Transcription ICANN Buenos Aires RrSG Session III

Tuesday 23 June 2015

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Man: Okay, everybody, if you could please take your seats. And if somebody is close to the door, would they mind closing it please? And for recordings - yes, okay, we do have some remote participants. And Michele and chair of the registrars, we're meeting this afternoon with our guest, Larry Strickling from NTIA and I'm going to hand it over to, Larry.

Larry Strickling: Great. Well thank you and thanks for having us. Also with me today are Fiona Alexander, who many of you know, who runs our Office of International Affairs, and hiding in the back, Beth Bacon, who works also in our International Affairs Office, so they give me any difficult questions am going to hand them off to them.

And it would like to get your questions as soon as we can but it seemed to make sense to just make a few introductory comments so I'll do that, which is - and I don't know how many of you heard my remarks Sunday night, but at the outset, I did comment on how totally impressed I've been with the activities and the work of the community in responding to our call last year to

complete the transition of the IANA stewardship away from the US government and into the multi-stakeholder community.

And I think that you look back at all of the work that's been done, and I was greatly impressed by yesterday's presentation at the opening session of all of the meetings and conference calls and all of the papers and all of the trees that have died to allow this process to go forward, and it's really quite impressive.

And I think if, those of you who have been engaged in it, should take a tremendous amount of pride in that. And those of you who haven't been all that engaged, please get involved, be heard. There's still time.

The community is still wrestling with some very important accountability issues and I think it's incumbent on everybody who depends on ICANN to participate in this process because out of that we will get the best proposal, the most well-tested proposal, the one that will withstand what we expect to be a tremendous amount of scrutiny in Washington, DC after the plan's presented to us.

And not just from us - you know, we're going to be looking at it hard but with this legislation that is on the floor of the House of Representatives in Washington as we speak, they're deliberating on it today, we can expect to have some pretty direct and concentrated review by our US Congress on this as well.

So it's important as we move into that process that we have a plan, that the community deliver to us, a plan that is easily defendable and one that I can be a very strong advocate for because it's what the situation will call for when we get to that stage of the process, hopefully right after the first of the year.

Beyond that, I made some comments Sunday night about what I hope the community will be doing between now and October and maybe it's worth

repeating those now in terms of it's not just having a good plan and a good outline of a plan, but the demonstration of how the plan meets our criteria is absolutely critical in all of this.

We have laid out these conditions last year. They're pretty straightforward but it will be very important that the community, both with the IANA function transition, as well as the accountability piece of this, talk about how we're preserving stability and security, how we're meeting the needs of customers like you, how we're preserving and enhancing the multi-stakeholder model.

And very important from the point of view of the politics in Washington, how we will make sure that ICANN won't become subject to capture certainly by foreign governments. They are worried about that - but by frankly any elements of the community, any aspect of the community.

I think no one has helped in this process if one stakeholder or set of stakeholders predominates over others. It's really important that everybody feel that their voice is heard as anyone else's ideas are heard.

So I really want to encourage folks to focus on that as they continue their discussions here this weekend as they continue to flesh out a plan coming into Dublin in October.

So maybe I should pause there. I'd much rather answer questions because then I'm addressing what's on your mind instead of trying to predict. So maybe I'll pause and see what people want to talk about. Do you have the first question?

Michele Neylon: No, I was just going to say thank you very much. Thank you for (your intervention). I suspect that some people will have questions and I can see (Elliott) is itching...

(Elliott): Well, Michele, usually the - you know, the host has that opening softball question and I did want to, you know, stop you from that one.

Michele Neylon: Well, I think Larry's had quite - had so many questions and answers of the last few weeks that...

(Elliott): So Mr. Strickling, thank you for coming to join us. This is an honor. I feel that we've ascended to some new status.

Larry Strickling: Aw, go on.

(Elliott): I've - and...

Larry Strickling: Come on, we know that's not true.

(Elliott): You know, I have sort of two questions and I'd like you to come that both of these if you could. You know, they're or from personal opinion. You know, the first is, you know, where would you sort of have your worst fears post-transition?

So, you know, it's now post-transition, plan has happened, past congressional scrutiny, we're on the other side of the, you know, you're going to be connected to this obviously in a big way. You know, it's a couple years out. What would your worst fear be?

Larry Strickling: That's an interesting question I think it's a good question. I think, as I've said before, the community is getting stronger every week that this process is in place because of the engagement of the community. I guess my biggest fear would be somehow we get past next spring and we lose that engagement.

Because the multi-stakeholder process is only as strong as the engagement of all of the people who have interest in those who can come together and make sure all the issues get on the table and that they're all considered.

And so for example, in the process to date, I've been very impressed with - let's take the CWG, for example. Back in the time of the Singapore meeting, I think the CWG was still feeling its way a little bit. They had put a proposal out.

They had probably put up a loud that some people felt was a little too extreme, but there was a real course correction that I saw happen after that meeting where people really sat down and looked hard at what they had put on the table and looked at the public comment and reacted and responded to it.

I sense the same sort of things going on right now with the accountability working group. And I think that's good and that's healthy and I hope that there's a way to capture that and put it in a bottle and see things moving forward in ICANN with the same amount of engagement.

Maybe not the same amount of intensity and week after week demands on people, on time and on the resources, but the level of engagement has been, I think, very, very good and that needs to continue in order to have a strong multi-stakeholder process.

Sometimes capture can happen because everybody's asleep at the switch and you just do not want to let that happen. Your businesses depend on a healthy vibrant ICANN and it's important for people to be vigilant about that and continue to participate in the process.

So I would say that's - would be my biggest fear is that somehow people lose interest or is a certain amount of boredom that sets in or whatever else. So people need to be just as engaged to five years from now in these issues as they are today.

(Elliott): The second part there, you know, we're, in many ways, coming to the end with this transition of, you know, I guess what I would call a 17 year journey in the USG's role since really the early magaziner days.

You know, it then points on the line towards, you know, kind of handing over the keys in some sense. Have you given much thought, either formally or informally, actually in your role or just, you know, sitting on the deck with a beer about what this would mean for a change...

Larry Strickling: Can we go now?

(Elliott): You know, change in the US Government's role, you know, going forward? You know, obviously just a whole tone and tenor of it is different because so much of the - so much of it has had to be whether it's here or (with us, wig-gig), et cetera.

You know, ITU has have to be a kind of, you know, defending both this direction and defending the continued involvement. You know, so a lot of that, you know, that energy is removed in the room. So, you know, how do you see the USG role going forward, changing?

Larry Strickling: The reality of our role is not going to change that much other than the very precise condition that we will no longer be involved in reviewing and approving changes to the root zone file, and that's good.

But that's really, as a practical matter, all the actually did operationally in terms of the performance of the IANA functions. The rest of this is largely symbolism. It's both the irritation that foreign nations felt by the fact that the US still have this contract. That's one perception that we're dealing with.

But at the other end was the fact that for the most part, certainly will I've been here at NTIA, we have not really, you know, utilized that perceived power that

we had to in, some way, change what ICANN would otherwise do and what the community would do.

So well people may have had some comfort that, oh, the US Government's there. We can always petition it for redress when ICANN doesn't do it at once, for the things that have come to me in this period - and I can remember - and there've been hearings held on some of the stuff.

You know, some of the large businesses with the expansion of top-level domains felt that this was (not) fair, that this was going to cost them a lot of money and they came to us and said, "By God, you've got to do something about this. This is outrageous. It's unfair."

And we said, "Hey, have you heard of the multi-stakeholder process? Go get the ICANN meetings and start participating and let your views be heard and taken into consideration as the policies continue to be developed."

So, for the most part, we've tried to stand pretty firm and say, "We're not going to intervene on behalf of a parochial interest." And we've taken some heat for this because obviously there are folks in Congress that want to be seen to be responding to their constituents and they've put pressure on us, as, "Why are you doing more to help American business here? You know, you're not doing your job to simply tell them go get into the process."

But our commitment to the process has been such that that's what we've told people they need to do. So that will continue. We'll continue to be strong cheerleaders for the multi-stakeholder model and will continue to be engaged in a GAC.

And so to the extent there are public policy issues that come up, you know, we'll continue to be active and vocal proponents of what we think consensus public policy advice ought to contain when the GAC is reading out on those kinds of issues to the board.

So that won't change. We'll continue to be active there and continue to do it. So basically what's happening is the symbolism is going away, but people use this opportunity to talk about and start proposing and discussing these accountability improvements to ICANN, all of which is fine.

We've got no problem with any of that. You know, as a member of the Accountability and Transparency Review Team, I probably would've preferred that a lot of these issues have been brought to us in 2013 when we were seeking ideas from the community about how to improve accountability.

They didn't really emerge until 2014 after we made our announcement. But it's good. It's great to get that out. We'll work that through and we will make sure that that gets incorporated at this point in time.

But in terms of the IANA functions contract we have with ICANN and in terms of what changes by the contract ending, it really is not a big deal in terms of what we have to stop doing or start doing as a result.

Michele Neylon: James Bladel, and then myself.

James Bladel: Thanks Michele. Thanks Larry. James speaking for the remote participants. So you mentioned - going back to your opening statement you mentioned that there was a fairly significant shift between, I guess, between Singapore and now on the CWG group, so kudos to (Graham) and his group on that.

And I'm on the CCWG and it feels like we're getting kind of the same treatment where you're sort of holding up a mirror to some extent to that effort in making sure that they're on the right course and I think that there's some reflection going on right now in that group.

But my question is, you made a number of references to building a public record for whatever we come up with as a recommendation for accountability.

And I guess I'm not really clear - maybe I'm reading too much into that but I guess I'm trying to understand, is that saying that above and beyond the traditional ICANN comment period, do you want us to take that out to the broader world through other mechanisms?

Or what is typically - what's contained in that test of building a public record for support on how we arrived at those decisions and how we tested the alternatives?

Larry Strickling: So maybe there's some confusion over the word public record. I think the comment process, these that are being run, are perfectly adequate in terms of seeking public inputs as well as the fact that all of the meetings are open. Anybody can participate. That's an important feature of this.

When I talk about having a record, I'm not sure I've said public record but what we need is a well-documented record of why these are the best options, how they satisfy our criteria, something that shows that people really thought through the implications of what was being proposed.

As I mentioned Sunday night, anytime you're making changes, particularly significant changes, and a current process or a current structure, the likelihood is that the more complex those changes are, the more likely it is that there will be unintended consequences or policy or other types of issues that people may be hidden spot, didn't think through.

And so we're going to look to see that these are well thought through plans and that people have consider the options and understand that why - and be able to express to us why these are the best - why this is the best option that's being presented to us.

Because there will be the hands placed on us certainly by Congress through hearings they conduct and, as well as by our government accounting office, that's going to expect us to run a process by which can assure ourselves that

these are good, solid proposals and aren't going to lead to that outcomes of the future.

And for that, we have to depend on this community to give us all that information in the way they document the report and recommendations to us so that we can come back and say, "Yes, we understand the need to consider options and look right here, Pages 45 to 55 contain the options analysis for the plan that we receive."

So that we can say, "The community that a good job on that," because we're not in a position to conduct a parallel proceedings to, but what we think the best option as. That's not our job. Our job is to simply look at what the commendations the community gives us and say up or down.

They satisfy our criteria or they don't. But as part of that, we have to be convinced that the community did - took a very hard-headed, solid, empirical look at all of this to come up with the recommendations that they make to us.

And so if there are a lot - and that's why I also made the comment Sunday that if the plan depends on existing institutions that today aren't working well, I need to see, and Congress will demand, that the community has diagnosed what isn't working today in, again, a very comprehensive way, and that they are presenting a plan that fixes those deficiencies so that we can have greater confidence in that particular instrumentality or capability going forward.

And the example I've use of this, both in my blog and Sunday night's independent review panel, and I had a participant - or not a participant, but an interested party and the current IRP come up to me and say, "It's been two years. I haven't gotten a decision. You know, this is creating huge problems for me. What does it take to get the IRP to render a decision?"

And if people don't recognize that the IRP, as it is currently constituted, is creating a lot of problems for people, when they bring it back to me and say,

"This is the linchpin. This is what we're going to depend upon," then that shows me that maybe the community to do as thorough a job as a needs to do.

So that's a - that's one that I've been putting people on notice of here all week because that's the - that's an obvious one that folks need to take a look at as part of the accountability planning.

Again, I am not expressing a viewpoint as to whether or not independent review panels are good or bad, per se, but I am saying that there are enough concerns about what's here now that if it's going to be dependent on people having to demonstrate why it is that they can fix the current system to meet the kinds of concerns and objections people have raised about it as it's been operating here in the past.

Michele Neylon: Thanks. I put myself in the queue because I have one - I suppose it is likely an unrelated question because I thought that what you've been saying about the multi-stakeholder model and its importance and you're speaking on behalf of a government, I mean, a very big and powerful government.

So the question - well, okay maybe not that powerful, but quite a powerful - the question I suppose is, if you look at the spectrum of entities that have engaged within the multi-stakeholder model, both from government, civil society and the private sector, I mean, what would you - how would you encourage more governments to get involved?

How would you encourage more businesses to get involved? I mean, is there any way - any words of wisdom that you could share because some of our members have expressed concerns that it's very, very hard for them to get signoff from their bosses. I mean, in my case, it's not an issue because the other guy has exactly the same number of shares. Don't know if you have any thoughts on that one.

Larry Strickling: Well, it's not unlike the situation you have with startup companies as they get larger and larger in the United States, all of a sudden realizing the need to deal with Washington and watching how companies that perhaps, when they started out, particularly some of the Silicon Valley Internet companies, you know, started out thinking they could ignore Washington, DC.

But, of course, as their businesses become bigger and bigger and all of a sudden they're much more affected by policy judgments made in Washington and, then, of course, as they expand internationally, they have to think about, how do we deal with the EU? How do we deal with other international bodies that affect our business?

And I think - so it's the same kind of issue, I think, for smaller companies dealing with ICANN, which is first coming to a realization in terms of how does what happens here affect their bottom line and understanding that there are decisions being made here, policies been determined here, they can have that kind of an effect on the business.

And then figuring out what's the appropriate amount of resources to dedicate to that. And for smaller companies, starting out some sort of collaboration with like-minded companies probably makes a lot of sense.

I mean, you have this group here and - but then the question is, is there a way for smaller companies to pull resources so that they don't have to each figure out, oh, I can't afford to have a full-time representative to ICANN on my staff.

That, at best, as a part-time issue. And I get that but how do you then take the strength of 20 or 25 companies and figure out how they can work together to basically be a voice to influence policy at a place like this?

But, I mean, the issues they can be decided here and the policies they can be made here, I think, are just far too important for people to assume that they

can be free riders on what other people are thinking and doing here because you can't count on that.

You can't necessarily assume that the big guys are going to be pursuing policies that your needs and meet your interests. I think you've got to look out for yourself. But it's the kind of thing that grows on people as their businesses become more and more successful and they start to understand how a policy judgment here might have a, you know, significant effect on their profitability, the same way a law passed in Washington can have that effect or investigation from the European Commission can have that effect.

It's just part of being aware of the environment in which operate and the fact that these types of issues are always going to be there and potentially be quite - have a - potentially have a dramatic impact on your ability to keep the business going.

Michele Neylon: I think that's very helpful. Thank you. Very insightful. Any - we have a golden opportunity here if anybody has questions or comments. And so far it's been James, (Elliott) and nobody else. I mean, other people, surely, you have something. No?

Larry Strickling: Were going to start calling on people.

Michele Neylon: Ah, Volker, go ahead.

Volker Greimann: (Unintelligible) (foreseen) that staff would come up with a proposal and the community was very vocal in wanting to drive this process yourself. How do you think this has influenced, helped or even hindered the understanding of the transition or - the transition process in general with the US Government at this time?

I was just referring to the original proposal where staff would lead the transition proposal. And the community has been very vocal and wanting to

have accountability implemented at the same time and wanted to drive this process. Has this had any influence in how Washington views the transition process or has - is this of no influence?

Larry Strickling: So let me unpack the question because I - there may be some assumptions and it that aren't entirely true. So first off, we never asked the staff to develop the transition plan. And I think all we did was say ICANN needed to convene the community.

And I know that there was something of a slow start to that as there is any time you're starting one of these processes. But certainly the work on the transi- the IANA functions got off to a faster start.

The accountability, I think, issue came out of the community in Singapore because we hadn't said, in anything that we announced in March, that accountability had to be part of this.

But one of became clear that this was a concern of the community, we certainly saw the benefit of having that in query go forward at the same time. In fact, from - as soon as that second stream emerge, we've yoked the two together and made it clear that they needed to (outcome) to us in tandem, particularly because some of the factors that will affect whether or not the criteria are (unintelligible), out of the accountability work and less so out of the IANA transition work.

So I think that, you know, we feel to them together. I think now it's - with where we're at now with the community driving both aspects of this, I think we're in a good space. I do think it's important and it's happening now, that the community engage all of the stakeholders.

And I said in Singapore, board members, stakeholders. The board is a stakeholder. You can't - it can't be a we versus them situation. Everybody's got to be working on this together and you need the input from board

members and the board itself which they are now providing in order to make sure all the issues are being understood and evaluated.

So, again, I think that's a positive that we're seeing that happen. And again, I'm sensing that it still a little too much we versus them. And - but hopefully we get to the end of this week, people will be much more aligned that we're all in this together as a community trying to come up with the best possible plan we can. So I think - I urge everybody to stay focused on listening to everyone else in this process as we try to find the right solutions going forward.

Michele Neylon: Thank you. James Bladel.

James Bladel: Yes, I don't want to take a second turn of their other folks - I know we're towards the end so if there's anybody else that has a question - I had something that was unrelated to the IANA transition that I wanted to ask but...

Michele Neylon: I'm going to make a dangerous mistake of giving you the last word, aren't I, James?

James Bladel: Yes.

Larry Strickling: I was told there wasn't going to be any math on the...

James Bladel: Well, I'm going to maybe do you a solid here and see if maybe I can ask Fiona a question, which is - no? Well, I think it's just generally to NTIA regarding the announcement yesterday from India during the opening ceremonies.

I'm trying to unpack that so I can report it back to, you know, my overlords. And, you know, having some troubles really kind of understanding why - what was said there.

And it sounded like support for the multi-stakeholder model and the IANA process but it also sounded like there were some strings attached, not necessarily in the current format.

And I just - did you guys have a take on whether that was good news yesterday or whether that was cause for a yellow light or - and I don't know if - you know, I'm not trying to put you on the spot here as far as an official position. I just am curious as to what your take away from that announcement was yesterday.

Larry Strickling: So, yes, we don't - I don't think there is an official reaction from the United States on this. But sitting there watching it, I took it as a positive. But take it for what it is.

It was a speech by a very high-ranking minister in the Indian government speaking with - on the authority of the Prime Minister and speaking in support of the multistate quarter process.

I think in those terms along - alone, it's an important statement and it's an important milestone. What it translates into going forward, I think we still have to watch and monitor. But I think the fact that a speech like that was made and was made under the auspices of the Prime Minister of India, I think people should take a certain amount of comfort in that.

But again, what matters is how does that then translate into the individual (fora) where these issues, and see how India then deals with these issues, say, (with us) plus ten. How will they deal with this at the ITU? How much more active will they become in ICANN activities? I think - so we need to watch carefully to see how all this actually gets implemented and operationalized. Do you want to add anything?

Woman: Maybe just to add that, like every other institution, governments are complex and getting a government, even our own government, to issue a statement like that where everyone agrees takes a lot of work.

So I - to Larry's point, I wouldn't focus so much on trying to distill word by word, line by line what it meant. I think the big points he raised are critical. And, you know, we'll see what happens over the course of the year as they put it into practice.

Larry Strickling: So maybe - do we have a few more minutes? I would actually be interested in just hearing from you all, how do you think it's going? As you look at the accountability planning and the transition planning on the IANA functions, are there things out there that are giving you all concerned as you look ahead through the process? What are your issues going forward?

Woman: And maybe not just specific to the transition but just ICANN in general would be helpful for us to understand.

Man: Yes, I mean, the only thing that I'd note there is, you know, maybe through a different lens, maybe it's the same. I'm not sure but my most significant fear is always fear of capture.

You know, we have seen specific interests, sometimes then run the multi-stakeholder process and when they can't achieve their goals inside the process, then you know, pop out to national governments to try and pressure from the outside and we'll see, you know, then we'll see that through the GAC.

And sometimes those GAC positions are you know, we feel very strongly about X and if you kind of go a layer deep, why? We don't really know but we feel very strongly. And so, you know, certainly you know, I asked to the question earlier about the USG's continuing role.

I think the USG has necessarily been in here, you know, kind of helping the baby fly out of the nest for 17 years and, you know, I don't know if, once that big, you know, big element of energy has been removed, you know, does the USG then become, you know, hopefully - and I mean, I understand. You've answered that question and you can't know, you know, doesn't become less involved?

Does it become more strident because it can now be - you know, it doesn't have to be worried about balance to the same degree? So - and that's just calling out the USG because that's obviously the, you know, the point of nexus for you guys.

So it's always going to be about capture and about people treating multi-stakeholders too often as win-lose and too often, you know, as opposed to it being a process that is separate and distinct from typical national government process. You know, treating it too adversarially or, you know, not - for what it is. That's always going to continue to be a worry.

Larry Strickling: In our role in the GAC, obviously will need to be cognizant of a lot of interests. Every aspect of the Internet economy is present in American businesses.

So, you know, we will be - and we want to understand the business needs of the registry community, your community, the registrar community. We need to understand the content provider's side of this better.

We need to understand where the fracture points are, and to the extent we can help mediate some of that at the frontend, you know, we want to be in a position to do that because, you're right, by the time the issues come to the GAC, it's not always clear were other governments might be.

And they might be dug in more in some of these issues more than others and to the extent that we can be in front of that trying to get everybody to work these things out, we want to do that. Go ahead.

Man: If I could nuance that a little bit. You know, you didn't reference in that list, civil society. And, you know, I think that rightly, all of the groups that you've mentioned to do tend to, you know, have their voice heard well inside the process and also through the GAC.

                         But, you know, it's always been a frustration or sadness for me that the interests of what I would call individual users to tend to only be represented by, you know, a small, you know, relatively ragtag bunch of people on the non-commercial level...

((Crosstalk))

Man: You know, I love them all. They're friends. You know, but you know, just sort of fighting desperately over here and not - you know, we've almost never heard the GAC weigh in on why would call civil society issues with the exception of the odd time when you'll see a schism where one element of the country or region well be on one side of an issue like privacy, and another will be on the opposite side. So, you know, that's kind of...

Larry Strickling: Well, so in our process, though, we are very interested in what civil society thinks. And, in fact, if you look at what we've done at NTIA with multi-stakeholder processes in other contexts, so like, we've used them with PTO on best practices for takedown.

                         We've run a couple of privacy processes to develop codes of conduct, one of which has kind of had some rough waters here in the last week because civil society didn't feel the business community was being as responsive as they hoped to some of their specific needs.

                         But the point is that, again, we strongly believe the start of the process is getting everybody with an interest in the room and that's why what we're running through what we're doing in Washington really encourages the civil

society, the public interest groups, the academic community, as well as industry, to get together and try to solve these problems.

And we've had, I think, overall reasonably good success and I'm hoping the facial recognition hiccup that we ran into is temporary. But again, it's important to have everybody wanting to come to a judgment and getting everybody in the room to sort through the issues.

Because the strength of those outcomes is much greater if you've had everybody engaged in it, not just because you can then say, well, (you're stopped) from raising an objection to it, it's not that at all. It's that you've gotten the issue out on the table. You've really probed them. You've really try to come up with a response that works for everybody.

But it does depend on the goodwill of parties wanting to come to a solution. And so far, at least, as we've done these, and I think it's true and the ICANN context, everybody's got an interest in seeing something happen.

If the day came and that weren't the case, then it looked like our US Congress. And that would be good but I have hope that the purity of the process here can be maintained or improved to a point where people are always coming to meetings here hoping to get something done.

Michele Neylon: Okay, thanks, Larry. Thank you everybody. I'm afraid that our time has run out. Thank you very much for coming. It was an honor.

Larry Strickling: My pleasure.

Michele Neylon: I'm now going to ask - the public safety working group I believe is going to speak to us briefly about their work, what their work is meant to be. So it's - who's speaking? Okay.

Man: With all the rest of the US government that's here.

Michele Neylon: No, no, the Canadians are there and so is Europe.

Man: Yes, I see the FBI back there, the Federal Trade Commission.

Michele Neylon: So everybody, the registrars, this is the final session of the day, the very, very last one. Thank you for bearing with us. It's been a - what a long day. But this is now obviously the best presentation of the day, the one we've all been waiting for. And you've got beautiful exploding clipart and - no, maybe not, okay.

Woman: Just my charismatic (unintelligible) and some slides.

Michele Neylon: Okay, I'll hand it over to you.

Woman: Great. So you let me know when this - only have the slides ready. But basically, since I stand between you and the food or alcohol of your choice, we're here today because we want to introduce the public safety working group to the community.

And so we spent visiting many of the multi-stakeholder constituencies and basically giving a brief introduction to what we're going to be focusing on, how we're going to work and also extending an invitation for you to communicate with us, express your concerns which I know has been an ongoing process anyway.

But we welcome it. We can't promise we'll always agree but we will always listen and it's our hope that we can educate each other on how to, I think, meet the shared goal of keeping the Internet a safe place for everyone who uses it so they have confidence in it and will continue to use it.

Michele Neylon: You're going to have to talk about the slides for a couple of minutes.

Woman: I'm going to have to talk about slides for a couple of minutes. Okay.

Michele Neylon: Sorry.

Woman: No problem. So let me been call you a little bit about what led to our creation
                   and it will be a long, dull history lesson. Basically, for - over the past ten years,
                   as you know, various representatives from civil law enforcement, from
                   consumer protection, from criminal law enforcement, have been working in
                   the ICANN community to weigh in that we felt our voices needed to be heard,
                   as I said, to keep things safer, folks using the Internet to the extent that that
                   intersects with ICANN activities.

                   But we hadn't had a sort of formal dedicated channel to make sure our voice
                   was heard. And certainly recently, within the GAC, there have been a lot
                   more issues that implicate public safety but the GAC itself has been
                   concerned, not just with public safety but with a lot of other important issues
                   as well - the IANA transition being one of the more recent ones but certainly
                   other disputes that have taken up a lot of bandwidth - geographical
                   designations, country codes, to name a few.

                   So given the reality that when there are a whole lot of issues being grappled
                   with by the GAC and public safety is just one of those issues, we felt it would
                   make sense to have a formalized working group within the GAC to serve as a
                   channel of communication between the already existing public safety folks,
                   who are grappling with these issues, and the GAC.

                   And, hence, at the last meeting this public safety working group was formed.
                   So who are we? Right now, we are composed of consumer protection and
                   civil and criminal government officials who have worked on this portfolio for
                   some time.

                   And we come from, not just the United States. We come from the EU. There's
                   a whole bunch of folks from the organization of American states and Latin

America upstairs. And when we travel to each ICANN meeting, there's often a new infusion of folks who can share their perspective with us.

We hope, through some recruitment and outreach, that we'll be able to draw upon a larger pool of folks are going to be consistently involved in this portfolio because, as you know, and I'm sure, if I'm still getting my brain around, these are intricate complicated issues, and unless you have a sustained presence, you don't really understand. You just think you do.

And, you know, some of the best wisdom is to know what you don't know. So we need to make sure that we have people who are continuing to participate. So now I have slides, annually happy to know that I've already gone through some of them, so next slide.

We've gone through the why. I do want to point out that in terms of this channel for communication, it's not only for the public safety working group to inform the GAC about concerns but also we can serve as a resource to the GAC when they need some practical advice or guidance on public safety issues.

So then that was on the who side, with a wonderful lioness protecting its cubs. As I said, we are composed of a variety of agencies. I'm beginning to think you guys have it in for me. You just want to tantalize me with these slides working.

Michele Neylon: Well, there has always been this long ongoing debate around how law enforcement was always beating up on registrars, so we thought for change, that we'd beat up on you, and then unfortunately, law enforcement was replaced by you. So the thing that amazes me is that all the law enforcement guys are all hiding out in the back.

Woman: Well, I'm actually the most ferocious one of all even though I have this nice soft voice. But what will we be focusing on? As the name implies, we wanted

to specifically cap the wider umbrella. This is not the law enforcement working group. It's public safety so we are involved with consumer protection issues as well.

There are also certain privacy issues that are implicated. In fact, my agency, the Federal Trade Commission, besides being the leading consumer protection agency in the United States, is also the leading privacy enforcer in the US.

And our UK colleagues have included the information commissioner's office and they're part of the public safety working group, so we're definitely casting a broad net. Next slide.

So how are we going to do this? We are going to be trying to surgically participate in ICANN working groups on an as needed basis, i.e., when there are certain issues at certain points in time where our guidance would be productive.

You can just continue letting the things appear. And we do have potential areas of interest which probably won't be a surprise to. Whois issues have been on our radar screen for some time and that would include the accuracy project, the recent privacy and proxy services report, the expert working group report.

We know you've been heavily involved in those issues and have concerns and issues about that as well. Contract compliance is always an issue because there's no point in having protected provisions and contracts if they can be enforced.

Implementation of the new gTLDs - we've been involved in advising the GAC and concerns we have and suggesting consumer protection safeguards which has been the subject of recent GAC advice. You can continue.

This is our continuation of the how side. Want to make sure that ICANN has effective mechanisms to enforce contracts. So one of our concerns has been the public interest commitments dispute resolution process which we view as rather lengthy and intricate, and sometimes, at least as written, doesn't seem that it might even result in a certain result.

We also are certainly open to working with folks who are not government officials but have areas of expertise that will educate us, so security representatives on DNS, cyber security to name one.

And this last is just the catchall that when things need our attention, that we will focus on those issues. This is not a static list. It's a list that we anticipate will evolve over time as we get more information and we decide where we should put our priorities.

So that's the end of my presentation with and without slides, but I'm hoping that the last part really can be devoted to hearing from you and listening to your questions, comments and concerns.

And also know that you don't have to just reach out to us in this formal setting. You can reach out to us one-on-one. We have relationships with many of you, clear channels of communication. You help us out. There's a back-and-forth and we certainly hope that that process can continue.

Michele Neylon: Thank you very much. That was helpful. And we also have a session, I believe, with your colleagues - you and your colleagues tomorrow as well at - where has a gone to? Somebody's whispering. Is it 2:00 - is it 1:30 tomorrow afternoon? So there's a session tomorrow afternoon between 1:30 and 2:45. Kind of an odd timing. I don't know why but never mind - where...

Woman: I think we had emailed you that we actually have a little bit of a conflict and our availability is going to be (close to) 2:15. So I'm hoping that's going to be sufficient.

Michele Neylon: Okay, that's fine. So - well, it doesn't take long to yell at each other. We can...

((Crosstalk))

Woman: I can do that at any time. I practice with my family.

Michele Neylon: We can be concise. So does anybody in the room have anything that they wish to add, any comments, thoughts, apart - and, okay, there we go, (Heath).

(Heath Dixon): (Heath Dixon) from Amazon. You mentioned, when you are talking about getting more regular involvement from the law enforcement community, the part of the reason to do that is that the issues are complex and often hard to understand if you're not regularly involved.

One thing I was hoping to see as part of your presentation, was that part of their mission would be to then go back and educate the law enforcement community in various areas about the issues that are being faced by ICANN stakeholders.

You know, in particular, as you're learning more about it and as you're working with us. I think it would be really effective to make that part of your mission as well.

Woman: I definitely agree with you and we've actually already been involved in that sort of outreach. For example, the Federal Trade Commission has been reaching out to the International Consumer Protection Enforcement Network, ICPEN, which is the international group that's composed of our consumer protection counterparts around the world to educate them about why they should be paying attention to ICANN and how ICANN intersects with consumer protection issues.

And my colleagues have been trying to do the same sort of outreach efforts within their groups to educate, you know, their colleagues who don't come to these meetings are don't follow these issues that yes, it's complicated, yes, there are a lot of funny acronyms but it's really important and folks should be paying attention to it. So I absolutely agree with your comment.

Michele Neylon: (Elliott), go ahead.

(Elliott): Yes, I want to thank you for this. I think this is great. This is, you know, some people in the room, you know, we've had informal engagement for years but I've really been pushing for more formal engagement with law enforcement.

And I think, you know, I - this feels to me in a good way like it is, you know, the law enforcement constituency and I mean that, not to, you know, messed with the title but to, you know, for there to be a formal place inside of the ICANN process, both for, you know, for us to final information to you to, you know, as (Heath) well put, you know, to push you guys to outreach potentially to come to around validation of things.

And I think this is going to be a long process. Your role will have to revolve. You know, is that - is it okay, from your perspective, to look at it like that because I think that would be a fantastic thing? And there's sort of a follow on there.

You know, is there any thoughts to, you know, even further formalizing what you're doing? And I say that - you know, I like it as an adjunct to the GAC. I think that's a very neat solution to an (inelegant) problem.

You know, I would note that, you know, law enforcement has been an informal constituency for, you know, in a way, shape or form for five, seven, eight, ten years. I mean, (Bobby), how long have you been coming now?

It's - yes, and just as a follow on, is there any thought about, you know, sitting on working groups? Maybe having members of the broader community, you know, come in and, you know, you've got a particular problem, you want to constitute a working group, you know, things like that.

Woman: Yes, you know, we've - as we've been visiting various constituencies, the stuff only been hearing that message. And right now, we're at what I would call the embryonic stage and we're just getting started.

And one of the things we're struggling with this how to participate effectively, given the reality of our - I won't even say day jobs but our jobs where this is part of our jobs and then we have all the rest of the things that we're juggling.

And as everyone knows, the sustained and time intensive demands of the working group don't necessarily gel with the bandwidth we all have. That's why you heard me talk about her mention a surgical intervention as needed.

So definitely we're thinking about what is a practical effective way we can participate knowing that it may not be the ideal scenario? And also we're thinking about how we can make sure that we are approachable by folks who have certain issues that we should be hearing about.

And whether that's through a formal liaison or that's through some other mechanism, we're still kind of sorting that out, but we definitely hear what you're saying.

Man: If I could - you know, the first part of your comment, you know, feel our pain. You know, we all have day jobs too and I totally...

((Crosstalk))

Woman: Right, absolutely.

Man: I'm totally sympathetic and, you know, we get that. I'd really, really encourage you as much is possible -- and I hear what you're saying -- I feel like law enforcement has been dealt a bad hand inside of ICANN until now.

You know, the more that what you're doing, what your work is, is community participation sort of working on solving the problem of, you know, stopping bad guys are serving the public, and the less it's about advocacy, I think the more successful that you're going to be.

You know, and that's not to say it is anything at. It's embryonic and, you know, welcome. And I think I'd just leave you with, you know, hey, just tell us how we can help.

Woman: I appreciate that. We're very much focused on how we practically achieve our goals as opposed to being in the stratosphere.

Michele Neylon: Okay, thanks. Thanks everybody. I think our time here has (unintelligible) but we will be meeting with you and your colleagues again tomorrow.

Woman: Great.

Michele Neylon: So - for another round.

Woman: I'll bring my punching gloves.

Michele Neylon: Okay, thank you everybody. You can close the recording. For anybody on remote, thank you for joining us. We look forward to speaking to you again. Bye-bye.

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