
BUENOS AIRES – GAC Meeting with ICANN Board
Tuesday, November 19, 2013 – 16:45 to 18:00
ICANN – Buenos Aires, Argentina

HEATHER DRYDEN:

Okay. Let's begin our session. I note that Fadi is not here yet. But we can ask him to speak later in the session. We have a couple of questions related to the agenda items that we did have in advance of our preparatory session, which we just had immediately prior to this one. And that was to receive an update about issues related to the Montevideo statement and ICANN's involvement in other activities, links to the Internet Governance Forum, and also efforts to internationalize. So, as I say, when he arrives later on, we'll turn to Fadi and ask him for a short brief.

I have noted that there was a considerable amount of discussion and consideration yesterday and that there is a meeting tomorrow morning as well in terms of ICANN contributing to preparations for the Brazil meeting.

But, anyway, in the meantime, we have identified a few other issues. Some are related to new gTLDs as well a question on the accountability and transparency review team effort and the board perspective on that. And, as well, we have a question related to geo TLDs and some of the issues that have arisen for them in making use of the trademark clearinghouse for some of the names that they would like to reserve there.

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As far as new gTLD issues go, we know that the new gTLD program committee is really the locus of that activity and that this may limit the ability of the board or some board members to respond. But, nevertheless, this is an opportunity for us to signal what are really important issues for members and to flag that. And responses can certainly be provided later on, if not, in fact, in today's session.

So we have a mixture of issues as well, a few new ones where there has not been GAC discussion. So I will try to be clear about when and where those issues come up so that our board colleagues and those in the community are clear about where we are in our discussion of some of these issues. Okay.

So with that, to my right Steve Crocker, chair of the board, thank you to you and other board colleagues for coming and having this exchange with us. You know that we do place a lot of value on these exchanges with the board and your willingness to come and hear our perspective on things each meeting. So welcome.

STEVE CROCKER:

Thank you, Heather. It's a pleasure to be here.

Just to share the state of affairs which I suspect is shared equally. It's a long day for both of our groups sitting taking up issue after issue in our case, sitting upstairs and meeting with one group after another. The end of the day here, you've been sitting here

all day. We've been sitting up in Libertador all day and then comes the protocol question of who moves to be with the other? So we won. We got to get up and get a moment of exercise and come join you and explore a portion of this building that I had not even before. So I appreciate that.

Why don't we just jump in to whatever we can. There's a few things that I'm prepared to reply to the set of things that you talked about. And we have others.

HEATHER DRYDEN:

Great. Okay.

Thank you very much. So I will do this more or less in the order that we arrived at the issues in our preparatory session. So I'll start off with questions related to top-level domains or applications that are pending currently.

So, Peru, could you please start us off with your question.

PERU:

Good afternoon, members of the board. On behalf of my fellow country members and Argentina, we would like to know when would we have a final decision on the issue of dot amazon?

STEVE CROCKER:

I'm glad we're starting with the easy ones.

[Laughter]

Chris, you're raising your hand. Cherine -- let me start with you. I think this falls inescapably in your court.

CHERINE CHALABY: If I say something wrong, I'm sure Chris will correct me. Basically, we said we will take international legal advice on this before making a decision. And we are really still waiting for this advice to come. And this is something we are doing as part of our due diligence on the GAC advice.

So, until we receive this international legal advice, it's difficult to give you a date on that. Thank you.

HEATHER DRYDEN: Thank you for that, Cherine.

Okay. So next Belgium has a question. Where is Belgium?

BELGIUM: Thank you very much, Madam Chair. During the joint meeting with the NGPC, some disrespectful allusions were made that the city of Spa is receiving money in return for signing a contract with one of the parties. Belgium is extremely unhappy with this statement as this is factually incorrect.

If you analyze the contract carefully, it's clear that both parties agree to allocate a very small part of the profits of the registry, of the communities served by dot spa. No money -- and I repeat no money will flow to the city of Spa. We also want to request that on behalf of the city of Spa, the contract was sent to the GAC. And this was in order to assure full transparency. Thank you very much.

HEATHER DRYDEN: Thank you for that statement, Belgium.

Portugal, did you have something to add on this point?

PORTUGAL: Yeah. Thank you. And Portugal is going to speak in Portuguese. Well, I do not know if my colleagues have taken notice or have realized what Belgium has just said about dot spa. Yesterday, during the meeting that we had with the committee, there was an implicit relation between governments and candidate gTLDs applicants.

Actually, that was a case of not taking into consideration the government's opinions that was expressed. But nobody reacted to such relations. And it was thought that the governments were expecting the gTLD applications. And it was clear that these were matters related to public order. And, so that this would not become a snowball, we'd like to state clearly that this relationship

that has been made between the applicant's money and gTLDs and governments, it's quite disrespectful towards the governments.

HEATHER DRYDEN:

-- points to raise on gTLDs with you. We had a few colleagues on some points. So I will move us to those. On the issue of closed versus open top-level domains or exclusive registry access, otherwise known as category two in our advice, there were a few that had raised this. Can I ask -- ask the Netherlands, please.

NETHERLANDS:

Yes, thank you, Heather. As you say, there were some comments and some concerns discussed, let's say, in the GAC, also with NGPC yesterday, I believe. And this is about the exclusive registry access. We were very encouraged that the NGPC actually acquired all -- let's say the list which we provided for the category two safeguards. And that we got responses that the majority was going to be operated in an open manner.

Still, we have a couple of things. Because we didn't deliver an exhaustive list, meaning that we could have forgotten. I mean, there were more than 1300 strings in which possibly there could be closed or closely operated generic terms. So what we really would like to ask is that this could be extended to the whole, let's say, gTLD strings applied for.

Secondly, of course, we're very interested -- we discussed this. We're very interested about those, I think, 10 or 12 who responded that, okay, we are generic but we're not going to open up. Meaning that, yes, what is the approached goal? We were very -- I think maybe I forgot one. Let me check. Yes, I think I will leave it by this.

And what I wanted to say also is it is not only the Dutch concerns. We also, in the most European countries, share the same concern and I expect also many other GAC colleagues. Thank you.

HEATHER DRYDEN:

Thank you. Okay.

So the NGPC seems to be taking note of that. Yeah.

You can respond? Okay. Chris, go ahead.

CHRIS DISSPAIN:

So, Thomas, thank you. There's no necessity to write to the other applicants. Because I'll explain why we did in a second.

But the process is that, if you sign a normal contract, then you sign spec 11. And spec 11 of the contract basically means you're going to be open. The reasons why we wrote to the ones you identified to get them to clarify that they would be prepared to sign spec 11.

The reality is that, when it comes to contract signing, if you've missed any, they will not be able to sign the contract agreeing to specification 11. And they will be added to the pile for the current -- and I forget how many -- it's 10 or 12 or whatever -- that there may be. So you can rest assured that the contractual obligations in the specifications are the final test.

And I think that the balance of the points that you've raised, I'll take on notice. Thank you.

HEATHER DRYDEN:

Thank you. On the same point, Switzerland? Yeah, please.

SWITZERLAND:

Just a quick reaction. And thank you for the clarification. As there are some names in non-English languages, for instance, a term for American (saying non-English phrase) which is clearly a generic one where the application is supposedly closed, is there -- has this been published like with the -- how can we make sure these names are actually added to the list or not forgotten as closed generics? So in a language that is not yours, that we have some assurance that the generic ones are actually identified as generic ones, that maybe would be my question. Thank you.

CHRIS DISSPAIN:

I'm not clear why the language of the string is relevant. The contract has to decide. It's for the applicants to sign a contract, specifically in specification 11, subject to what specification 11 says, says that they will not have exclusive -- they will not run an exclusive access TLD. So it doesn't matter what language it's in. They're signing a contract.

The challenge would be -- and they would -- if they had said in their application that they intended it to be closed, then they would have to file a change request, which is why we wrote to your list in the first place. Because they did say that they were going to be closed. And we wanted to give them the opportunity of understanding and filing a change request.

Anybody who comes along later we discover wants to be closed will have to go through the same process and will be slowed down even more than everybody else has been slowed down.

HEATHER DRYDEN:

Okay. Thank you very much. Okay. Let's move to the next issue where we did have some discussion. And that is on the issue of child protection and the safeguards that we've provided advice on. And, again, we had at least a couple of colleagues raise it. U.K. Okay. U.K., could you comment?

UNITED KINGDOM: Thank you, Heather. And welcome to the board. The GAC underlines its expectation that ICANN will ensure that all gTLDs specifically relating to children, including those identified in the non-exhaustive list provided in the GAC's Beijing advice, will implement safeguards to protect children and their rights.

And, in this context, I want to draw your attention to a written declaration submitted to the European Parliament on protecting children and their rights in the context of the Internet name space targeting children.

And I'll just quote a couple of elements from that.

They note that a children friendly space on the Internet enhances the accessibility of knowledge and can impact positively on children worldwide. The proper governance of such online space is crucial in order to reduce the risks of harm and ensure that the protection of children and their rights is not compromised.

A third element from this statement states that such proper governance requires the participation of the children's rights community including children themselves in the governance structure in order to ensure the best interests of the child and guard against commercial gain being the main driver in line with the U.N. convention on the rights of the child.

So I want to draw your attention to that written declaration in the European Parliament, which has a lot of support. And the U.K.

urges the board to take account of this statement and, in particular, the reference to the U.N. convention.

And the U.K. also urges ICANN to make a public statement on its commitments to ensuring that the expansion of the domain name space through this gTLDs round and in future rounds will ensure that the rights of children are safeguarded to the maximum.

I hope the board will reflect on that strong desire for a clear statement that I in the U.K. can go back to my minister and say, "This is okay. This is not going to open up any risk or enhance any risk to children and the protection of their rights and their data and so on."

This has been an issue which the GAC has covered in its previous advice. I think it's time now for ICANN to make a clear statement of commitment. Thank you.

HEATHER DRYDEN:

Thank you very much, U.K. So this is another issue where clearly many colleagues commented that they see these issues as important.

And, though there is no GAC agreement on a particular course of action, I think it is safe to say that, of course, we do take child protection issues very seriously in government. And that is what's prompting this particular focus currently. Would anyone else like

to comment on this topic before we move on? Mike Silber from the board.

MIKE SILBER:

Thank you, Chair.

The U.K. and I engaged on this in the NGPC meeting on Sunday. And just -- I think the admonition to reflect on the issue is an apt one and is certainly something that will be taken into account.

I think the concern that's raised is that, currently, the Internet is a beneficial place for children that also contains many pitfalls. And, in the context of the seeking assurances that there will be no further risk added rather than positive steps taken to mitigate the existing risks, I think that's something, certainly, we can look into unilaterally. In terms of trying to mitigate existing risks, well, I think that needs to be a collaborative effort. But I think, if we can split the two, as Mark did, that's a useful distinction and certainly something that we can take on board.

HEATHER DRYDEN:

Thank you for that response, Mike.

Okay. So staying on the theme of new gTLDs, the European Commission has a few issues to raise. And, again, there may be other colleagues that want to contribute to that. These issues have not been discussed this week in the GAC. But I believe they

would like to raise protections for the IOC and Red Cross, IGOs, some issues relating to the secure operations of some top-level domains, and the issue of community top-level domains and community objections perhaps with that. Okay. All right.

And if I've forgotten anything, my apologies. I'll let you lead off. Thank you.

EUROPEAN COMMISSION: Thank you, Madam Chair. And good afternoon, members of the board.

I'm going to make reference only to dot doctor and to security-related applications. And I'll let the rest of the EU member states to take the lead on other of those new issues that we're proposing to discuss.

As regards the application of dot doctor, the Commission noted in our previous interaction with the board that this gTLD should be considered as falling within the category of highly regulated sectors with additional safeguards like has been done with dot dentist. This can lead to strong consumer confusion. As the English language, it is commonly understand that the word "doctor" refers to medical practitioners, as it common sense, and not to academic qualifications. For doctor could be, for instance, a dot Ph.D.

Out of three current applications for dot doctor, two are meant to be used specifically by health practitioners; whereas, only one application aims to be used in an open manner. The Commission also said that the dot medecin, which is the French translation of "doctor," could only target health practitioners and the word could not accommodate academic matters. And, therefore, we're of the view that there could be were several inconsistencies in the future.

As regards to related applications, we believe that in the new gTLD program, ICANN should aim to maintain but also enhance the level of consumer protection and confidence in gTLDs. ICANN could, therefore, take the social and community responsibility into account in their implementation plan. As it is, our understanding that domains such as, for instance, dot safe or dot secure and dot security, risk being awarded to applicants based only upon the price they are willing to pay in an option.

We also understand that some applicants for these domains have stated their desire to operate them in the closed manner only for their own proprietary business interests. Those applicants will not be, therefore, required to adopt any special security protections or even to allow other companies to operate domains under those TLDs.

We, therefore, recommend the ICANN board and in the interest of fostering innovative solutions that enhance the global cyber

security field, that it does not allow purely commercial interests to prevail in the delegation of these domains. Thank you very much.

HEATHER DRYDEN: Thank you for those comments.

Okay. On the same topic? Next topic? Okay. All right. So take us to the next topic then, please. Denmark.

DENMARK: Thank you. This is Denmark speaking, for the record.

Several EU member states would like to express appreciation for the ongoing dialogue about the IGO protection issue. We have been informed that there have been informal exchanges between the NGPC, the IGO coalition, and the GAC chair and vice chairs about a pragmatic mechanism for permanent system of protection of the names and acronyms of the IGOs. We understand that good progress has been made in this regard and that agreement on a pragmatic but permanent mechanism that would provide notifications to IGOs and a lightweight dispute resolution or take-down procedure is close to materializing. We, therefore, are looking forward positively and await further information by the board on this issue. Thank you.

HEATHER DRYDEN: Thank you, Denmark.

So would anyone else like to comment on this topic? Okay. All right. Thank you.

So the next topic I have relates to IOC and Red Cross. And who would like to speak on that? Switzerland? Yeah.

SWITZERLAND:

This is not my iPhone. It's yours. Sorry. Hello, everybody.

We all seem to have several phones here.

I just wanted also to say thank you for the opportunity to have this exchange and to make it clear to you that, with regard to the protection of the Red Cross and Red Crescent movement, that in our view it is imperative that the national structures of this movement are also protected against abuse. And we think that the catastrophe in the Philippines and fundraising activities that take part also on national levels is a very telling example on how important this protection is for the people that are actually suffering and that deserve the money to go to the right place.

So we would like to refer to the letter of the GAC chair to the chair of the GNSO of September 2011 to which a list of names of national structures of this movement was annexed, which also included references to the legal bases for their protection on the national level. And we would actually like to ask the board for confirmation that the protection of the Red Cross and Red Crescent movement includes these national structures. And I

would like to ask you whether it is possible to use the mechanism that we've just heard, which is currently developed for the IGO list, could also be used for such a list of Red Cross and Red Crescent national structures. Thank you very much.

HEATHER DRYDEN:

Thank you for that question. I would note as well that this is another issue that we haven't discussed yet in the GAC. But we know that there has been interest in pursuing this as a number of GAC members, I understand, have been approached about this issue. So we will discuss it further in the GAC if we are to consider generating comments or advice on this.

Okay. So let's keep moving through the list of topics.

Is there anything remaining in gTLDs community applications, for example, that we still need to cover? Switzerland? Okay.

SWITZERLAND:

Thank you, Chair. Actually, there's another issue that several of us GAC representatives have been approached by applicants about that they think or some of them think that there are some problems with dispute or objection resolution mechanisms regarding string confusion or community or legal rights.

And there are applicants that told us they did not agree with the proceedings, with the outcomes of these mechanisms. And, when

they were trying to look for remedy, they were told by the service providers that they would not be responsible for review or appeal. And they were also told by ICANN that ICANN was not responsible for review or appeal. And, in their view, this is a problem of due diligence or due process, rather. Sorry. And that accountability also of the system.

And this brings us also to the issue of whether the assumption that there is no appeal mechanism provided. And this is actually compatible with the rule of law and general understandings of how legal procedures work. And we would like just to flag this to you that this is something that, if these concerns are growing, might actually endanger -- a risk to endanger the whole new gTLD program in a way that should be avoided. And we would like to hear from you whether you're aware of these concerns and how you intend to react to these concerns. Thank you.

HEATHER DRYDEN:

Thank you, Switzerland. Cherine, you will respond?

CHERINE CHALABY:

Yes. We -- it has been noted in various fora that there were a few expert determinations that some members of the community perceived to be inconsistent.

And also some applicants are calling for the availability of some sort of review process or other form of recourse to address such inconsistencies.

We are discussing the subject at the new gTLD committee. And we will continue to discuss it. So, if there are ideas and thoughts that someone wants to put forward, I'm delighted to consider it. Thank you.

HEATHER DRYDEN: Thank you for that response.

Okay. I think we need to move to the next. So I will look to the African Union Commission and NEPAD to raise an issue regarding geo TLDs and accessing the rights protection mechanism for certain terms. So, please, if you can start us off, AUC.

AFRICAN UNION COMMISSION: Thank you very much, Madam Chair. And good afternoon to the board and to everyone else.

Now, of the current trademark clearinghouse records, unless something has changed, you know, within -- you know, within the next few days, at the last few days, none are from the African region. And on top of that there seems to be no awareness effort creation under way in our region as well regarding the trademark clearinghouse and the process in general.

In addition, the rights protection mechanism document contains a clause, clause 4.5 on the launch processes that seems to be requiring all new gTLDs to consult with the intellectual property constituency before they can implement any launch or presunrise related activities. For example, for our region it affects directly the African Union governmental reserve name list process.

So, while we acknowledge the trademark clearinghouse has an important role to fulfill across the new gTLD spectrum, as a basic safety net for the protection of trademark rights, particularly for well-known international and national brands whose scope of inference or commercial aspirations extend beyond the client jurisdiction; however, this seems to be posing a challenge for mark holders who intend to only secure their marks, registered or not, as a corresponding domain name in a particular geo TLD for, example, you know, for dot Cape Town.

So if the trademark clearinghouse is going to be the only exclusive option, it shall become a hindrance for us, especially in securing some brands participation in the launch process, and not just for the Africa region but generally for geographic top-level domains.

Some African trademark holders, for example, may not have the intention nor ambition to protect their marks across the entire new gTLD spectrum. And their primary objective may be to simply secure a domain name or to protect their IP rights in their selected geographic region or their geographic top-level domain

domain space where the brands will have particular distinctiveness and long-term reputation.

So our request, and we're going to be discussing this with the geographic top-level domain name group tomorrow afternoon, but we're placing this request ahead to the Board, we wish to request for flexibility, especially for geographic top-level domains and acceptance of, you know, any localized approach we may come up with, because we believe this will be very useful, especially for participation of Africa. Especially taking into consideration what we have seen with just the introduction of this second round of TLDs.

So it's relevant for us for the launch process, and it will also encourage our domain name community to efficiently engage the participation of, for example, local SMEs including the facilitation, submission, and validation of both registered and unregistered trademarks. Because the trademark clearinghouse actually does not currently cater for validation of registered marks, and we have a lot of that in our region.

So we request that a localized approach be considered and accepted, and it's not going to be competing directly with the trademark clearinghouse.

We'll have an opportunity to present it, during -- present it for discussion during tomorrow's meeting, but also perhaps to the Board through -- through the GAC.

Thank you.

HEATHER DRYDEN: Thank you very much for that, Alice, for flagging that. I don't know that we need a response immediately, but it does help to raise it, I think, at this point. And noting that we will have some discussions in the GAC tomorrow.

NEPAD, did you want to reinforce some of those points?

NEPAD: Yes. Thank you, Heather, and thanks to the Board for coming over to consult with us.

I would like to flag a related issue to what my colleague has raised. And on the African continent and in the African context, there has been concern about registration of African names and resources by non-African entities. And to overcome this issue in the context of dotAfrica, the African Union, working together with the registry applicant, has sought to ask African governments to reserve names of the geographic places and other cultural and national heritages of interest so that they can be protected through the name reservation lists. And this is something that we would like to flag. We don't expect an answer from the Board, but say it is of concern and we have been working on mechanisms to protect these interests.

Thank you.

HEATHER DRYDEN: Thank you very much, NEPAD.

Is Gabon asking to speak? I'm sorry, I can't see very well.

GABON: Thank you. I'm representing the Communications Commission of Kenya, and this is in relation to the -- this is in relation to the suggestions from the African Union representative.

We would like to consider some level of flexibility at the national level in relation to protection of intellectual property in developing countries.

HEATHER DRYDEN: Thank you very much, Kenya.

So let's move to the next topic, please. I will ask Singapore to ask a question or make a comment in relation to the Accountability and Transparency Review Team effort.

Singapore, please.

SINGAPORE: Thank you, Chair.

You know, ATRT2 has issued draft members, and GAC touches on three areas: Increased transparency of GAC-related activities; increased support and resource commitment of government to GAC; and increased GAC early involvement in various policy development process.

There are ten recommendations that asking the Board to do a number of things, and we note that some of the recommendation, in fact, has been addressed within GAC while others have not. We would like to know the initial reaction of the Board with regard to those recommendations so we can have a sense of how the Board view those recommendation and the approach it will take in implementing those recommendations, if you agreed to the ATRT2 recommendations.

Thank you.

STEVE CROCKER:

So, Heather and I have both been actively involved in the ATRT2 process. I don't have anything specific to say about each of the recommendations, but I will say something about the state of affairs about the recommendations and what the Board will do about it.

The review team is aiming to complete its report and turn it in, deliver it by the end of the year. The draft report is out, as you've seen, and they're taking comments.

We've been very conscious -- or I'll put it in first person singular. I've been very conscious that it's a substantial amount of work to take the recommendations as delivered and run them through the process that has to follow from that. An examination of the resources that would be required, whether they're feasible, how they'd be implemented if they're accepted, and make the decisions and then put in place the implementation processes.

And we have a -- we're supposed to accomplish that within a six-month period.

Two good things to move this forward are that I've instructed the Board support team and the rest of the staff that we work with to take a look at those recommendations now and begin that process so that we're a step ahead. And then the chair of the review team, Brian Cote, has also asked for preliminary information about implementability so that they can tailor their recommendations to make them more likely to succeed from that process.

So that's -- that's not very detailed. I'm not getting in depth about one recommendation or another, but I can tell you that we're taking the process, have taken the process very seriously and are in the process now of gearing up so that we can press forward vigorously when the recommendations are firm and proceed in a timely fashion.

HEATHER DRYDEN: Thank you very much. Okay.

Would anyone else like to comment on the ATRT2 effort? Mike Silber, please.

MIKE SILBER: Very briefly. The one issue -- pardon me. The one issue that we have raised with the ATRT2 team is that the wording of some of the recommendations seems to recommend that the Board take certain actions with regard to the GAC. And we've asked them to please relook at the wording in those circumstances, because it may not be appropriate for the Board to take action, or the Board may not be able to take action with regard to the GAC. Something I'd encourage the GAC, to look at the wording very carefully because in some cases the recommendation itself may be apt, but the process, whether it's the team that recommends directly to the GAC or how exactly the process flows, may be important because it's not something that we, as a Board, can impose on the GAC.

If it's staff taking action, we can tell them "Go out and get this done." With the GAC, you're an independent entity. We can't tell you, "Go and do this."

HEATHER DRYDEN: Thank you very much for that, Mike.

Iran, you have a point on this?

IRAN:

Yes, Madam Chairman. With appreciation to the board member and welcoming them.

Madam Chairman, as follow-up to that question, as I mentioned this morning, there is a need that the wording of those recommendation be reviewed. In particular, the area that we have mentioned this morning, that the review team could recommend something to the Board, and so on, and so forth, but having reference that they want that the Code of Conduct of the GAC be in appropriate order, I think we are representative of government, and we do not need to have any particular instructions from anybody how we conduct the meeting.

We have instruction from government, and so on, so forth, and perhaps their comment should be exclusively limited to the individual, but not to the representative of government. So they have to look at those wording and to modify that.

Thank you.

HEATHER DRYDEN:

Thank you very much, Iran.

Okay. I think we can keep moving at this point, so our last item on the agenda was to have a bit of an exchange with -- with Fadi

following the Montevideo statement. However, we have heard quite a bit about this this week. There were sessions yesterday related to this, and as well, we see that there is a meeting tomorrow morning to enable the community to provide some inputs or contribute to the process for the Brazil event.

So rather than asking Fadi to lead off, we do have a few questions, and maybe we can quick things off that way. And of course other board colleagues may also have additional questions that occur to them or other observations as well.

So Iran, you had a couple of questions related to the Internet Governance Forum and the selection of the panelists. And then I will look to Namibia, who wanted to make a comment about the internationalization of ICANN and that process.

So Iran, if you could start us off, please.

IRAN:

Thank you, Chairman.

Yes, we have heard about the declarations and certainly we will hear more tomorrow, but I thought it might be appropriate that the board member or Mr. Fadi Chehade at least very briefly inform the GAC of what has happened and why they came to that sort of decisions, and what will be the next step, and whether they are just actions as proposed by ICANN. I don't believe that ICANN would internationalize ICANN. The internationalization of

ICANN would be by the stakeholders. This is not the auto-regulations. It is intended. So perhaps they would have some share on that, but that's one point.

And the second point is during the last eight IGF, many things have been exchanged. Everybody applauds for the IGF. Everybody admired the discussion at IGF. We would like to know to what extent the outcome of these eight IGFs has been taken on Board by ICANN and to what extent they have been used and what areas they have used. And thirdly they are talking of the preparation of the Brazil meeting, and I heard today at the -- in the Internet Web site that there are a panel, and would like to know what were the criteria of selecting those individuals and whether they are representatives of various regions, representatives of various multistakeholders, and what is the balance between those.

So these are the things that we should be very, very careful about because we're preparing the meeting. And instead of at the beginning of the meeting we put in questions, these criteria, perhaps we should try to think it over before and have a sort of agreed balance with geographical distribution among the governments, geographical distribution among the other multistakeholders to have a composition of the team, whatever number they will be. I don't know. I would not give rise to any difficulty. These are the three questions or three views that came to our mind. Nevertheless, we don't expect the full explanation of

that. We will hear from the Board and others tomorrow. But we want brief explanation, if possible.

Lastly, Madam Chairman, this was not a question that I raised. I look to the room which is very crowded and I think next time, perhaps for the Board and the GAC meeting, we should have a different arrangement. That first of all, the Board will be seated quite properly and kindly, and I see some of the board member up to the last one standing up, some have no place to sit. So we should make it comfortable to everybody. Perhaps for the common meeting, GAC with the Board, should be another area that everybody could be properly seated. And it's not necessarily the Board come to us. All we and Board, we go to another place. So that, we should think it over for the next meeting of GAC and we should have better arrangement than that.

Thank you.

FADI CHEHADE:

Thank you, Iran.

My last boss at IBM removed the chairs and the table in his office so the meetings were shorter.

[Laughter]

Maybe that's what our chairman intended, but maybe not. I'll let her answer. It's good sometimes to be crowded. It feels warmth way.

Let me answer the three questions you asked.

There -- First of all, to be clear, there will be a lot more detail tomorrow morning as the community is discussing this from 7:00 to 8:30. In a last-minute meeting, we decided to bring the community together. So you're welcome to join us, and I think there will be a lot of dialogue with the community that will be helpful.

Let me start with your first question, which was about the Montevideo statement.

In our community, there is zero surprise about the Montevideo statement contents because the Montevideo statement contains the exact same things we've been saying for years. There is no news here.

I think the news was that we simply decided to do it together, which we had not done before. But the content is spot on what everyone in this community has said for many years.

As to your second question about the panels and how the panelists were chosen, let me first clarify that all these five panels, the four at ICANN and the fifth one we just announced, which is a shared panel between ICANN, the university of Southern

California, Annenberg Foundation as well as the WEF, World Economic Forum, this fifth panel as well as the first four are nondecisional panels. They do not produce recommendations. They do not produce -- they're certainly not treaty-making organizations or panels. They're just going to discuss things and produce reports that are, more than anything else, input into the processes of the community.

We should welcome that because we are an oasis, not a fortress. We welcome any reports, any input that comes from any source, including these panels.

How did we choose the panelists? Since they're nondecisional panels and they're commissioned by the president of ICANN, the president of ICANN conferred with our team, made sure that we have proper expertise, people with background and expertise to contribute to the panel. Of course we also paid attention that there is diversity, both geographic and in the individuals' backgrounds. So you will find that our panels will have -- certainly that fifth panel that was announced yesterday has people with government backgrounds, people with business backgrounds, civil society, technical background, et cetera, to ensure all views are heard at the panel.

I want to clarify that this fifth panel that was announced yesterday has nothing to do with the Brazil conference. The Brazil conference may consider its input, as it will consider other input

that will come from other places as the Brazilians have made clear, but it is not linked to the Brazil conference. It is simply another point of input, as others will, to feed into the Brazil conference.

Your last question was about the Brazil conference. I suggest for that we wait to hear from Brazil directly, since ICANN is not either running or instigating what will happen in the Brazil conference. We are one of many participants in the community that will contribute. But the decisions how this conference will be run, who will be invited, what it will be, will be emanating from the Brazil side and we're waiting to hear from them. We understand we will be hearing from them next week.

Thank you.

HEATHER DRYDEN:

Thank you very much for that reply.

On this topic? Italy, please.

ITALY:

Yes. I only want to say that in this Montevideo statement, I agree that there is nothing new, but there is at least one thing that is new; that this was signed by the ISTAR, by the Internet STAR, because a declaration like that, you could even listen easily in IGFs. But here is the representing the model of ICANN, the model

of those that are involved in the closed definition of the Internet governance of a solution that could enlarge, then, to other aspects of the governance at large.

Thank you.

FADI CHEHADE:

So, thank you, Italy. Thank you, Stefano.

I just wanted to say that we -- When we did this declaration, we were cognizant that the IGF was around the corner. And I didn't answer you -- I'm sorry, Iran -- earlier on the IGF question.

ICANN has been a supporter of the IGF from the very beginning. We continue to support the IGF. We believe the IGF is an excellent forum for multistakeholder dialogue, and we will support it moving forward. And we are delighted that the governments of Turkey, Brazil, and Mexico have publicly already committed that they will support the next three yearly IGF meetings.

We are also delighted by the incredible value and fruit that is coming from the regional and the country IGFs around the world that are growing right now. And we are supportive of all of that and will continue to be supportive.

And we do not believe that the Brazil conference or anything else we're engaged in is in any way impeding the activities of the IGF

and other forums that are active in the area of Internet governance. We believe all these things complete each other. But we are supportive of the multistakeholder forum that the IGF offers us, and I hope I answered you, Stefano, as well that this -- this was part of the idea that we would put this out there and becomes a subject that the whole community at the IGF can discuss.

HEATHER DRYDEN: Thank you very much.

I see the U.K., but I'd like to move to Namibia next, because I think that question is quite related as well to this, and I'd prefer to not keep Namibia waiting.

Please, go ahead.

NAMIBIA: Thank you, Madam Chair. Good afternoon, board members.

My question basically relates to the internationalization of -- internationalization of ICANN. And of course as colleague from Iran said, it's through us, generally, but there are many strategies. One of them that ICANN has indicated in the opening ceremony is that of physical presence, and in trade negotiations we talk about commercial presence. But we would like to inquire how the process of internationalization is going as far as establishing this

sort of physical presence in all the regions of the world, especially in the new frontier, which is Africa, and possibly other areas or other regions. Maybe some information on that.

Thank you.

FADI CHEHADE:

Thank you, Namibia. It's good to hear from you. Appreciate the question.

I want to clarify because I heard this before also here. When we use the word "ICANN," we mean all of us. So there is no distinction between ICANN and the stakeholders. We're all one. So I do not perform any activity unless it is a stakeholder-instigated activity.

And when I came to ICANN, as you all remember, one of the first things all of you had very loudly asked me to do a year ago is to, indeed, proceed with the true internationalization of ICANN. And by "true," I mean not just opening offices, but actually changing the DNA of ICANN from the inside-out and to ensure that ICANN thinks as a global entity, not just as a local entity with some open offices around the world.

So to do that we're proceeding in three layers. Our strategy has three layers. Let me explain all three because all three are active in parallel.

The first layer, which is the foundational layer, is to change the core operations of ICANN from being Los Angeles-based, to being based in three global headquarters that are around the sun, as we say, performing their activities in real-time around the sun.

So we have picked Istanbul, and we're delighted we have. We have picked Singapore, and we're very delighted we have as well. And we kept Los Angeles. These three are our operational hubs. They are not local engagement offices, per se. They are operational hubs, which means our core processes are serviced around the globe, around the clock, all day, from around these three offices. That's where we're heading.

And that's nothing new. We've done that in many companies and organizations before. We're just implementing that. And since I told you we will do this a year ago, I'm happy to report to you that the hubs are open. They're functional. And we have people in these hubs already. In a place like Asia PAC, we used to have one person. We will have 12 people by the end of this year.

So we're moving very effectively to change the posture of our operations. And by "operations," I mean we have legal staff that will now be around the world, which will ensure that our legal vision is not U.S. centric.

We have compliance staff that is now around the world, so that when we manage compliance, we manage it with a deep understanding of the local needs.

We're moving I.T. around the world. Some of our senior executives -- David Olive, the head of global ICANN policy is now living in Istanbul at the hub there. And we are hiring from the regions for the regions in all these places. And as I shared with you before, and this time my wife will not be surprised like last time, I'm moving my family to the hubs throughout next year. I'm moving to Singapore in January.

So we are showing the world that we are deeply committed operationally to a global team and a global set of operation. That's layer one and it's the foundational layer.

The second layer is we're building engagement offices around the world. We said the offices are there with people to serve and listen to the local communities. And again, since we have met you a year ago, we have turned the Washington, D.C. office into an engagement center, we have turned the Brussels office into an engagement center. We closed two small engagement centers that we had in the U.S. and Australia, and instead focused, as you said, on the new frontier. So we now have a new engagement center in Montevideo, and we have staff now there and we're going to build on that. And we opened a new engagement center in -- in Beijing.

And we announced recently that we're opening a center in Geneva. And Dr. Tarek Kamel, who heads all of our governmental affairs globally, will be moving there next month. So, again, we

have presence closer to the missions in Switzerland. And we -- that's the second layer. And there will be, hopefully, more of these.

The third layer is the most recent one. And we already opened two of this. We are opening centers of excellence in partnership with some countries around the world.

Recently, a month ago, I was in New Delhi. And we announced the first center of excellence on DNS security.

And we opened that in partnership with the premiere research institution in India. And we will be placing staff. They will be placing staff. And I think the knowledge that comes out of that center will serve the world, not just India, obviously.

And, as you saw on Monday, we opened the second such center of excellence. This one is with Korea. And we announced it on stage with the Korean KISA agency. And I think this one will also bring value in localization in language in Korean and in deep engagement with the Korean peninsula. So these are activities we're doing operationally to change the posture of ICANN and truly embrace the world as we promised you we would. Thank you, Namibia.

HEATHER DRYDEN:

Thank you very much for that response, Fadi. Okay. So we have a question or comment from the U.K. And then I'm looking around

to see whether there are any further requests to speak on this topic. We're coming close to the end of our time, I think. So I'll move to close the speaking off after this. U.K., please.

UNITED KINGDOM:

Thank you, Heather. This is a related question. The Affirmation of Commitments and globalization.

The Affirmation of Commitments was negotiated by the U.S. government and ICANN. But it successfully moved -- in the U.K.'s view, successfully moved the scrutiny and accountability of ICANN to independent multistakeholder reviews through the participation of governments.

Fadi has referred to globalizing the Affirmation of Commitments. And I must admit I have some difficulty conceptualizing that. So I'd appreciate if he could comment on that.

And, secondly, whether he envisages this being one of the components, perhaps, of the kind of new architecture that the Brazilian foreign minister referred to as one of the potential outputs of the Sao Paulo conference in April. Thank you.

FADI CHEHADE:

Thank you. I have referred along the last few weeks that the Affirmation of Commitments was a document that was made as an agreement between us and by ICANN and the U.S. government

with the sole purpose of ICANN serving the global community in the best way possible. That is the purpose of that agreement. So, even though it is signed between these two parties, the essence, the spirit of that agreement is really to hold us accountable to the world, not certainly to one government or any particular organization. And we should not forget that. Because I'm sure you know, Mark, that's the heart of that document.

Now, as we progress and as ICANN becomes -- increases its focus on internationalization and globalization, I think that there is scope for us to think whether that document or another document would be a good vehicle to ensure that all of us around the world are equally committed to keep ICANN transparent and open and serving the community. So I'm not sure if it is that vehicle or some other vehicle. And I think, frankly, our partners in the U.S. government who signed that agreement would agree that they would have -- they would believe this would be a natural evolution for ICANN and for the community. So that's, I think, the extent of what I said. And I believe that how and whether this is something that needs to be done now, later, when and how, none of this has been discussed. I was just putting on the table that this would be a natural part of the evolution of ICANN towards serving the global community.

I do not know yet exactly what will be in the scope of the Brazil conference. This is something that Brazil has asked the

community to work with them on. So we will know in the -- in the days ahead from them. And I think, you know, I would encourage all of us to just be patient for a few days as they work with the community to do that.

I do not think the focus of the Brazil conference will be specifically on the details of how ICANN will be globalized. Whether the conference considers calling for that just as I have, I think that's up to the conference attendees. And we will see where that goes. So I hope this is helpful. Thank you.

And, by the way, I was just told from behind that I answered Namibia without answering specifically your question about Africa.

So my apologies for that. I gave you -- I gave you the model. But I must tell you we -- you know that we have, since I arrived, added a team in Africa. We are very committed to growing our presence in Africa just as we are now in Asia. And it's a matter of logistics and getting it done.

As you can tell by now, I'm not patient. So, if you ask me, I will tell you we need to do a lot more still. And we will. And I'm chasing. But we have -- we -- the commitment is there. You can be certain of that. This is my birth country. My birth continent, Africa. So I personally am committed to that. And you know that was my very first action as an ICANN CEO. And I will continue that focus and increase it so that we do what we said we would do, which is

presence in Africa in the north, in the south, east, west, and in the middle and even in the islands if we have to. And that's presence of real engagement, people and resources to catch up. Because we have a lot to catch up in Africa. Thank you.

HEATHER DRYDEN: Many thanks for that. Okay. At this point, I think we can thank the board for yet another useful exchange. We've covered a lot of ground here, a lot of issues. And, clearly, there are a number of gTLD issues that the GAC is still paying attention to and needing to discuss. So, Steve, would you like to add anything?

STEVE CROCKER: Yep. Heather asked me if there was anything that I wanted to bring up. And I didn't think of anything. But one thing has occurred to me. In some time past, there was a lot of issues about whether we were responding properly to advice and so forth. A lot of work has gone into building a GAC register, a process related to the communique, and all of that.

I'd just like a quick sense of whether or not, from your point of view, things are working or whether there's still work to be done and whether we have that up and running at the level that we need it or -- and -- I haven't heard anything recently. So I assume that's good news. But I thought it would be worth checking.

HEATHER DRYDEN:

I can answer that, or I can take a first cut at it.

So we did talk about some of the ATRT2 recommendations as well as the state of implementation of some of the ones from ATRT1. And, as far as the register is concerned, we acknowledged that, yes, it's been implemented, but that it's probably one of those areas where there can be some improvement to make it useful. And we probably need to build up some of the processes around that. And that's certainly my view, as far as I'm making you -- and wanting to get us into the habit of building -- referring to the register and into our work. But that gives you a sense of --

STEVE CROCKER:

Thank you. Well, I wanted you to know that we haven't forgotten about it. We haven't turned our attention elsewhere. So whatever it takes to make that work well so that it's unexceptional and it's serving its purpose remains high on our priority. And feedback and improvement is what we're all about.

CHAIR DRYDEN:

Thank you. That's great to hear. And what GAC colleagues might not know is that Steve put quite a bit of priority on the register and making sure that it works and working very closely with us on that. So we are grateful. I'm grateful for your efforts with that. Okay.

So more work to be done, clearly.

And with that I will thank everyone and wish them a good evening.

For the GAC, 9:00 a.m. tomorrow, please. And, if there's any text on a new issue that you would like us to consider, please submit it today. And I will try to build in time for us to discuss. I would like to close the session. So --

STEVE CROCKER: Thank you.

HEATHER DRYDEN: Thank you.

[Applause]

[END OF TRANSCRIPT]