

Transcription ICANN Buenos Aires NCUC Session

Tuesday 23 June 2015

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Bill Drake: Thank you. Start the recording please. Everyone have a seat. Feel free to join us at the table if you'd like. Or if you want to hide in the back, you can hide in the back too, whatever you want to do. We have some brochures for people who are new. Anybody would like a brochure? I'm happy to - just pass these down to the folks at the end there please David. And on that side, anybody need these or no? You're all good. All good. Good morning everyone. My name is Bill Drake. I teach at the University of Zurich and I'm the chair of the Non-Commercial Users Constituency, NCUC and this is NCUC's constituency day the meeting at Buenos Aires ICANN 53. We have a full agenda today with quite a lot of interesting things to talk about.

We'll start as you can see from the agenda that's posted in the Adobe with some organizational matters for a half hour, introductions and such. Then we'll have from 10:00 to 10:30 brief operational visits from Sandra Hoferichter -- probably said her name wrong -- chair of the ICANN Academy

working group and Chris Gift the Vice President for Digital Service. We may also see Nora Abusitta who's the head of the ICANN public responsibility division. She said she might try to come over. And if so, we can try and slip her in for a minute to say hello. Then we'll have the standard ICANN coffee break from 10:30 to 11:00.

And then we have two substantial one hour discussions. The first one will be on the GNSO review and structural issues pertaining to the constituency and the larger organization of interests within the GNSO. So we'll have a half hour discussion ourselves first around the GNSO review and the process that got us here and then joining us after that will be Richard Westlake and Colin Jackson of Westlake Governance who are the consultants on the GNSO review. This was a fairly controversial issue for NCUC. So it's good that they're coming and it's good that we're able to share our views with them.

The last hour we'll spend on a current controversy which is fairly juicy and full of opportunities for fun that I think is not a matter of pressing policy decisions on a stand - from the standpoint of the NCUC but nevertheless speaks to a number of important underlying issues in the way ICANN's governance works. And this is the brouhaha we have had over the dotSucks gTLD. And I'm pleased to say that we will have the two leading protagonists in that discussion. For the first half hour we'll have John Berard who's the CEO of Vox Populi registry which has launched the dotSucks domain. And for the second half hour we'll have Greg Shatan who is the president of the Intellectual Property Constituency which has been the primary tormentor of the dotSucks domain. So there's plenty of opportunities there for some interesting dialogue. I think also Phil Corwin from the business constituency said that he may try to come along for some of that as well.

So we have not historically in my experience had a lot of visitors from the private sector during our sessions. Often we have visitors from government or other civil society groupings, staff, etcetera, etcetera. So I thought in the spirit of trying to break down silos and engage people in broader dialogue that this would be kind of an interesting moment to try to bring aboard some of the business people into the discussion.

So that's our agenda. It's a very full one as I say. We don't have a lot of time for additional items but we'll do what we can and there's a little opportunity for any other business and an unusually early part of the agenda at the end of this first half hour. So let's begin with participant introductions as always. We have new people around the table. So if everybody could just say who they are and what group they're with and if they're an NCUC member - if they're an NCUC member they can say so. If they're not then welcome and we hope you'll consider becoming one. So let's start with the gentleman down there and we'll just work our way around this way.

Hamza: Hello everyone. My name is (unintelligible) from Tunisia. I work as a policy analyst lead with the (Hybrest Foundation) and I hope to be a new NCUC member and add to the discussion. Thank you very much.

(Rayan Hyatshaif): Hello. My name is (Rayan Hyatshaif). I'm from Algeria. ICANN fellow. I want to join the NCUC. That's all. Thank you.

(Mohammadu Lou): Hello. My name is (Mohammadu Lou) from Senegal. I already joined the NCUC and of accounting and communication marketing and information. I'm here in order to know more about what's going on here. Thank you very much.

(Eduarte): Hello my name is (Eduarte). I am a third time fellow. Second time I've tried to explore my options in ICANN. This is the third NCUC's been forcing me to

come here. So eventually I'll end up here. I'm trying to see whether I can fit here. Thanks.

(Jahi): Hello. My name is (Jahi). I'm from China Academy of ICT and I'm the member of NCUC. That's my second fellowship. I'm so happy to be attracted by our chair for the first time fellowship experience and I want to enjoy it - the fine experience in the NCUC and to learn from all your expertise. Thank you.

Milton Mueller: Yes Milton Mueller. I'm a professor at the Georgia Tech - Georgia Institute of Technology in Atlanta, USA. I'm one of the founders of the Non-Commercial Constituency and an old timer in ICANN. And happy to be here and look forward to meeting at the new people.

Bill Drake: And an old timer generally.

Rafik Dammak: Okay. So my name is Rafik Dammak. I am member of NCUC from Tunisia too. And I am also the chair of the Non-Commercial stakeholder group or NCSG.

(Matthew Shears): Good morning. I'm (Matthew Shears) with the Center for Democracy and Technology, NCUC member and NCSG policy member. Thank you.

Brenden Kuerbis: I'm Brenden Kuerbis, member of the NCUC. I'm with Syracuse University Internet Governance project.

David Cake: My name is David Cake. I'm the chair of Electronic Frontiers Australia Digital Rights Group and I'm a member of NCUC and I'm currently one of the NCSG councilors on the GNSO council and a vice chair of the council.

(James Gannon): Hi, I'm (James Gannon). I'm policy director at Cyber Invasion Limited and I'm a security and privacy activist and advocate. I'm a relatively recent NCUC member.

(Grace Githiaga): Hi. My name is (Grace Githiaga) from the Kenyan ICT Action Network. I am a member of the NCUC executive committee and today I'm also doubling up as a remote moderator. First time, I'm learning. So if there are any mistakes you excuse me. Next time it will be perfect.

(Zhang Zhan): Hello everybody. My name is (Zhang Zhan). Aka Peter Green from China organizational name administrative center. Currently I am on the executive committee. Thank you.

(Mendok Ivova): My name is (Mendok Ivova) from Kenya ICT action network.

(Joao Carlos Caribe): Good morning. My name is (Ronkhaus Calbert). I'm from Brazil. I'm a member of NCUC. Also I'm as a part of Executive Committee team representing Latin America and Caribbean. (Unintelligible) Latin American myself. I go to see new members here include (Giha) my hero. That's asking perceptive question on the main session. If you don't know, you can follow. She was asking the needs for the stakeholder structures or the share in the stewarding. All right thank you.

(Alishandre): Hello everybody. I'm (Alishandre). I'm from Brazil. I'm a student at political science in the Federal University of (unintelligible) and I am a newcomer in the ICANN meeting from the next gen program.

(Walid Al-Saqaf): Hello everyone, (Walid Al-Saqaf) post doc at Stockholm University from Yemen. You can see I'm not a Swede. I'm coordinating the membership affairs team here at NCUC.

(Fleur de le'Fevre): Good morning. I'm (Fleur de le'Fevre) from Brazil. I'm an NCUC member and I'm a member of CGIBR and a representative of (unintelligible) Consumer's Association in Brazil. Thank you.

Carlos Alfonso: Member of (Unintelligible) in Rio de Janeiro and CGI.Br.

(Flago Vagla): Hi. Good morning. My name is (Flago Vagla). I'm a professor for computer science at University of (unintelligible) in Puerto (Ragi) Brazil. Member of the board of the Brazilian streaming committee CGI and also currently member of the MAC. And NCUC member.

(Firzan Bhagdi): I am (Firzan Bhagdi). I'm a Ph.D. student at Hamburg University. I'm also a visiting scholar at Syracuse University and I'm an NCUC member, a good one.

(Navid): Good morning. My name is (Navid). I'm a member of NCUC and ICANN fellow and a professor at a university in Pakistan. Thank you.

(Krisha Kumar): Good morning. I'm (Krisha kumar) from India. I'm a second time fellow and I'm (unintelligible) actually. I mean I just quit my job as a district media planner with the Omnicom Media Group and I'll be foreseeing my public quality studies at (unintelligible) starting this August. I'm interest in policymaking, governance and human rights.

(Walady Ratonkos): Good morning everyone. (Walady Ratonkos) from the Association for Progress (unintelligible) Communications ABC. I'm a member of the NCUC and also part of the CNC.

Bill Drake: Do we have a roaming mike for the back people? Is there a roaming mike?

Man: (Unintelligible).

Bill Drake: Oh I'm sorry yes. If you could turn it on and hand it to the folks who are sitting around the edges of the room that would be great. Thank you very much.

Chris Gift: I'm Chris Gift with ICANN staff. I'll be presenting shortly.

Bill Drake: Okay.

(Matthias Jackson): Hi. Good morning. I'm (Matthias Jackson) from (Uruguay) and I'm a teacher in the University of the Republic. I'm here for their exchange program.

Bill Drake: Fantastic. And can we go over there? Thanks Chris.

(Flavia Fosinvini): My name is (Flavia Fosinvini). I'm from the Association for Progress in Communications. I work for the communications team and the women's rights program team.

(Alan Finley): Hi. I'm Alan Finley. I work for APC too in coordinating a project on economic, social and cultural rights.

Bill Drake: Thank you (Alan). And we've had several people sit down at this side of the table since we've started. If they - Robin could you?

Robin Gross: Hello. My name is Robin Gross with IP Justice and also a member of NCUC and NCSG. And a former chair of both.

(Javi Tovartis): Hi. Good morning everyone. My name is (Javi Tovartis). I am from SafeNet Brazil and also one of the four representatives of civil society at CGI board.

Stephanie Perrin: Hi. Apologies for being late. I'm Stephanie Perrin and I'm a member of NCUC. I'm a Ph.D. student at the University of Toronto and I'm a member of the council for NSSG.

Ed Morris: Good morning everybody. Ed Morris, NCUC, NCSG, GNSO Council.

Bill Drake: Okay. That was very prompt and concise. So thank you. All right so we know who we all are and online do we have anybody participating remotely. I see (Benjamin) Akinmoyeje. (Benjamin)'s in Nigeria. (Gigi) in the United States. (James Locy) in the United - I think he's in the United States. And (Jean-Jacque Suberdot) who is probably somewhere else in the building. And (Henri Vanderspray). So I welcome you all as well to our meeting and we're very happy that you can be with us remotely. Sorry no more microphone but hello from Geneva (Henri) says. So okay great. So miscellaneous updates. Just to point out a few things that are going on at this meeting. As everybody knows the overarching concerns that are driving this agenda today - in this meeting are the transition of the U.S. role with regard to IANNA and the efforts to establish accountability mechanisms for immediately independent IANNA ICANN and there have been many, many meetings held already and there will be more during the week. Those are all things that I would highly recommend to anybody who is interest in the governance of ICANN.

I also point out that later today after this meeting, after the lunch break there will be an NCSG meeting, the stakeholder group, if which NCUC is a part where we will take up some of these kinds of issues and others as well that which Rafik will chair. And then we have a meeting. NCSG meets with the

board of directors of ICANN from what time is that Rafik? Four thirty? With the board?

Rafik Dammak: Four forty-five.

Bill Drake: Four forty-five for an hour. Oh and (Stephania) is on remote as well. Welcome (Stephania). And (Miriam) I see as well. Good. Fantastic. So those are some interesting things that'll be happening today. Tomorrow there will also be two human rights sessions that have been organized by people in NCUC NCSG that will be carrying forward an agenda that we've been pushing for some time now both first in the council and then more generally in a cross community - on a cross community basis. So I would highly recommend those meetings to anybody who's interested.

We've also had a number of interesting meetings prior to this including on Saturday we had an NCUC outreach event for Latin America civil society and did these events yesterday that included the public internet governance session and the high interest topic session where we talked about what to do with the ICANN option fees. And that will be a topic that we'll take up with the board of directors again later today. So there's a lot going on at this meeting for newcomers to sink their teeth into. And I hope that you'll find it all very interesting. Any comments, questions on that about - questions about the agenda, what's going on this week, what we're all into? I think Rafik has also posted a schedule for NCSG activities on NCSG.IS I suppose right on the Web site for NCSG.

Rafik Dammak: The agenda is on the ICANN for the Buenos Aires meeting Web site. So you can find the agenda.

Bill Drake: Okay. Okay so that's that. Now one question to take up quickly is at ICANN 54 in Dublin in October we had a little bit of a discussion here and unfortunately the person who raised this is actually not here. But we had a discussion online about the following. There is a pilot program called CROP. It's for community outreach efforts within different parts of the ICANN community constituencies and so on can receive five travel awards to visit different conferences outside of ICANN and do outreach. And so we took advantage of these in the past year. And under the terms of the new program for fiscal year '16 starting in July 1, there is an alternative which is instead of doing the CROP program we could instead say that we want to organize a conference. And so the suggestion was made should we do this?

For those who don't know, NCUC if you look on our Web site you'll see that we have organized three major conferences in the past in San Francisco, Toronto and most recently in Singapore in 2014 that were all day events on the Friday prior to the ICANN meetings that we did on a fairly open multi-stakeholder basis to discuss different policy issues. The last one we did in Singapore was preparatory for the NETmundial meeting that was held in Sao Paulo in April 2014 and it was very successful. And so the staff put money into the budget for 2015 for anybody who wanted to organize an event based on what we had done to do so but nobody took them up on it. So what they've done this year is to say okay to encourage people to consider organizing conferences we've provided the alternative that instead of taking the five trips to different conferences we can allocate \$10,000 - up to \$10,000 for anybody who wants to organize a conference on a topic.

It - the annual meeting in Dublin will undoubtedly be a very large robust and juicy meeting with a lot of the accountability transition, things coming to a head and many other things going on. We could if we thought that we could get our acts together develop a program team and hold an event on the Friday

prior to the conference exploring some set of themes that we think are of particular interest to the ICANN community. Of course it always requires that people come a day early which is sometimes an issue but if we announce events well enough in advance experience shows people do it. In Singapore we had 150 people in the room for the entire day. So it was quite successful.

So my question to you is and we don't have to resolve this now but I just wanted to try and get a sense of the room. Do people think it would be interesting to try to organize a conference in Dublin or alternatively to wait and organize a conference in Marrakesh in February? Marrakesh would be Fadi's last conference and you can see arguments for doing it in either place. I imagine Dublin will be a larger event. Does anybody have any thoughts, references, whatever else? (Maria Farrell) was advocating this in particular in (Maria)'s alas not here. Stephanie?

Stephanie Perrin: Thank you Bill. Stephanie Perrin for the record. I suspect that it'll be easier for people to get to Dublin than to Marrakesh. So for an outreach conference that might be a better option. I don't know what their visas are like but just plain flights to Marrakesh are not that easy. Of course I'm not totally a one trick pony but I do think Dublin would be a logical place to have a theme of privacy and for those who are - don't follow privacy many of the largest corporations have their corporate seats in Dublin because they like the privacy legislation there and they like the tax policy. So it's a great place to do this and it's also very convenient for the data commissioners in Europe to come so.

Bill Drake: Privacy can certainly be one of the things that we would do yes. Robin?

Robin Gross: Hi. This is Robin Gross for the record. So I also think that Dublin would probably be better. I wish we had more time. That's the only thing. You know, planning we don't have the - as much time to plan for Dublin. But it is going

to be the annual meeting. And so it will be much, much, much, much, much, much, much larger in terms of the number of people who will be there than who will be in Marrakesh next year. So yes I agree also. I think Dublin's probably the better choice there. Thanks. And I'll volunteer to help.

Bill Drake: So first of all at the level of principal are - is there a sense that we would be interested in doing a conference just as a general proposition? Do you feel like it's time again? The last one was 2014. We should tee one up in 2015. Milton what do you think?

Milton Mueller: I would want to - at the level of principal I would say before I would support it I would want to know a coherent concept or a theme for what the conference is about and what we would want to do. What was our strategic objective? To my mind the transition will be at a critical point there. We might want to focus on civil society perspectives on that. But of course that issue is also what everybody else is going to be talking about. So you may not want to get into that crowded space. I don't know. But really willing to help and to go ahead with it as long as we have a concept. I don't know that we should just say we want to do a conference and then figure out what it's about later.

Bill Drake: Sure. And so well the one in NETmundial was fairly easy to do because it was organized around the agenda of the NETmundial and the topics that were on the table for that. The previous two conferences we did in upcoming in Toronto, in San Francisco were just more broad public and, you know, ICANN and the global public interest kind of sessions where we put forward civil society perspectives on a range of issues. We had sessions on global internet governance, freedom of expression, things like that. We could do another one that is the - a kind of generic, you know, what does NCUC care about kind of thing, a session on privacy, a session on speech, a session on

transition, etcetera. Or we could do a single focus kind of thing. We don't have to resolve it now. I just wanted to get a sense if anybody had a view. We can continue this discussion on line. Stephanie and David and then we'll move to the next topic.

Stephanie Perrin: Stephanie Perrin for the record. I'm a great fan of using our face time when - especially when we have people who don't often make it to the meetings and new people to discuss policy issues that we care about. And so I would beg for a bit of time to have us brainstorm a bit about well what would be a good theme. Because I agree with Milton just saying oh we must have a conference and then marching off into the darkness because we only have a couple of months to figure this out. Not a good idea. We should have a firm idea about why we want to have one and I do have a firm idea.

The Who Is massive PDP exercise will be launching by then and we will still be spending 99% of our bandwidth at ICANN on the IANNA transition. And I'm - I say this at some jeopardy because Milton's close enough to hit me knowing how passionate he is about it. We do have other issues that are coming along that we need to work on and we need to figure out our response to. Whois is going to be big. There's going to be several key issues. We've got one on our table right now that we need comments on and that is the privacy proxy services that are being squeezed. So we've got enough right there to talk about it. And the nexus between privacy and the human rights initiative that we're busy working on that also could be tucked in there and the tensions between transparency that ICANN facilitates and free speech and privacy that's another theme. So...

Bill Drake: A human rights orientation in general I think would probably be kind of...

Stephanie Perrin: Yes. Yes.

Bill Drake: David?

David Cake: Yes I mean I tend to feel the - having the whole - one of the values of having a conference outside the sort of like the main ICANN thing is that we can jump out of the sort of the silos and the very specific processes around issues like. I mean the transition for example it would be interesting as long as we don't talk any of the detail with which we would be bombarded the rest of the week and can concentrate on sort of wider consequences. But there are a few issues that are likely to be starting to well and that we don't even need to do the issues that are going to be big at the time. We can start to talk about the ones that will be emerging and a - particularly the two things that are going to be a bit - take a lot of the GNSO's time over the next year.

We might want to start talking about there will be new gTLD second round sort of talks and what review and what did we do wrong and what can we do for second rounds. That's just sort of an interesting broad conversation that I think would appeal to most people in ICANN and might get some interest. The - and the privacy issues I mean without wishing to sort of - I'm agreeing with Stephanie that they're incredibly important but jumping outside of the specific issues like PPSAI that we can talk with inside the ICANN processes and start talking out as a broad cross process, cross constituency sort of issue. And I think that is something where we would get a lot of interest from outside NCUC particular from the registrars will be really happy to see a broad discussion of who is in privacy and that sort of thing.

Bill Drake: Okay. All right. Thank you. I'm sorry. I thought I had my mike on. Sandra is here but before she sits down I just want to take a couple of quick minutes to call your attention to something that we just posted on the Web site yesterday and this is the result of the questionnaire that (Walid) here as our coordinator

of our membership affairs team did about engagement of members within NCUC and ways in which to try to encourage greater participation and so on. (Walid) do you want to just do a couple of minute - quick minutes on this just to summarize the main points? And first of all again I want to say thank you very much to (Walid) for the energy that he put into this. It was a big operation that he did in May, March, April pull this together and he sliced and diced the numbers that he got every which way. And so we've got some really good information to operate on. (Walid) go.

(Walid Al-Saqaf): Yes. Not to give you too many spoilers. You can read the survey yourself. It will take a while. It's 30 pages for the results and then the remainder of about 30 plus pages for the actual - the (unintelligible) 30 pages and the rest is actual answers. But there very quickly the survey meant to be covered by all NCUC members or filled by all NCUC members. However, unfortunately not more than 20% filled it, even less than that maybe. But then that was about 76 persons. So I really appreciate the effort they've done because the survey was actually a number of four to five pages I believe which is a bit of a job. And the interesting results we found that there were somewhat polarized views on some issues and how to go about them in terms of allowing members to get more engaged. There was a tendency towards the - for the veterans to have a more focal - focused and strong opinions. And there were also newcomers that had been involved.

It looks like what could be done these are the final let's say recommendations as to what can be done in the future is that there needs to be a number of steps to build capacity of members. It looks like there needs to be somewhat of an active effort on behalf of NCUC to support through mentorships, through guidance. Newcomers don't have the skills that old ones have. I mean there are several who have mentioned that they've given up somewhat after a short while seeing the labor of some jobs that they would have to take over. And it

appears to be that time is the single most crucial factor behind lack of engagement. After a while people just get burnt out which is expected as I see.

And so now that we see the problem and verified it through results what is to be done? And the recommendations here is that for example there needs to be a complete comprehensive capacity building program. That's the number one including a wiki page and new guide, a simpler fact, more articulate way to which issues can be addressed interactively so a new member understands where he or she can contribute. And the - there needs to be more dialogue between veterans and newcomers, some sort of bridge, some connection between them. I'm not sure how that could be done but perhaps we could discuss this in the future. We'd like to break the ice as they say, find ways of collaborating. And also allow some to take leadership roles immediately and start giving them a push. That is one option that was encouraged - that was promoted here.

And particularly in working groups, the word working groups is a bit, you know, it looks like it brings up fear and those newcomers they don't want to get immediately into working groups realizing that level of commitment. And after seeing the results, I'm not sure they are being encouraged because most of them complain by the amount of work once you get into a working group. So yes there needs to be a spreading out of the lay of the effort that's then or the tasks that have been assigned. And then of course there will need to be more incentives, support, travel grants perhaps and I don't know certificates, means of recognizing the efforts that have been given. I mean I think the ethos is already the - an overall example of this and you realize that you've done something and you're given some sort of recognition. So I mean briefly these are results but then of course there are many others that you can read between the lines. Thank you.

Bill Drake: Thank you (Walid). Unfortunately we're a little squeezed here because this was not on the agenda because the report just came out and we have others - we have speakers waiting to speak. I just wanted to say I mean this is a very useful document. It is as he said we had responses from 76 members out of 420. That's not great but it's not bad. It was a basis for beginning to draw some conclusions that I think are useful.

And the problems that the survey points to are problems across the ICANN community. We have a volunteer engagement project that we're doing at the - amongst the chairs of the different SOACs, (unintelligible) blah, blah, blah that I'm very much involved in. There's a link to that in the report. That points out that indeed these issues arise in every part of the ICANN community on no matter what constituency or stakeholder group you go to you find that there are a lot of members but then the percentage of members who are actually actively engaged in meetings and working groups and so on is usually 10% to 20%. It's the hardcores.

So how do we establish paths to draw people in from the broader membership and give them a more richer, deeper engagement into the process? It's an ongoing challenge and it's one that is trying to be tackled both at an ICANN-wide community basis and within NCUC. So we will definitely want to pursue further dialogue around this and it's been really helpful that he's done this and the membership affairs team would be the place I think to try to continue this discussion in the first place within ICANN and then NCUC. Milton and then I want to introduce Sandra.

Milton Mueller: Yes just a brief comment that awhile back in the developments report I was reading all of the - the first question is something like why did you get involved in NCUC. I thought that was - it was an open ended question. I thought it was very interesting reading through these. And I was - I thought it

would be really cool if we could have those answers like scrolling across our Web site because it was just an exemplification of the diversity and the nature of the constituency that was really, really interesting. Anyway thanks for doing it.

Bill Drake: Yes. I think that's a good idea Milton. Okay Sandra would you care to join us up here please?

Milton Mueller: Just to point out this is just the beginning. So I'd like this not to end here. We need to take it forward. So we'll follow up hopefully by email.

Bill Drake: Absolutely. Okay so we are pleased to welcome Sandra Hoferichter. I'm so sorry. I've known her for ten years. I can't say her name. The chair of the ICANN Academy working group which is for those of you who don't know been running now for a couple of years. And she wanted to let us know a bit about what they're doing. Sandra welcome and have a seat.

Sandra Hoferichter: Thank you Bill and thank you all for giving me the opportunity to speak to you. And I think it's the moment you invited me is also very timely just following the discussion which is held when I came in here. I think many of the questions or many of the challenges could be answered by participating in the next leadership training program which is the third in a row since it started here in Buenos Aires two years ago. Can we have the next slide please? So it was a start as a pilot program after the Academy working group worked for quite a long time to get this program up. This program is a community effort. It's designed from the community, with the community and in close cooperation with ICANN staff.

The first pilot program was pretty much successful. From your community it was (Frompani). He's not here right now but he was participating from your

stakeholder group in this first pilot program. The second one took place in Los Angeles where Stephanie was a participant and also (Roy Valesta). Maybe you could say some of your experiences to this community as well. And now the third in a row we can actually call it a tradition will take place just before the Dublin meeting from Wednesday until Friday. And I would very much like to invite you to participate in this program. We have those little cards here where you have the basic information and also the link to an online application form. And you will find all the details there. Can I have the next slide please?

And what is it about? As I said already three days and nights because we also spend the evening together, around 25 participants from all SO AC stakeholder groups board and also staff is some are participating as facilitator and they are taking actually part in all the activities and are an integral part here. It is a program designed for incoming and experienced community leaders. It is - the aim is to get those people who are just starting or who are currently fulfilling their term to get them together, learn from each other, build up relationships, discuss ICANN issues, get an understanding for the various other stakeholder groups because ICANN is still very much working into silos.

And the knowledge about what other stakeholder groups are doing, what are the dynamics is not always there yet. So it's about learning, teaching, teaching in the terms that also community members. Participants are not there just to learn but we will also ask you to give an input, facilitate a session on a topic matter where you have an expertise in. It's about connecting, exchanging, discussing, networking and it should improve the collaboration in the future. Next slide please.

So these are the numbers of participants we assigned for each SO and AC for the NCUC which is included in the GNSO. There is one seat available and for other stakeholder groups it's DOC which has three because it's a pretty big group and the (ALID) which has five because of the division into five regions. But for all others we have one to two seats. Not all can be taken all the time. So there is the sort of a flexibility also. Next slide please.

This is the rough program structure as of last year. This is currently under discussion. We got the feedback from participants last year. So we adjusted a little bit. This will be done during this week. Later on it started already this process but for instance the Academy working group which is taking place tomorrow at five o'clock we will also further discuss this program. Basically it is a mixture about discussing ICANN matters like how a policy development process works, how a commentary - a public commentary periods work. Get an understanding, an introduction into the other stakeholder groups. Not knowing about those things which are publicly available but getting the little secrets behind each stakeholder group.

Why is the GAC behaving the way they are? What is the GNSO actually doing? What are the criticisms? What are the dynamics? What is the difference between NCUC, NCUG, SG and NPOC? So these are the discussion which we're going on for instance last year. And then we also provide some sort of facilitation skills because those who are incoming and current leaders and by leaders we don't only mean chairs or chairs of the constituency but also leaders of a working group. Sometimes they have to deal with difficult situations within this community handling conflict behavior, being a mentor at the same time. So these are also the skills we want to provide you in these three days. Next slide please. And I think that's it already. And I don't want to take too much of your time but would just like to ask

Stephanie to just give a very brief summary of your experiences and why you found it hopefully valuable or not valuable.

Stephanie Perrin: Thanks. Stephanie Perrin for the record. Yes I participated last year. I was an incoming GNSO confer. I know quite a few incoming board members, incoming councilors and a range of sort of age groups and experiences. And I think one of the most useful things that the leadership training gives you is an appreciation for how different people are, the different backgrounds. I'm an old retired government bureaucrat that's worked in international relations and there was two who weren't retired yet but very similar guys there. We had - we knew certain things. We'd had certain training. Other - to other people some of the training we were getting was tabula rasa, you know. They'd never seen it.

And as we work in our cross community groups sometimes we forget how different our knowledge bases are and our cultural appreciation and all the rest of it. So this was a sort of a very eloquent reminder of where our gaps were and where our strengths were and how different that is and how difficult it is to work together at ICANN where there's lots of friction and very often the other working group or the other constituency has a diametrically opposed view. So I think that's a really important platform to have training on is trying to get beyond this so that we can work collaboratively. It's also a great way to meet people from other constituencies so that you can then have rapport at the meetings. Thanks.

Bill Drake: See if there's questions.

Sandra Hoferichter: Okay. Thank you. I'm open to answer questions but last - one last logistical detail. This program provides hotel accommodation and food for the time of course but it does not provide travel support. So people apply only if

your travel support for the Dublin meeting is covered by ICANN or by yourself anyway. Otherwise we cannot or this program cannot provide travel support.

Bill Drake: Okay. Thank you Sandra. That's really interesting and it was great to see how this program has evolved. I know - I remember when it all started out. I think it started in one of the summer schools that we were talking about this right? And but my only question was so if I understood you correctly there's like five slots for at large and then one for NCUC and one for each of the other constituencies? Okay. So that - so not a lot of space there given the relative sizes of the groups. But hopefully somebody will be interested in applying.

Man: First of all, welcome Sandra. It's great to have you here. In the past the participants in this program I believe were selected by the community. Now I notice it's being selected by ICANN. Is there a reason for this change or am I - do I misunderstand?

Sandra Hoferichter: I'm sorry if I haven't made that very clear. Your community should decide whom to send.

Man: Okay.

Bill Drake: Sandra we really appreciate your appearance. And it was very concise too. Okay so next we have Chris Gift. Do we have Chris's presentation teed up there on the Adobe? Yes? Okay. We welcome Mr. Gift. Yes for those who don't know him again he's the Vice President for Digital Services at ICANN and he's just going to briefly tell us a little bit about some of the initiatives he's undertaking that are of particular relevance I think to us. Chris?

Chris Gift: This is Chris Gift. Thank you very much for inviting me or actually I bugged Bill so allowing me to come speak. I'm going to spend actually most of my time talking about - brief time talking about membership management and Web site. So some time ago late last fall Rafik approached me and pointed out that there are a lot of problems, administrative issues and work around managing membership to the particular stakeholder groups and constituencies and he wanted to know if there was a way of automating - providing an application or a service to automate those tasks. So we started talking about it and seeing what we could do and I decided again well I might as well approach the stakeholder groups to see if they had the same issues. And matter of fact they did. So at that time we embarked on a program of saying well, you know, what are the requirements. What will we need? And then I'd like to report back on where we stand on those discussions and the - so the next slide please.

It's a bit difficult to read. It's small text. Just in general we did go ahead and interview a number of groups. We then sort of gathered requirements. All of this is by the way is on the community wiki under the digital services tab which is far to the right, probably hidden on most people's laptops and browsers. But you can find the membership management and web project there and all the requirements are listed there. But we spoke with several groups. Not everyone. I acknowledge that but we did find a great deal of similarity in the requirements. We then found an application of service and Rafik and I did a number of deep dives on that particular service which is called Members Click. And Members Click is a for private company that offers services Web site and membership management services or application to small staff associations or even completely volunteer associations which is somewhat what most of these - most of you are as groups. And then we've identified budgets to support that out of my group to pay for launching these services.

So that's sort of - that's where we stand now. The next steps are for Rafik and I to do a pilot or a beta test of these services after Buenos Aires if there is an agreement that this is a good way to move forward. And then if that works out then we would deploy production. Well Rafik and I were talking just before the meeting and, you know, we were sort of catching up. And this is one path forward. There are alternative paths. You know, there are things like civic CRM which is an open source administrative tool which a lot of people like. You know, while we explored that option we felt that that was a very - can be a very - it's a very robust tool but it can be overly complex and for people to manage especially if they don't have a lot of time and it's not their day job. So we really wanted to focus on things that were simple. But nonetheless that is still an option.

And then Rafik also I think maybe some others had seen the recent work we've been doing with the new ALAC Web site which is progressing. And he saw that and he said he wanted one of those. So that's also an option for going forward. So the - but this is where we stand now. Any questions on the membership management or where we stand on this project? I guess not. I do think this will be very helpful for everybody.

Bill Drake: I agree.

Chris Gift: Oh good.

Bill Drake: And I think it's very much appreciated. It's a kind of technical managerial issue that maybe not everybody gets juiced about...

Chris Gift: Yes. Yes.

Bill Drake: But once it's rolled out and we're able to see it and use it then people are in a different space so.

Chris Gift: No comments? If not I'll just move very rapidly onto one other project just to give you an update on something. Oh sorry?

Woman: (Unintelligible).

Chris Gift: Yes. Now we'll go to the next slide. I apologize I forgot about this. There are a number of details but I won't go into these details. This is just what the application does provide, you know, Web site, some membership management, event management. It does quite a bit. But I won't bore you with those details.

Bill Drake: Are those real people?

Chris Gift: No.

Stephanie Perrin: Stephanie Perrin for the record. Does it by any chance -- Rafik's going to clobber me -- do agenda management? I would love a dashboard that did my agenda, told me where the meetings were and had a running clock on the expiring calls for comments. Because we're trying to do these things, you know, build them ourselves and (Maria) and I did a little spreadsheet and, you know, it's all manual and it's just a nightmare.

Chris Gift: No - this is Chris Gift. I apologize. It doesn't do anything around. It does event management but registration for the event. For running for the event - running the event it doesn't do anything. No.

Bill Drake: Will it make espresso for us?

Chris Gift: Oddly enough it will.

Bill Drake: Okay. One more from Rafik and then also we have another visitor here I wasn't sure was going to be here. So I just want to squeeze here in as well. So Rafik.

Rafik Dammak: Okay thanks Chris for the presentation. I mean we work at some - this back to doing some investigation and they get our requirements as (unintelligible). I think the rest of other groups would benefit from that. So hopefully we're going to get more detailed proposal later on and we will have discussion within NCAC. And also as Chris mentioned, there is also an opportunity to get more service here. Maybe this we just discussed already about the calendar. I mean for example if you see the ALAC Web site is quite interesting because it's easy to see what they are doing like about policy and like what they submit and so on. So there are a lot of things that we can do to integrate with ICANN (unintelligible) itself and so on. So it will be going on.

Bill Drake: Yes? Anybody else or anybody remote? (James) go ahead.

(James Gunn): Hi. This is (James Gunn). Just to Stephanie's point, I think working with Chris's team that there is the technology there and particularly with the amount of information that ICANN holds for example on the Web site around public comments and where you're getting those data feeds. I think that if we worked closely with just us and your team that's for example if we open up certain APIs and look at certain interactions we - if we go down a more customizable content management system route we would actually be able to similar to that and have some workflow automation around things like that and it would simplify our work. So I think it's something that we definitely should work closely with your team on.

- Woman: I think this had come much earlier from (Stephanie Milan) and I think it was in support to what Stephanie had said. She had said I support both the idea of the conference. (Unintelligible) Singapore was great and very good opportunity to promote cross community. Dublin is a choice but we have to think carefully about the theme, strong topic plus one to Milton.
- Milton Mueller: I actually was hoping that you think you - I would hope you would read the recent comment. Kathy Kleinman says a plus one to Stephanie. Agenda information is key. So remote people we know you're there. Okay thank you very much Chris. Is there anything else? Did you want to add a last thought?
- Chris Gift: Sorry just one last thought. I am aware. We're working on a means also of improving the content on ICANN.org to run the communities and facilitating the means for people when they come to ICANN.org to find the community and the community Web site so we can push them there, so we can have people navigate, because right now there's not a very good presence. And we are working on that. We'll be showing you some wire frames and works over the next month and we would very much appreciate feedback and your thoughts.
- Bill Drake: Excellent. Thank you so much Chris for your time. Also I note that a number of other people have joined the room. Maybe we can do introductions after the coffee break. Before that - before we break for coffee I want to quickly introduce Nora Abusitta who is visiting us and we weren't sure whether she would get here or not. But she's here. So I want to take advantage just to introduce her to you. She was actually on the remote participation at our last meeting in Singapore when we discussed the public interest. And so now she's here in person. So a chance for you to meet her. Nora.

Nora Abusitta: Thank you. Thanks very much Bill and I apologize for just dropping in but I thought it's a very good opportunity to at least meet you all and follow up after the session if needs be. I oversee the Department of Development and Public Responsibility at ICANN. Our focus areas are mainly education. So we run the online learning platform and we do a lot of the content for academic outreach. We also oversee the next generation at ICANN. So the fellowship program, the next gen program, the newcomers and so on and so forth. And then finally we play a big role in participation in global internet corporations. So all the memberships that ICANN has in different IG structures we provide a lot of the content for that and we oversee some of it as well.

I want to touch on a couple of things with this group because I think you can help us a lot as much as we can help you. I think many of you have gone through the fellowship program. I see a couple of people from the remote participants who were actually part of the next gen program. They followed the - they went into the fellowship and now they're connecting to the session. So this is a great success story. I know (Kelly Bay) for example has done the fellowship. He's been a mentor. He's been promoting our programs very well. So I really hope that this group keeps welcoming the young people that are coming through our programs. One of the biggest challenges we've had after working with newcomers at ICANN is having them fit into structures. They find it very hard to break into these groups and I think this group has been extremely welcoming.

The second area where I think we can collaborate is on the online learning platform. This group has a wealth of knowledge and content that we would love to leverage and turn into either courses, make them available to everybody else. So if any of you have content that they would like to see on the online learning platform please contact me or my staff just on the online learning platform. We're making the courses available in the six U.N.

languages. It's free, available for everyone. And I will talk to Bill a little bit more to see who I can bug more about content for the OLP. But I think there's a lot that we can do with this group.

We are looking at other areas where we can help the newcomers at ICANN and the ICANN community in general. So we have a track in our department that's really an incubator of new ideas and tools. Essentially we create tools that other departments use to engage. So we work very closely with the global stakeholder engagement team. We develop programs for them and they use them with the community. I'm going to stop here because I know you guys are behind schedule and I'm happy to take questions.

Bill Drake: And Nora as part of that activity you're also taking the lead in coordinating the work on public interest.

Nora Abusitta: Yes. So for a little bit of background, I think a year ago we ran the panel on public responsibility that was led by (Nick Quanar). This panel did extensive work on trying to define public interest and very quickly realized that and before we even look at public interest we have to look at operational programs that ICANN can work on to make sure that the community is getting what it needs. And so we kind of shifted focus from public interest to what the panel called back then public responsibility under which we designed the track that I talked to you about. It has - it's very clear that there's still a need for a definition for public interest but it's not exactly the right time to start engaging the community on a very big project right now.

So what we've been doing for the past three months is doing internal research to understand what the parameters and the limitations of a definition would be for us at ICANN. So really just kind of looking at our internal departments, seeing what public interest means for them. We completely understand that an

actual definition will have to involve and be led by the community but at least we thought we'd do the background work so that hopefully by Dublin when things have calmed down we can start supporting the community in that domain.

Bill Drake: As you know from our last conversation about this, this is a highly controversial topic within our community as it is within the ICANN community generally. And there are a lot of different views so certainly the thing to say and we've talked about this before is indeed that you will want to have as much of a community driven process as possible but certainly for you to do some aggregating information to get the thing framed that that can be a useful first step. And are you going to be a web page on the ICANN site? Is there somewhere where people can see the resources you've pulled together and etcetera, etcetera?

Nora Abusitta: We're happy to make them available. The - in no way do we want to suggest that we've started a process. So the risk of starting to share the information is that I don't want the community to think that we've started a process. We haven't. We're really just doing background research and making the information available for when the community is ready to work on this. We can talk to Chris and make it available. There's a BPRD page. There's a web page for our department where this information can be made available. But I think we have to frame it right.

Bill Drake: Sure. I'm not suggesting you should rush. Okay so in the next quarter or so this effort will be rolled out and we will all be fully informed and all that...

Nora Abusitta: Yes. Absolutely.

Bill Drake: Okay.

Nora Abusitta: Fully informed and I will ask you to start kind of organizing the group that can tackle this probably as of Dublin.

Bill Drake: Okay.

Nora Abusitta: Okay?

Bill Drake: Fantastic. Any last comments? I know - I'm reading a Skype channel full of grumpy people who want coffee. But if there is any - we had somebody remote? Yes.

Amr: This is Amr. And what he says is that Nora basically a gap that needs to be breached regarding the transition from programs like the fellowship to becoming more involved in the work that community performs. This needs to have already been identified. I owe a great deal to the fellowship program and would be more than happy to help in any way I can. How involved is SUC in next gen (unintelligible)?

Nora Abusitta: I know many of you have promoted next gen. I know that we have invited many of you to speak to the group. And I mean this is one of the groups that welcomes a lot of our fellows. So I don't think we have a problem here. For the other groups we're looking into creating some kind of internship program that, you know, allows for fellows to kind of get used to working with the groups before they're on their own. But I'll take any suggestions you have.

Bill Drake: I will make a concrete suggestion then let you go. (Walid) here is the coordinator of our membership affairs team and he just organized a survey about how to get members more engaged in ICANN activities and so on. So when you start to talk about mentoring and other kinds of things this is music

to his ears and it also fits with what's being done amongst the - in the chairs group. So I would suggest that you coordinate with him a bit and then we try to see what we cultivate as a relationship going forward.

Nora Abusitta: Excellent.

Bill Drake: Okay?

Nora Abusitta: Thank you.

Bill Drake: Thank you so much Nora. Okay everybody. I know you're dying for coffee. We have 25 minutes. Please be back. The coffee is - oh (Carlos). Oh (Carlos) please. Before coffee. I didn't see your hand.

(Carlos Surille): Bear with me for a few minutes before we break for coffee. I was looking at the old agenda and I am a bit worried about. I'm actually quite concerned about it. I see that we are going to dedicate one hour to the dotSucks. I think the agenda - I won't say that the agenda sucks but I would like to say that the agenda is imbalanced. It seems that the reason again a transition going on outside of these doors. We don't care about it. There is no specific reference to a discussion of the IANNA transition process and we have our members participating in the ICG, you know, and participating in other instances of that discussion outside of these door.

So I would like to have it and there are some strange, very strange things going on. Like, you know, the concept of around the flat earth which I translate into there is a parent organization and a subsidiary. And the subsidiary is legally separated and is supposed to oversee the parent organization. This is very strange. It's flat (unintelligible) earth for me. And unless I don't understand English and that now I am seeing that from one day

to the other the IFR, the IANNA Function Review, which didn't have a single representative of the Non-Commercial Constituencies now all of a sudden that we are there. Why this happen? How this happen? We don't know and we are okay with it. We are here discussing dotSucks. This is fascinating. That's what I wanted to...

Bill Drake: Okay. This is fascinating to me that you have not paid attention to this. We have done accountability and transition the last four constituency day meetings and people have repeatedly told me that they were getting tired of it and we are doing it in the NCST meeting this afternoon and this schedule has been circulated for two months. So this is the first time I've heard a complaint. Okay? So we are doing this conversation that you want later today in the NCST.

Man: In the NCST is that right?

Bill Drake: Yes.

Man: Yes. Okay.

(Carlos Surille): I mean we will receive - it's mostly about accountability. So we will receive the co-chairs from the cross committee working group in accountability today.

Bill Drake: All right. So let's have a coffee and be back at eleven o'clock and we'll talk about the GNSO review. Stop recording please.

All righty folks. Let's start to reconstitute, regroup, reorganize, re-conceive, re- all those things. Oh all kinds of new people here. Hi. Hello. Do we have the - where's the roaming mike? Is the roaming mike around somewhere? Ah okay. Let's start the recording again. Could the people who came in who didn't

get to identify themselves please step to the mike and just tell us who you are or take the mike and just introduce yourself real quickly so we know who all is in the room. Jean-Jacques.

Jean-Jacques Subrenat: Hello. Sorry for coming late. I was in another meeting. Jean-Jacques Subrenat. I'm currently a member of the ICG and at NETmundial coordination council, former member of the ICANN board. Thank you.

Bill Drake: Thank you very much. Who else do we have? Some folks back there came in.

Brett Schaefer: Hello I'm Brett Schaefer. I'm with the Heritage Foundation.

Bill Drake: Great. Good to see you Brett. Anybody else? (Dan) do you want to say hello?

(Dan): Hi.

(Simon Cayo): Hi. My name is (Simon Cayo) from Uganda. I'm the chairman of the ICG association there and joining the board of the CCLTG management company.

Bill Drake: Fantastic.

Avri Doria: Hi, Avri Doria, member of the GNSO Council from the NCSG.

Dan Reed: And I'm Dan Reed from the GNSO Council.

(Kim Hendy): (Kim Hendy) from the fellow program.

Bill Drake: Welcome.

Wendy Seltzer: Wendy Seltzer from (unintelligible) Clearinghouse and the TOR project.
(Unintelligible).

Bill Drake: A long time co-conspirator.

(Arun): (Arun) from the National Law University (unintelligible).

Woman: Hi (unintelligible) from the fellowship program.

(Nils Tuniver): (Nils Tuniver) article 19 NCSG and the cross community party on ICANN's
Corporate and Social Responsibility to Respect Human Rights.

Woman: And we have the NCUC brochure here for those of you who don't have please
take a copy.

Bill Drake: And we have one more person.

(Noya): Hello I'm (Noya). I'm from (Tovalo). I'm in the fellowship program as well.

Bill Drake: Welcome. Very happy to have you here. Again anybody who wants to know -
oh there's one more person. Yes I'm sorry.

(Shatnam Shatli): Good morning everyone. This is (Shatnam Shatli) from Iran, NCUC member
and fellowship program. The second time fellow.

Bill Drake: Fantastic. Great to have you here. Anybody who doesn't know about NCUC,
we have these little brochures here. We've still got some left after I handed out
a lot during our outreach event with our Latin American colleagues, so - but
there's still some left if you're interested.

So okay, what we're doing for the next hour is to talk about the GNSO Review process. And this has been a controversial but yet very important process.

There was a mandate by the Board to review -- this is something that's been something -- the workings and structures of the GNSO of which the Non-Commercial Users Constituency is a member.

We participate within the Non-Commercial Stakeholder Group which is one quarter of the GNSO's Council. The Council makes votes on establishing policy - what am I trying to say - policy development and processes and things like this. So it's sort of our home.

And the contract to do this was given to a company called Westlake in New Zealand. And our process over the past year where a GNSO based review team was created to interact with the Westlake people. And the Westlake people did some surveys of their own to assess the status of the GNSO.

And the initial draft that they put out was rather surprising to us. It had - how can I put this delicately. It was full of cheap attacks on NCUC based on heresy - hearsay - heresy and hearsay, so basically they went around and they asked people from the Intellectual Property Constituency, "Do you like the NCUC?" And they said, "No," and then they put that in the report as if it was a fact.

And there was a variety of other kinds of issues. There was some really fundamental methodological questions with the way that they conducted their work. It was entirely impressionistic; it was not based on any empirical research. They simply asked different groups, "Hey, what do you think about the other groups?" And then they reported that like it was fact.

So we wrote them a ten page scathing letter drafted by Ed which took apart their statistical methodology and all the various nasty comments that had been gratuitously inserted about us.

And then they did - and the ICP also complained about how they were characterized. So then a revised version was put forward, and then finally, ultimately, a version was released in May which is the actual working document now.

And all these documents are linked off the agenda. So if anybody wanted to look at - oh, I should also add that when we had the Non-Contracted Party House Meeting in January in Washington D.C., that is to say both the Non-Commercial Stakeholder Group and the Commercial Stakeholder Group, we wrote a joint letter to the Board of Directors about the GNSO Review saying that we were not happy with the way it was going and the fact that it was not addressing what we considered to be the fundamental structural problems -- institutional problems that affect all of us.

So in any event, we had a very interesting session then where a lot of us joined the call with the consultants and expressed our views. And as I said, they revised the document and now we have this draft report which is open for public comment until July 20. And we certainly should make a public comment.

In 25 minutes, the authors of the report, Richard Westlake and his colleague Jordan - what's his name?

Man:

Colin.

Bill Drake: Colin Jackson - sorry; can't read my own - text is too small - will be joining us. They'll be running through these slides and explaining what they've done. They also met with the GNSO Council the other day to go over this too.

So I think this is a good opportunity for us to share with them our reactions to the current version that they have. I don't think we need to go backward and tell the history of the prior version and its various problems. But there are still some remaining issues with the recommendations that they put forward.

And I don't know how many people have had a chance to read the report. There is a sort of assumption I think built into it though if you read some of their recommendations.

That, for example, constituencies -- forming more constituencies -- is going to be the salvation for the GNSO. That if we just build more silos that everybody can sort of attach resources to and then fight over, that this will lead to greater interest representation within the system.

They also had some recommendations which are not problematic around how to manage the policy development process and some other factors as well.

So first of all, why don't we start with those of you who were in the meeting with them during the GNSO Council, if you could just give us a little update because not all of us were able to be at that meeting, how that went, and what kind of views were expressed by other parts of the GNSO. And what was your take away from that in terms of prepping us for this.

Ed, could you?

Edward Morris: I wasn't there (unintelligible).

Bill Drake: You weren't there. Who was there during that part of the conversation? Okay, David. Let's start with David and then - okay, and Avri and Stephanie and Marilia, our councilors -- NCSG Councilors.

David Cake: I mean I think generally people - I mean...

Woman: Sorry David, please identify yourself for the recording.

David Cake: I thought they did just identify me. David Cake.

The - I don't think, generally, the other constituencies of the Council have had as much trouble with this report as we have. But I think - it's actually quite a big report and I think a lot of the Council is not - I think is generally uncontroversial and will be, you know, there will be some significant changes.

I certainly don't think we should, you know, be talking about trying to reject the report as a whole; I don't think that's the feel of the Council at all as there is quite a lot of useful stuff in there.

On some of the stuff that bothers us, I think there are other people who are bothered by it. I certainly think the discussion around sort of structural level change - the lack of - the way in which structural level change is being treated within the report is a concern shed by everybody - and while we - especially those of us in the Non-Contracted Party House.

And while we did point that out, you know, led us at the Board from the Non-Contracted Party House's meeting in January, I don't think anyone feels that, you know, the issue has been fixed and I don't think anyone really expected that to be fixed; it's a weakness of the report that the structural handling was

not well done. And exactly who, you know, who is responsible for that, it might well go back to bullet scoping issues.

But I think there is a lot of stuff in the report that will be - is of interest to Council and we will find stuff about the PDP and changes and things. I think generally Council is fairly positive and we think there is some useful stuff in there.

Bill Drake: Okay, thank you. Maybe we could go to the points that would be of particular interest to us rather than this is a general overview.

And so Stephanie, from your assessment of the discussion that was had, and also you're a member/representative on the review team around this, what would you isolate as being some of the points that we would want to maybe take up with Westlake when they come here?

Stephanie Perrin: Well I'd just like to note that I filed my own comments in which I talked about the methodology. It does speak to - there's a couple of things here.

We need to participate in things. So if people didn't fill out the survey, we have only ourselves to blame. It's a bit like, you know, responding to all of our calls; we need to be there.

So Westlake made sincere efforts to get people to respond to the survey, but everybody completely busy doing so many other things that I think many people overlooked it. But it is important.

I won't go into my complaints about the methodology.

We had a good discussion at the GNSO over one of the findings which is this whole problem of volunteer burnout and the fact that so few people joined the PDP - the Policy Development Working Groups. And that's a real problem within our own constituency; we're trying to get people on board.

We had a discussion about how you bring people onboard. Do you just throw them into the deep end or is there a mentoring program where they can, you know, participate affectively?

I think newcomers, particularly those whose first language is not English, can find these things very intimidating, and I don't blame them. My first language is English and I found them intimidating when I started.

We've suggested a few things. We suggested opening up a Skype channel so that people could discreetly ask what they feel are stupid questions or get some help on something. And we haven't had a whole lot of update but we do have that going if anybody wants to jump on that Skype channel we'd be happy to help because - especially when there's an argument going on in a working party, you don't want to stick up your hand and say, "What did you mean by this or what did you mean by that, or when did that happen, or which report were you talking about," or blah, blah, blah. So I think that's something we have to address.

The language issue is huge and we had a little discussion at the GNSO about that. Some (unintelligible) translation is expensive, as we all know, which languages. You know, these are really important questions.

Translation of documents is fine, but I notice even with the IANA Transition, I mean it didn't make it into the basic languages until so late. Good luck

digging through the 150 page document when you've only got, you know, four days left to respond on it.

So these are structural problems that I think it's the business of the GNSO to address.

I think there's been a lot of acrimony over this and I think at some level we've got to take onboard that we have to deal with the acrimony in a constructive way; not just blame Westlake for reporting it. So I think at some point we should have a discussion about that and figure out how we can move forward. Thanks.

Bill Drake: Avri, could we ask you to share your thoughts? Is your mic on?

Avri Doria: Okay, pretty much what Stephanie said and I'd add a couple of things to it.

One, I think the current report leaves out all the stuff that really upset us. So I think that spending a lot of time on that at this point is sort of beside the point; that point was made although there's one little piece of that that's still left.

And that's why we had a meeting this morning of the working party -- the review -- whatever we call it. I think it's a working party. We keep developing new names for things. So, you know, you think you'll always feel like a newcomer. After ten years, you're still constantly a newcomer with the way things change.

So don't think that you're going to stop being a newcomer because things are constantly changing in parts that you're not paying attention too. And so any time you look to the right or to the left there's something new.

But anyhow, one of the issues that came up in that one is that there are some that want to get all the comments that were written in the survey to actually be listed as part of the report. That's something that I actually came out against and another person came out mixed.

Part of it is that those comments some of them are among the vituperative comments so we really want to bring that back in.

But the main issue that the person that was suggesting that had - and I'm not keeping the name secret; I'm just not remembering it at the moment. Is that the report didn't get into the restructuring of the GNSO which some people feel very strongly about; some people feel that the restructuring that we had last time was really problematic and needs to be redone. And the report and the questionnaire and such did not get into that, and therefore they want to bring that forward.

One of the objections to opening up those comments is that since the question wasn't asked in the survey, to actually bring it up, would be to give those that had an ask against the structure a platform. But those that thought the structure was okay don't have a platform because they weren't asked.

So the suggestion is if it really bothers them, they should put it in their comments that, you know, everybody has got a chance to comment now and any comments you made in the survey that you really wish were public, you make them again. So that was one of those issues.

The structure/restructuring issue is still one. The answer we've gotten from the Board and from the SIC that the Structural Improvement Committee -- the Board SIC -- is that if we want restructuring, we should just tell them how we

want to restructure. That it's up to us. You know, we don't have to wait for review to tell us how to fix A, B or C. So that's another point that's come back.

Oh I forgot to say I'm Avri Doria.

To go further, I think at this point we should be looking at the - what is it, nine recommendations - at the recommendations they make and decide which of those we want to comment on and which we don't.

And then if we believe that we should restructure them, my impression is that we're probably mixed on that topic as we are on so many. But if we do want to restructure or if any particular subgroup or individuals think we should restructure, then we should write up something explaining how and why.

But at this point, I think that we got to a half way decent review. Many of the points are right, especially the ones about how to do outreach, out to bring people in, how to make it less intimidating and trying to find things like that. So thanks.

Bill Drake: If I could just comment on that, I mean I think it's true that a lot of the most annoying random stuff was excised after our objections. I think there is still some stuff that's in there that's a little bit gratuitous.

That said, I mean I think the important point is not just about how they characterize us; it's the methodology. The methodology is sort of like asking people to make random comments about each other is not really a scientific methodology as far as I can tell.

And there's all kind of things they could have done in this survey to actually look on a cross-constituency, cross-stakeholder basis. And how turnover in

leadership works, how much transparency there is in operations; all those kind of things. These are empirically identifiable things that could have been done.

They didn't do any of that. So given that that's the case, I mean I think to then sort of post-talk to say, "Well, we want to include everybody's random comments," when others didn't know that random comments were to be cherished and would be highlighted and all that, that address is rather weird.

So I would personally be of the view that if people really want to say things like that for Public Comment Period is the right point. (Unintelligible).

The other thing I want to say though is just on the restructuring point, when NCSG meets with the Board later today, I know that Wolfgang plans to ask us point blank, "Why don't you guys submit a proposal for restructuring?"

So the Board has an interest in hearing from us. They want a proposal; they don't want to do something top-down that they started. They want the community to say, "Look, we think there are issues in how these structures work," and have some ideas on the table that they would have to respond too.

So I think that's something that we should think about for our work program for the next few months.

So Stephanie and then back to Marilia who was also at that meeting, and Milton; I'm sorry.

But you know? Can I wait? How about let's do this. Let's let Marilia first because she was at the GNSO Council and then we'll come back to you guys for comments, and also (Unintelligible).

Marilia Maciel: Thank you Bill; this is Marilia Maciel speaking.

At this point I pretty much agree with what others have said. I think that no other group took issue on the report and was as misrepresented as we were.

I think that the mood was much better in the GNSO Council meeting from side-to-side. We made sure though that we recognized the changes that they made in order to create a positive environment for our discussion today.

And I do think that we should raise the points that a few are concerned to us in the methodology.

But I think that what is more important now that this report is coming to a shape that is sort of more or less acceptable is to understand what went wrong because we are talking about having external expertise in many things that we are discussing here. So how do we make sure - how did we end up with Westlake working alone without guidance or supervision? Because I think a lot of the things that they misrepresented and the fact that they just wanted people to answer this survey and question is because they were completely out of the community; they did not know how it worked.

I do not believe that they acted in bad faith. I just think that people who did not know the answer just looked at it and what is the best/easiest way for us to get our work done and to approach it. Let's ask questions and see what we come with it.

And so maybe if they were guided from people that are reliable and trusted, and that could guide them through the process and show what the bottlenecks and the divergences and the historical problems, maybe they would have come up with something that is better.

So I would think that for the future, let's clear this with Westlake and then (unintelligible) a little bit more if we can. But try to understand how it went wrong and how we can get external expertise that really works with us, and that presents a better outcome.

And just one point. I think that this report has good suggestions but most of them is too vague to be implemented in my opinion. When it comes to participation for instance, there are very broad things that everybody already knows and does not make much difference such as continuing initiatives that aim to reduce the barriers to new commerce. That's great; let's do that; what are the initiatives and how to do it.

So they kind of make it very broad with the exception when I talk about the PDP, about the PDP is a little bit more specific and there are good things there.

And I do feel that the fact that we started with the wrong foot should not prevent us to look at the report and really find the positive things and try to implement them.

And one of the things is what we were talking in the Human Rights' Skype Channel. It is a suggestion to insert/impact assessment on the initial phase of the PDP. We can use that to assess the impact on Human Rights for instance. So let's not throw away everything and save what is good in the report. Thank you.

Bill Drake: I usually agree with you; this time I fundamentally disagree with you. And I think that they acted in bad faith and it was done knowingly and it was done under the coordination of a particular staff member. And there are still texts in

here that are absolutely ridiculous that are completely mischaracterizations of NCUC and NSCG on basis that you could criticize any part of the GNSO, but only we were singled out because that fit an agenda. That's my view.

Now we had a line. Stephanie, Milton - stay calm. Stephanie, Milton, Robin, Ed - uh? Would you like to go first Milton? Would you like to go first? Okay, I'm sorry.

Yes I know. Milton, please.

Milton Mueller: I just want - I think we're focused too much on, you know, this initial episode of, you know, being smeared by these people, which of course was bad.

But the overall - the problem here is this constituency model which is being advanced. I just want to make sure that we are united and understand why that is the wrong model and that there's so many assumptions underneath it that can be challenged. I don't know if this is the right time to articulate those or do we wait for the...

Bill Drake: Wait for them to come.

Milton Mueller: ...wait for them to come, okay.

Bill Drake: My apologies; I didn't have the mic on.

I was suggesting that perhaps our comments can be reformulated after our visitors have overviewed their report. And that includes Amr; I know you're online and waiting to say something.

But first let me welcome to the room Richard Westlake and Colin Jackson from Westlake Research, and let them run through the slides and overview of their results. And I will move over so that you guys have two seats.

Richard Westlake: Thank you.

Bill Drake: Sure.

((Crosstalk))

Bill Drake: I'll even move the nametags so you don't have to (unintelligible).

Richard Westlake: Oh thank you.

Bill Drake: That would be a very daunting thing.

Colin Jackson: It would wouldn't it.

Richard Westlake: And thank you. Buenos Dias Senors, Senioritas. Good morning ladies and gentlemen.

I'm Richard Westlake from Westlake Governance and this is my colleague Colin Jackson; delighted to be here now talking about the GNSO Review.

As you are aware, the Review Draft Report is now up for public comment, and that public comment period is open until the 20th of July. So we do encourage people if you haven't already had a chance to feedback, if you haven't already provided any and you wish to, you still have approximately four weeks in which to do so, so we would welcome that.

And then from there, after the 20th of July, we have approximately one month in which to then complete our - to take those on board, to assess the feedback we've received to consider every single comment as we have done in the past through the working party process. We will produce a final report by the end of August.

And we will also as we have in the past produce a table so that you can see what the comments were that we received and how we have either accepted, incorporated or have disagreed with and our reasons for doing so if we have. So we are continuing with the transparent process we've had up to now.

Now given that our time is limited and we have much mocking to have questions into discussion, rather than lecture you because you have all had the opportunity -- it is available to you all -- what I'd like to do if I could is ask that we move straight to the slide which shows the four themes rather than the full set of recommendations. It's about Slide 6 I think. The next one I think. No next one - sorry, one more. There we are.

In our report, you'll see that we have produced a total of 36 recommendations. We accept that that is a relatively large number. But to make it easier to gather together, we have grouped those under what we recognized as four separate themes.

The first theme and by far the dominant one from our perspective was around participation and representation. And as you will see there are 16 recommendations there.

The next one was about continuous development which includes some enhancements, refinements and points in the PDP -- within the PDP -- which is not the standard process for developing policy as you know.

The third theme was around transparency; something that is part of the values of ICANN. And we produced four recommendations there which we think will help to ensure continuing consistency.

And the fourth theme, because the GNSO does not operate as a separate island on its own but as a part of the greater whole of ICANN, we've produced two recommendations essentially trying to, as far as reasonable practical and have in regard to the fact that time, people's resources, all those things are limited, as far as reasonably practical, that the program -- forward program for policy development -- is consistent with ICANN's own strategic plan for the future.

So those are our four themes for the recommendations. After we've submitted our review, then it will either go straight to the Structural Improvements Committee which will then determine whether or not to recommend it to the Board for acceptance. And after that, or in fact already preparations are starting if it is accepted, then the process of implementation begins in earnest. Thank you.

We're very happy now to take comments/feedback/questions. We can go on for the full 30 minutes but I suspected that you'd rather hear your voices rather than mine.

Bill Drake: Okay, now I'm mic'd. So I think we have a number of colleagues who would like to raise questions about the recommendations and other aspects of the review. So let me go back to the line of people who had raised their hand previously starting with Milton Mueller.

Milton Mueller: Yes, I felt like I was going back in time to 2009 when I read this report in terms of its approach to the problem of constituencies.

It seems like you never really questioned or provided any real analysis of the assumption that more constituencies means better representation and more representation.

We've given a lot of thought to that in the first restructuring because we had to deal with the question of what was the role of constituencies. And we came out with the idea that we really don't need constituencies that stakeholder groups -- broad stakeholder groups that are balanced -- is a much better structure.

And now we find - and we had a big discussion of that with the Board. And the Board agreed at the time to detach Council seats from constituency structures because of these problems. And I see absolutely no evidence that that whole discussion has been understood, and instead I see a reassertion of the constituency model.

So let me just tick off the obvious problems with the constituency model and maybe that will help me better to understand why you seem to be pushing it.

So the first problem with constituencies is that they fragment the discussion. You've got different people in different rooms talking about different policy. And this happens when let's suppose you're (Aaron) there who's from India, and he's interested in Human Rights, he's interested in development, he's interested in privacy, he's interested in freedom of expression.

Suppose there's a separate constituency for all of those interests; there's a development constituency, there's a freedom of expression constituency. Where does he go to discuss this? Does he join four or five different mailing

lists? Does he join four different membership structures? What exactly is he supposed to do? So that's one of them.

The second thing is the confusing - and we've had many complaints about this - the confusing competition for new members. So a member comes in, either they are just recruited by the general ICANN process which is mostly what happens, and they are confronted with four or five different groups saying, "Oh join us."

And they're like, "Okay, I thought I did join. I just joined the Non-Commercial Stakeholder Group. Now I'm being assaulted by five different groups that want me to join them."

Then you have the inefficient duplication of administrative and bureaucratic overhead and each of these constituencies has to have officers, they have to have votes, they have to have mailing lists.

But here's the most fundamental thing. I don't think there's any evidence that you actually increase participation with new constituencies. Almost every new constituency proposal that we have seen is people who are already here, already involved, trying to create a new structure that will give them resources. Maybe it's a legitimate request for resources; maybe it's just a request for resources.

But the point is the idea that you get new people or more people involved by creating a constituency is just a false assumption. Constituency or any kind of structure is a lot of work, and the idea that people who are coming into ICANN are just dying to take on all kind of administrative work and run a constituency is really not a valid thing.

And then the final problem I would mention is the rigidity of the constituency structure. You're creating basically a semi-permanent structure that goes into the bylaws of ICANN based on what? An application by a group of people that may not be around in five years, that may be very strong for two or three years and then pitter out and dissolve.

How do you get rid of constituencies when they're no longer needed or they're no longer functioning?

So that's in a nutshell the critique of the constituency model, and it's unclear to me why this is being revived when, you know, we've been doing - we've been growing, we've been getting new members, we've been getting more diversity. We don't need constituencies.

Why do you want us to have them?

Colin Jackson: Actually we'd like to get rid of NCUC, but that's what's difficult.

Bill Drake: Do you want to respond to the questions serially or take them (unintelligible)?

Richard Westlake: I'll take them as they come in. Thank you. Richard Westlake again for the record.

Milton, thank you; obviously very well thought through question and well-put case.

The first thing I'd say is there is another stakeholder group which would argue exactly the opposite position. They have argued that by being forced to work as a stakeholder group that there is no room for the individual voices and that actually, for their particularly stakeholder group, to try and average comments

or try and blend them into one set of comments is completely meaningless about the same way as saying, "Well that river over there has an average depth of half a meter." It's completely meaningless as to what the real river might be.

And there is another stakeholder group which says precisely the opposite that unless we breakdown into constituencies and can have a constituency voice, it's a completely meaningless concept to try and provide comment through the stakeholder group.

The other point Milton is you said you'd envisioned that there would be this proliferation. No I don't agree with you on that one because first of all, we don't take issue with the fact that the applications that have been made have, with only one exception, been either declined or some of them have faded away.

But the ones that have been declined, we're not arguing with the rationale for that; we're saying set a set of rules and if somebody meets those rules, those conditions, and they decide that they need to have a voice and want to have a voice, what should prevent them from doing so." They can assess whether they want to have a separate voice or whether they think they would have greater voice by being part of an existing larger constituency.

Similarly, what was also envisioned in the structure was that if somebody does become inactive, if there are fading constituencies, that they can disappear as well.

So you talk about semi-permanent. Now in reality, there hasn't been any constituency disappear, but conversely there has only been one new constituency admitted.

Now I could go on a little bit but I do want to allow time for others. But what I'm saying is, Milton, I mean I think your points are all absolutely valid. We have looked at those, we've considered those, and the fact that we have said we believe that there should be a means by which new constituencies can form, we stand by that. It doesn't mean they must, it doesn't mean they will, but that they can so there is no compulsion.

Bill Drake: Understood. Okay, there are a lot of things I'd like to say but I'm not going too.

Let me see the hands again of the people who wanted - Krista, it's been a while. Okay, so I'm just going to come down the row. So going to go Robin, Stephanie, Ed, Avri, Marilia.

Robin Gross: Hi, my name is Robin Gross for the record from IP Justice.

So I'm curious about two things. One is the people who were interviewed by this report, if we look at the actual names of the people that Staff chose to have interviewed for this report; it's basically a list of all the people who hate NCUC.

Richard Westlake: I'm sorry. May I correct that? It wasn't Staff that chose them, we chose them.

Robin Gross: And how did you decide who to select?

Richard Westlake: We started the process by going and looking at every stakeholder group and every constituency, and trying to get access to at least one member of the executive committee of those stakeholder groups and committees.

We had a very extensive set of invitations to people to participate. And largely we had responses from those who had participated in 360 surveys which was seen initially, when the terms of reference was set up, as the primary fact-finding means for the entire review.

After that, it became a matter of practicalities. Some people didn't respond despite several attempts to contact them. Some people responded on the first or the second or the third level of contact. Some people who responded then were unavailable for various reasons, and some people simply failed to respond.

We worked very hard. In fact, our interview sessions went on until January of this year when in fact they (unintelligible) continue through and around ICANN 51 in Los Angeles last October.

But in order to try and get the feedback - and we did open up, and in fact we had at least one; I'm trying to remember the numbers. But we had at least one from this constituency whom we spoke to and it must have been either just before or just after the New Year because we did want to give people the chance to contribute.

We also similarly, with a much broader set of questions than an interview can allow, we make continually efforts through August, September and October to ask members of the community to participate in the 360 surveys because there was a range of questions -- a significant range of questions.

Approximately 250 people had a look at it, approximately 150 or 170 people did complete it, and everybody had the opportunity to do so.

Robin Gross: Well I filled out the survey and nobody asked me. But I noticed that there was an overwhelming number of current or ex-ICANN Board and Staff members that you decided to interview. And it just seems a little bit odd particularly when you also look at the number of GNSO members who were interviewed. I mean this is a review on the GNSO and there were virtually very few members of the GNSO who were actually interviewed.

So I have a real problem with the selection of who you decided to interview. And that's my first point.

My second point is I'd like to know about your view on the application of the Cyber Café Constituency. And you talked about that in the report as a problem; you called it ineffective process because the Cyber Café Constituency didn't get in. and I'd like to hear a little bit more about that.

Richard Westlake: Robin, I honestly can't remember the details of the Cyber Café issue right now. But I also take issue with the fact you said there was a predominant number of ICANN Staff and Board members.

Robin Gross: Yes; current and Ex.

Richard Westlake: Again, I don't have those numbers in front of me, but we did make a very clear intention and point of trying to target members -- active members of the GNSO -- including some past members so that we had some benchmarking as to where it had come from. But are predominant primary approach was to current active members of the GNSO.

Robin Gross: Well if you look at the actual names of the people who were interviewed, that isn't who is there. So I'm just saying there is a problem with that. You might want to look into that.

Back to the Cyber Café Constituency, this was a constituency of commercial actors or I should say a group of commercial actors who wanted to participate in the non-commercial stakeholder group.

Why should we allow that? It seems to me that the process worked that they weren't allowed in. we're not supposed to let commercial actors into the non-commercial stakeholder group.

And the Board agreed with us. This was not just an NCSG decision that we can't let commercial actors into the non-commercial stakeholder group. It was a Board decision. The Board said we got it right.

And so for you to use this as an example of how we're exclusive and try to keep people out is just unfair.

Richard Westlake: Robin, thank you for that.

Again, I don't think -- if I remember rightly, if it's the one that I'm thinking about -- I don't think we said it was wrong to decline it. I think what we did say was the rules said here are the conditions -- the entry. And it might have well have failed the application based on those rules.

But what we were pointing to was that in addition to what was in the rules, there was something that was way outside the rules that was suddenly introduced at the last minute as another reason for excluding them.

Robin Gross: What would that be? What...

((Crosstalk))

Richard Westlake: Robin, I'm sorry. I don't (unintelligible).

Robin Gross: I mean because they were left out because they're commercial actors. So it seems to me that the process actually worked. So I'm having a really hard time understanding why you want to use this as an example.

Richard Westlake: Robin, as I say, we were not arguing with whether the decision was wrong. The point we were trying to make was that the rules had been set by the Board for admission of a new constituency. Following those rules it was probably absolutely the right decision and you're absolutely right.

((Crosstalk))

Robin Gross: Then why is it pointed out as being problematic?

Richard Westlake: No, I'm sorry. What I'm saying is that in rejecting, another reason was added...

Robin Gross: No, that's not true.

Richard Westlake: ...which was not because the one I'm thinking of...

Robin Gross: That's not true. There was only one. You might want to go back and check your facts. I would be happy to discuss it with you further because I managed that process with that Cyber Café Constituency and I would be more than happy to walk you through the process.

If you would like to actually speak to somebody who participated in that process, I'm available. Thank you.

Richard Westlake: Robin, I'm very happy to - so I may be talking about the wrong one right now; I may be thinking of another particular instance where there was one rejected where we don't complain about the decision that you made, we don't say, "That was flawed." We do say...

((Crosstalk))

Robin Gross: There's only been one application ever made and that one was rejected. There is no other one.

Bill Drake: Okay, I think we've tied that one off. Show me again the hands? I'm sorry.

Avri, did you have a hand? And at what point did your hand go up? Are you before or after Stephanie? I've lost track.

Okay, we're going to go Stephanie, Ed, Robin - or Avri, I'm sorry.

Stephanie Perrin: For the record, Stephanie Perrin.

I want to kind of rise up to something. I realize you're working from data that you've gathered. There's a few more fundamental problems here in evaluating some of the constituencies that participate in the GNSO; notably our own.

And that is that the process of coming to ICANN is wide open. The question of what people are coming to ICANN for begs to be asked. And it's very clear if you're a registrar why you're coming to ICANN. I mean that's your business and your only business, right; Dot Org registries, Intellectual Property Constituencies is some pretty clear objectives in coming to ICANN.

For civil society, for those who purport to represent the end users, those reasons cross a wide spectrum. Okay, so that's point number one. And that inevitably can lead to conflict. And how we manage that conflict I think needs a little work.

Point number two is that those constituencies overwhelmingly are not funded as well as some of the others. Now my colleagues in the registrar community assure me that they do not have the funds to bring their policy staff to ICANN meetings too, and that we're not the only ones that suffer. And I'm ex-government so I'm well aware that government doesn't have budgets to come to ICANN. So this is kind of an oversimplification of the matter.

But the fact is if you're volunteering to represent civil society, either you're on the salary of a university or you're on salary for a rights' organization, and those guys are usually going from funding effort to funding effort. Or you're funding yourself and getting whatever you can from funding that ICANN provides, and I'm in that category myself.

And so there you have a key problem because we're all going to be fighting over the funding. And I really think I brought this out in my own comments that I submitted.

And to the earlier point about how people don't get their comments wrapped up in NCSG, anybody can comment. If you're not happy with how your comments got melted together in a joint proposal, then you can always comment yourself. So I find that a little spurious myself.

I think that that has to be addressed. And I'm not going to go on and on, but - Bill says, "(Unintelligible)." Right.

The third point I wanted to make, and I'm referring to a town hall meeting where Alejandro was commenting on the lack of trust for Board members. It was a discussion that went on the other day about how somehow the most trusted people in the community get elected to the Board and then all of a sudden they turn into the devil, right.

I think he's got a good point. What we don't mention in this community is there's an enormous amount of friction; it's overt. If you volunteer for the PDPs - I shouldn't be saying this; I'd be discouraging newcomers from joining the PDPs. There's a lot of stress there because you are diametrically opposed many times in your argument and you can get outvoted.

What happens to all that animosity? Well, I tell you. It gets projected onto the Board and some of it may be projected onto you guys in this exercise. And it will be projected onto the structural committee on improvements.

We need to address the friction in a more transparent manner. I think this organization needs to grow up, be mature, and talk about the things that people are fighting about. Thank you.

Bill Drake: I want to point out though we have about ten minutes left. And so I hope we will be concise and stick closely to points specific to hit the reports to that they can take away some actionable points from us.

Avri, would you like to say something please? And I would like to add myself to the queue too at the end, so.

Avri Doria: Avri Doria, and only if it's my turn. And I really wanted to say something brief which was in the whole progression of what was going to happen, people

said, "And then this SIC will put out a report from the review and go to the Board."

We have seen several times where the SIC has taken the report, refashioned the recommendations, and come up with recommendations that look nothing like the recommendations in the reports that others have given.

So that's an important thing to know when you're writing the comment. If you think something different should be recommended, recommend it. Thanks.

Bill Drake: That's a very operational point and a very good one. Okay, Rafik was it? Or no, Ed. Ed.

Edward Morris: Thanks; Ed Morris, GNSO Council.

First of all, welcome guys to the meeting. Quick question. Are you still (unintelligible) Richard?

Richard Westlake: (Unintelligible).

Edward Morris: Okay, great sport.

I'd like to talk a little bit about the Global 360 Survey. If we could look at the numbers that you have on Page 94 which are the constituency numbers, get that out.

Tell me please what do they represent? Sorry about that, it's Page 94 I believe. Thanks. We need some elevator music I think, yes. There we go. Bill is an all-purpose chair. Okay, thanks.

What I mean is whose opinions do they represent? What is the validity of the numbers you're presenting more or less as factual?

Colin Jackson: Yes, excuse me. I'll get the microphone here. I hope I didn't break that. This is Colin Jackson for the record.

If you recall the 360, the 360 started with about four or five pages of general questions about the GNSO -- about perceptions of the GNSO I should say. And after that it said, "Are you a member of or close observer of the Registry Stakeholder Group?" It may have not have been that one person. And then it asked a series of questions about the Registry Stakeholder Group, and it did for that every stakeholder group and constituency (unintelligible).

Edward Morris: Okay so let's clarify. These are not members. And I'm going to be blunt. I actually answered the IPC questions, and I answered them because I don't like the IPC; I wanted to drive their numbers down. And I did so; congratulations to me.

Colin Jackson: Go you.

Man: (Unintelligible).

Edward Morris: Exactly. Yes because I am a close observer. These are not random numbers so can we agree upon that? This is more of a snowballing technique.

Colin Jackson: I'm not quite clear what you mean by snowballing technique.

Edward Morris: As Richard had said earlier, you're telling the people - you go to the constituency, you're telling people from recommendations of others.

Colin Jackson: What the point I make...

Edward Morris: Wait. For the interest of time let me just ask you a direct question.

Colin Jackson: Yes.

Edward Morris: Is this a random sample?

Colin Jackson: Random? No, it's not random.

Edward Morris: Okay, it's not random. Even if it were random, on the NCUC results, you have 27 respondents; we have 404 members.

If it were random, which you've said it's not, with a (carpercentile) of 95%, any of these numbers could range anywhere from the late 20% to the high 70%.

Colin Jackson: Because I agree with that; of course.

Edward Morris: Richard had used the word meaningless; these results are meaningless. And as a member of the GNSO Council, if this is in the final report, my suggestion to my fellow council members is we need to disregard your entire report.

Richard Westlake: Can I just perhaps may one comment on that.

Colin Jackson: Sure, thanks Richard.

Richard Westlake: It's not random -- no -- because in order to get into those stakeholder group or constituency sets of questions, you had first to answer yes to the question I am

involved or I am an observer of that particular constituency or stakeholder group.

Edward Morris: Actually if I can clarify, it's not random because you didn't use a random sample. It's not random because of your question; you did not attempt to do a random survey.

Colin Jackson: It's not random because it's self-selective. We can't force people to reply. I can't say there's 400 members here, I'm going to identify 50 of you and force 50 of you to reply. I mean that would be random.

Edward Morris: No, we agree then. We agree it's not a random sample, we agree that your statistical technique leads to a result which really is meaningless. This is just a bunch of people that had opinions and you're acting as if 57%, even if it were a random sample, your sample size is so small it's meaningless. This entire chart is meaningless -- to use Richard's words.

Richard Westlake: So why didn't more of you reply then?

Edward Morris: I'm sorry?

Richard Westlake: So why didn't more of you reply then? If you've got 404 members you say...

Edward Morris: Well we expected the professionals we hired to do a better job in designing the sample.

Richard Westlake: We didn't design the sample; that was never with our methodology.

Colin Jackson: Yes.

Edward Morris: But you're using the results as if it is a random survey and it is not.

Bill Drake: I'd like to add something on the methodological point Ed, but first a new question to why didn't more people respond.

I think a lot of people when the survey was sent around, leaning on the side of the fact that people were just busy with other things, I think the expectation was that this was going to be a report that was going to look at like how should the PDP process be improved and things like that, which a lot of members who were not directly engaged in the Council activities may not have felt like, "Oh gee, this is something I've got to get in on," you know.

I don't think there was an expectation that oh, this was an opportunity to like randomly slim different parts of the community that you don't like and these will be included in the report. So basically people didn't do that.

But other actors did do that. And so we ended up with a kind of odd imbalance there which is slightly problematic. And I wish more of us had done it in retrospect but we didn't.

But simply I just want to ask Stephanie, I want to ask a related methodological question because this just goes to something that we had raised in our previous letter and some of the characterizations that are used.

So like for example, when you say in referring to the Non-Commercial Stakeholders Group that a number of respondents, not knowing how many, identify problems of leadership self-perpetuation, and then you give us a quote that basically says, you know, NCUC or it was something like NCUC people, they all want to stay in power or some kind of crazy thing like that.

What I'm wondering about is you could have empirically looked at actual data on these things. We sent you a note that said, "If you look at the actual turnover in leadership positions in NCUC and NCSG, over time you'll see actually quite a lot of turnover." And if you had done that on a cross-constituency/cross-stakeholder basis, you would have had real numbers that showed that actually we fared pretty well.

But rather than doing that, you just included some random perceptions that a few people offered and these are kind of held up as facts. And so from a methodological standpoint, that's the part that I can't understand.

Why did you not simply choose to - if you want to know how transparent the different constituencies are, investigate their transparency? Look at their Web sites, look what their practices are, look at who their leaderships have been, look at who's been elected, who has played roles, count up the numbers and so on. This would have been easy to do.

Richard Westlake: Thank you Bill. I think they are interesting questions.

First of all coming to your point first, we did an enormous amount of desk research in addition to the surveys and in addition to the interview comments that we got. We looked at a lot of the history; we looked at a lot of the records, we sat through quite a lot of meetings in Los Angeles. And so that's the first thing.

Secondly, just going back to the methodology but I don't think it's particularly productive to go to that now because we actually did not make our recommendations simply based on what was in these surveys. We recognized that they were small samples that commented.

We actually listed the N, the number of people who did comment, alongside there to show it was a small number of people. Where there was a high degree of consistency, then I would say, you know, if you don't vote, don't complain.

But where there was a diversity, we made that quite clear. We didn't sort of get overly influenced by it. They were, if you like - you have in the end to come to some subjective views.

The other point I'd mention is that when the review working party, to which we worked very closely in the first month or two of the survey - sorry, of the process -- designing the process and designing the survey -- was being put together, the NCUC had a member nominated to sit on that working party. And it was that working party which approved the survey structure; it was that working party which approved and in fact recommended a lot of the questions...

Colin Jackson: Directed the methodology.

Richard Westlake: ...directed the methodology in many cases and approved the questions.

What we tried to do is take the inputs from the 360 Surveys, from 40 or so formal interviews, and from very extensive desk research over that time as well, and to provide a blended set of comments. We were asked to analyze both the weather (sic) and if so how effectively have the previous reviews, recommendations and decisions been implemented, and what other recommendations did we head. And then finally also to take a look to the future, and that's what we ended up doing. Thank you.

Bill Drake: Understood. We didn't see the thing until, you know, during Singapore so we didn't know what was happening.

But I will tell you that when you say leadership positions were being in the hands of a few people, that's empirically wrong and so we'll write you a comment making that abundantly clear to you because we actually elect people and they're diverse.

Marilia, next, and then we'll come back to you. But we also are beginning to move - well, we're into 12:00 and John Berard is here. So we'll have to be a little bit more concise and try to wrap this up within five minutes.

Marilia, please.

Marilia Maciel: Thank you very much Bill, this is Marilia speaking.

First of all, I'd like to thank you again like I thanked you in the GNSO Council for reading our comments and taking many of them into consideration. We do appreciate that and we appreciate that you are having this dialogue with us, so thank you very much.

My point first of all to go back to the methodology, I won't repeat things that other people have said before, but I think that you were honest in the report when you recognized that the methodology is not as sound as it can be; it has problems.

But when you make your recommendations, they sound authoritative. They sound like this is the findings that we have, and they have been based on something that you can take into consideration.

And when people look from the outside anything that is produced from a survey, people just assume that it is basing good methodology. Science has

been used for many years to kind of make these authoritative remarks. So you know that whatever you say even though you have recognized in the beginning that the methodology and its problems, it's going to be taken into account in a rather authoritative way because that's how science is approached by.

I think the list of people that you interviewed, they do end up with a very serious mischaracterization of this group. And I think that the reactions that you have faced, not only in our written comments but here in the room, is a reflection of that. It's a reflection of a group of people that have been working very hard, that in contrary to other groups here, do not have this as their day job, so they do this in parallel to their activities and they have put a lot of efforts in working groups and build this community.

So the reactions that you face, please do take that into consideration. It's people's time; it's a lot of effort that has been made.

And I think that it's very complex. The narratives in a complex environment like ICANN that is very politicized; it's very complicated if you take narratives as your main instrument to reach an outcome because narratives they will naturally be biased by your political interests by where you belong.

And you have approached the narratives in a rather naïve way, I would say, taking that into consideration as people did not have interests in their minds.

And in this way, I think that your report ended up being called into play -- the political play -- that we have in the organization. You have spent some time with us now, and I think that you know us a little bit better. So you may have seen that this group is one of the few groups that in a very commercial organization because of its history and tradition has been advocating for

development, human rights and many things that keep other stakeholder groups really upset with us.

So I think that you do understand that when you look at this group, there's a lot of things here that play against us. And you need to take that into consideration in your report as well and not make believe that you are naïve and you do not understand the political scenario here because I think that you do understand now.

And my final question and remark would be that I believe that after all is done, you are going to be asked by the Board or the organization to give you feedback on your work and how you could have approached it in a better way or how could you give advice to the next group that is going to perform a review, what would be your advice and how would you recommend that the next group protects itself better from maybe the political scenario and place that you have been caught in inside the organization. Thank you.

Richard Westlake: May I comment just very briefly; I don't want to hold this up. But Marilia, thank you very much for those comments.

The first thing I would say is that as far as you said that you thought the report to a degree reflected a naivety and a misunderstanding of the NCUC.

First of all, the working party would recognize that what was in our original working text where we had been singularly unsuccessful in trying to receive to engage with the NCUC in the early days, said things that were significantly different from what came through in the later versions and in the draft for public comment you have now.

And what we have tried to do now is to weigh the comments that we have had from various parties, and we in our view have got as balanced an approach as possible. We've commented that there are differing views.

Secondly, as far as the engagement went, I would have to say that if I remember correctly, it was this group which actually declined to allow us to participate with you -- to engage with you -- in Los Angeles. We had sessions such as this with pretty much every stakeholder group and constituency. And it was; I'm pretty sure. That if not this constituency, this stakeholder group, that declined...

Bill Drake: I think you're wrong and I remember begging you to interview me in Los Angeles.

Richard Westlake: Begging for an interview in Los Angeles? We did do an interview Bill; a fairly extensive one.

Bill Drake: A month later after I complained online amongst all the chairs. But anyway. Quickly, yes, and then we've got to let him go.

Man: Yes, we got you in the NCSG meeting in Los Angeles. You got you in LA - I mean NCSG meeting for LA. So this sometimes be careful of what - and also when we had the interview, I think I remember the first time you missed the call and we had to reschedule another one.

So we are trying to be here more. We're coming so just be careful about that.

Richard Westlake: (Unintelligible).

Bill Drake: Anyway, thank you very much for coming. I recognize that, you know, you may regard as coming to us as this might be a little challenging, but, you know, much of the report we think is of course quite interesting and anybody. And we don't have time more; we've got John Berard sitting here waiting.

Richard Westlake: Can I perhaps just encourage people, please if you do have questions/comments, please feed them back on the Public Comment Period. This is the final chance before we are mandated to finalize our report, so I do appreciate that.

I appreciate the opportunity of being here. And actually we welcomed the opportunity, so thank you.

Bill Drake: All right, thank you both.

And now for something completely different. We have here somebody - yes, we've got them all psyched up and ready for you. We've got somebody here who really sucks - no. John, come to us John.

John Berard: (Unintelligible).

Bill Drake: Many of you know John Berard from his years on the Business Constituency - as a GNSO Councilor for the Business Constituency. You probably also know that John is also leading a new initiative which concerns a top-level domain that has generated a good deal of controversy.

And the ins and outs of that controversy and who likes the business model or whatever is probably less important to us than what the larger picture that has emerged might mean in terms of ways in which ICANN deals with issues; the ways in which government participation was solicited, the ways in which the

different narratives around questions of speech and property and so on, have all intermingled in a very interesting way here.

And so I think it's very appropriate that we're able to get John Berard to come. I had to lean on him a little bit but he was happy to do so.

So I'm going to assume that everybody here knows the background about dot Sucks, and Vox Populi and the campaign that they've been launching.

And I also put information on the constituency Web site with various letters that have exchanged back-and-forth about the dot Sucks application including from the Intellectual Property Constituency who we will be hearing from a little bit, and ICANN's letters to the Federal Trade Commission, articles by Phil Corwin of the Business Constituency about this, Vox Populi's lawyer letters response and the Federal Trade Commission letter to ICANN.

So we have all those materials there for you as background if you are not totally up to speed.

So with that said, I'd like to introduce our friend John Berard, and tell us about why Martin Luther King endorsed - no (unintelligible). Tell us about dot Sucks and what it all means. Which one do you want?

John Berard: I'll use the one on the left.

Bill Drake: (Unintelligible), yes.

John Berard: Thank you for the invitation Bill. When Bill leaned on me, the lyrics to He Ain't Heavy, He's My Brother came into my mind. Clearly he's - sorry, I shouldn't be making jokes like that.

Bill Drake: (Unintelligible).

John Berard: Anyway, I'd like to begin with a little story because I'm a communications person and I feel that it's the story that drives the activity.

And it probably begins maybe in 1988 as I was watching the Presidential Candidate's Debate between Michael Dukakis and George H.W. Bush in which George Bush accused Michael Dukakis of being a member of the ACLU. And I thought, "Well that's kind of odd that he would do that." And so I, the next morning, joined the ACLU and continue to contribute to the ACLU.

In 1996, I had my identity stolen and became interested in privacy as an issue, and in 1997 was a founding member of the Board of Trustee which was an effort to bring some sanity to what was the emerging wild west of the worldwide Web.

And so my personal interest has been in issues that affect individuals. My professional interest has been in corporate and marketing communications. And about seven or eight years ago, I was retained by a company who was vexed -- it's a polite word, vexed -- by criticism on the Internet that was continuing to surface in their search returns in driving both executives personally crazy and reputation askew. And I spent two years trolling what I came to find is the darkest corners of the Internet, those places where things can be said without - whether they be true are not that are difficult to run down, hard to refute.

And so five years ago when the new gTLD program emerged these two interests came together and it was my view that one of the most compelling

new gTLDs that could be brought to the market would be dotSucks because it would give companies an opportunity to actually curate and participate and gain insight from criticism and not have to spend time chasing leads that lead nowhere.

And it would give individuals who have a complaint or a cause or a passion the opportunity not just to say something but if we were successful in creating a recognizable landscape a better appreciation that they would be heard. And so we applied for the top level domain of Sucks. This is the only application that I was involved with. I did not cast, you know, myself in 10 or 15 or 100. This was the one that mattered to me for those reasons.

And for those reasons I thought there was no way that I would ever have the opportunity to bring it to market. I thought there would be better funded, more dedicated commercial interests that seeing at least half the value that we saw would be able to outbid us in what was a private auction the winning bid of which I cannot reveal.

But we were gratified to be able to pull together the kind of resources that enabled us to then bring dotSucks to market. We have been - and this is a point of pride as well. So our application was written a long time ago and the GAC, the Government Advisory Committee, four times brought new demands to the table that became embedded in what we now know as picks.

We never had to change a word of our application. Every requirement that the GAC wanted in an application we had in our initial documentation. The other two applicants for dotSucks never made a change either but that's only because they chose not to. They never had those in their application. So I take that as a point of pride and a sense that we knew what we were getting into.

And so now comes time to bring it to market, four, five years after the fact. And if ICANN had acceded to the requests of Ralph Nader in the year 2000 and granted his organizations the right to operate dotSucks which he asked for it would have been operated without companies, without trademarks, without brand-holders being able to register their names. And so it would have been devoted solely to activists and academics and advocates and individuals.

Well that was 2000. We're now in 2015 and even the companies pulling up the rear on the Internet appreciate that they need to be deeply involved in the Internet. And so when the new gTLD program was put together the policies required that there be a sunrise period which would allow trademark holders who chose to register their marks in this ICANN created trademark clearing house the opportunity to register their names ahead of the market. And it was understood that there would be a premium that they would pay in order to have that right.

In many cases the domains of the new gTLD program are not dissimilar from legacy gTLDs. They are the ability to gain an additional uniform resource locator. They are another address. We didn't and never viewed dotSucks as just a uniform resource locator, never viewed it as just another address. We viewed it as an activity that could drive value not just for companies but for individuals. And so therefore we priced it differently and I'm sure that those of you who were around 18, 19, 20 months ago saw that we threw a number of marketing ideas on the table one of which was that we would charge \$25,000 for a premium name, you know, for a sunrise premium name.

Well the squealing was heard from here to Capitol Hill and former Senator Jay Rockefeller wrote a letter suggesting that this was somehow unfair and shouldn't be allowed to move forward. Well it was one of five or six things that we market tested. It was one of the two or three things that we decided

would not be useful and so we established a suggested price in sunrise of \$2,500.

The criticism that comes to us is that why are you charging so much. And the response is we're not. These names are designed to be deployed and if you deploy these names the value that you will get far exceeds any price that we have even ever suggested be paid.

The difficulty of course is that business changes slowly and once it has its position it likes to pull up the drawbridge to make sure that very few others can get to the landscape. And my feeling is that we are seeing the emergence of companies beginning to kick the tires on being able to tap into criticism. If you are a fan of Lagunitas Brewing Company, a California-based brewing company, their customer service address is dovesuck@lagunitas.com.

It is a cheeky, ear-catching way to engage with consumers. If you go to Facebook which I view as our singular competition in this regard it is nearly impossible to type in the phrase - a company and the word Sucks and not find one, two, three or four sites devoted to people criticizing that company. We can do that for free.

And then there are companies that are doing it under different cover or at least participating under different cover. I stumbled across a Web site called dearadobe.com. And if you were to go to dearadobe.com what you would find is a Web site that I think was started by a couple of people who had a complaint with Adobe. It now curates the top 100 complaints with the company, top 100. And if you look further you'll see that the company participates, answering questions, pointing people in directions to help them better solve the problem that they have.

And so clearly Adobe understands and appreciates the power of being able to collate, curate and participate and that's really what we're after. In fact I just came from the CSG meeting with the board and there was an exchange between a representative of INTA which is the intellectual property lawyers association, and (Steve Croker). And the woman from INTA made a series of comments that drove (Steve) to say this. He said you have made a number of statements as if they were true.

And I think that a lot of what we are confronted with are a lot of statements that are being made as if they were true. And so I appreciate the opportunity to come here not so much to tell you that story but to answer whatever questions you folks might have because one of the decisions I made when I decided to get into this is that I will go anywhere, answer any question, engage in any conversation because I feel very strongly that this new gTLD can have incredible power not just for individuals who have a criticism, a complaint or a passion or a cause but companies who in the year 2015 should be among the smartest at understanding the ability to manage the people who dislike you.

And so I'll leave it now to questions.

Bill Drake: Thank you John. Well you know NCUC well from being around so you know that we are an organization or a network that cares a lot about freedom of expression so this is from our standpoint a very interesting (unintelligible). I'll just start off by reiterating in this lovely magazine that they put in all of our brochures a nice picture of J. Scott Evans from the Intellectual Property Constituency who was asked about dotSucks and he says it's basically extortion wrapped up in free speech.

John Berard: Would you like me to respond to that?

Bill Drake: So much of the focus of this discussion has gotten wrapped up in your pricing strategy rather than the potential utility or freedom enhancing characteristics of dotSucks which raises the question why did you play it that way and would you have done it differently if you had anticipated this.

John Berard: I think I'm supposed to say that's an excellent question Bill.

Bill Drake: You are supposed to say that.

John Berard: Yes, there you go. There are three bits to this, okay? The first bit is I have been involved in ICAAN and its activities since 2009 and it is clear based upon that arc of short history that domain name portfolio managers at brands are tasked mostly with registering names and putting them in a drawer. And so we had - we thought to ourselves well we don't want them to just register these names and put them in a drawer. That's not the point. The point is to deploy them, is to create new market space.

So what do we do? Look, we could price them at what we see as a legitimate value which would have been \$25,000. Then the reaction led us to conclude that we need to price them so that there is a serious - so that it causes a serious discussion to be had. If a company wants to register a dotSucks name at \$2,024 because the registry price as you all know - because even though you're not supposed to because some of our registrars are loose lipped is \$1,999. A couple of the registrars said they would only add \$25 and so most of the brands were able to register their names for \$2,024.

So we felt that if that was the price that it would cause at least somebody inside the company to think well geez, that's a lot more than an xyz, that's a lot more than a .science, a lot more than a .com, and do we really want to do that. That's what we were hoping to do, to get people to actually stop and

think about the decision. If they then decided to register and put it in a drawer there's really nothing we could do about that but our hope was that they would deploy it.

The general availability price we were suggesting is 199. It shows up as a suggested price of 249 because we are also sensitive to the kind of criticism that say .xyz is getting right now. You flood the market with cheap - or domains at no cost and they wind up being a playground for phishers and the farmers and the rest and our goal was to not to want to play into that game.

We did not want to flood the market with dotSucks names that would encourage their misuse. And then we said okay but now what about individuals who have that passion, have that cause, have that interest but don't have \$249 or perhaps they want a name that is on our premium list which might be still at \$2,000, how do we accommodate them.

And so this is a key aspect of our business model. So we are talking to a handful of organizations in the United States that have an interest in free speech, that have an interest in the kinds of issues that I think this group cares about to see if they would be willing to run a subsidy program. The particulars of it are beginning to come into form but they're in no way ready for us to talk about. Our hope is that we can make the announcement sometime in the fall.

So it might be September. It might be October. But we don't want to make this a Christmas present. And the idea would be that individuals could go through this organization and have the request for registration be subsidized. So it doesn't change the price. The price is still the same but it would be subsidized to a level of \$5, \$10, \$11, \$12 that an individual then could bear.

And we would support that or it would be supported we hope with a standard form software package so that as soon as somebody registered that name it would be up and running and ready for moderating the discussion. And so when we looked at the consumers, we looked at general - the corporations, general availability and the consumer we felt we needed to have that kind of approach so as to provoke the kind of conversation we wanted and to allow for the kind of access that would deliver on the promise that we made when we applied for the new gTLD.

Bill Drake: Fabulous. Questions? (Unintelligible).

John Berard: Oh, Milton.

Bill Drake: He's kidding of course. Milton please.

Milton Mueller: I'm shocked, shocked. The trademark owners are being abused by you. That was a voice from a demonic possession.

John Berard: When do you begin speaking in a southern drawl? That's what I want to know.

Milton Mueller: So as you know in principle in a neoliberal sort I'm not for price regulation. I'm for freedom of speech. In fact I'm not neoliberal at all. I'm just liberal so let's just leave it at that. However there are some just questions about the way dotSucks is being organized that I'm not sure I understand yet. So I like the \$25,000 pricing better than the \$2,500 for the defensive registration.

I thought you would be - I think it'd actually be more defensible if you had done that because obviously nobody is going to - that would really make them think, right, and probably that would be the price point at which almost no

trademark owner would register definitively so by putting it at \$2,500 you may be sort of trying to play both ends of the stick a bit or look that way at least, who knows.

But I guess let's say I am just this irate consumer and individual and yes, I can pay \$30 a year for a domain. You were talking about subsidies or about Web site services or something. How does that actually work, I mean just from the standpoint of a individual let's say in our constituency that wants to run something like Westlake Sucks. Oh okay. But just explain the process so I can judge whether it's really suitable.

John Berard: Milton to the extent that I can explain it because it is not fully formed. Because a lot of what will take shape will be based on the input of the partner that ultimately steps forward to want to work with us. But when we sat around the whiteboard and thought about this we thought about a mechanism by which an individual would request the registration of a name through this partner company who would have a - who would be essentially a reseller to a registrar that was approved by the registry, right?

So as a reseller then that partner would subsidize the price of the - so what if the individual disliked Syracuse University and wanted bigorange.sucks and we had determined based upon the review of the public domain that bigorange was really a premium name and so we had it on our premium list for \$2,500. The partner then would subsidize the registration fee to a level of say \$10. And so the partner then subsidizes 2,490 in this instance and the individual has to contribute \$10 but the process, the fees, the prices are the same. It's just an ability to subsidize the price so that an individual has the opportunity.

Now if the individual then moves forward it is our thinking that the partner company would then stand up that Web site, so if it were bigorange.sucks that

it would immediately be available. So if you typed in bigorange.sucks as I'm sure many people do on a daily basis you would find it but it would also be found through a what you could think of as a directory portal. It has been casually called everything.sucks. I don't know that that's what it's going to be but it would be a portal that would draw people to it.

So the idea is that by immediately hosting it with standard form software that could be modified by color and logo and such by the individual we would allow immediate activity but also by embedding it in this portal approach we would begin to drive traffic to it so that other people -

Milton Mueller: But what's the incentive of this partner company to subsidize this premium (unintelligible).

John Berard: Again the idea is can we find people in the universe who because of their instinct and point of view would be willing to contribute to this particular cause. And so that's why I say the mechanism hasn't come together yet because we've got a lot of moving parts but we're committed to continuing to figure out, working with spanning it up because if we - creating the subsidy program is a key part of what we have promised to do.

We have promised it to ourselves. I've promised it to myself and so I am - that is what I'm spending except for this week and Buenos Aires is what I am spending most of my time on. And so as details emerge I would certainly share them but as I said we're looking for a full plan rolled out sometime in the fall. Yes.

Man: Thanks. So I have a question here. Are you planning to have (unintelligible) of dotSucks (unintelligible) to apply for (unintelligible) of dotSucks because dotSucks sounds really (unintelligible).

John Berard: I'm not fully aware of how many languages the word Sucks plays in but I realize that it doesn't play in all. The French seem uninterested. The Germans are getting tuned in I think but it's clearly going to be a slow - I'm not looking for global hegemony just yet.

Man: I was just wondering whether you had...

Man: Name?

Man: Oh sorry, (unintelligible). Just wondering whether you could shed some light on the kind of engagement that you've had with (unintelligible) on this.

Man: (unintelligible).

Man: Yes and your assessment given that this is ultimately - a lot of it especially on the free speech front is contingent on the (unintelligible) in especially Asia. So has there been any sort of assessment done on (unintelligible).

John Berard: The short answer to that I think has to be no. The longer answer of course is that we have spoken to a fair number of people at the GAC. We have responded to specific questions from the GAC. In fact they were put to us through the funnel of Australia. But no, we have not done a free speech - it's well known to anybody that the rules governing free speech or speech differ - can differ quite dramatically between and among countries.

That may serve to limit the initial marketplace for what we are trying to do but our ability to be successful gives us the opportunity to seek to expand and it would be - I couldn't even begin to suggest how that might occur but it's an instinct that we have of course.

Bill Drake: Do we have one last question or can I send John off into the good afternoon to enjoy the rest of his day.

John Berard: My favorite color is blue.

Bill Drake: One more question from Rafik and then we wrap up.

Rafik Dammak: Okay thanks Bill but it's not really my question but just here to (unintelligible). Some activist want to use dotSucks for some campaign or (unintelligible). Can you provide this for free?

John Berard: It's probably going to be viewed as a product of our being a commercial interest but it's not to say that we haven't thought about that, free, we haven't thought about that. My suspicion is that if the partner co who helps stand up the subsidy program is active, efficient, effective that a subsidy is to a price and in fact that price might be free but the terms and conditions under which we operate would not allow us to change I don't think. I'd have to - I'd have to confirm this. This is not a question I've been asked before but I think the terms and conditions of our contract suggest that changing prices from creating those kinds of opportunities would require a lengthy time period and review.

But it's certainly something that we could consider the possibility - a possible result of the subsidy program.

Bill Drake: Well John I think we can safely say that you've managed to generate one of the most lively discussions around new gTLDs that we've had, so - and one that touches all kinds of interesting points, so we're very happy you were able to come and join us and share that.

John Berard: My pleasure.

Bill Drake: And see you...

John Berard: In the hallway.

Bill Drake: In the hallways. Great.

John Berard: Thank you.

Bill Drake: Fantastic. Thanks John. So all right, and now for something completely different. Again I would like to welcome to the table the president of the Intellectual Property Constituency. The first time I believe we've had the IPC here with us. I'm very pleased to have our good friend Greg Shatan here to - oh he's bringing counsel?

Greg Shatan: You have the right to remain silent.

Bill Drake: Okay well that's good. It's good to have Greg here. He (unintelligible) been working very diligently on all the transition issues alongside many of us and very like-minded in many cases so this is great. And of course his standpoint on the matter of dotSucks is somewhat different from what we've just heard and indeed he has written some letters that have gotten quite a lot of attention and certainly come up rather prominently in Google and so on.

So we had started our last session with this nice quote from J. Scott Evans about extortion. So I think we already have that as a background but we welcome your thoughts not just about dotSucks but also how from a procedural or institutional standpoint you see this in terms of strengthening

ICANN, the bottom up process, the role of the GNSO, decision making, the way in which ICANN went to the government seeking advice.

Any of those kinds of issues I think are all quite interesting and we'd love to hear whatever you've got on them.

Greg Shatan: Thanks Bill. That's a small question I'll be able to dispose of very easily. First it's a pleasure to be visiting the NCUC. I've spent a lot of informal time with a lot of you and a lot of semi-formal time in a lot of other working groups. I think that there's a lot of common cause frankly between the IPC and the NCUC in many ways.

There are probably a couple of issues we don't exactly see eye to eye on but the more that we are able to come together to discuss things the better the multi-stakeholder policy ultimately works in that regard and I think that my own background, while I'm one of those dreaded IP attorneys I'm also a proud graduate of the Walden School and went to school in the Andrew Goodman Building and I'll note that June 21st was the anniversary of the Mississippi burning tragedy where Andrew Goodman and two other civil rights workers were killed as part of the Freedom Summer.

In any case that's the kind of history that I learned in high school. So turning to dotSucks I think first it's kind of important to say what our concerns aren't. Concerns about dotSucks aren't really trademark infringement concerns. Obviously if there are trademark infringement issues concerned about them but we didn't raise a hue and cry about .gripe or about .wtf where we can expect all the same type of content to end up. So this isn't really about content.

A lot of it's just about actions. And you brought up the E word which hangs in the air, extortion. Which it's always fun to write for sound bites but the way we think about that particular issue just to take that is due to the price differential, the discriminatory pricing between trademark owners and the subsidized potential registrant.

The retail - the wholesale price to the registrar for a dotSucks domain for trademark holder was \$1,999 which the choice of the registrar to markup - (Mark Monitor) for example took a stand that they weren't going to make any money off of it. They just marked it up by the \$25 which is a ancillary fee. Others were charging over \$3,000. I saw \$3,700. The MSRP was 2,499.

So on the other hand there was the express statement that if you did not buy this domain during sunrise or general availability where the pricing seems to be the same that we would find somebody essentially to buy it for \$10 who is going to criticize you. So that kind of left you with a hard choice. It's kind of like the guys in front of the restaurant when you park your car. He says you can give me 100 bucks to watch your car or I think that guy over there with the knife in his hand - I think he's pretty - he'd take a buck.

So I'm not going to give him that buck if you give me 100. So it's kind of that same choice. Are you going to take a chance on coming out and finding your car all marked up or are you going to pay a little bit more money for protection. So that's kind of the way I looked at that particular item. And it's kind of a social engineering which seems to be now the new sophisticated sounding word for conning and extorting things from people but it does sound so much better.

So it really seemed to be an attempt to herd trademark owners to find that they - to buy or else. And of course being counseled by awful IP attorneys who are

generally very risk-averse and whose lives and livelihood depend on not finding their clients in situations they wish they weren't in.

You know, tended to have to advise, either "ignore this," because, look - there's 900 new top-level domains that you could buy a string - and there are all sorts of variations on strings that you could buy. You could never buy every string that you might wish wasn't out there. So at some point you have to be rational.

So how does a new TLD distinguish itself so that you're going to buy there and not in another one? Well, they follow the old axiom that there's no such thing as bad publicity. And I did PR for a while, actually, before I went to law school, so I can kind of appreciate the PR spin that's here.

Nobody heard - nobody's talked about it, Doc - right. I don't think anybody can even tell you when the sunrise period was.

And so, on the other hand - everybody, the New York Post has an article about dotSucks. So there is clearly an element here of hucksterism, and a part of that's part of the great free market economy that we, you know, many of us live in. And the ones - those that don't, may wish they were in - they may not. But in any case, that's kind of where this came from.

And there were other elements of this. I would see something on the site, and then the next day I would look for it. It wasn't there. And there was something different. I think the policies changed eight or nine times during the sunrise. And there was something else somebody saw on the Web last week that wasn't there two days later.

There is Specification 11 of the registry agreement. It calls for a stability in policies and in clarity and transparency. I don't have it in front of me, so, that's not a quote, but it does call on there to be some sort of ability to rely on these policies, and some of these things changed.

People who bought earlier in the sunrise may have relied on things that weren't in the policy later on, so that created a lot of odd results, but again, there was this idea that if you like what you see, you better buy because, you know, wait five minutes and it may not be there, so there's certain elements like that that are actually similar to the new gTLD program as a whole.

The idea that nobody knew what anybody else was registering for until reveal day when it was actually too late to buy it, so, you had some people who bought or applied for top-level domains because they didn't know if they'd be the only one in their industry who didn't.

And you may see a lot of withdrawals from the dot brand applicants for that reason. They looked around and they saw that they were the idiot. You know, it's what you - you're either the idiot who doesn't buy when everyone else does, or you're the idiot who buys when nobody else does. So the ones that saw that they were the idiot withdrew.

So there's a lot of, you know, trying not to be an idiot in all of this, so, the questions is are you an idiot for buying dotSucks, or are you an idiot for not buying it?

So the - I think that - I can't remember who it was - one of the many - maybe it was (Michael Burkin) who said that dotSucks was a stupidity test and that basically anybody in the IP business who bought, you know, failed the idiocy test.

So, you know, I tend to tell my clients you know, don't get sucked in by dotSucks. Because you're never going to solve the problem by buying one TLD, but you are going to run out of money.

So the overall issue, I think, is trying to have kind of both - and it goes for larger, which is the credibility of what's happening here. None of us are in the domain name industry.

Which is, I think, one of the reasons why we, you know, can make common cause. We're all trying to deal with the domain name industry, have it help serve the needs of our constituencies and our - the communities and the community broadly. And kind of keep it from becoming a runaway train of just, you know, massive abuses or whatever it may be.

And find a way that for it to actually help to do good in the world. I think we're all - we're not just here to try to prevent bad, we're here to help, you know, to have a positive effect around the world.

And you know, legitimate complaints and criticism have a huge place on the Internet. You know, if it wasn't for porn and criticism and advertising, you know, the Internet would be very pretty much smaller. A lot of pictures of cats hanging off of things with little captions on them.

But so, it's not we're trying to stop criticism at all. It's that we're trying to stop, kind of - and it isn't a question of stopping it. At this point the cat is out of the bag - and not one of those cute little cats. It's kind of more of a nasty alley cat, but it's out of the bag.

So the question is what have we learned now for other new TLDs that suddenly seem to be adopting very interesting pricing policies. Kind of me-tooing into the dotSucks.

Because the answer is, you know, if the first guy can get a hundred bucks to watch your car, why doesn't the second guy also try to get a hundred bucks, you know, to watch the other side of your car.

So, we're seeing more of that. And what have we learned for the second round? You know, the second round is going to happen. You know, it's an inevitability.

The question is how much can we change to avoid kind of negative issues coming up? What can we learn to create something that seems like more of a responsible market and less of a Kasbah when it comes to selling domain names - which I'd much rather be in the Kasbah than here right now, but I guess it is kind of an intellectual Kasbah.

Bill Drake: Intellectual Kasbah. It's a Kasbah, and it's a - what do you call those things at the soirees in Georgetown? What's the word I want?

Greg Shatan: I've never been to Georgetown.

Woman 1: (Unintelligible).

Greg Shatan: Oh, forget it. Never mind. All right. I'm not one of those lobbyists.

Bill Drake: Let's try and see if we can pass the stupidity test with some interesting questions or comments for Monsieur here. Okay, we have one from (Farzi). Go ahead.

((Crosstalk))

(Farzaneh Badii): I am Farzaneh Badii So can you, in one sentence, summarize what the problem with dotSucks is? I didn't really understand. Just in one sentence what the problem is that your IPC is trying to solve.

Greg Shatan: Primarily - comma - the issue is the attempt to kind of - I'll use the word extortion - the attempt to extort money. The attempt to force a sale through a price discrimination model where the threat is that if you don't pay a price that's much higher than has been charged for virtually any other top-level - for any second-level domain.

If you don't buy it for this very large price to keep it essentially off the market, we're going to subsidize somebody else - at an extremely low price - to take that same domain and put it up in a way that you probably will wish it didn't exist.

And I just would say with regard to that - (Margie Ann) do you want to - give you a moment?

(Margie): Thank you.

((Crosstalk))

Bill Drake: That was more than one sentence.

((Crosstalk))

Woman 2: And they can lease also with the IPC, and I do also have to say that I'm very much a supporter of free speech. I used to make a living as a writer for five years. I'm a member of the Writer's Guild of America. I do support free speech. I've not recommended to any of my clients to buy any dotSucks domain, very frankly.

For various reasons, not only just in favor of free speech, but because there's so many open, you know, domain name registrations that one can use for that purpose.

And what I want to say about this is that my own personal view is that with respect to this particular domain, the pecuniary interest is so high that they're working both sides of the street, if you will, because - and John and I haven't spoken jokingly about this, so it will be the first time he hears it, but on the trademark side, we've got, "So how much can we get these folks to pay, on the trademark side?"

And then on the free speech side of dotSucks, there's this phantom partner out here somewhere. In other words, it's not the dotSucks domain itself that is subsidizing the free speech - because for some reason that's an unworkable model financially.

And yet, that's exactly how the domain - how the registry itself - is being marketed. And they're - you know, so they're getting as much money as possible from the trademark side, and then they're telling all of the folks on the free speech side that, "Well, you'll get your chance when we find somebody else to fund it."

You know, it's not that dotSucks is going to fund this free speech. It's some other phantom partner out there that, you know, has not as yet stepped forward.

And not only is my understanding is that phantom partner will subsidize the registration, but that potentially, you know, they'll also pay all the costs of running the blog and the Web site and whatnot. And that this activity doesn't involve the registry itself. You know, that - none of that makes sense to me if, in fact, your purpose of launching this registry is that you wish to promote free speech. Thank you.

Bill Drake: Thank you. Because time is tending to run short, and I know that a lot of people have questions, what we're going to do is take all those questions together concisely stated, please. And then let you respond as a group to them, okay?

So let's go to Avri and I have (James) in the queue. (Nils), Robin, and then me. Okay. Go.

Avri Doria: Avri Doria speaking. I wanted to - you had said something that I wanted to provide perhaps a quick counter-example for. The other night at a party, I was talking to these folks and said, "Wow, really cool idea. Gee, is Really-dotSucks taken?"

Yes. Or reserved.

Is such and such taken? How about Genuinely-dotSucks. Is that one taken?

No, that's not taken.

So I waited a day and then I went and bought it. And strangely enough, it was still there. So comments about, you know, somebody mentioned something and it disappears is - at least to my mind - somewhat unwarranted.

The other thing is, when I went to register my Genuinely-dotSucks - and I tend to use it for all kinds of things, I'm sure, I found that there was this other box, that for some lower sum of money, I could have put a name in a reserve list for a year.

Yes, I think it was a hundred and fifty-five, or something like that. So the thing that it's totally exploiting - okay some of them may be but, you know, I think that we're making the counter-case a little stronger than it needs.

Now, of course, I had to overload my credit card to do it, so I failed the idiot test. And I have no problem failing the idiot test. I fail it all the time. But then again, you know, if I ever do have money, letting people use Genuinely-dotSucks because they need to and they can't afford it. Sure, why not?

Greg Shatan: Let's take a quick counter to that. Alright. We're going to break the rules here because that's what this group is about.

Bill Drake: Okay.

Greg Shatan: So first, I wasn't saying...

Man 1: The second time, establish any breaks.

Man 2: That's what rules are for.

((Crosstalk))

Greg Shatan: I told you the other day I was named after a Russian anarchist.

Man 3: He also breaks legs.

Greg Shatan: Oh, well.

Man 3: I'm from Chicago.

Greg Shatan: That's right. So in any case, I wasn't saying that domains were disappearing. I was talking about policies were shifting and changing words.

You know, for instance, the phantom partner - was initially called Everybody-dotSucks. But there actually doesn't seem to be Everybody-dotSucks. So that, I think in response to comments, they referenced Everybody-dotSucks, I think, disappeared from the Web site. Now it's Nobody-dotSucks. So that's the issue.

And also, the second part is, in terms of really no problem with something like Genuinely-dotSucks, putting aside - I hope I don't have a client who has Genuinely as a trademark, but Child-Labor-dotSucks - you know, whatever it is, you know, labor - Exploitation-dotSucks. Whatever it might be, I have - we have -that's completely outside of my domain, so to speak.

But I will note that if you want to look at the pricing of AIDS.sucks or Cancer.sucks, if you got a million dollars, or maybe it's 120,000 for one of those. You know, those are some interesting ones. So - and I tend to doubt that - although maybe John will change this, because he seems to be a very responsive guy.

So we'll tell you that if somebody pays a million bucks for AIDS.sucks, that that will be given to AIDS research. I personally would hope that that would be the case.

On the other hand, who knows? It's a free country, or it's a free world. Free market. Anyway, I'll stop talking. Somebody else has a question, I've broken the rules long enough. Thanks.

Bill Drake: There you go. (James) is next, actually, and then...

(James Gunn): In an example of cross-community, I would free time actually for my good friend Joey here. I mean, Kiran.

Kiran Malancharuvil: Thanks. He's calling me by my middle name. He thought it was funny that they found out last night from my driver's license that my middle name is Joseph. So now he calls me Joey. Thanks for that, (James).

I'm Kiran Malancharuvil from (Mark Monitor). I think that Greg is doing a really good job of explaining in detail kind of what our issues are, but I think there was a crutch in the floor about stating things really succinctly, and like and a simple thing. I think I might be a little better at soundbites than Greg is, so let me take a stab at this.

The two issues are really very simple. It's price discrimination in general availability. So we're not talking about the difference between sunrise and general availability, because the, you know, the contracts state that sunrise can actually be more expensive and so I'm not touching that issue.

But rather, the same period of registration, the same name - so a brand name, subsidized on one hand by Everybody.sucks perhaps for \$10. But if you're

actually the brand owner, it's \$2500 or whatever they priced it at from their market premium list, which needs to be called their TMCH sunrise list. That's a good example of something that's shifting and changing. No idea what that list is called now.

So we've seen the list now. It's been leaked. And it has a number of brand names. So if I'm - I don't know - Motorola, I'm paying thousands of dollars more than somebody who isn't Motorola. And most consumer protection laws do not allow for different classes of consumers being treated differently in the same set of circumstances. Which is what's happening here. So price discrimination.

The second issue is deceptive marketing practices. Very simple. They scared us. They went through fear - through a system of fear-mongering by telling us that they had a third party lined up that was going to subsidize registrations and give people a chance to purchase brand names for \$10, and that ended up not being true.

John Berard came to the INTA meeting and said, "No. We don't have anybody lined up." The International Trademark Association meeting in March.

So basically they had used deceptive marketing practices during all of sunrise up to that point to say to us, "Hurry up and buy your name or somebody else is going to get it for \$10." A consumer that's not associated with your brand. And that ended up not being true.

So those are our big, big issues. It's not a question of whether it's clever. It may be. DotSucks is actually a great idea. But they took it too far in two ways that we consider are - at the very least - you know, poorly put together

policies. But more likely than that, problematic under, you know, under the laws under which then we all operate. Thanks.

Bill Drake: Thank you, (Joey). I'm not sure that that was more succinct...

Kiran Malancharuvil: Did you call me (Joey)?

Bill Drake: (Unintelligible) a soundbite. I actually think...

((Crosstalk))

Kiran Malancharuvil: I hope it was clear. Like those - it's not - I didn't mean concise. I wasn't going to do it in a sentence. But I hope it was kind of just clear as to what our two courses of action.

Bill Drake: Really? Because not eating lunch before the MCST meeting with Suck.Com, or dotSucks. I want to now do what I said before, and just ask people to quickly put some questions on the table, and then let him respond in a singular way. So try to make mental notes. So, Robin, please. And then (Ed) and then (Marilee).

Robin Gross: Hi, this is Robin Gross from IP Justice. And so I just wanted to take issue with one thing that I've heard from the beginning of all this. And it's this use of this word "extortion." That somehow trademark owners are being extorted here.

And I think we need to really examine what that actually - what that actually means. What is extortion? I mean, it's your money or your life, right? It's a threat that you're going to have something taken from you that you're not - that they're not entitled to.

But that's not what we've got here, because we have a right to criticize brands. We have a right to criticize trademarks. This isn't extortion; this is an exercise of our rights.

So I think that that framing it - trying to frame it as extortion, while it's been initially very successful in the press - any time you actually think about what it is, it just doesn't hold any water.

Nobody is doing anything but criticizing a brand or a trademark here, and to say that's extortion is just misuse of the English language. Thank you.

Bill Drake: Thank you. You're going to do it again? Really, seriously, because people have to eat lunch, so, okay. After Robin I had - Jesus, I lost it already. (Ed).

(Ed): Thanks, Bill, and Greg, and welcome here.

A quick comment. Differential pricing is not illegal. You can't have differential pricing, generally, on the basis of race/sex. But the nonprofit community - we love differential pricing. Because we often get a price break. That's not my question.

Your solutions. I mean we've had this issue since Doc-Triple-X and Rice-B. You guys have been yelling, "Extortion, extortion." Berard's extorting you. I don't think he has your family members in the basement. I could be wrong. John's a creative individual. You've been yelling about that with Doc-Triple-X. What's the solution? Price caps? What do you have to offer us? On counsel, take a look at for the next trash.

Bill Drake: Very good question. Very crisp. Let's do that again, David?

David Cake: Sorry. I understand the, you know, the gap warnings on this sort of string and you know general community feeling that tell these that - you said, sort of, predate on the desire for trademark and brand protection are bad. Right? You know, and there's been - I mean, I've seen some excellent stuff about Doc-Triple-X doing that.

And but I'm taking your position now is that yes, brand - tell these that predate on brand protection is bad, but tell these that try and discourage that by pricing signals are even worse.

Why other (unintelligible) - that's my opinion. DotSucks seems to be - the pricing structure seems to be very much designed to go. We are chasing - you know, if you're a trademark owner, it's not worth buying unless you're going to use it. And they'll send price signals to that effect. So you're saying, you know, on one hand it's bad. The price signals to say we're not doing it, or even worse. Is that - I mean, it seems to be the position that in effect, you know, anyway.

Bill Drake: Okay. Thank you. Marilia.

Marilia Maciel: Thank you very much. This is Marilia Maciel speaking.

Well, all of us that have law background, one of the first things that we learned when we go to the law school is the difference between what is legal, what is moral, what is ethics.

And I think that we are confronting with sort of a similar issue here now because it's my personal opinion, and I realize that this is not shared by most of the group here.

The fact that (unintelligible) has sold) that is not regulate prices or does not create a regulation about that unless the market just show it, does not mean that we should support something that in my opinion is not ethical and it's not correct. Just to put it shortly.

I do agree that it's very - when I saw dotSucks for the first time, the registry for that. I was very enthusiastic about it. Because I think that is a great way to convey expression, and I do agree with Robin that it is fundamental to have these sort of mechanisms to convey opinions and ideas.

I just don't agree that the price will be discriminated. I think that if the price was the same for everybody and companies could make a decision to register or not - the same price - that would be something. And I would completely support that.

But this price discrimination just creates a scenario in which a particular actor will have lots of money, and I'm not against making money, but I don't think they should force other people - threaten other people - in order to make money. They have to find other ways to do it. And I understand that for some people, the end justifies the means. I just don't agree with that. Thank you.

Bill Drake: And I will abuse my position by asking one last question. And I'm just curious if you would respond to - did you have any concerns about the way ICANN staff handled this issue?

ICANN going to the Federal Trade Commission and the Canadian government saying, "Gee, we don't know what to do. Is this illegal? Please save us." And both of them came back and said, you know, back off buddy.

This is a very interesting little exchange. And a lot of us kind of wondered, like, was this an appropriate role for ICANN to be playing - politically, institutionally, and so on? So there you have the nexus of some interesting little tidbits. Dig into those you choose.

Greg Shatan: I'll try to answer succinctly and try to remember them. I'll actually go in the first in/first out order, so I think, Robin, you're taking a very narrow definition of extortion. There is something at stake here. It's the goodwill and the reputation of the company met - so in the whole price kind of - the protection of your car analogy. I won't go there. I believe it's, you know, a form of extortion.

Secondly, we're not trying at this point really - we're not talking about stopping people from putting criticism and content on the Web, or even necessarily finding a domain name to put that criticism under.

As I said, we didn't talk about dotRife or dotWTF and if people want to go to dotSucks, it's really as Kiran said, it's really a good idea that was - we don't like the execution in this particular way because it targets brand owner and tries to suck as much money out of their pockets as possible.

And remember, not every brand owner is Coca-Cola or Google. There are small and medium-sized enterprises with brands too. And, you know, they're trying to make their way and build their business. So they're not all - it's not all necessarily deep pockets.

So - and in terms of your question - in terms of solution, I think part of it, we're just looking toward the second round, and I've been wrestling with the idea whether there should be a laissez-faire economy here, or whether there should be some price protections.

It's usually the further to the right you get, the more - the less price protections you end up with. And to the left, you're getting more regulation.

So unless I'm a neo-liberal, which I don't think anybody ever calls themselves - it's always an insult to somebody else - unless you kind of get to that neo-liberal thinking, I think the liberal thinking is there should be, you know, some price control. So at least look at it.

So I think there needs to be some study. I'm not talking about some kind of - and I said before - the cat's out of the bag on dotSucks. So unless there's a Spec 11 issue - which there may be, the issue here is more what can we learn? Now, the first wave of anti-trust laws and trust-busting came after huge monopolist pigs built their system on the back of the working people of America.

So that's going to happen here. It's an iterative process. That's why we have a section. That's why we have all these reviews. We're going to wait and see what they result. So I think there needs to be reasoned discussion. And you know, shit does happen, sometimes and you have to figure out how to react to it.

David, remind me of your question.

David Cake: (Unintelligible).

Greg Shatan: Oh, the - well I think there were big signals there because...

David Cake: Ignoring big signals sounds good.

Greg Shatan: I think there were mixed signals, because there was also a lot of publicity about how this would sort of really be good for your company to take control. So there was marketing toward companies as well as there was - and frankly, I think the real signal was if - and this is really where I have to give kind of a well-played to John, is that he managed to get this into the public consciousness.

And what that means is - most of the time nobody cares about what the IP attorney in the small office behind the huge filing cabinet is thinking about. This now became a CEO issue. Or a general counsel issue, because they read it in the New York Times and the Washington Post or talked about it on the subway.

In New York, everybody still rides the subway. So the point there is now you've got somebody coming into your office who did not come into your office when any other top-level domain announced its sunrise and saying, "What the fuck are we doing about dotSucks?"

And if you say, "We're not going to buy it." And they say, "Well, it's your ass if something goes up there and I don't like it."

And so somebody says, "Well, I'm not putting my ass on the line for not buying dotSucks. Here's my 2500 bucks." That's the price signal I see there.

Really, I don't think I have an answer, because I love what you said. Bill, I thought that what ICANN did was just a massive punt over to the FTC and the OCA. I don't think they expected - I think they got what they expected, in a sense, which was just a deflection.

And the OCA - and I have to say this as someone who is technically Canadian. I was very disappointed in their - my father was a Canadian citizen when I was born, so I have Canadian citizenship, but it's a long story about how I lost it and got it back. Buy me a beer, and I'll tell you. Hopefully Canadian beer.

Anyway, they said trademark infringement is a private action. We're not talking about trademark infringement here as our issue. They're obviously - there's the EDRP. There's the URS, there's all kinds of other ways to solve the problem. That's - we're not even going to that place.

We're going to a completely different place, and I was kind of - it kind of shows that this was a punt, because nobody really helped explain that trademark infringement is a different part of the issue.

I see a Canadian raising her hand. So...

Woman 3: I just want to know, if I may...

Greg Shatan: We really do got to get out of here, though. People are starting to get up and go eat, so...

Woman 3: Stop me, (Baron), here, can I just say they sent it to the wrong agency. That's a bit of a problem.

Greg Shatan: Nice to...

((Crosstalk))

Woman 3: Just very quickly, also the other problem here that I see is you know, one of the ways in which the name of premium list - the premium name list was developed - was to look at which trademark owners had gone to have their names blocked in connection with Triple-X. That's a published fact.

So what that means is if you want to criticize that trademark right now, the price to you is a premium name price. And it doesn't matter, you know, what your financial capability is, you know, you've got to find somebody else to subsidize that if you're just wanting to exercise your free speech rights.

Because identification of premium names to be linked to very high prices was actually tracked and linked to whether they previously got a block as a trademark. And that doesn't really seem to me to be consistent with the stated goal of promoting free speech.

Greg Shatan: I'll just note that the premium name was just a 100,000 strings long.

(Carlos Surille): Carlos (Surille).

Bill Drake: Okay. Because everybody - Rafik's getting mad at me.

(Carlos Surille): It's quick. No, it's just to say that NCSG-dotSucks. NCUC-dotSucks. Carlos-dotSucks and Marilia.sucks are sold for about \$250. While Flavia.sucks and Bill.sucks are sold for \$3000.

Greg Shatan: I would only say that John has said that they've done a careful market analysis of why some are worth more and clearly (Flavia) and Bill are - yes, it's going to cost more to criticize them, so it's more value there, clearly.

Man 4: Yes. Value for paying for...

(Carlos Surille): By the way Robin.sucks is also \$3000.

Bill Drake: Greg, I want to thank you -and you also - for coming and John as well. It was a really interesting discussion. And I think it's one that would have been fun to have had in a larger forum with the rest of the community, but that just didn't get programmed. But I'm glad we were able to do it here.

I hope everybody found it interesting. Thank you all for participating, and this is adjourned, and you can end the recording and thanks to the remote participants.

END