

---

BUENOS AIRES – Joint Meeting of the Registrars and the ICANN Board

Tuesday, June 23, 2015 – 15:30 to 16:30

ICANN – Buenos Aires, Argentina

STEVE CROCKER: Please take your seats.

We're going to start. This is a meeting of the registrars constituency and the board in the experimental new format, trying to select topics ahead of time and people from both the constituency and the board to interact in a focused, pointed way on these topics.

Can we have the list of topics up?

Good. From the board, we have Cherine, Ram, Kuo, Rinalia, Erika, Mike. And I'll try to be as quiet as I can.

And then I'm turning this over to Michele. It's your meeting.

MICHELE NEYLON: Thanks, Steve Michele Neylon, for the record. So from our side, I think we have James Bladel, Volker Greimann, I see Dr. Berryhill there -- the clean-shaven Dr. Berryhill -- Jennifer, and Paul Goldstone.

So we sent over a couple of topics. The first one that I think we'll look at is the one of government censorship on the net. I mean, the background to this is something that I would suspect that most people in this room are quite aware of, in that over the last couple of years, more and more governments have been making moves to balkanize

---

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

---

the net at some level or to restrict which services are available and under which conditions, the most recent one being the case of China, which has moved the goalposts quite far with respect to who can offer domain name services within their country, or in the case of Russia where they are imposing restrictions on where content is hosted that is being used to serve the Russian market.

And this is something that in discussion within our stakeholder group, we thought this might be of interest to raise at the board level. Rather than talking to you about specific things that might be considered more operational, we felt this was more at a kind of strategic level, I suppose.

STEVE CROCKER:

Does any board member want to tackle this?

Well, I'll get the bidding started.

This really falls pretty squarely outside of our mandate. I mean, we can all wring our hands about government censorship and about national policies and so forth, but we're not in the content business, so I would need a more focused question or statement or framing that would allow us to get a handle on it, if there's anything for us to do here.

It's an important problem. ICANN is not the only venue for solving all important problems.

---

MICHELE NEYLON: Kuo-Wei.

KUO-WEI WU: This is an interesting question, you know. I try to answer that.

I think it's very difficult to resolve that. You know, I'm thinking about this is (indiscernible) still now. I would recommend that we should bring this issue to the GAC. You know, let the government in the ICANN GAC to recognize the issues. Because if you go to the other organizations, I think many of them they don't understand that. And is that GAC going to solve your problem? I don't think so. But at least they should recognize that they should acknowledge about the problems, because it is not good for everyone.

MICHELE NEYLON: I think Mike, you had your hand up.

MIKE SILBER: Thanks, Michele.

Just to be clear, you're not asking us for anything. You're not asking us to not do anything. This is an open engagement on a particular topic, which is an absolute pleasure for a change, so thank you for that.

[ Laughter ]

---

MICHELE NEYLON: I mean, I could ask you for something, Mike, but I thought that I'd be nice for once and just bring something up which was more, you know, above -- above and beyond.

MIKE SILBER: High level.

You know, Michele, I think it's a really interesting issue that you're raising, and as my two colleagues have indicated, it creates some interesting questions for a number of reasons.

Firstly, the easy way of responding is to say we have no role, why should we really get involved. To some extent, it puts a target on our back if we really do become actively involved.

At the same time, as I think the registrars are well aware, projects like WHOIS and moving towards thick WHOIS models can sometimes be used towards some of these initiatives, and we often see registrars' complaints about WHOIS not in terms of fundamental human rights but, rather, as ways of making their businesses more convenient and avoiding liability and cutoffs for their customers if they don't happen to capture the information that is now required.

But I think you raise an interesting point and I think it's one where we would certainly welcome greater collaboration between the registrars and other organs within ICANN who are pushing us to get more involved in these issues to understand where the practical touchpoints are between concerns around censorship, content regulation, and the like, and the DNS industry.

---

So WHOIS is one particular place, but I'm sure there are others, and I think if you can help us work with others to identify those, it creates an interesting space for us to see what our role is on those particular issues.

MICHELE NEYLON: So I've got Erika, then James, then Volker.

ERIKA MANN: Yeah. I'd like to second Mike. I think he -- it's the right approach.

It's a complicated issue. It's not just about censorship, but I think it goes beyond. It's about quite often a government, you know, intervening as well, and -- either from law enforcement point of view, sometimes rightly, sometimes more complicated, maybe, not always justifiable, so there are many, many ways this topic could be looked at, and I think he is absolutely right and I would second this.

It would be good to understand what our role is with the DNS industry and ICANN, because we have a very quite narrow -- or should have, at least in my understanding, a quite narrow approach, but nonetheless, we probably haven't looked at it and we should do this.

MICHELE NEYLON: Okay. I'll go to -- sorry. Turning on microphones would help. I'll go to James, then Volker.

---

JAMES BLADEL:

Thanks. James speaking, and, you know, the conversation has moved on a little bit but just kind of building on the interventions from Mike and Erika, I think in this particular case, probably "censorship" is probably not the best heading, because what we're talking about here is layered regulations on top of what we consider to be a global framework for accreditation of registries and registrars and -- and I think in particular, some of the cases we're talking about are shots directly at the idea that there is a single and unique and exclusive DNS and the idea that it may not be the same DNS experience in different countries, and that we could see a chipping away at that concept at the edges, and I think ICANN has a role. We want to help you in taking that message to the international community and saying, you know, "This only works if we all agree to preserve the unique DNS root." And when we start to have flavors of that floating around out there, it starts to look like fragmentation.

MICHELE NEYLON:

Just before I go to Volker, I mean, just one thing that does spring to mind. I mean, if I get -- look at an email I get from any ICANN staffer, you'll see more often than not in the signature it's "One World, One Internet," and I think the -- part of what I think our concern is -- and it's not a matter simply of content. It's a matter of, you know, if you look at, say, the root, how many roots should there be? If -- if you look at, say, on the security side, are we going to end up in a situation where, you know, you do -- you think that you have a secure connection but you no longer do because they're interfering with that in some way --

---

I mean, we cited a couple of examples but there are many others where it could -- this does actually pass into the remit. I mean, and I'm thankful, though, to Steve for underlining yet again ICANN is not in the content regulation business and we don't want it to be.

Volker.

VOLKER GREIMANN:

Yes. Volker Greimann speaking, for the record.

Building on what James said, what concerns a lot of registrars and registries as well is that when -- when we're speaking about censorship, we're not only speaking about content censorship but also censorship of DNS.

Recently there has been an article going through the news that a certain country where ICANN has a liaison office has elected to restrict the ability of registries and registrars to do business in that country with a citizen of that country, and while it is probably in the -- within the rights of that country to do so, I think ICANN can use its function as a liaison function to reach out and try to work with those governments that elect to do so, to take such measure -- measures, to ensure the unity of the Internet and the unity of the DNS.

MICHELE NEYLON:

Please, Fadi.

---

FADI CHEHADE:

I'm very, very pleased you bring this up, and whilst I agree with my chairman that this is -- there's a very fine line between us getting involved in these issues and not, I do want to lean with James and others that I think there may be an opportunity here for us to work with you to clarify this area, if anything, and we're getting pressure to do various things with you as registrars, and we need to make sure we're aligned as to what the community would like us to do, what is our remit, where does it stop, where does it start.

So if it's all right with you, I might ask both Tarek Kamel, the head of our governmental affairs, as well as Akram Atallah, who works with you closely, to work with you on a -- just a brief kind of interaction where we can learn better how to deal with these issues.

They're going to rise, by the way. There's going to be -- let's catch this early before we're dealing with this on the back end.

So if it's okay with you, I'm going to energize a bit of an effort here on that.

MICHELE NEYLON:

Thank you, Fadi. And I'll come straight to you in a moment, Ram. That would be -- that would be a good thing to do.

I mean, the -- in many respects, while ICANN is -- does not have -- and should not have -- a kind of regulatory position or get involved in certain things, many times a facilitating role can be quite helpful.

Ram, please.



RAM MOHAN:

Thank you, Michele. This is Ram Mohan.

It appears to me that there might be two kinds of issues here. One, which James is alluding to, has to do with the editing of the root zone file, and then repurposing of the root zone file. If that is done on a -- in a large scale way, then I do believe that there is some significant concerns about fragmentation of the root.

There is -- and it appears that there's a second type of issue here which has to do with tight regulations, or tighter regulations, regarding where systems should exist, regarding where data should be present, et cetera. And these, to me, it feels like they cause -- they have economic impact, they have impact potentially on areas like data privacy, et cetera, free speech, et cetera, but it feels like that's in another category and it might be useful in our discussions to view both of them in those two separate categories. Because the one has, I think, very dramatic and potentially immediate impact, while the other may have a much longer term -- potentially equally dramatic impact but it's a longer-term issue.

MICHELE NEYLON:

Thanks, Ram. I mean, I agree. I mean, the -- the -- you know, in the context of our interactions with the board, I mean, we -- we're asked to bring, you know, one or two topics, so obviously some of these topics are a lot more complex. Being able -- part of the interaction I think that is important is to be able to tease out, in -- maybe in this

---

forum or somewhere else, you know, what the subtleties are, what are the differences, which areas are, as you say, an immediate concern and which are longer term and what the impacts of that is.

Because also speaking to Fadi -- addressing Fadi in particular, I mean, if you look at a lot of the work that ICANN has done over the last 12 to 18 months with respect to both internationalization of the organization as well as with regard to capacity building in certain areas, you know, these -- some of these things that are going on in certain parts of the world, you know, they're kind of going against where, you know, time and investment and energy has been put.

Okay. So I think we can move on to the next topic, unless there's something else.

Okay. The other topic that we wanted to -- it's not -- this, again, is one of these things more where it's a case of just making the -- letting the board know that -- what's going on within our community, as opposed to -- to, Mike, asking you for -- or demanding anything in particular. We're not actually bringing you any real requests, this time round, for a change.

Within the -- within the registrar community, there is a general feeling that there is a lot of -- there's a very heavy workload both on us and the rest of the community and, you know, just to understand that, you know, there are many -- many initiatives in topics such as, for example, WHOIS, where I think at present -- I'm sure somebody can correct me -- there are something like 15 different initiatives currently

---

ongoing. I'm not a project manager but I -- even from my way of -- simplistic way of dealing with things, that's a very, very long list.

Added to that, with the various tracks of the IANA transition plus, you know, rolling out hundreds of new TLDs, there is a general kind of level of fatigue and overload.

It is just more of a case of making you aware of this. I don't know if any of my colleagues wish to speak to this specifically. I think I will ask Volker maybe if you have anything to add. No? Okay. That didn't work very well for me.

[ Laughter ]

This is what happens when I try to punt to somebody else. I delegate and it doesn't work too well. That was just more of making you aware of this. There are a number of reviews that are expected under -- I think the AoC reviews, the otherwise ones I am going to get the acronym completely wrong. And some of these may be delayed. Just so you are aware it is not because nobody is interested. It is just that they already are probably buried in a whole load of other issues at present.

And James is now going to help me out.

JAMES BLADEL:

Of course I'm going to bail you out here. Again, I don't think this is a case of we're coming to the board with a request specifically or hat in hand. Just want to make sure you are aware of this.

---

I think a couple of just points to add to what Michele has raised, Volker and I represent registrars on the GNSO Council. That's where we have to manage the workload a little bit better and sequence some of these projects, particularly because I know -- I worked with several of you on the EWG project, which is going to in the coming probably second half of this year and into 2016 and beyond -- and my grandchildren may be working on it -- is going to be an extremely heavy lift of a potentially reengineering and rearchitecting of the entire structure of WHOIS. That's going to be at least two and perhaps more long-term PDPs that are going to require multiyear commitments. So this is something that we see coming over the horizon. We're calling for elections now internally to our stakeholder groups. We're barely coming up with enough bodies to cover all the bases. It is a real problem. I'm sure if we are experiencing it, it is probably something that's endemic to the organization. So I think that's something that we wanted to make your aware of. I think it falls to Volker and I and others on the Council to manage that workload a little bit better and then extending out to just a cross- project management effort.

MICHELE NEYLON: Fadi, please.

FADI CHEHADE: One of the things we've done when the whole community, not just the registrars, approached us about workload issues is we put together this matrix with you that is work in progress. It's the first time, frankly, that we've seen a full matrix of all the issues that the entire

---

community is working on bottom-up, where every part of the community said that's what we're working on. It's a scary matrix.

If you haven't seen it, it's available. We put it out and we share it with the SO and AC leaders every time we meet with them.

I think the next thing to help address the workload issue is for each group working together with staff and the other SO/AC leaders, to really analyze this matrix and figure out where you and other parts of the community agree, what are the priorities. We really need your help. It actually helps us plan better. It helps us budget better. It helps us support you better if we know from you also what are the issues of priority.

So I think let's address this. I think you wanted us to acknowledge this. We agree we acknowledge it is a lot of workload. There is also a lot of backed-up work. Like you said, things that have been somewhat put on hold because of other things that have urgent time lines such as the transition. So it is very important we do this together. We are committed to ease the workload. The best way to do it is to start prioritizing.

MICHELE NEYLON:

Rinalia?

---

RINALIA ABDUL RAHIM: Thank you, Michele. I've seen the matrix that Fadi was talking about, and it is really overwhelming. And the community -- we're aware of the community workload, and we want to be able to address that.

You mentioned the reviews -- the AoC reviews that are coming up. I believe there's a public comment on a proposed delay or reschedule of them. And I was wondering if your community has specific input in terms of whether that schedule is doable.

MICHELE NEYLON: Thanks, Rinalia.

Michele for the record.

I think without getting into the weeds, I think delaying some of these things due to just for the -- how can I put this? It's better to take your time and do something properly rather than rush and do it badly. And that's one of the things I think we all learn over time.

I'm not sure whether we've really had an opportunity to discuss that because there has been so much else for us to look at.

I mean, we are currently actively engaged on a number of specific topics that are of particular concern to our community. And we are just aware of the overall workload. So on that one, I think I'll have to come back to you and have a look at it.

But, I think, if -- unless there is a very, very good reason not to delay due to this, then I would suspect that we would probably all be in favor of delaying that.

---

RINALIA ABDUL RAHIM: A quick follow-up. There is a session tomorrow, Wednesday -- tomorrow's Wednesday, right?

MICHELE NEYLON: I believe so. I'm not 100% sure, but I think so.

RINALIA ABDUL RAHIM: Yes. There is a session tomorrow in the first half of the day where we are going to discuss with the community about the schedule of the AoC and organizational reviews. If you are not prepared for it, that's okay but send the feedback in. Thank you.

MICHELE NEYLON: Thank you.

Mike.

MIKE SILBER: I meant to focus a little bit earlier. But let me repeat just so I can be teased afterwards. As a parent, I've learned two things. One is something called FOMO, or fear of missing out. I'm sorry to say I think our community suffers from it. And, unfortunately, people go places just in case they miss out, not necessarily because they need to be there. The other thing is that unfortunately a lot of what happens at ICANN reminds me of a 6-year-old football game where it doesn't matter if you are being put on the wing or at the back or in the goals. If

---

the ball is there, you've got 22 people running after the ball. Doesn't matter what they're supposed to do. Doesn't matter what they're good at. Don't matter what task they were assigned. You've got 20 people -- 22 people or little kids running off to the ball. And, unfortunately, sometimes in our community, we spend a lot of time talking about trust between the community and the staff, the community and the board. But I also think there is an issue about the community not trusting each other; that we don't have this confidence that well, you know, the CCs are looking at that issue. We'll swap notes with them, but they've got it covered. We don't have to be in the room, and we're not actually going to lose out if we're not in the room because somebody we trust has got it covered.

And I think as more and more issues keep hitting us and unless this is the end of the workload and there's nothing new coming down the pipeline -- but we all know that it is -- unless we start building up that level of trust across our communities, we're going to keep running into these issues of everybody scrumming after that ball and unfortunately leaving some of the issues behind until they turn critical and then everybody goes running back there again.

MICHELE NEYLON:

Thanks, Mike.

And thank you for the analogy. I think we look forward to teasing you about it over the next couple of weeks.



---

But I think it is true. I mean, there is -- just speaking personally, not speaking on behalf of anybody else, there is definitely that problem that, you know, you feel you have to be involved when sometimes maybe it is best not to be.

Something else on this topic? No, I don't think so.

On the CEO topic, I'm going to hand it over to James on this one. I think this is one you raised.

JAMES BLADEL:

Yeah. So my seat mate here has made this a little bit nervous.

[ Laughter ]

He has got one hand on my shoulder.

No, I think we want to understand that this is an important issue. It kind of caught us off guard as we were preparing to come to Buenos Aires. I think that we -- we all have recognized, and we had some discussions over the weekend, that this is happening in the context of this important transition.

I think we've raised a somewhat sensitive issue that you have assembled, a very coherent leadership team within ICANN and sometimes these turnovers have ripple effects down to the first level of leadership. And that could also be a disruptive factor. And I know that you probably can't speak to any personnel issues. But we want to make sure you were aware of that; as a board and as a CEO or an

---

outgoing CEO, that you were factoring that into your planning -- succession planning process.

And, you know, and I think what we were saying is essentially what can we do to help. Both registrars and as a community, what can we do to lend a hand and help carry this so it is as minimally disruptive as possible? I don't think it can be zero disruption.

FADI CHEHADE: Yeah. So the best way to lend a hand is to lend us Michele. Look at him. In a beautiful pink shirt and a nice tie, he can be the next CEO.

JAMES BLADEL: He's exactly the type of person we hope would be caught by the screening.

FADI CHEHADE: You were hoping the screening would stop him.

JAMES BLADEL: First round.

[ Laughter ]

CHERINE CHALABY: Michele, are you following what they're saying?

---

MICHELE NEYLON: I'm pretending that I can't read the transcript in front -- that's scrolling in front of me.

[ Laughter ]

I'm just going to not react to that at all. I'm just going to ignore it completely.

FADI CHEHADE: In practice, really, it's -- there are two parts to answer you. One, I'll leave it to our chairman because I don't think -- George Sadowsky may not be in the room, but in terms of the board's role in finding a replacement. And they can -- the board can speak to that.

I will address the very good point James brought up on the integrity of our staff as we go through this important transition. That's a very good point.

I'm happy to share with you that ICANN over a year ago actually started a very rigorous process of succession planning. Many good practices were brought. I was used to some of these at IBM where we had almost six to seven-layer deep succession planning. Of course, we don't need that at ICANN. But we brought some of those practices. We have a superb leader of that function now, Pallavi Ridout. And she is part of the HR team. We have built a succession plan that goes two layers deep, so into the global leaders. There is 11 global leaders plus me who make up the top tier management team of ICANN. On top of that, on top of the 12, there are 34 senior managers, executives that

---

make up the full senior leadership team or senior management team. So we're 46 total.

Now, we have studied all of that. We have done plans now that say what happens if there is an exit -- sudden exit of any one of the top 12 people, including me to a degree.

And we have these in two flavors, if I'm hit by a bus or leave suddenly or something of that versus what if this person leaves in a year or two, what is the succession plan.

And in some cases, those succession plans involve individuals who do not have all the skills. So we are now developing for each of these individuals the full developmental plans to get them there, and we'd involve them in that. And these are all being filed in the HR files and being executed on.

So I can give you frankly a good sense today, which I couldn't have a year ago, that we have a good understanding of what would happen at two layers below me if succession is needed. And I think the stability of this team is the stability of ICANN. In many ways, our community is not a membership community. And, therefore, people change and go in and out. Our board changes thanks to our good processes to change the governance of ICANN.

But a lot of the stability of ICANN is in its staff and the able of staff to maintain continuity of functions. And so as I leave, we're paying very close attention to this. We're ensuring that there isn't -- and there won't be -- some kind of an exodus because I'm leaving because that's

---

not the ICANN we built. ICANN has deep and strong benches and a good succession plan to support that. I can assure you of this.

MICHELE NEYLON: Elliot?

ELLIOT NOSS: I assume we're relatively open on the CEO search and issue now.

You know, in a slightly more intimate setting -- of course, in ICANN, everybody is public and transcribed. So with that setting, but in a somewhat more intimate setting than we would have in public forum or this morning, I wondered if I could get you to tease out your remarks a little bit when you were talking about how the lack of familiarity with the community had sort of challenged the first, you know, year or two. And I'm sure it's a continuum, so it's a gradual challenging.

And your professional background, a lot of it is in enterprise, you know, had been previously in enterprise, bigger companies built, companies sold into a big company.

When you're thinking now about the next CEO or in thinking of the next CEO, if the search group chose to go outside, would you -- would you see a way around that or a way to -- as opposed to specific familiarity with the ICANN community, would familiarity with the broader Internet community have helped with some of that? Places that may or may not necessarily be things like the IETF or W3C. But

---

there are many sort of broader consensus-type organizations that are very, very different than enterprise. So could you sort of speak to that a little bit.

FADI CHEHADE:

Thank you, Elliot.

You know, I described the job of the ICANN CEO/president has three facets. And if I were to draw them like a triangle, one side of the triangle is definitely the CEO executive side. The other side of the triangle is the diplomat side. Because in many ways, I am interacting with many governments and governmental authorities on behalf of this community.

And then the third facet, which I put at the base for the reason is the facet of being the community facilitator, the community -- if I can use a strong word, the community servant, to a degree, to bring this community together.

And these are three very different jobs that require very different skills. And the organization at different times may need people with strengths that are different.

I made the comment the other day in the phase post the transition, the strength of each of these facets is going to be different than what it is today. In fact, depending on how the transition ends up, these facets may also be different.

---

So now in terms of just answering you specifically, the bottom part of this which is the base, which is the foundation of the job of ICANN CEO/president is to understand and serve this community.

And that's -- you can pick these skills from other environments. But ICANN is a very unique environment because also -- you don't sit here all day. We've been at this table all day watching community after community. And even the business constituency, now split into three different mini setups, so listening to the ISPs, the people before them were saying things against them. This is within just one constituency. So it's a very broad community.

And I learned to understand my role with that community and the differences in that community. Frankly, the hard way -- it was very hard. You know, Elliot, of all people all the mistakes I did. All the walls I've hit. Not every CEO will be -- will have a reverse button. I reached my reverse fast and quickly all the time because all I cared about is advancing. So if I hit a wall, I reversed quickly. I said I made a mistake and I move on.

It is very important you focus on finding a CEO whose also -- who has -- when you look at types of CEOs, I think you need what we call a servant CEO and not -- not anymore a game-changer CEO.

Now, I've learned a lot here. And I've become more of a servant CEO because there is no other way to succeed at ICANN. And now I love it. I mean, now -- I mean, I could stay, frankly, another three years. I would be very happy to. I love this job. But I think it's time to move on and let other leaders come and do a better job than me.

---

Finally, I just want to tell you, Elliot. I said this to you privately. I will stay on as a service to this community. I will not necessarily join one of the SO/AC groups. But what I will do is at the pleasure of the board and the next CEO, I will make myself available to them as much as they need to share my learning. I think that's the least I can do to continue serving ICANN.

MICHELE NEYLON:

Thank you, Fadi.

There is a specific session, I believe, on Thursday with the entire community where there will be further discussion around the entire topic of the CEO. And you've also spoke at length over the course of the weekend at the GNSO sessions and the three-sided angle of the position of CEO at ICANN.

The last topic that we wanted to raise with you was to talk about topics that we'd raised with you in the past and just to say, Well, you know, where are we at with some of these things?

So the three topics that we wanted to raise -- I'm actually going to take them out of order because it is probably easier.

On the -- I think it was at the last meeting we brought up four topics. One was WHOIS related, one was contract interpretation related, a third was universal acceptance, and the fourth was the community workload. The community workload we have discussed again today.



---

On universal acceptance, is the -- with the results everybody probably knows, there is a group working on this. It is -- ICANN is assisting and I'm facilitating it. It's not exactly an ICANN initiative but it's been assisted by them. And in our stakeholder group meeting this afternoon we had an update from them.

And the other -- the other item which I think was a particularly painful point and continues to be something that is -- that is a work in progress is around contract interpretation. This -- with the specific focus there is around 3.18 and abuse reports and handling of abuse. Which is something that we've been engaged in what we would classify as a very constructive dialogue with Allen Grogan, and I would like to personally thank, you know, Allen for the amount of time and energy put into that. It's been very helpful. And also the comments that you, Fadi, have made in recent weeks as well have been helpful. I'm not sure if any of my registrar colleagues would like to speak further on this matter of the abuse thing -- matter. Maybe Elliot, I think you have a couple of words.

ELLIOT NOSS:

Yeah, I don't want to -- we are going to try to do some work to try to help the process, but we're not ready to talk about that yet. I do want to note, because I think it's worth drawing to the attention of the Board, you know, the staff that are here, yourself, Fadi, that, you know, to my eyes, as we've started to think about how we can constructively work forward as opposed to just sort of entrenching on this, and I'm really struck by the overlap between the problems that

---

we're experiencing and some of the work that Bertrand is doing in his Internet jurisdiction project. I don't know if he's in the room now, but it seems to me that inevitably the path that the community is going to take with what we're doing here, you know, whether we like it or not, it's going to be setting precedence for the way that the Internet global governance and nation states interact. And I think that we need always be conscious of this when dealing with these issues because the risk, to me, is that particular facts, specific facts, bad facts potentially in some situations, can lead us to outcomes that can have ripples that we, you know, may not think about. So I want to be very explicit about bringing that into this topic. Thanks.

FADI CHEHADE:

Thank you, Elliot, and thank you as well, Michele, for bringing this up. Some of you may have been here earlier today when I had a pretty heated exchange with another part of our community on this, so I think we're being very precise here. We are not going to take the role of being a regulator of content or we will not interpret the contract to suddenly make us a decider on what breaks laws or regulations in certain countries. This is not our work. And I've made it immensely clear today. And in fact, one community member earlier today stated here in this room, when I insisted on a definition of what the issue is, that oh, it's not so much that ICANN is not enforcing infringement of the rights by asking you or forcing you to shut aside but that is that the registrars are not responding to requests of information and that was the issue he was bringing. So I told him if this is the issue, then I'm responsible to make compliance for you work.

---

After the session my staff and others talked to him to find out any specifics on that, and the answer was zip. So we do not have specifics. And, you know, if there are, we are chasing them. But I don't want people to run around and accuse our registrars of simply flaunting the rules or of ICANN not responding without specifics. So no platitudes. You have facts, deliver them. I will address them. And I think you know we will. But no platitudes. And right now we're holding the line on this. I thank you for your support to Allen Grogan. I thank everyone for helping him. He issued two clear blogs, and he'll have more to come. So we will be clear on our position. But we are not stepping into a content police role nor we will take platitudes on our registrars not delivering or compliance not enforcing.

MICHELE NEYLON:

Thank you, Fadi, that's very helpful. Just -- before I go to you, Elliot, just speaking from the registrars' side of the table, from our perspective, we view the contracts in many respects as offering an equal playing field. So if there -- you know, the contracts need to be enforced equally. If there are registrars who are not responding -- and I've said this to Allen, and other registrars have said it as well -- if they are not responding, well then fine, let compliance deal with that. But if it's simply a case of rumors, supposition, and not actual fact, then that's not -- that's not a reason. And, you know, it may be an answer that you don't like. It's still an answer. I mean, in fairness, that's -- that is an answer. And Elliot, I'm going to do a very dangerous thing and give you the last word on this topic.

---

ELLIOT NOSS:                               Excellent. I want to nuance, Fadi, something you just said when you were talking about ICANN not being an enforcer of national laws. In fact, the more dangerous thing that we're seeing is sometimes special interests but sometimes even governments themselves trying to use ICANN and the registrar platform, not to enforce their laws but to actually extend enforcement, to try and do something through registrar takedown that they can't do domestically because politically it would be too difficult to do. And that's a really important point to bring in.

FADI CHEHADE:                             And that --- in other words --- us to do precisely that, and our answer is, not our business. We do not enforce your laws. You have an issue that is within your law. You follow it through. If the registrar does not respond, then we will -- we will figure things out.

STEVE CROCKER:                           We have a solution to the problem, Elliot.

FADI CHEHADE:                           We have a solution from our chairman.

STEVE CROCKER:                           We have a complete solution, Elliot. The U.S. government tried to do that, and we explained it to them and now they understand it. They'll

---

be glad to help any other government understand the limits of what you can do.

UNKNOWN SPEAKER: It has many branches, Steve.

FADI CHEHADE: My chairman was facetious here, just in case -- and by the way --

STEVE CROCKER: The day is getting long.

FADI CHEHADE: I don't know, is Bertrand in the room? Is he in the room? He was mentioned. Okay. Do the registrars have a view on his project that is common or at least individual views? Because we -- we regard his work as valuable and we -- we support it. But is there any view on the takedown work and protocols that he's building in a multistakeholder way?

MICHELE NEYLON: I can't speak for all of the registrars, but I know that both myself, Elliot, and some of the others are both interested in what Bertrand is doing and are personally supportive. I mean, the thing, Fadi, to be honest with you, you know, if you look at the contracts, you look at the policies, we need to have the flexibility to be able to -- to do what suits our particular business models and the way we wish to conduct

---

business. So for example, my company may have a -- is actively involved in several initiatives. Other companies may not be. They might be involved in something else. You know, and we all share certain common goals but the way we get there might be slightly different. But I think, you know, what Bertrand has been doing is definitely very interesting, but I'd also call out to, you know, the guys at Secure Domain Foundation are doing some interesting work and, you know, there's a lot of interesting things going on a lot of different places. But it would be beyond my role as chair of the registrars to say that the registrars as a group uniformly support any particular initiative at this time.

And the last topic we have on our agenda was just in relation to WHOIS-related initiatives. I see that James is itching to say something.

JAMES BLADEL:

Well, you know you can always count on me. I actually hadn't prepared anything, but I think that we did mention earlier there's a lot of work coming. It's always WHOIS. It's always the lightning rod. I'm just mindful that we are preparing for potentially landscape-altering changes to WHOIS and it's something that we -- you know, we as an industry are going to bear a significant portion of that burden. So we're going to hold a very high standard to making sure that the workload is commiserate with the benefits that we're expecting from this -- from these improvements and making sure that that is always the yardstick we're measuring this work against, not because, well, we

---

have to do it because we spent all this work talking about it and we had this EWG going for years and WHOIS is a problem and we have to continue to work on it. And it just becomes sort of this black hole where we power time and money and we need to make sure we're getting some actual benefits from it. I don't know if that was --

MICHELE NEYLON:

I think that's -- thank you, James. I think that does cover a lot of it. I mean, the -- there's a lot of different things going on. As James says, is some of these changes are significant. They have a direct and tangible impact on millions of domain names and by extension millions of individuals, businesses, organizations, both commercial and noncommercial. And entering -- making those changes, it's not something that can be done lightly. And the unfortunate reality -- and I've said this to you, Fadi, in the past -- is that, you know, it's a small group of people that engage actively with ICANN but the impact of the -- of changes we make, it's massive. I mean, it's huge. We can look at WHOIS. It impacts every single domain name that's out there.

So I think that actually brings to an end. We've covered the topics that we wished to address with you. Anything that you would like to raise with us?

STEVE CROCKER:

In another setting, a question was -- or an idea was raised, really, related to what it would take to facilitate or stimulate more involvement in developing countries. And Vanda Scartezini raised

---

actually and we just finished lunch with former directors and previously there's been emphasis on trying to stimulate gTLD applications from developing countries and in quite different settings trying to stimulate more registrations and more users and so forth. And the point that Vanda raised, which I thought was pretty insightful, is that perhaps the lack or weakness is actually among the registrar community in developing countries. So you guys are registrars. Do you have any thoughts about this?

MICHELE NEYLON: I'm -- oh, dear, now you've unlocked it. Now you've done it. Okay, so I'm going to take it and Elliot --

STEVE CROCKER: And we're almost out of time.

MICHELE NEYLON: I know.

UNKNOWN SPEAKER: Oh no we're not, Steve.

MICHELE NEYLON: Elliot, James, and Volker, and I'll throw myself into the queue briefly.



---

ELLIOT NOSS:

I want to tie together a couple of things that I've actually talked about earlier today and going back to three years ago now. So let me start with facts. Domain registration in developing countries is growing at a far, far faster pace than domain registration in developed countries. That is a trend that has been going on for five years now and has accelerated, not decelerated. You know, I'd be quite happy -- you know, I don't propose to present a formal study, but if somebody wants to sort of back channel take a look at some of our registrar information at a registrar level by country, country of registrant, country of reseller, I think you'd be quite surprised at the facts on the ground. We are pulling back on our efforts in developed countries, expanding our efforts in developing countries, because that's where our growth is. So let's start with the facts that that is simply not the case. At a global zone file level.

The second point, the reason that that growth is happening is because there is a boom in web hosting companies in those countries. If you go into a country like Vietnam or Indonesia, you know, James with all respect to, you know, the massive power of GoDaddy, GoDaddy has been able to have great success in Canada and the U.K., but I would defy them to go into a country like Vietnam or Indonesia and try and compete. The competition is dominated by national hosts and that domination is not just at a national level. It's at a regional level. So you will see somebody in the south of the country dominate their region, somebody in the north of a country dominate theirs. You know, Mike with his hand up. South Africa is a fantastic example of that. If you look at the registrar stats now for registrations in South

---

Africa, if you look at it from the outside, Tucows looks like it dominates, but that's because we have very strong relationships with I think three or four of the five biggest hosting companies in the country. Domestic businesses are able to deal with -- domestic small businesses who want to get on the Internet are able to deal with domestic suppliers of those products. And the most important structural point that we were talking about this morning in registrars, you know, we overblow our importance in the world. Domain registration is a very thin layer in a very deep layer cake. All we do is unlock the rest of all of the magic that goes on on the Internet.

So what you see is these companies in these -- you know, this is true in Latin America, this is true in Africa, this is true in Southeast Asia, the rest of Asia. These companies are focusing on what they should be doing, which is serving local businesses and local individuals and helping them get on the Internet. Not bothering with what is frankly regulatory arbitrage and dealing with that thin layer of the supply chain that is a domain registration.

So this is a real positive, not a negative, Steve. And I think that doesn't get away from how do we get more involvement. What we really are here, we have a thin layer of domain registration at a business level. And by the way, more companies come to the halls and never come to a meeting at an ICANN meeting, you know, than come in. There's plenty of business going on out there. It's not happening in here. But what this is is a very, very important flashpoint for policy and for Internet governance and for global governance.

---

So I would suggest if we want more involvement, and we do and we should from the developing world, that means more things like the fellowship program, more things like local outreach around education, around governance and policy. You know, whenever I'm here I always try and have a conversation with a couple local people who I've never seen come to a meeting before and inevitably the ones who are here who are interested who then -- you know, I won't call out names but, you know, I now have relationships with people who I've met the first -- their first ICANN meeting and now we're, you know, friends for three or four or five or eight years because they've stuck. You know, because they've stayed with it.

So those are the places where that outreach really has impact and gets people involved in a place where this community has impact. Thank you.

MICHELE NEYLON:

Thanks. I'm going to go to James, Mike, and Volker, but try to keep it brief. I'm very conscious we are with Larry Strickling next.

JAMES BLADEL:

Very briefly. Completely agree with Elliot. The industry is not absent from developing areas. It is -- it just looks different because there's a mature reseller model and that's what's serving it. It looks different than the incumbent areas where it grew up. And it's just changing and it's evolving, and I think Elliot said everything very well.

---

MICHELE NEYLON: Volker, briefly, please.

VOLKER GREIMANN: As a reseller registrar like Elliot, I can just underline everything that he said. It's absolutely correct. Even if there's no registrars in these areas, there's a lot of registrations that we're seeing and people -- resellers are coming to us and asking us for our services and domain registrations numbers are phenomenal.

MICHELE NEYLON: And Mike, I'm going to let you have the last words on this.

MIKE SILBER: Michele, thank you. I'll try to be brief, though this is something I'm very passionate about. We're dealing with multiple issues. In my work in my day job I work for a company that has built a fiber network across almost 19,000 kilometers in Africa. Data centers are a problem in Africa. So try and offer hosting services when you have unreliable power is incredibly difficult. So most people host offshore. There are a couple of countries and there are a couple of D.C.s in Africa that can actually provide mission critical services, but the vast majority cannot.

At the moment people don't seem to understand the value chain of moving from reseller, which is a low impact start, as Elliot was saying. And yes, you could argue about technological imperialism and extracting value from that, but starting as a reseller and building capacity. So we hear complaints about inability to provide the

---

deposits and the insurances and the like involved, but people don't mention that the reseller threshold is pretty close to zero. And the other thing is that resellers have something that international companies do not have, and that is the ability to negotiate. The incredibly -- the incredible complexity of payments in country and continents like Africa or pretty much most of the developing world has huge complexities around payments. And generally international organizations are unable to negotiate those. So resellers have a massive opportunity and a massive space. And if you're good and if you're competent and if you see the value, you can then grow. But instead we're being asked to incubate operators from zero and expect them to develop a sustainable business. It's not possible. Because as Elliot indicated, the domain registration is a very small element of the overall business model. And I would really like to push back to everybody who says that we need to spend more money and help people and lower the standards and lower the barriers and lower the thresholds. And to say, why don't we convince people to do what they do best which is meet local requirements and then they can grow to become a global player.

MICHELE NEYLON: Thank you.

ELLIOT NOSS: And just to reinforce Mike's comment and to tie it with an earlier thing in the week, the auction proceeds can make the most impact on the developing world by laying fiber in the developing world.

---

MIKE SILBER: My employer would object to that, Elliot.

MICHELE NEYLON: Okay, we have to wrap this up because we've gone over time and I'm very conscious of the fact that we have Larry Strickling with NTIA to speak to the registrars now. So thank you to Fadi, thank you Steve, thank you to the ICANN Board for meeting with us and look forward to seeing you. Next time it will be closer to my home.

STEVE CROCKER: Thank you.

[ Applause ]

**[END OF TRANSCRIPTION]**