
BUENOS AIRES – Fellowship Morning Meeting
Monday, June 22, 2015 – 06:45 to 08:30
ICANN – Buenos Aires, Argentina

JANICE DOUMA LANGE: As we keep stepping through every day, we're going to continue to step through that logic so that you can connect the dots, as the alumni told me on Saturday. At any time that we're talking with Tony this morning or any of our other chairs, if you are losing that connection and want to better understand, just stop Tony or stop myself and say, "I want to understand better where you fit in the multi-stakeholder model."

Tony, with that, good morning and welcome.

TONY HOLMES: Thank you very much. It's a pleasure to be here. Just listening to the introduction, the fact that you've arrived, you've got off a plane, you've come in here straight into things, you're really in the spirit of ICANN now. It's something we all get used to.

It's my pleasure to be here. Could I just ask, how many fellows here are second-time fellows? I just wanted to get an idea. Thank you. I mention that because I'll come back to one of the concerns I have at the end of the presentation.

From my perspective I fit in, as was said, in the non-contracted parties house as an ISP. We have members from all over the world. Our primary function, of course, is to provide the hooks, the connectivity,

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into the Internet. Virtually everything that happens at ICANN, we have some interest in.

I haven't asked earlier about this, but I have brought along some brochures. I don't have enough for everybody, but I'll leave them on the table. If you're particularly interested in an ISP perspective, there's some information in here as to where we are with some of the current issues.

The ISPs have been part of ICANN as a constituency since day one of the organization. We've continued to grow, and we've evolved through a number of changes in the organization as to where we fit.

What we bring to the party is very often an operational focus. A lot of the things that happen in ICANN, for us as ISPs, we need to take an interest in those issues from day one, but the impact on us is normally further downstream. When things become operational, then that's when ISPs are really at the forefront because we are the first point of call for customers when things go wrong.

One of the issues which you're more than aware of now, of course, is the increase in the domain namespace. That's a prime example because before this last round of gTLDs, there were some attempts to increase the namespace – very small steps. A number of new top-level domains were introduced.

One of the big impacts on ISPs was when we moved away from just having three-character domain names to things like .travel where you expanded the character base.

When they were introduced into the Internet, some of them didn't work. At that point in time, the focus was very much on ISPs. In fact, there was a suggestion that ISPs were blocking access to those new domain names.

Our constituency, obviously, was very concerned about that. We did a number of investigations as to why things weren't resolving and quickly found that it wasn't an ISP issue. It was the application developers, the software developers who had imbedded software limitations within their system which meant if you typed in more than three characters, it didn't resolve at all.

We became very aware of some of the hiccups around the introduction of these things. That is why one of the key issues for us now is universal acceptance. Yesterday when you were meeting here, there was a workshop that took place really putting in place a number of activities, a number of steps, whereby we are very concerned and want to make sure that when we get to the stage where more and more new top-level domains are being rolled out into the Internet, there are absolutely no problems.

It is an essential thing for ISPs because, as I mentioned, as soon as things don't resolve, it's our call centers that come under demand. One of the things we're responsible for as a constituency is getting the message out to not only large ISPs but small ISPs as well so that if there are any problems at all, they know what the situation is and they can make their customers aware of the steps that are being put in place to resolve those issues.

As ISPs, we're involved in, as I said, all aspects of ICANN, but certainly for us the focus is on identifiers very much and not just domain names. Our members are very active in the numbers community. The protocol parameter issues that are dealt with by the IETF are of particular importance and, of course, IP addressing, so we're involved in the RIRs as well. At some stage, I think you have a talk from members of the ASO that actually will explain how that role fits in with the ICANN community as well.

The unique thing about the ISP constituency purely from an ISP perspective is that the issues we tackle are global. They impact all ISPs around the world. It's very interesting to be part of a conversation where dynamics around national implementations of the Internet – different national rules, different national cultures – actually need to be addressed when we're at this very top level of policymaking. I think that's something which, although I've been involved in the ISP business for a long time, is specifically unique to this situation.

From my own background, I now work for British Telecom in the U.K. I spent many years being responsible for BT's naming and addressing policy and strategy. It didn't just cover domain names, but it covered IP addressing and it also covered the telecom side as well. I now work for them as a consultant with a huge focus on the ICANN area.

One of the things that I'm aware of from operating in that environment is the benefits of competition. We all benefit from competition, and I think it's a very positive step that ICANN have also focused on that issue as well to make the domain namespace more

competitive. Those benefits inherently drive down prices. They help to bring more people onto the Internet, and it results in the explosion of the Internet that we've seen today.

One of the messages I would like to give you is when you look at ICANN, look at it from a perspective of what benefits it's bringing to the community. Because when it was originally set up just to focus on domain names, it was purely focused on one element of competition, which was to bring competition into the .com namespace.

Since then, a lot of the peripheral activities around ICANN have really broadened that scope. ICANN today is really quite a dynamic organization. The great thing about coming here and speaking to people like yourselves is the future of ICANN will be driven by you. The impact that the Internet can have is absolutely boundless. Many changes will occur in the future at an ever-increasing pace. It's people like you around this table that are going to actually be the drivers for that.

From my perspective, I'm very keen to talk with any of you who represent ISPs or have an interest in ISPs. One of the reasons I asked who were second-time fellows was that I have to make one apology here, and that is that after the last ICANN meeting we actually had some problems with our database of membership. We had put in some details of new members who had actually come through the fellowship that were lost when we had that failure. So I'm very keen to make sure if you were on that list, that we've recovered your information and you are back on our mailing list as well.

For the membership itself of ISPs, it doesn't mean you have to come to every ICANN meeting. That certainly isn't the case, although you would always be welcome. We do outreach through a number of large ISP organizations. They represent quite a large number of smaller ISPs who can only come to ICANN meetings very occasionally, normally when it's in their particular region.

If you cannot even make that, you can still be a member of the ISPs. You can participate in the calls that we have. We have regular monthly calls. You get our newsletters, and you can participate in the discussions that formulate the policy that our representatives then take into discussions, such as the GNSO council as well.

I'm going to pause there and open up for any questions or issues you may have, specifically focused toward the ISPs. But if I can help on a broader basis as well, more than happy to do that. Is there anyone who would like to pick up on that at all?

Please, go ahead.

UNIDENTIFIED SPEAKER:

Good morning. I come from Brazil. I work with providers from Brazil.

We have almost 3,000 small and middle size ISPs, and we don't find this behavior in Europe. Why is that? What's the reason behind this? What type of policy is applied there? Because you cannot see the smaller ISPs that go to places where other operators get. Why isn't it possible? Why can't we disseminate such as it happens in Brazil?

TONY HOLMES:

Thank you for that question. A lot of it comes down to the national policies, I believe, that you have. Certainly, one of the things that's driven the growth of ISPs, certainly in the European environment, has been the open competitive environment where you have to compete on [inaudible].

Coming from the U.K., the same approach is taken there. Certainly, I'm well aware of some of the conditions that occur, not only in places like Brazil, but in Africa it's very predominant as well, where large ISPs tend to be the real focal point for connectivity into the Internet. That often means that the prices that people have to pay are a lot higher than it need be.

The only way you get to a situation where you drive down prices and get a real element of stimulus for growth is to have that competitive environment. It's very difficult in places like Brazil for a small ISP to grow unless you actually have the environment that's going to facilitate that.

I think through the various ISP associations, there is certainly a recognition that that needs to happen. But there needs to be far more open dialogue with administrations as well around that.

Certainly, one of the other areas I work in is the ITU, which is very telecommunications focused. One of the key drivers for the development sector of the ITU has been to create the environment

that actually spawns the growth that's required. It's exactly the same in the Internet area as well.

Having access to connectivity for those countries having access to address space as well is absolutely key. It's removing the barriers to entry for new ISPs that is the critical part. I don't believe ISPs can achieve that on their own, but they have to work with the other people who influence that environment to actually get there. It can be long haul.

Incidentally, we do have quite a representation within our constituency from Brazil as well, but it's very much focused – not surprisingly to you, I'm sure – on the large plans.

If there's any way that as a constituency we could actually have a dialogue with the smaller ISPs, then that's something we would very much welcome. As they want to discuss their own environment, as they want to discuss how they can benefit from some of the activities in ICANN and the growth of the Internet, then certainly through engagement in the ISPs, we would hopefully be able to provide some of the steps that actually help them as well.

I should probably say a little bit, actually, about the IP address space as well because many people around the table will be aware that we're in this situation now where there's a big drive to move toward IPv6. The IPv4 address space is exhausted.

It isn't a probably good story. There are some parts of the world where the take-up of address space of IPv6 has been much better than

others. It's a similar thing to the growth of ISPs. Most of where that has occurred, it has had a little bit of help and direction from governments.

Now by that, I don't mean that they've actually put money into getting ISPs to change. But they've taken some steps that have really encouraged the growth of IPv6. Simple things like governments all have some quite big contracts that they offer to ISPs for connectivity.

In most parts of the world where IPv6 has really taken off, those governments got to a stage where they said, "If you want to win contracts that we're offering, then you need to be IPv6 compliant." That doesn't mean to say you have to provide an IPv6 network, but it does mean that you have to have the ability to provide that as well. That stimulated change, and we've seen growth in those areas that has come about through that.

One of the disconcerting things about the introduction of IPv6 for me personally was the growth of the secondary market. Once IPv4 became a fairly scarce resource, then very quickly those IPv4 addresses that were remaining became monetized. People saw value that they had something that they would be able to trade and, in some cases, make quite a lot of money. That has even been done by a number of governments who actually possessed large chunks of [IPv4] as well.

I personally come from a part of the world where IPv6 introduction from an ISP perspective has not been a good story. Having said that, I'm fully aware that a number of our members have faced some

significant problems in trying to get their own companies to move to IPv6 because it's always a very tough task to go along before whatever board you may work for and say, "We've got to make this technical change. We've got to move from IPv4 to IPv6 because this address space is exhausting."

The first question they ask is, "What benefits does that bring us?" Certainly, there are benefits that IPv6 brings to the party, but the main benefit is that you've got an address space, a resource where you can expand your customer base, and the other one is exhausting.

Certainly, in some cases, companies will put off moving because until they get to the stage where they just can't grow their customer base and they know that to make that move it's going to incur some significant costs – however you move to IPv6, it incurs costs – then they're not willing to do that.

Again, that's just another example of the benefits from competition being able to fuel the market and drive it in the right way.

OSAMA TAMIMI:

Hello. Good morning, Mr. Tony. I am an ICANN fellow from Palestine. Actually, I'm working for a [local] telecommunication company called Wataniya by Palestine, and we are interested to join the ISP constituency. Frankly, I'm just wondering, do you have members from places like Palestine and Middle East? Thank you.

TONY HOLMES: We would certainly welcome you joining.

OSAMA TAMIMI: Thanks.

TONY HOLMES: We do have representation from the Middle East, but it is very low, so we would certainly welcome that. In fact, it's one of the areas we are planning to target. Part of the reason we're now producing more publications is to reach out to those areas of the world.

OSAMA TAMIMI: Great.

TONY HOLMES: We've put a lot of focus toward Africa as well, which is another place where we know that we can bring benefits to that community but it's making those linkages and those contacts. So please, let's have a conversation after. You'd be very welcome to [apply].

OSAMA TAMIMI: Sure. Thank you.

TONY HOLMES: I should also add that we actually have, along with most of the other GNSO stakeholder groups, we have a constituency meeting here. That takes place on Tuesday. It's from 1:30 to 4:30, and certainly you're

welcome to come along and join us for those sessions. We cover a whole range of discussions, which are squeezed into those meetings.

Obviously, with very much a focal point for ICANN at the moment being the IANA transition, that's something we will discuss from an ISP perspective. Again, it's a case of looking at what happens with the change. Yes, we've been involved in the discussions with the working groups that have looked at the stewardship changes. They've looked at the accountability issues.

But a key element of that for ISPs, maybe more so than for some other groups, is that when we get to the stage where the plan is agreed and we make that transition, it's fundamentally important for our members that across that period of change the same service level agreements, the same response times are kept. Because anything that fades away across that period for whatever reason impacts our members. We tend to look at it from that perspective, and there will be some discussion around those issues.

Universal acceptance, as I mentioned, is a big issue for us. We'll certainly be discussing that as well. So there are some broader issues which get dealt with, which I think all of the GNSO constituencies will be looking at things like the work that's now starting up on human rights. Again, even for commercial companies, there are real issues around human rights that they need to be involved in and protect.

Other elements of that, of course, are things like GNSO reform, some of the internal things in ICANN that are taking place now with a view to reshaping the organization and making the organization better.

The work on IANA has been absolutely astounding. I think it's appropriate to say that we've all been staggered by the way the whole community has come together as a multi-stakeholder community and actually managed to progress that work when there were so many diverse views.

The timescale hasn't been achieved that was originally set, but it's very close. It's a huge effort, and I have nothing but admiration for the people that have been involved in that process.

If you want a good example of the multi-stakeholder working, then if you look at the task that was actually set by the U.S. government and the timetable that was scheduled to get that work done for a transition, it's a wonderful advert for the organization, and I give full credit to everyone that has been involved in that.

JANICE DOUMA LANGE: Tony, we actually have four questions and five minutes. We're going to start over here (over to your left) and try to get through them if we can.

LIA SOLIS: Good morning. Thank you for your presentation. I'm from Bolivia. I work at an ISP. I have a short question: Is it in the ICANN's agenda, the topic they've touched, the black market of IPv4 addresses after they've been depleted?

TONY HOLMES: Your actual question?

LIA SOLIS: Is it in the ICANN's agenda, the issue of the black market of IPv4?

TONY HOLMES: Well, it's really a problem that is more akin to the work of the regional Internet address registries. The only place that would be discussed here other than in the ISP constituency who may or may not get involved in that dialogue is really in the ASO. It isn't really under ICANN's remit, but it is under the policies that come out of the regional Internet registries.

That is where the real focus has been because there have been problems, certainly, with the management of that address space. Some of the address space that has actually been sold and used, we find there are problems with.

But it isn't specifically an ICANN issue. Bas, all ICANN do is allocate the very large blocks to the regional Internet registries. The policies as to how you actually assign that address space to customers is through the regional Internet registries, so it wouldn't really be an issue for ICANN.

ENCEL SANCHEZ: Good morning. I'm from Venezuela. My doubt is about what position an ISP should adopt in terms of the Net neutrality.

TONY HOLMES:

Thank you. That certainly isn't an easy question. In terms of how ISPs look at Net neutrality, there are a whole myriad of views. For some of them, they certainly would favor a change in the current situation.

Some of that comes down to the investments they put in infrastructure, the return they need to get on that infrastructure, and the fact that as quickly as they get these huge pipes out there to provide connectivity, the bandwidth goes. The Internet is growing at such a rate.

The real answer I should give you is it would depend who you talk to, which ISPs, and even in an area there are different views. Certainly, from a European perspective, we have all of those views as ISPs.

My own view, again, is that coming from an area where there has been great competition, then I really do not favor constraints put in because it does impact the ability of certain sectors of the community to get access to a whole broad range of Internet provided services.

Ideally, you need enough capacity out there to provide access to everybody for all types of implementation. Achieving that is really difficult. But I would be very reluctant to impose new provisions on Net neutrality just on the basis that I would be able to cherry-pick customers and focus connectivity toward those that maybe have a certain application. Of course, that brings, again, into question how you select those customers.

Providing service to as many people as you can in the best way possible is the aim. There isn't a straightforward answer to your question, as much as I'd like there to be one.

ETUATE COCKER:

I'm a third time fellow. I'm working in the largest ISP in New Zealand. One of the issues that I encounter while working there is that we have so many issues with customers requesting IPv4 addresses. A lot of ISPs use private addresses for [netting]. When the request from the customer conflicts with what the ISP currently uses for monitoring and all their internal infrastructure, that's when I was thinking of IPv6.

It will resolve this issue; however, the problem is that the ISPs, like you said, they don't see the benefit from IPv6 unless they have deployed it. The fact that it will change a lot of things [for structures], so that really prevents them from having to change or migrate to IPv6.

Is there any study that shows how much of the developing countries or other countries have adopted IPv6? Because a lot of the ISPs have IPv6 address space already, but they just leave it there for future use just in case that the whole Internet collapses and moves into IPv6. Then they will start to [rely on it].

TONY HOLMES:

Yes, there have been a number of studies. It doesn't really make good reading either because if you want to stimulate growth, you have to have access to adequate IP address space. Quite clearly, there isn't enough IPv4.

It's not really been helpful that the focus for the remaining space was really on monetizing the resource and not looking across the globe to try and ensure that those areas of the world that find it more difficult to move into a competitive arrangement to actually grow the number of ISPs, that there wasn't more focus, personally in my view, to give them the remaining IPv4 space.

We're now at the stage where some of the large ISPs in parts of the world which have a very healthy Internet population are sitting on this IPv6 space. They still haven't made the move. The reason they don't make the move is because there's a cost incurred. But it isn't helpful for those regions of the world, the developing countries, that find it so much more difficult to meet the investment thresholds to change.

So, yes, there have been studies done. I think a number of people have expressed concern, but finding an answer through that has not been easy.

We are at the stage now though where basically it's virtually all gone. There isn't any IPv4 address space in large blocks to talk about to allocate. We're at the stage now where people are going to have to change.

One of the other things that has occurred recently is now we're finding in some parts of the world they're putting in place methods of squeezing as much life as you can out of the existing IPv4 space.

They introduce things like – without getting into the technical details – carrier-grade NATs, where you actually share large blocks of address

space that a carrier has across a whole range of customers. It means you don't have a uniquely assigned address until you want to use the Internet. The problem is some applications break when you use that.

It isn't a good answer but, again, it's a way of deferring investment and not having to spend money. That's a great driver for some people.

TENANOIA SIMONA:

I'm from Tuvalu. I work for Tuvalu Telecom. It's the only ISP in my country. My question is quite challenging because in the context of big countries, competition is very high. But in the case of my country, my country is very small. What is your take in terms of stimulating growth for competition in countries that are very small?

TONY HOLMES:

Yes, that's always a challenging area. I think that when you look at countries that fall into that category, there has to be a way of introducing methods that actually stimulate growth. The only way that normally works is through a partnership between the incumbent carrier (the large carrier) and government as well. That actually can do things to help shape the environment to ensure that those who are providing those services do it in a manner that provides the growth within the national environment required.

Left to our own devices, I think any of us who manage a company would look to ensure that you pick the easy markets. That doesn't provide the Internet connectivity that we would like to see, which is

universal across the piece. If you don't have the correct political environment to do that, then I don't ever see it working in that way.

Certainly, in some parts of the world, I think it's only with the realization that parts of the community are being left behind that you actually seed the thoughts that things need to alter. It's a very difficult one.

I don't know what the penetration of Internet is in your country or what the speed of growth is, but for most countries that find themselves in that position the growth is normally pretty slow and the penetration isn't very good either. It's working together to create the environment that can change that. Even if you think about introducing competition, it's a very hard thing to do in that political situation.

JANICE DOUMA LANGE:

Tony, thank you so much, and thank you to everyone here in the room. I'm so impressed on a Monday morning the amount of questions and actually the depth of the questions. I'd like to say that really speaks to the depth of the fellowship pool at this point in [the eight years]. I've been complimenting this groups and letting them know what an elite class we are getting to with the fellows. I really appreciate your questions and, Tony, your time. Thank you so much for being here.

TONY HOLMES:

Thank you very much. I'm going to sit at the back of the room for a little while, so anyone who is an ISP or wants to know more about the

ISPs, please come and speak to me. With your permission, I'll leave these on the table.

JANICE DOUMA LANGE: Absolutely.

TONY HOLMES: Thank you very much.

JANICE DOUMA LANGE: You're welcome. Thank you.

We are going to quickly move on as our morning closes in on us. I told Greg he's moving into the hot seat. I don't know if that was a very good introduction for him on his first time speaking with the fellows.

Greg Shatan is the chair for the intellectual property constituency. Again, we are staying within the Generic Names Supporting Organization, the policymaking arm, and in the non-contracted parties. But we've moved now to the intellectual property constituency, so a different way to take a look at the ICANN policies and the work within the multi-stakeholder model.

Greg, with that, I'll leave it to you to do your own introduction.

GREG SHATAN: Thank you, and good morning, everybody. I'm really glad to be here to talk to the fellows. I think that the fellows program is one of the great

additions to the ICANN world. It has added already many incredible participants to the ICANN policymaking framework and to the ICANN community, so I'm pleased to come and speak to you this morning.

I'm relatively new in the position as the president of the intellectual property constituency, having been elected at the previous ICANN meeting in Singapore. I'm looking forward to telling you all about the intellectual property constituency.

First, a bit about myself. I'm a native New Yorker and work as an attorney in private practice in an intellectual property firm in New York but which works with intellectual property firms worldwide. We have friends and colleagues in virtually every country that we work with, including here in Argentina.

The intellectual property constituency is one of the three constituencies within the commercial stakeholder group, which represent the private sector, except for the registries and registrars who have contracts with ICANN and therefore have a very different relationship with ICANN compared to the rest of the private sector.

The intellectual property constituency was set up almost at the very beginning of ICANN in order to represent the interests of intellectual property owners, creators, distributors, and consumers. Not just consumers of intellectual property but also consumers who depend on trademarks to identify products that they can trust. We also provide intellectual property expertise to the Board, to the rest of the GNSO, and to the ICANN community at large.

When I'm talking about intellectual property, as I've indicated, I'm primarily talking about trademarks – brands and logos and names that identify companies or individuals that provide goods and services to the world – also, copyrights which are works of creativity and authorship that are also, of course, provided to the world by our members or by our members' clients.

Intellectual property is a very important aspect of what ICANN does or what it needs to deal with because domain names can serve as brands. They typically relate or are identical to the brands that own the domain name that leads to the website that is an integral part of the company's overall interaction with its customers and with the entire world.

Intellectual property issues often involve a different viewpoint from some of the other constituencies and stakeholder groups. Within the commercial stakeholder group, we do have a certain number of overlapping members and concerns with the business constituency and with the ISPs. But our concerns really center on intellectual property issues, whereas the business constituency looks at the issues of business users more broadly.

In that regard, we participate heavily in the policy process in the GNSO but also participate in all of the processes that come around ICANN, whether or not they relate directly to intellectual property because it's important to us that ICANN and the domain name system continue to grow and develop and mature.

For instance, I am heavily involved in the Cross-Community Working Group on the IANA Stewardship Transition and the Cross-Community Working Group on Enhancing ICANN's Accountability. We're not here merely to think about intellectual property concerns but really to participate fully in ICANN matters.

With the introduction of the New gTLD Program, there were significant changes and challenges for us as there were for really the entire ICANN ecosystem. For the first time, there was the ability to register top-level domains that were also brands. While this was not anticipated to be highly popular, it turns out that about one out of three applications in the new top-level domains were applications by companies for their brands.

And not just their brands in Roman script that we've come to deal with but also IDNs, and that's both companies who were able to register for the first time using their native language and script but also multinational companies that registered both in Roman script or regular ASCII but also in Chinese or Arabic or other IDNs that enabled them to reach out to the entire world.

This has been an exciting development, but it also blurs the lines between registries and non-contracted parties, intellectual property constituents, and also provides many opportunities. It also provides many challenges for our members.

Our members are concerned with such issues as cybersquatting, piracy, phishing, malware, counterfeiting, pirate sites with counterfeit content or with pirated content, torrent sites where illegal and stolen

intellectual property is being used. We're also concerned with the cost of chasing down people and companies who have taken these properties which harms the creators of intellectual property and consumers who expect to get to the safety, security, and stability of the Internet to get to a website where they can be engaged in a trusted transaction instead of having their identity stolen or other such things.

For this reason, it's important to us to have an accurate and accessible WHOIS that can often help determine where we need to exercise enforcement efforts. But we realize that this is a multi-stakeholder process and that we are engaged in a global process as well. So it's very important that we are sensitive to different legal regimes and different concerns around the world.

Basically we often have to act somewhat in a – I wouldn't say it's a regulatory role – but we do tend to encourage some of the actions that other constituencies don't. But in the end, through the multi-stakeholder model and through consensus, I think we've generally achieved results that have satisfied the broad variety of stakeholders, which makes ICANN such a unique environment in which to work.

This is actually only about my fourth or fifth ICANN meeting. I joined ICANN, the intellectual property constituency, back in 2007 but spent most of my time just working in working groups from my office on the phone participating in a couple of ICANN meetings remotely over the phone.

Then it became obvious to me that coming here (wherever "here" is) is really where the action is at ICANN and the ability to meet people day

and night to really understand the concerns of other stakeholders and folks within ICANN itself and my own community within the intellectual property constituency. It's very important, so I'm glad to be able to be here and to participate as much as I do in ICANN.

It can be very time-consuming. There are some times when in addition to my regular job I'm working 50 hours a week on ICANN matters. While it's really a form of volunteering, it's also incredibly important. But the most important thing is that I actually do feel like I'm helping to run the Internet. I think that makes the Internet a unique thing because now all of you are helping to run the Internet as well.

In a world where so many opportunities seem so far away and where things seem to be run out of sight by governments or regulators, the ability of essentially normal citizens to come in and participate in this governance process and this policy process I think makes ICANN unique. I think it makes the ability and the opportunity to come to ICANN unique. We've all been to ICANN for the first time. It's not my first time; for many of you it is, but I'm sure it won't be the last time.

That's what I think keeps ICANN vibrant and fresh and allows the domain name system and the free and open Internet to flourish around the world. Not always a world that is receptive to it around the world, but this is really an indication of what working worldwide in a full community of stakeholders can offer.

I think I've probably talked enough, so I'm happy to take some questions.

JANICE DOUMA LANGE: Much appreciated. We're going to be a little short on time, so let's see if we can quickly move through. Kim, you had one.

KIM HENDI: Thank you. In the multi-stakeholder model, how do you manage enforcement of infringements of intellectual property? Intellectual property in general has a challenge in the digital world, but I was wondering in the domain naming convention.

GREG SHATAN: Within ICANN, the intellectual property constituency has been a very key contributor and participant in creating UDRP domain name arbitration process, which is basically put in place by ICANN but which is run by private arbitrators, such as WIPO (World Intellectual Property Organization), National Arbitration Foundation, and other providers around the world.

Intellectual property owners use that. We also, within the process of creating the applicant guidebook for the new gTLDs, made sure that intellectual property rights were respected within the context of new gTLDs. Within that context, a new arbitration mechanism was created, the URS (Uniform Rapid Suspension) system, which allowed for a faster and less costly method of suspending sites that were very clearly engaged in trademark infringement.

They need to be clear-cut cases, but it brings the cost down to about \$500, or at least the filing cost to about \$500, which is achievable by small and medium sized businesses. Our members are not just large businesses. Our clients are not just large businesses – small and medium sized enterprises, individual creators, musical artists and the like.

Aside from that, in addition to using the UDRP and the URS, there is of course access to national courts for traditional lawsuits. But through the UDRP and the URS, it really keeps a lot of those cases out of court, which is so much more expensive and time-consuming. It also keeps a uniform global system in place so that we don't end up with having to run all around the world, which creates all kinds of complexities and costs.

UNIDENTIFIED MALE:

It's almost the same thing. Good morning, sir. Thank you for the presentation. I have a question about the ToS (Terms of Service). For example, Facebook, everybody in the room – I will not extrapolate – but when they subscribe to Facebook or they do a simple Gmail account, they don't really read the terms of conditions of us. They just agree. They in a way want to have just a Facebook page, but they don't really read the ToS available before subscribing to Facebook.

Can I ask a lawyer in my country to make the legal language explicit for me as an end user? Because a lot of people don't really seem to understand the legal language of subscription and how you can make it more explicit.

Because there is a clause I think on Facebook when you read that is like all of your private information can be shared with a third party. This third party can be a multinational corporation. It can be a surveillance agency. So in a way, when we subscribe to Facebook or to have an e-mail account, we are self-monitoring ourselves without knowing prior to that that we are behaving in such manner.

GREG SHATAN:

That really falls outside of our remit as the intellectual property constituency. Really within the domain name system, we're concerned with names and numbers and with the control of content. Issues that relate to names and numbers and to looking out for infringements.

Just briefly though, I think it's very important obviously to read and try to understand and to also push back. Facebook has changed its terms over time in response to consumer concerns. This is part of the market economy in a sense to have consumers push back and say, "We don't want things shared." Basically each consumer needs to do their best to educate themselves, but it's also important within consumer organizations to use the power of organization.

That may not be what Facebook wants me to say. I know Facebook is a member. But I'm saying generally speaking, Facebook wants to be receptive to consumer concerns. But as someone once said recently, "If you're getting something for free on the Internet, you're probably the product."

UNIDENTIFIED MALE: So it falls on the responsibility of end users? That's your answer?

GREG SHATAN: Yeah, as long as it's legal. Obviously, regulators are looking at this as well.

UNIDENTIFIED MALE: Okay, thank you.

JANICE DOUMA LANGE: We're going to take two more. We have one here.

MWENDWA KIVUVA: I'm from Nairobi. I'm an alumni of the fellowship program. I have a question on intellectual property related to the IANA transition. You realize that the numbering community proposed that the [IP are related to] that is being held by ICANN, that is the IANA.org domain name and the IANA trademark, should be transferred to a neutral entity, probably the IETF trust so that it can be licensed now to the names, numbers, and the protocol parameters to use it in perpetuity. Does ICANN support giving these [IPs] out to another entity? Thank you.

GREG SHATAN: I'll speak for myself. This is an issue that's very much under discussion within the stewardship group and beyond. I think part of it is a necessity to look at the basic principles of what a trademark stands

for. A trademark is a sign of the origin of the goods or services, by which I mean where the services come from.

Part of this depends on what you define as the IANA services. Are the IANA services the services offered by the IANA function operator at ICANN, or are the IANA services also services that are offered by the protocols and numbers and naming community outside of IANA?

For the last 15 years, the view has been from a trademark point of view that ICANN (or whoever the IANA function operator is) is providing those specific IANA services and that others are engaged in the IANA world but are not necessarily providing those services. They're providing parameters and names that then need to be put into the IANA services.

If you look at the equation that way, then they got it right the first time and ICANN or whoever the IANA function operator is or who controls that should own that trademark and license it out. But this is a discussion that has to take place really within the multi-stakeholder community between the three communities to come up with a result that's both legally correct and that helps the long-term security and flexibility of the IANA system.

At this point, there's definitely more than one possible answer, and the right answer is the one that works best both with trademark law and with all three communities and the ability of the IANA to be safe and secure.

JANICE DOUMA LANGE: Thank you, Greg. We just had one more question.

UNIDENTIFIED MALE: Good morning. I'm from Brazil. We have observed that there are some names that are more key, such as Coca-Cola, names that people don't register, names that are restricted within ccTLDs, RIRs that we can never reach. They are like frozen for a number of years. They are frozen for a long time, and so it's not viable.

We have to change the brand or create a new product with a name that's available because the name you want already belongs to somebody and then they sell it for huge amounts of money so the names are frozen in the ccTLD. Is there any position or approach, is there any method to speed up the release of these names?

GREG SHATAN: Thank you for the question. Typically, I don't believe that – we've actually asked that trademarks actually be blocked from use in the domains, but we've actually not been able to get that as an ICANN policy. Any domains that are unavailable are unavailable because they're owned by somebody.

In the case of a trademark name, if things are going right, it is owned by the trademark owner. If not, it's owned by a cybersquatter – someone who has taken a trademark and is willing to sell it back to the brand owner for a price, sometimes for millions of dollars. Sometimes they've used those names to put up counterfeit sites or to use them to fool consumers into giving up personal information.

Generally speaking, our position is that the brand owner should have the right to control, either through ownership or through the UDRP or the URS, the ability to own domain names that match their brand.

One of the things that is important to mention is that ccTLDs actually fall outside of the GNSO and that each ccTLD is free to set its own intellectual property protections policy. Many have the UDRP or equivalents to the UDRP, but others have local processes or other processes. It's really a whole separate world, so there is no uniformity outside of generic top-level domains.

This creates confusion, especially because there are many ccTLDs that operate as if they were generic top-level domains: .co is owned by Colombia, but it's not used as the country domain for Colombia. It's used for companies. .tm is owned by Turkmenistan, but it's offered to trademark owners. .tv is owned by the Pacific island of Tuvalu, but it's offered to television companies and producers.

I could go on. There are probably 20 or 30 or more country code domains that are operated like gTLDs but that operate outside the uniform framework of top-level domains that we have in the GNSO.

I personally would like to see more uniformity in that area, but that's probably something for the next 20 years of ICANN to worry about. Only a handful of ccTLDs actually have contracts with ICANN, so it's a very loose relationship that we have between ccTLDs and ICANN policy.

Of course, when I represent a company that wants to come up with a new brand, we have to do a search on trademark databases around the world but also domain name databases to see whether the name is available or whether we're infringing someone else's rights.

Sometimes we might find that there's nobody else actually using a domain that we would want or the trademark we want but that somebody is holding onto that domain as an investment. Then we need to buy it in the market if it was never a trademark before. That's just the problem we have to deal with.

If my client wants to sell Diamond Wine and DiamondWine.com was bought five years ago by someone who wants \$100,000, then my client either has to pay \$100,000 or move on to Emerald Wine or find another one that's available. It's a constant challenge to see whether trademarks are available and then domains and to deal with domain name investors who have thought of our trademark before we did, which is legitimate and legal. It's part of the ecosystem.

It's not legitimate and legal for you to think of a domain name that involves my trademark after I start using my trademark and it becomes identified with my company or my client. Thank you.

JANICE DOUMA LANGE:

Thank you. Always complex issues, but thank you for the great questions once again. Greg, thank you for your time. If anyone wants to speak to Greg as he's walking out the door, feel free. I know everybody is kind of in a rush.

Alan, I know you're going to come up, and I know your time is precious here to get to the welcome ceremony. We're going to bring up your presentation.

Greg has some one-pagers that we're going to have here, if anyone would like to grab that. Tomorrow, we'll be going over the schedule for constituency day and when you can join the IPC in their time.

Olivier, you're going to hand out some material for At-Large while Alan comes up to the desk.

Thank you once again.

GREG SHATAN:

Thank you, all. If you see me walking around anytime during the next four or five days, please feel free to come up and talk with me. I apologize that as an American I have turned out to be monolingual. We're probably the only people in the world who think we can get away with it. It's not true, but that's just what happened. For some reason, I couldn't keep all the French that I learned in high school. Thank you, all.

OLIVIER CRÉPIN-LEBLOND:

Whilst Alan gets settled, I'm going to distribute brochures for At-Large but also a USB key which has got all of the brochures in PDF format for you to be able to read. They're in many different languages. I think we've got Chinese, French, Spanish, English of course, Arabic, Russian,

and a few others. I can't remember which ones, but you'll find out and you'll be able to practice your languages as well then.

JANICE DOUMA LANGE: Alan, good morning. You might want to go ahead and start. We have a bit of a ghost problem with your PowerPoint. If you want to introduce yourself and get started, we'll get this pulled up.

ALAN GREENBERG: Thank you very much. I am chair of the At-Large Advisory Committee. As the slides will say when we finally get them up, the At-Large Advisory Committee is responsible for representing the needs and issues related to users in ICANN.

The vast majority of participants within the ICANN world are people who are involved one reason or another commercially. There is a non-commercial sector within the GNSO. I don't know if they've already been here or not. They have. They are typically focused on specific types of organizations.

From a user's perspective, the kind of things we do are look at the policy that's being established within ICANN or look at the ICANN processes themselves and try to understand, is this going to have an impact on users?

One of the examples we can give is with the new gTLD process where we have new endings for URLs, we have looked at them and said if we deploy .car and .cars – or the better one I think is .hotel and .hotels –

will this confuse anyone? If they find a site saying Hilton.hotel this week and next week they go back and type in Hilton.hotels and it's not there anymore, is that a confusing issue? We happened to think it was confusing.

We have spent a lot of time focusing on issues like that because, although this may be of benefit to the registries who are creating these domains or other groups, the way we often talk about it is your grandmother may be a little bit confused. That's a real issue.

Alright, the first couple of slides are repeating things you already knew about. We don't need to go to them. That's a graph. You've probably seen graphs like that before. That's a graph of the number of Internet users in the world. It's as of last year. Currently, I think the number as of last night was 3,147,000,000+. There are sites on the Internet which estimate the number of users, and you can actually see the number of users increasing as you stare at it.

When ICANN started, the number of users was rather stand a handful of hundred-million – 200,000,000 or so – and clearly it has grown. As more and more people become users, the expertise level drops. At the time (if you look at the very bottom) around about 1991, that's when the Internet Society was created. Many of you know about the Internet Society. At that point, the only Internet users typically were technologists and a handful of people in universities who were using it for research.

It was really a very different world, and we have a strong belief that as we bring more users into the Internet world, approaching eventually

hopefully pretty much anyone who wants to use it in the world, that the level of expertise keeps on dropping. Right now, it's essentially down to zero because anyone can get a tablet and start surfing the Internet. Let's go on to the next slide, please.

As I said, we represent the interests of users within ICANN. We used to use the expression we represent users in ICANN. That, of course, would immediate result in the question: How do you contact these 3,000,000 people? Are you sure you're talking to all of them? So we've changed the wording. The intent is the same. The intent is somebody in ICANN is not here just for the money or just for other reasons, but we care. Next slide.

This is something you've seen before, but it's worth noting. Is there any way to blow that up so people can actually see it? Okay, you can't go to full screen? The various component parts of ICANN – the ASO, the GNSO – are indeed multi-stakeholder operations themselves. ICANN is a multi-stakeholder operation; parts of it are multi-stakeholder operations within their own entities. Many ccTLDs are multi-stakeholder operations within their own country or territory.

We're one of the many parts of it that try to all come together. The whole concept of multi-stakeholders is we disagree with each other. If we all agreed with each other, we wouldn't need all these multi-stakeholders. One of them would be enough. Everything that we do has to be a balance between competing interests. Next slide, please.

A quick overview. We'll come back to this slide. At-Large is composed of a number of different levels of people contributing. The largest

single group of things within At-Large are ALSes (At-Large Structures) – horrible name. At-Large Structures are groups somewhere in the world. They're clustered together in Regional At-Large Organizations (RALOs) according to the five regions and are represented within ICANN by the At-Large Advisory Committee. Next slide, please.

We have currently about 200 ALSes. They're scattered almost equally across the five regions, not quite. We have ALSes in some of the more remote parts of the world, and that's a good thing.

Each ALS tends to be a group that exists in its own right. It used to be a computer club. It's some sort of grouping of Internet user with an interest somewhere in the world and for one reason or another they think ICANN is fascinating and want to be involved. We're not always sure why.

Also, most of the regions (four of the five) have individual users. You don't have to be part of a large organization to participate. That's something which in general we're just starting to do in many of the regions, and that's going to be hopefully growing over the next little while.

As I said, we mapped the five regions that ICANN uses: Africa, Asia-Australia-Pacific (a huge area covering half the globe and an almost infinite number of languages and cultures), Europe, Latin America-Caribbean, and North America. Next slide.

Back at the overall view of the At-Large organization, the At-Large community, Greg who was on before was part of one of the

constituencies of one of the stakeholder groups of the GNSO. The structure is very similar. The GNSO is the overall body comprising all of the stakeholders and constituencies within the GNSO. At-Large is the equivalent word here.

A small selection of those people – 21 of them – in the GNSO actually sit on the GNSO Council. The At-Large Advisory Committee is the equivalent within our structure. We have 15 people. Of those 15 people, we have 3 per region – so we're the only part of ICANN that is balanced by region.

Two of the three people from each region are selected by the Regional At-Large Organization and in general do that through a vote or some other process of the At-Large Structures within the region. One of them is selected by the Nominating Committee to sit to represent that region and often to represent a part of that region that might not be there for some other reason. It's a balancing operation. Next slide, please.

What do we do? Essentially, we're the monitors. We're the group that watches what ICANN is doing and tries to make sure that the needs of users are considered. Certainly, one of the largest parts of the things that we do is when the GNSO or other parts of ICANN are formulating policy, if we think it has anything to do with or will have any impact on users, then we participate in those processes. We actually help to build the policy.

When it comes to a stage of having draft proposals or final proposals, whether we've participated in the process or not, we will often issue a

comment on that and try to influence how it's going. Point out areas that we think are problematic. We do the same thing with the internal ICANN processes.

Right now, we are spending a huge amount of time on the transition of IANA, which we've already talked about, and the accountability of ICANN. These are not direct end users, but ultimately end users need to know that IANA is functioning well and needs to have ICANN functioning well. Otherwise, we're not here to help them. We have concerns at all of those levels.

We obviously can comment to anyone who we feel like. They may or may not listen to us on occasion. We have a formal responsibility to advise the ICANN Board. And, of course, we oversee the processes within the At-Large community. The At-Large Advisory Committee is the group that certifies ALSes. Next slide – and I don't think there is one. That's it.

We have both a very simple operation and an exceedingly complex one. Any questions?

RAITME CITTERIO:

Good morning. I represent the ALS [ISOC chapter] Venezuela. My first question is the following: The ALSes have a huge challenge in Latin America to try to involve all end users on how they should participate in Internet governance because many of them simply don't understand it, others [inaudible] very far. However, we through the chapter want to bring people closer to those topics so that they feel

involved and so that they can participate and affect the final decisions. Thank you.

ALAN GREENBERG:

Thank you very much. The problems are not particularly unique to Latin America. Of course, Latin America is one of the many parts of the world where English is not the common language, and therefore language itself is an issue. There's no question about that.

ICANN is working hard and spending a lot of money on language issues, but we're probably never going to get to the stage of the United Nations of doing everything simultaneously in a whole set of languages. That's not something that makes me very happy, but it's probably a reality, so English is certainly a problem.

Other than language, what you're describing is common everywhere. It is common in the ALSes in U.S. and Canada where language is not the issue. What we do is pretty obscure in many cases, and we use lots of buzzwords. It's really hard to take the relatively detailed work we do and translate it into language which other people can understand without spending a year and a half getting up to speed.

That being said, we're trying. ICANN itself is trying, and we are actually within At-Large just embarking on a new program to look at our ALSes and try to understand how we can get them more engaged. The answer will vary.

Part of it is we need to get information out to them on a regular basis that they have a chance of understanding. Part of it is we're going to

find without doubt that there are some ALSes that joined because they have an interest in the Internet and this sounded interesting, but there's probably not a lot of intersection between the interests of their particular users and ICANN.

The answers are going to vary. We plan to work harder on it, and I know ICANN itself is working harder to try to make things understandable and findable. It's going to continue to be a challenge. There's no question about that. What we're doing is not something of great interest to everybody, but we want to try to make sure that for those where it is an interest, we can make it accessible. We're trying, but you've identified, certainly, a major issue.

JANICE DOUMA LANGE: Alan, there are two more questions. I'm not sure if we have time for two to get you to the ceremony. Let's start with one, and then maybe one walking down the street.

ALAN GREENBERG: Yeah, I'm probably limited to one. I'm presenting at the opening ceremony, so I have to get there before it starts.

UNIDENTIFIED FEMALE: It's a really quick question about when you have a candidacy for ALS from an organization which maybe hybrid, maybe like a computer club or a research group for example in a university but from a public university so also with government funding. Would in this case be

rejected, this candidacy, due to proximity to a government and directed to the GAC, or could still be an ALS structure?

ALAN GREENBERG:

The major requirement is that the organization is controlled by users. Where you get your money from is not our particular interest. Now, if on the other, the government sets all your rules and says what you can talk about and decides who your president is, you're not eligible for an ALS. But where you get your money from? The world is highly varied, and we understand that there are parts of the world where the only way you could exist is with government funding or with industry funding in some cases.

We know, especially in the developing world, people wear many hats. We have people who are part of At-Large who also run gTLD registries, but they're not a registry when they're sitting around our table. They're a user. We're pretty flexible.

JANICE DOUMA LANGE:

Alan, thank you. I know there are many more questions. Anyone can come to any one of your sessions?

ALAN GREENBERG:

They can come to our sessions. My e-mail address is readily available. I try to respond to everything; don't always succeed, but I do try. If you can find me in the halls, if you can stop me long enough from running, I'll be glad to talk to anyone.

JANICE DOUMA LANGE: I'll also be giving everyone the PowerPoint, so you'll be getting that later on today to have that information.

Alan, thank you as always. Thank you for all the gifts and prizes.

Folks, we're going to get you out of here quickly to get to Libertador AB.

Olivier has something?

OLIVIER CRÉPIN-LEBLOND: Yes. Sorry about this, Janice. I've got a few more pen drives for those people who have not had a pen drive. Please, don't cheat. One per person. But if there is anyone here that I've missed in my geriatric stage that I have reached already, then please ask me and I'll give you a pen drive. Thank you.

JANICE DOUMA LANGE: Thank you very much for providing those.

We have a sign-up sheet. If you have not signed up on the sign-up sheet, you are not visible here to me today. Make sure that you have signed up on the sign-up sheet. Who has that? Could you raise your hand if you have the sign-up sheet or where it is?

Don't forget, today is DNSSEC for Beginners at 5:00. That's where I think I should be seeing most of you when I stop by because that's really the best place to be.

Find me if you need me today on sessions. Find the ladies at the information booth. They will help you if you're confused about what sessions to be at, where to go.

Tomorrow morning, 6:45. We had a couple late today, not tomorrow, 6:45. Take a look for the room. See you then.

[END OF TRANSCRIPTION]