required them to provide confidential information about network naming conventions. We will do our best

[timer sounds]

And, finally, we're very focused on the outreach plan and have been undertaking conversations with Akram and his team about how to contribute to that.

GONZALO NAVARRO: Thank you, Marilyn. That's good stuff.

We have three people in the queue. One comment from the audience. We're going to take these last three ones and then the last question from the remote participation. I don't know why I'm speaking English now anyway --

[Laughter]

YASMIN OMER: I'll speak in Arabic. My name is Yasmin Omer from dot Shabaka registry. I am a very pleased to empower this kind of network on the Internet. And I'm very happy for the support you have provided us in this product. And for resolving all kind of problems and hindrances that confronted us in this project. Thank you very much. Again, I commend all your work in supporting us. Thank you very much.

TONY HOLMES: Thank you, Tony Holmes, chair of the ISP and connectivity providers constituency. I'll sure it will come as no surprise that I also wanted to pick up on the issue of name collisions. We had

reached out as a consistency to ICANN to work with ICANN and try and address those problems, but it appeared that that wasn't going to happen. We had no response back to our original proposals. And, through that, we then worked independently with our various other organizations in various parts of the world to see how we could address that.

We were going to raise these concerns during the CSG session we had with the board. And, once again, felt that our concerns were not going to be realized, that we were going to be working independently. We were informed that ICANN had developed a plan to address some of our concerns, not all of them. But, again, we seem to be going down separate furrows.

I'm pleased to say that that is no longer the case.

[timer sounds]

And wanted to go on public record thank ICANN and the staff that we can go forward together with this and work collegially and take advantage of the strength of the ICANN model, which is addressing these concerns with all of the community. Thank you.

GONZALO NAVARRO: Thank you for your words.

WERNER STAUB: Werner Staub. I would like to pick up a word mentioned by Jothan Frakes and to which Steve has responded. The word is "public suffix." I would like the ICANN board and ICANN staff to learn that word. "Public suffix." It is a word that has missing from ICANN's vocabulary. And the fact that this word has been missing from ICANN's vocabulary has led, for instance, to the mistakes in the single plural objection determinations. The panelists did not know that they were deciding largely on domains to be used as public suffixes where other people are allowed to register, increasing dramatically the consequences of any degree of confusion. It has also many other consequences. And it is something that ICANN should also take seriously with respect to the information established in the context of the rules. The DNS could be used for that. So, to Steve's point about publishing something which should be updated automatically, it could be done by ICANN in the context of the root management.

GONZALO NAVARRO: Gonzalo speaking. We have a final comment from a remote participant. Brad?

REMOTE INTERVENTION: We have a comment from Andy Weisberg, Internet user from New Zealand. Many limited public interests and/or community objection decisions already rendered by ICC-appointed panels have inexplicably not been released by the ICC, nor has a timeline

been clarified for when decisions will be released. Can the ICANN board please provide their perspective and comments about the feelings of the ICC to carry out their administrative obligations as defined within the AGB?

And, Gonzalo, I might add we have one other online question.

GONZALO NAVARRO: Akram, want to -- Christine? Thank you very much.

CHRISTINE WILLETT: This is Christine Willett. Thank you for the question from the remote participant. The delays in the ICC expert determinations were brought to our attention this week. We have been working closely with the ICC as their determinations have been published. We will be working closely with them as we go forward to manage the procedure and understand their process of these determinations. So this is something we're aware of, and staff will continue to work with the ICC to make sure these determinations are proceeding in a timely manner.

GONZALO NAVARRO: Gonzalo Navarro speaking. Thank you, Christine. And, with this reply, we finish this session. We are running a little behind schedule. But I think that this has been a really fruitful session. And I go back and give the floor back to Steve.

STEVE CROCKER: Thank you very much. Very contentful session. Thank you, Gonzalo.

We're going to move to the last part of the public forum, collection of other topics. Bertrand de la Chapelle is going to moderate. Let me suggest we do the hokey-pokey one more time. Stand up, turn around, stretch, sit down.

>> Can we stand up for five minutes?

>> Can I kindly ask the board members to come back to the room. Excuse me, ladies and gentlemen, please take your seats.

[BREAK]

BERTRAND DE LA CHAPELLE: Okay. We are going to resume. It was just going to be a stand up, stretch up. Can I kindly ask the board members to come back.

CHRIS DISSPAIN: Ladies and gentlemen, please take your seats.

BERTRAND DE LA CHAPELLE: Thank you. Thank you, everyone. We have a few topics. I see already the queue lining up. We have the gentleman who wanted to raise an issue that is pertinent to the local community. And I think although it was moved to the end of the session, could I kindly ask people who are in front, Marilyn and Edmond, make room for the gentleman, Sergio, so we can address. Thank you for your gracious -- Go ahead.

SERGIO SALINAS PORTO: I don't know if I have to say for the record that I am Sergio Salinas Porto. I was told that every time that we mentioned Malvinas, you typed a place. So I will ask, since it is in English, and being respectful to the United Nations resolution 3160, you will write Falkland Islands because it is written in English.

Well, I came here to talk about ccTLDs that had been given to the Falkland Islands government. These are two ccTLD, one is called dot-fk, and the other one is dot-gs. This has caused a headache to

the entire Latin American community, and this relates to some of the issues that I'm going to site right now.

You know that recently there was a plebiscite carried out in the Falkland Islands. And they were actually setting their basis using ICANN, by saying that there was one international organization that had recognized the islands as an independent state, and we know that this is not true. But they considered that.

Therefore, ICANN was giving them the possibility of raising the self-determination of the peoples and, therefore, become part of Great Britain, the Reign of Great Britain and Ireland.

So you know there has been a big conflict, that there has a war that has been an armed process in this region; we have serious problems in terms of communications, and this is important because it involved several countries, Chile, Argentina, and Uruguay with huge connectivity problems because the frequencies are reduced. So I'm going to read four items that I want to raise to you, and will read them to make sure nothing is missed.

This document was submitted in Spanish. Unfortunately, we could not provide the translation. But I hope that the ICANN translation structure can take care of this.

The first point states that the administration of the dot-gs and dot-fk ccTLDs should be hand over to the Argentinean authorities,

to the Legal and Technical Secretariat of NIC.ar; as at one point our Ministry of Foreign Affairs, when NIC.ar was operating there, raised this issue to the ICANN board.

Second, that all ccTLDs that may be tight to debates related to sovereignty, supporting or promoting colonialism or similar acts protected by some administrative acts, or factual acts carried out, be reviewed.

A working group should be created to review all the contracts signed by ICANN on territories that are argued by the U.N. Decolonization Committee. All documents where the terms Malvinas Islas, Falkland Islands, Georgia del Sur, Sandwich del Sur and their associated domain names dot-fk and dot-gs appear should be revised in order to ensure that there is no indication given where part of the Argentine territory is consider a state or independent territory of the United Kingdoms of Great Britain and Ireland.

And, finally, to review all the documents containing the terms Islas Malvinas, Falkland Islands, Georgia del Sur, Sandwich del Sur and the domain names, dor-fk and dot-gs, so that it would be resolved according to the resolution 3160-XXVII of the United Nations where the name of the Islands in all official documents of this organization will be Falkland (Malvinas) when the document is writing in English, -- I'm about to finish -- and Malvinas (Falkland) when the document is writing in Spanish.

And, finally, what we have here is two things. We know that according to ISO-3160 we have the country codes. But since 1962 in the United Nations, we have a committee for the decolonization. ICANN at no time took into consideration the list of countries that were associated with a conflict, and today we have a conflict generated by ICANN. Thank you very much.

I'm awaiting to hear your replies, if possible. Thank you.

BERTRAND DE LA CHAPELLE: Thank you. Thank you very much. Given the fact that it is something of concern locally, I'll argue to go for the full statement.

I suppose that you've transmitted it and you will -- and is that working? Yeah -- and that you will actually transmit it formally.

I have one board member who wants to reply.

Gonzalo?

GONZALO NAVARRO: Thank you, Bertrand. Thank you, Sergio.

It is very difficult not to take into consideration as a Latin American and within this environment what you are saying because this is a neighboring country. You've mentioned this

country in your participation so these are things that are not alien to me.

You mentioned some things that are conflicts in technical terms. The text you read is one of them. And since we did not have time to analyze the text that is in Spanish as well, so there was no time also to have a view from other members of the board that are not Spanish speaking, I think that we should take note of that text, receive the text, and analyze all the conflict issues you have mentioned in these two, three minutes. So I think this is the best way to honor and to pay the due attention that this issue deserves.

SERGIO SALINAS PORTO:

Before leaving and thanking you for the time you have given me, I would like to say one more thing, and I will leave. It is very important for us to have a working group or a commission to discuss all these issues. The ccTLDs have been generated to organize the Internet, but we cannot give to places where they have conflict, and be in the middle.

We are an Internet community. We should not participate in international politics. So please, please, put together a committee to start studying each ccTLD and the agreements we have signed. That is all, thank you very much.

[Applause]

BERTRAND DE LA CHAPELLE: If you allow me, there are two other comments from the board. Don't leave. There are two other comments for board members just to finish this in terms of procedure. It is not necessarily opening up a right for you to reply to each of them. But I think it's important that you listen.

Olga? And then Chris Disspain.

OLGA MADRUGA-FORTI: Thank you very much, Sergio, for speaking in this forum of such an issue. Unfortunately, it is very difficult to consider it in detail or to treat it as it should be treated to be fully understood.

Regardless of political issues that arise from that topic, however, I may tell you that I will consult with Sebastien Bachollet so as to see what we can do through LACRALO so that the text may be available, the text may be somehow translated and posted on the webpage so that everybody may know about it and open for comments, of course. Thank you.

SERGIO SALINAS PORTO: That's all? Very good, thank you very much.

BERTRAND DE LA CHAPELLE: Now, let's stick to the two minutes. I thought it was worth allocating a special treatment for something that is obviously of a local level of concern.

Please.

MARIE-LAURE LEMINEUR: Thank you. Good afternoon. My name is Marie-Laure Lemineur. I'm the chair of NPOC, the noncommercial stakeholder group. I am going to ask the following question. I would like to thank the efforts of ICANN CEO to transform ICANN into a global organization. In our opinion, being a global organization also implies to address at some point in time legal issues that are complex and are delicate as well.

In the opening ceremony at the IGF, Fadi, when talking about the internationalization of ICANN and the measures that have been taken in that respect and were being implemented spoke about multiple legal entities.

We would like to have more information in that respect to understand what you mean by that. Thank you.

BERTRAND DE LA CHAPELLE: Fadi, if you want.

FADI CHEHADE:

Many thanks for your comment.

Nothing has been done yet, but we are exploring all the possible ways in which we could have a complete global posture including potentially legal that makes us more of a global group or organization. That will take time and effort. And we have -- we need to do this with the ultimate care. We do not want it to, on one hand, solve some view of how ICANN is structured and, on the other hand, cause a problem for the hundreds of entities that have signed with us contracts. So we need to be cognizant of that and respectful.

As I said also to the applicants of new gTLDs, we are also aware that we should not add risk to the activities we are engaged with them on. We should keep the risk to a minimum and allow them a chance to function in a global environment in a steady way.

Having said that, we will also look at other ways to increase our international posture, potentially also through an enhanced legal posture that we are looking into now. Nothing has been done, just in an exploratory phase. And then we will come back to the community and to the board for thinking about how we do this together.

BERTRAND DE LA CHAPELLE: Edmon?

EDMON CHUNG:

Edmon Chung here as the co-chair the Joint ccNSO/GNSO IDN working group. In the last session, a few people talked about the IDN acceptance issues. And I want to bring your attention to a final report that has been -- that has just been finalized by the JIG and is going through the two councils and, hopefully, will reach the board council. And it is talking about the universal acceptance of IDN TLDs.

And to Fadi, this is probably as bottom-up as it can get. Since the board probably is not aware of the document yet, it went through from the participants through the working group through to the two councils and hopefully to the board shortly.

And there are items that ICANN can do. I know Jordyn mentioned that industry-led efforts are there, and those are important as well.

But we have -- one of the things the working group did was to identify the particular issues that ICANN and ICANN staff and ICANN community can take on so there are four recommendations in that report. I hope you pay some attention to that as well.

And to Steve's point about the public suffix list, there is actually the recommendation. Part of the discussion is about -- exactly about the single authoritative root and how it actually has implications on that. And Werner mentioned earlier about how

ICANN may be able to look into providing some services that list can provide. That's also in the report as well.

So this is a -- we hope that this report can start something. And, finally, actually there's one particular aspect, is that in the thing about universal acceptance, the registries and registrars, IDN ccTLDs and IDN gTLDs, this is not a gTLD-only issue. This is IDN ccTLDs and IDN gTLDs. And this is an issue that we can address and ICANN has a role to play. Thank you.

BERTRAND DE LA CHAPELLE: Thank you.

Ram, you want to say something?

RAM MOHAN:

Thank you, Edmon. IDNs and universal acceptance are close to our heart at the board. It is a topic that the board and the staff have focused on for a while now. We look forward to the JIG final report, and we also look forward to specific implementable recommendations that we, the board, can look at and take and direct staff to go and work on. This is something that's really important. And I think it's a great example of a bottom-up process that involved all different SOs and ACs. It was not just within the ccNSO or the GNSO. It is a terrific example, and we need many more like these. Thank you.

BERTRAND DE LA CHAPELLE: Thank you, Ram.

I think given the time we have left, I will close the queue now.

Please. Next speaker in the center. Please.

LUIS PITTAU:

My name is Luis Pittau. I am a foot citizen, so I represent myself. I was told that this was a technical meeting, and I was introduced to this organization, and I believe this is an organization of an advanced democracy where governments, institutions, NGOs, businesses and also citizens like me, people that just can represent themselves, can participate.

So even though I was told this was a technical meeting, I'm suspicious that the people here are here because their intention is to build a better world. A more ethical, more fair, more caring world where freedom and opportunities are for everybody.

If that's the case, I would like to echo Sergio when he said this organization should not get involved in what we call the scenarios of the past, where the rights were won through violence and power, a dark and colonial power. And we should be the builders of a better world where the means to get something should not resort to the power of corporations or governments but all of us should have the possibility of being part of this future.

So I would like to support what Sergio said. The Malvinas Islands were taken by a colonial power using force and all of Latin America is echoing our proposal --

[Timer sounds.]

-- as well as the United Nations through the Decolonization Commission. So please do not forget that we are here to change the world. Thank you very much.

[Applause]

BERTRAND DE LA CHAPELLE: Two things. Given the management of time, I would suggest that any intervention related to the topic that was addressed at the beginning of this segment, if you can limit your intervention to one minute, because it has been addressed and basically the point has been transmitted, and it cannot be dealt with further in this session.

That being said, I know that there is a remote participant question.

REMOTE INTERVENTION: We have a question from Luke Suber (phonetic), Eurodns sa, Luxembourg registrar. In light of ICANN's CEO's statements on the importance to acknowledge possible contract between ICANN policy and local laws, what will ICANN do to level the playing field

in allowing European registrars who are currently prevented from entering into the 2013 RAA due to an incompatibility of the data retention specification with European data privacy laws to benefit from the new gTLD program at the same time as other registrars?

The current process is to benefit from an exemption from those incompatible, illegal provisions, will mathematically only allow European registrars to receive an exemption in quarter 2 of 2014. Couldn't a temporary exemption be granted to every registrar submitting a request for a waiver until ICANN makes a determination on such a request?

BERTRAND DE LA CHAPELLE: Thank you, Brad. I think this topic actually belonged to the second issue subject, and it has been already mentioned. I think it's to be filed and taken into account and grouped with that.

Next comment.

BOB BRUEN: Hi, my name is Bob Bruen. I'm representing myself. I am speaking about KnujOn. First, internet police does not equal enforcement of a legal contract, the RAA.

Now, WHOIS and WHOIS data accuracy is critical to everybody. Everybody knows that. ICANN's got a Web site up. There's lots of studies. KnujOn has been filing bulk reports of WHOIS inaccurate

complaints. We take them from thousands of people. They are verified. They're filtered collected, duplicates taken out, and given to ICANN. We have been doing this for years. And suddenly it was taken offline so you cannot submit them anymore.

With the amount of registrations of new domain names, there is no way to keep up with complaints about inaccuracy with this imbalance. We were told, we are going to fix the Web site. We are going to fix this software and then it was just totally dropped. This has been stopped.

We can file 10-, 20,000 a day. It still doesn't keep up with the registration. But we have to have some way to get more complaints processed and this shutting down of something that was actually working is just inexplicable to me.

This undermines ICANN's transparency, commitment to doing the right thing, and with no really good reason. And there are other parts of this that are really kind of scandalous which I'm not going to bring up right now, but I want this addressed. Everybody should have the right to do this.

We did submit things to the ombudsman, and we were shut down again. The people who send mail to KnujOn send it to the ombudsman. He did the same thing. We can't take this many. I can't do it and shut it down. I don't think this is really right in any way at all if you actually care about WHOIS, WHOIS data accuracy, and enforcing the RAA.

BERTRAND DE LA CHAPELLE: Thank you for the comment. Do you want to respond, Akram, briefly? Or Fadi.

FADI CHEHADE: Bob, I have some good news for you. I'm here. I will give you the good news.

BERTRAND DE LA CHAPELLE: Thank you for the comment. Do you want to respond, Akram, briefly, or Fadi?

FADI CHEHADE: Bob, I have some good news for you. I am here.

I'll give you the good news. The system for bulk submissions is up and running. As of November 1st, it was running.

We are running a whole summer pilot program. We ran it. We worked with the community to test it. The community gave us excellent input. We addressed the input, and the system is up and running. Six companies have already submitted applications to be part of the program. Four have been admitted and are using it as we speak, since November 1st. And two are in the process.

>> Why not KnujOn?

FADI CHEHADE: Pardon?

>> Why not KnujOn? Since we helped write the code originally so ICANN could do this. (indiscernible) only one doing it.

BERTRAND DE LA CHAPELLE: That is a follow-up discussion.

FADI CHEHADE: Everyone has been informed. In fact, frankly, even people I know who know you very well have received the contract. You may talk to them at Thanksgiving dinner and they will give you the update.

BERTRAND DE LA CHAPELLE: Follow-up item.

May I request that the interventions be to one minute now?

Please, sir.

MUSUJ SONKJO: I know that there is no translation into my language; my language is Quechua (phonetic). My traditional name is “New Heart”, that is

my name Musuj Sonkjo, but I also have an imposed name, a colonized name that is Jose Quinta Cruz (phonetic). I am part of the Indigenous Council of Buenos Aires of the National Indigenous Movement in the Argentine Republic, and the invaders, conquerors who came to our continent brought to us the language; the language that is now unifying the processes in the Mercosur, UNASUR, CELAC, ALBA. And a colleague said that ICANN must be a global space, but I would say that ICANN should be a plural space. As part of my responsibility as a political enforcement authority, I also put together a communication teams with an identity. And the use of new technology, such as the Internet, is included in this case.

In the national indigenous movement, we agree with the position expressed by Sergio from Internauta regarding the sovereignty of communication and a decolonization process in the ICANN process.

BERTRAND DE LA CHAPELLE: Excuse me, excuse me, I have tremendous respect for the passion and the desire to pass this message, but there is a limit of time, and I'm not absolutely sure how it fits with the topic. So could we please move and respect the --

MUSUJ SONKJO: I hope that all the ICANN members get the spirit of Gonzalo Navarro who said that he is going to look into this paper to address the issue raised by Internauta.

Thank you.

[Applause]

BERTRAND DE LA CHAPELLE: Sorry, it was -- excuse me, yes. It's on the other side.

Thank you.

MARTIN ANDRE: Martin Andre from Merck. I wanted to talk about some general implications --

BERTRAND DE LA CHAPELLE: And it's one minute.

MARTIN ANDRE: -- (indiscernible) related situation our company is facing. Our counterpart holds name and trademark rights in two countries and applies for the ccTLD string. Our legal rights objection based on identical rights in some 180 other countries worldwide was rejected.

I think the challenging situation of conflicting IP rights could easily be managed and resolved. The technical instrument of geo targeting or geo localization is widely applied as a standard tool from Web giants like Google, YouTube, Facebook and so forth. It's an established tool to manage IP rights, licenses and copyrights on the Web and protect the significant investments made therein.

We demonstrate on our Web site, Merckgroup.com, how this tool may operate as a suitable measure in name and trademark conflicts on the Web.

Direct question to ICANN: Would ICANN be prepared to consider endorsing the use of geo targeting as a measure specifically for IP-related string applications so as not to undermine long-standing rights and to settle and avoid disputes?

BERTRAND DE LA CHAPELLE: Once again, this is mostly related to the gTLD issue.

Does anybody want to pick? I think the question has been noted.

Thank you.

In order to manage the queue, I remember that when Steve presented the different topics that would be grouped in this last segment, there were a few that were mentioned early on, and

that included the NomCom, the question related to the root and the question related to conduct being the public forum.

If you don't mind, I would like the people who would like to speak on the question that we've addressed at the very beginning, and we voluntarily gave a certain amount of time at the first stage for the question regarding Malvinas and the Falklands, could you please step aside and let the other topics be addressed? Because the current time that we have allocated will not allow us to address topics that are directly relevant to the structure.

Are you going to talk to the -- What I'm saying is that, unless I'm mistaken, there might be other interventions related to the first topic, which was the question of ccTLDs, Malvinas, et cetera. Given there are other topics that are directly related to the activity of the organization, I would like to make sure that in the short time that is remaining we have the opportunity to address them. And they were, I quote, questions related to the root and the supervision of the root, the NomCom, and conducting the public forum.

Could I please ask people who are addressing those three questions to raise their hand?

Okay.

Could you please, are you talking about the Malvinas question?

Excuse me, sir.

>>

I would like to present a motion. I think it's disrespectful that the motion that was presented by the Argentine association of Internet users on Malvinas should be left to the last point and then we shorten the minutes of each of the participants when we were sitting here listening respectfully to all persons speaking at this forum.

On the other hand, I would like to say that it's also disrespectful because we are in Argentina, and apart from being an Internet user, I am an Argentinian citizen, and I will speak on behalf of the national state. And I want to put it clear that ICANN is violating national sovereignty, and I submit a motion once again so that dot-fk and dot-gs be returned to NIC.ar.

Thank you very much.

[Applause]

BERTRAND DE LA CHAPELLE: Olga, do you want to say something.

OLGA MADRUGA-FORTI: I think that this is a multistakeholder and sometimes we do not agree. We do not speak the same language sometimes. It's natural in Argentina, it's natural. We have our strong opinions. We share them that way. So thank you very much to our

colleague, because that's the definition of a multistakeholder. It takes lots of patience and lots of understanding from all of us. All of us.

Thank you.

BERTRAND DE LA CHAPELLE: And I repeat that there is no disrespect in that regard. It's purely the difficult task of managing time.

Could I get to the gentleman on the left.

PABLO GONZALEZ: My name is Pablo Gonzalez. I have a school of arts and crafts, and we teach everything related to I.T.

I also feel invaded seeing there is -- there are people making decisions about the sovereignty of our country. Just that, this is all.

I think that within the Board or within the commission that will take care of this subject, there should be some participation from us, the multistakeholders. Just that.

Thank you.

CINTRA SOOKNANAN: Hello? I'm Cintra Sooknanan. I'm the vice chair of the not-for-profit operational constituency.

I apologize for the legalese used in my statements. I'm a lawyer, and I think it really gives teeth to what I have to say.

But the Board resolution dated the 24th of June, 2011, the NPOC was created, wherein Article 7, Section 2 of the ICANN bylaws, the NomCom's composition is defined as the business constituency holding two seats on the NomCom, all other constituencies holding one seat on the NomCom, and there is no provision for NPOC to hold any seats on the NomCom.

Such composition remains inconsistent with Article 1, mission and core values, in particular sections 2.4, which seeks and supports broad informed participation representing the functional diversity of the Internet at all levels of policy development and decision-making; 2.8 which directs the Board to make decisions neutrally and objectively with integrity and fairness; 2.9 which directs th Board to act with a speed that is responsive while obtaining informed input from those entities most affected. And Article 2 (indiscernible) Section 3, nondiscriminatory -- discriminatory agreement -- treatment, sorry, whereby ICANN shall not apply its standards, policies, procedures and practices inequitably or single out any particular party for disparate treatments unless it's justified by substantial and reasonable cause.

In spite the history on this history, we the NPOC renew and repeat our request that the Board apply the principles --

BERTRAND DE LA CHAPELLE: My voice is -- okay. My mic was not functioning. We are largely past the limit. This is very well-known by the Board, and I will maybe ask Ray Plzak to give you a quick comment.

RAY PLZAK: To make a long story short, yes, we hear you. The Structural Improvements Committee, in fact, did discuss this matter at our meeting -- I think it was, what? Last Saturday?

BERTRAND DE LA CHAPELLE: Yeah.

RAY PLZAK: And as a result of that, the Structural Improvements Committee has requested that this item be placed on the agenda of the Board at its next meeting.

CINTRA SOOKNANAN: Thank you very much, Ray, and I hope a speedy resolution to this.

BERTRAND DE LA CHAPELLE: You're in the queue. You can make it afterwards.

[speaker off microphone]

STEPHANIE PERRIN:

My name is Stephanie Perrin. I'm a volunteer with the Expert Working Group that's looking at the renovation of the WHOIS. I've watched with interest this week the discussions on the multistakeholder outreach and the attempt to get better metrics. And I'd just like to suggest that, since it appears that ICANN does make decisions that have what I, a non-lawyer, would describe as a quasi-regulatory effect, that it might be useful to do what some governments do when they regulate. In other words, they do a regulatory impact analysis. And it can be quite a lengthy document. It addresses some of these issues we see where you actually try to predict the impact it will have on many groups, small business, different cultures, et cetera. It might be worthwhile to look into figuring out what an ICANN impact assessment document might look like. And part of --

[timer sounds]

[speaker off microphone]

Of course, government has official instruments to publicize. ICANN can find the places where it needs to get out of its outreach. Thanks.

BERTRAND DE LA CHAPELLE: Thanks very much. Avri.

AVRI DORIA: Thank you, Avri Doria speaking. NCSG. I wanted to go back to the previous subject of Cintra, just briefly, and to point out that it was two years ago that the ICANN board asked us to accept another constituency into the NCSG. We worked very hard with them. We've come to a very good arrangement with our sister constituency. And we've, basically, done the right thing, as the board asked us to do. We now ask you to do the right thing. And, beyond all the issues you might have about what a proper selection committee would work like in ICANN, please do the right thing now. Bring the count of non-commercials from the GNSO on the NomCom up to two, compared to the six commercial entities on that board. So thank you. Do the right thing.

[Applause]

BERTRAND DE LA CHAPELLE: Sir, for one minute.

DIEGO ACOSTA BASTIDAS: Good afternoon, everyone. I am Diego Acosta Bastidas from Software Libre from Ecuador. I would like to invite the board against their time and tiredness to look at the knowledge society from three lenses -- the reflect of life itself, the brightness of the

sense of belonging and ownership, and the statute of multistakeholders observing the U.N. regulations. This is a concrete question. What has the board done to clarify and simplify the process for submitting objections to the ccTLD registrations?

NANCY LUPIANO: Ladies and gentlemen, if you're going to be speaking at the microphone, please turn off all cell phones. That is what you hear feeding back. So, if you're at a microphone, please turn off your cell phones. Thank you.

BERTRAND DE LA CHAPELLE: Does anybody want to make -- does anybody want, on the board, to make a comment on that question?

CHERINE CHALABY: Fadi will.

FADI CHEHADE: I would like to -- I'd like to share with all of our friends who have presented a very worthy question here that we have learned very well what you have shared with us. And we thank you for that. This was a chance for us to hear your views and to appreciate your feelings about this. And I must tell you that, on a personal

basis, unlike living the history of colonialism, I lived under a colonizer personally. So I'm personally familiar with how you feel.

But this is a very serious matter that requires some review and some thinking. I can assure you we will -- we have listened to you. And we will take your input as, frankly, great learning for us. So thank you for that.

BERTRAND DE LA CHAPELLE: Gonzalo? Next person.

>>

Good afternoon. And welcome to the Argentine Republic. Although we are already saying good-bye, now. And this occasion, I come here on behalf of the Association of Internet users from the northeastern region of Argentina, a region that had many casualties in the Malvinas where we also endorse the motions submitted by Sergio Salinas Porto, president of our association and also a member of the Latin American Federation of Internet Users so that these domain names, dot-fk and dot-gs, will be turned to the legal and technical secretariat of the Argentine government, that, is to NIC dot ar. Thank you.

[Applause]

BERTRAND DE LA CHAPELLE: Thank you. Next speaker.

MARILYN CADE:

My name is Marilyn Cade. I want to clarify that, when I earlier asked for us to talk about the topic of acting in the public interest, I did not have new gTLDs in mind. And so it's interesting that it was put into a category by you, the nominator of the topic, didn't agree with. But here's why I mention it to you. I wanted to mention it because it relates to the strat panel on public responsibility. And just to say to you that I said yesterday something that I'll make public comments about. It seems to me that, actually, it -- ICANN needs to act in the public interest in all of its decisions. But public responsibility belongs to governments. And we need to think carefully about the words. So that -- that process will allow us to think about it. Now I'm going to say something about planning for the public forum.

We used to meet for a day.

[timer sounds]

[speaker off microphone]

I know I've run out of time, but I'm going to share this thought with you. We lost 35 minutes because of the planning process. And that has cost many of these speakers their second minute. That matters to them, and it matters to you as well.

[Applause]

BERTRAND DE LA CHAPELLE: Thank you.

WERNER STAUB:

Werner Staub [speaker off microphone]

-- managing the root. The root is becoming much more complex than it was in the past. And, with that complexity, there's a need for information that is somehow debated, organized, you know, made available through machines. The public suffix list that was mentioned here is just one example of things that should actually be built, because the root has a lot of complexity now. And ignoring that complexity and not providing information, not standardizing it, will likely cause problems.

For instance, the relative ease of registration policies, it will be important for browsers to understand, for computer read the information about the registration policies of TLDs in order to do the proper job.

So I think we need additional bandwidth in the ICANN meeting to organize discussion on this with experts from the browser communities and other technical communities that are not just on technical level that concern a common development with rules.

BERTRAND DE LA CHAPELLE: Werner, if I can take the privilege of the chair here to grab what you just said. I've been arguing very often for the introduction of birds of a feather sessions in ICANN. This looks to me, at first glance in one minute, as a perfect topic to organize a birds of a feather session in Singapore. And, if the other board members and the staff are okay, I would encourage you to grab a few people, make sure that it is as broadly representative of the diversity of issues and perspectives, and organize one session and even invite people to it. Would that -- Steve? Ram? Steve.

STEVE CROCKER: Let me suggest a more vigorous approach. You're proposing or you're talking about something I'm not personally familiar with, but I think I get the general drift, that is very specific and fairly technical. Not very deep but very precise nonetheless.

Why not write it down, and let's gather the appropriate people from -- who are involved and have that discussion. It does not have to wait for an ICANN meeting. And it certainly doesn't have to get caught up in the -- in this kind of forum to get dealt with at a much more straightforward manner, as best I can tell.

WERNER STAUB: -----

[speaker off microphone]

And should not be debated in the public forum. It is much more bandwidth and experts coming right way would be the right way to handle it.

STEVE CROCKER: My instinct, just speaking personally -- take this off -- is that this is a topic best taken up outside of the frenzy of a meeting here. Maybe a meeting from time to time would be useful for that kind of coordination. But I can imagine making much greater progress at a much faster rate with a relatively small number of people who are focused on that issue.

WERNER STAUB: -----
[speaker off microphone]
Talk about things like IDN we fail to make that kind of progress in 10 years.

STEVE CROCKER: Is there a document that says what you want?

WERNER STAUB: [speaker off microphone]

We can create one, yes. But, essentially, it's a document that was mentioned by (indiscernible) it goes in the same direction. So yes, there are documents about this. But there's a lack of bandwidth to hold -- to discuss them. These people are -- when they meet they need to have more bandwidth available to discuss them. We have a lot of bandwidth here at the ICANN meeting. Maybe it's just a matter of having a room available to people can meet.

STEVE CROCKER: I look forward to seeing the material. Thank you.

BERTRAND DE LA CHAPELLE: Ram.

RAM MOHAN: Thank you, Bertrand. Two things: Number one, I'd like to point out that several of the issues that have been mentioned -- universal acceptance, IDNs, variants, et cetera -- a great deal of effort and a great deal of work is going on inside the ICANN including specific allocation of real resources, money, et cetera.

Second: Just to the points raised here, I want to clearly disambiguate the additional new TLDs to the root from issues such as having IDNs work and what happens at the application level. They are not at the same level. And I'd like to clearly

disambiguate the fact that e-mails with IDNs or the fact that you have WHOIS issues, things like that. It's, I think, a real fallacy to link that to addition of new names to the root and say that the root is increasing so greatly in complexity that we have to study application level issues along with root issues. Thank you.

BERTRAND DE LA CHAPELLE: Thank you. I'd like to close this one, unless somebody has something more. I don't think the idea of having a session and writing a paper are mutually incompatible. The next step is probably that there is a paper to support a request for holding a session, if you think that's appropriate. But that's up to you. Next speaker.

ZAHID JAMIL: Zahid Jamil. I'd like to talk about participation in the public forum and especially ICANN, in general.

[speaker off microphone]

For those who may not know -- and for those who know, I'm sorry. But a lot of people are -- I speak for them, I guess, who weren't able to come to Argentina because of some visa administrative issues. I want to be helpful in that.

So, first of all, just wanted to say that this is not a problem that occurred here just in Argentina. It's been going on for at least the

last three, maybe four meetings. It's become a special issue with the ICANN letter not being helpful as an invitation.

A lot of times your solution has been that, well, it's the host in the country, which is generally the ccTLD of that country, who needs to sort of address this problem. I think that may be unfair to the ccTLD which has a few people in numbers in administration. And maybe that's too much pressure on them. And maybe what ICANN may have to do is get involved itself so that the pressure on the ccTLDs isn't as much, number one.

Second, I just wanted to say Fadi, thank you very much. One of the councillors, obviously, as you know, couldn't make it. You actually picked up the phone and made a call to him.

[timer sounds]

So that is heartfelt appreciated both from him and us as well. Thank you very, very much for that.

BERTRAND DE LA CHAPELLE: Thank you, Zahid.

[Applause]

Amadeu.

AMADEU ABRIL I ABRIL: First of all, I'm not sure what we were trying to do today with this different format of the public forum with the initial topics and what we are doing now. But I would pick -- I have three topics. One of them I mentioned, so I start there.

It's -- I know it's a stretch, Steve. I know that I'm playing with your words. But it's sort of fascinating that the chair of ICANN says that probably talking about the root, you know, ICANN is not the best place for that. And I know that I'm playing with your words. But, for the last 10 years, 11 years, you not even mention ever again one of the three questions for which ICANN was created. It is discussing about. Not just the management. Also the policy controlling the root. And, you know, it's not that I have anything special against the U.S. government. I think, in that regard, they're doing a good job. But it's 2013. And perhaps you should talk about that once again whether this is the best solution from a policy perspective and from a statistical perspective [timer sounds] also whether the management of the L-root by a private company that sometimes has some peculiar approach to it. And we can remember the letters both the exchange of the NTIA and ICANN June and July is the best solution. I really think this belongs to ICANN. Thank you.

[Applause]

BERTRAND DE LA CHAPELLE: Thank you. Last comment? No. With that, unless other members of the board -- this concludes the session that I was moderating. Thank you for overall having managed to stay within the sharp limits that we're establishing to facilitate dialogue. With that, I give you the floor back, Steve.

STEVE CROCKER: Thank you. And thank you, to everybody. Brad White asked me to convey to you that, if you have any thoughts about the operation and the organization of this session, public forum, to please send email to forum -- f-o-r-u-m -- @icann.org. It's getting late.

And we are going to transition quickly into a formal public board meeting. We've got a couple of things that are going to happen while we do that transition.

And including, I'm told, a photo session for the board in parallel with showing names of people who have contributed by at least showing up far too often -- I'm sorry -- plenty of times. And also and particularly, credit to people who have given particular service in various roles and are being honored for their service and given formal recognition. Let me turn it over to you, Brad.

BRAD WHITE: That's the close of the public forum. Again, as Steve said, if you'd simply write to us at this email address. We're open to criticisms,

suggestions, whatever. The public forum is always evolving. We want to make it better for you.

Thank you very much.