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COPENHAGEN - Joint Meeting: ICANN Board & Non-Commercial Stakeholders Group  
Tuesday, March 14, 2017 - 17:00 to 18:00 CET  
ICANN58 | Copenhagen, Denmark

MARKUS KUMMER: It's 5:00. One minute past, actually. Can I ask you, ladies and gentlemen, to take your seats? We would like to get started.

Okay. Let's get started. Markus Kummer speaking. We have our meeting with the noncommercial stakeholder group. Tapani is next to me, but may I suggest that we introduce ourselves at the table and start with Ron, please.

RON DA SILVA: Ron da Silva, ICANN board.

LOUSEWIES VAN DER LAAN: Lousewies Van der Laan, ICANN board.

ROBIN GROSS: Hi. I'm Robin Gross with the noncommercial users.

KATHRYN KLEIMAN: Kathy Kleiman, noncommercial users constituency and noncommercial stakeholder group.

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MARKUS KUMMER: Markus Kummer, ICANN board.

TAPANI TRAVAINEN: Tapani Travainen, noncommercial stakeholder group chair.

BECKY BURR: Becky Burr, ICANN board.

MATTHEW SHEARS: Matthew Shears, NCSG.

CHRIS DISSPAIN: Chris Disspain, ICANN board.

CHERINE CHALABY: Cherine Chalaby, ICANN board.

GEORGE SADOWSKY: George Sadowsky, ICANN board.

RINALIA ABDUL RAHIM: Rinalia Abdul Rahim, ICANN board.

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MARKUS KUMMER: Thank you. And then let's get started. Can we ask staff to put up the questions the noncommercial stakeholder group had addressed to the board?

And who would like to introduce? Tapani?

TAPANI TRAVAINEN: I have asked Kathy Kleiman to introduce the first question on the compliance.

Please, Kathy.

KATHRYN KLEIMAN: The questions will be posted at some point?

MARKUS KUMMER: Yes. I've asked them to put them up.

KATHRYN KLEIMAN: Okay. Well, I'll go ahead and read it. This is Kathy Kleiman.

Is there an echo on this microphone? Feels like there's an echo.

Can I steal -- yes.

Great. Let's try this one. Thanks for your patience.

Kathy Kleiman again.

Okay. The question is: In follow-up to our question in Hyderabad and with our new compliance head now assigned -- is Jamie Hedlund here? Hi, Jamie.

-- we would like to revisit the concerns we raised in Hyderabad and see what actions have been taken to mitigate the abuse we reported. How might ICANN's complaint process be modified to (a) create accountability for the party filing the complaint; (b) ensure registrants are notified and allowed time and due process to respond to allegations brought to ICANN against their domain names; and (c) create protections for registrants who might themselves be the target of harassment and abuse via the ICANN complaint process.

We have further extensions to this question at this point, given some fairly new information, but let's present that one.

And Jamie, I know you weren't with us in Hyderabad, or at least I don't think you were, but, you know, these are questions we also, raised in Iceland.

Thank you.

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MARKUS KUMMER: Thank you for that.

Becky, would you like to answer?

>> (Off microphone.)

MARKUS KUMMER: Sorry?

>> (Off microphone.)

BECKY BURR: So, first of all, is Goran or anybody from staff --

Jamie, do you want to first give us some background on this?

KATHRYN KLEIMAN: While Jamie is coming up, I'll just give one case that we talked about in Hyderabad, which was a cease and desist letter sent by a small business to a competitor, and that competitor, in turn, began a, quote, campaign of electronic abuse and harassment against the original person, including threats of physical violence, and those threats included WHOIS complaints and led

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to a takedown of a small business eCommerce site that had massive impact on the registrant.

CHERINE CHALABY: Kathy? Sorry. Just -- Kathy, I remember from Hyderabad you particularly focused on the last point about creating protection. You didn't feel that you were heard enough about this last point, create protection for registrants who might be themselves targets of harassment and abuse.

Is that correct?

>> (Off microphone.)

CHERINE CHALABY: Okay. Thanks.

JAMIE HEDLUND: So, this is Jamie Hedlund, for the record. Thank you for the question. I have seen those elsewhere.

Obviously, within contractual compliance we take complaints of abuse very seriously. We address them when we are presented with them. We work closely with anyone who feels like there has

been abuse against them, whether it's registrants, registrars, or registries, and So, would encourage you and whoever is feeling like they are the victims of abuse to bring those forward.

So, there is a process for dealing with them and we do take them seriously.

On a related issue, there is also, a legitimate reason for reporters to file anonymously, and I know that that creates some consternation for some, but even if they do file anonymously, that does not mean that they are beyond reach if they are engaging in abuse. We do keep records of the actual person or party that's filing.

KATHRYN KLEIMAN:

Jamie, if I might follow up -- this is Kathy -- and maybe Robin wants to follow up as well.

Anonymous filing of complaints seems to be kind of counter to the DNS abuse cycle that we're seeing in lots of other places.

What is the due process for registrants that's been put into place? Because some of the examples show that it doesn't exist now, that registrants don't necessarily know that there are complaints against them, registrars don't always pass it on. How do we come up with more due process and more

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protections -- as Cherine noted, more protections for registrants who aren't even included in the approach and process? Registrants aren't even mentioned much on the Web site, other than being the targets of these complaints.

JAMIE HEDLUND:

So, again, when registrants are at issue, they -- we do reach out to them. We do make sure that registrars or registries have -- registrars have reached out to them.

There are sometimes issues of, you know, the registrar having difficulty reaching the registrant, but we do make sure that every effort has been expended -- extended to deal with that.

If there are cases where registrants were not treated fairly, it would be really helpful to have explicit specific examples of those So, that we can make sure that they -- that they don't happen.

On the issue of anonymity, I'm not really sure what you meant by the cycle of the DNS, but I will say that anonymity does play an important role in adjudications in lots of different fora.

There are times when it -- the registrant or any -- any party in another adversarial procedure would not want to -- would have a legitimate reason not to want to be identified. That could --



that's as true with whistle-blowers within ICANN as it is with potential reporters within contractual compliance.

There is always a balance and, again, what we try to do is make sure that even if there is anonymity, that there isn't abuse.

KATHRYN KLEIMAN:

With great respect, I was on a team that spent 18 months working on the disclosure of domain names involved in proxy or privacy services, So, we're talking political dissidents, we're talking, you know, people engaged in all sorts of speech for which they or their families might be persecuted, and they were registrants. So, the idea that there's anonymity on another -- and we talked about how we disclose them and under what procedures we disclose them. So, the idea that there's anonymity in people bringing complaints against them just seems kind of extraordinary.

JAMIE HEDLUND:

Well, again, there is -- there is --

KATHRYN KLEIMAN:

There should be a process -- there should be a process to find out.

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JAMIE HEDLUND: Well, sort of analogous to the privacy proxy when there is a revealing of that and there's a justification for doing it, and until there is justification, that those credentials are protected.

The same thing with anonymous complaints, which is, that unless -- they remain anonymous unless there's a compelling reason for them to be revealed.

KATHRYN KLEIMAN: Okay. I'm understanding this differently, which might be good, that you can't -- are you saying you can file a complaint with you, with your office anonymously, or that it's just passed on to the registrar anonymously but yet you know the identification of the source, So, if someone brings an allegation of harassment or abuse by the complainant, there's a process for --

JAMIE HEDLUND: We always know who's filed.

KATHRYN KLEIMAN: Can we work with you to set up a process --

JAMIE HEDLUND: Of course.

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KATHRYN KLEIMAN: -- for disclosure? Great.

Can we ask a different question, a related question, about your new director of consumer safeguards?

JAMIE HEDLUND: Correct. Yes.

KATHRYN KLEIMAN: Would this be appropriate, Tapani? May I?

>> (Off microphone.)

KATHRYN KLEIMAN: Okay. I was surprised to read this.

So, this is someone who is going to conduct outreach to a variety of constituents, including intellectual property owners, law enforcement, regulatory agencies, and consumer advocates, to understand their concerns and to consider ways that ICANN might play a role in bringing parties together to solve problems of abuse and illegal activity and promote consumer trust in the domain name system.

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First, do we get to be con- -- civil society, noncommercial, public interest --

JAMIE HEDLUND: No. They were deliberately left out.

Yes, of course you do.

KATHRYN KLEIMAN: Can we be added expressly?

And how is this in keeping with the bylaws -- and I'm sure you -- I know you've thought about this, but how is this in keeping with the bylaws that say that ICANN shall not act outside its mission and that ICANN shall not regulate, i.e., impose rules and restrictions on services that use the Internet's unique identifiers or the content that such services carry or provide outside an express scope that doesn't include this?

JAMIE HEDLUND: So, the idea behind this person is to engage with community -- with stakeholders within ICANN and folks outside of our community on existing consumer -- on existing safeguards with -- you know, that are -- appear in the current version of the registry and registrar agreements and to facilitate discussions

about those safeguards, including their effectiveness or deficiencies, and foster conversation about how they could be improved, whether inside ICANN and within the ICANN mission or perhaps discuss areas outside of ICANN where someone might go for redress.

This is an engagement position. This is not a policy development position. It's not an implementation position. It is -- it is -- it is one to foster transparency about the safeguards.

KATHRYN KLEIMAN: We feel a little excluded. If we could be included in the text and the --

JAMIE HEDLUND: So, I assume you're reading from the job description?

Yeah. So, once the job's filled, that's no longer relevant, So, you -- of course you all are included.

MARKUS KUMMER: Becky would like to add a few comments. Please, Becky.

Okay. We're fine.

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Are we fine with this or -- but we take it you would be like to be more included in --

KATHRYN KLEIMAN: We're concerned. We're concerned. This seems to be going on a slippery slope -- much more than a slippery slope, the top of the slippery slope into content.

MARKUS KUMMER: Okay. Becky is coming in after all. Okay.

BECKY BURR: Okay. I thought we had reached peace and happiness, So, let me just say that we have also, heard some of this concern from the contracted parties house.

Obviously, ICANN can only act within its mission. I think, however, that there are some provisions in the registry and registrar accreditation agreement where we hear a lot of complaints because ICANN has a provision that says you have to prohibit something, but ICANN's actually not the place to solve a content or a copyright issue or whatnot.

I have not had a lot of time to engage with Jamie on it, but the fact that there is confusion about what ICANN's role is raises

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friction within ICANN, and to the extent that we can encourage communications between parties to go outside of ICANN and solve it themselves, we are educating the community about ICANN's limited mission and being very clear about what's in our remit and what's not, and we actually hope that that will reduce the pressure on ICANN to do things outside of its mission.

So, I understand exactly what you're concerned about. I do. But I do think unless we start having this dialogue, we are going to continue to get pressure, some of it very -- very adamant pressure, to take steps with -- that are outside of our scope.

So, we just need to start a better, more clear communication, and hopefully in future rounds we'll exercise some more discipline and clarity about language So, that we don't create problems for ourselves.

The last thing I just said was my view only and I've not talked about it with any of the board members.

MARKUS KUMMER:

Thank you, Becky. I think that was very helpful and I think the whole discussion was very helpful as it brought into the open some potential problem and I always believe that it's better to discuss openly about potential problems.

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Would you have any final comments, Kathy, on that or are you satisfied for the time being?

KATHRYN KLEIMAN: I appreciate the discussion and So, does -- So, does everyone here. Thank you.

TAPANI TRAVAINEN: So, thank you for the first question. The second question I'm asking Matthew Shears to present for us.

MATTHEW SHEARS: Thank you, Tapani. Matthew Shears. We were very pleased to hear the other day about the board focus areas for 2017, and particularly the focus on board transparency and opening up and trialing open sessions, and this question kind of follows on from there.

And it's specifically: What are your thoughts on increasing transparency in order to enhance community understanding of decision-making at the board level?

As I'm sure you're aware, there are public comments that are out for public comment at the moment from Work Stream 2 on transparency subgroup, and that subgroup has recommended



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that any decisions to remove material from the board minutes should be granted in one of the exceptions to the DIDP, and that minutes -- material removed from the minutes should, as far as possible, be scheduled for release after a particular period of time to be determined. Do these sound like reasonable proposals? Thank you.

MARKUS KUMMER: Thank you, Matthew, for the question, and I take it Lousewies will answer. Please.

LOUSEWIES VAN DER LAAN: Yeah. Thank you. Thank you very much, Matthew.

So, the board is obviously still looking at the concrete proposals that are coming out of Work Stream 2, but I want to reply in a very general way, which is that transparency, and especially to have the community understand better how the board operates, why it takes its decisions, is a major priority for the board.

Now, we set up in Helsinki a board working group on trust, and the objective of that -- and this is very much focused, of course, on our new post-transition world -- is to see what we can do to increase the trust the community has in the board.

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And we've come up with a number of ideas on how to do this, and transparency on the decision-making is just one and of course we're going to -- to be doing other things.

Now, very concretely, I think engaging with the community, explaining what we do, how we work, is a very important part of that.

Now, these meetings are important and we sit down and we have all these scripted questions and we prepare them, but much more important than that is that we go to the community within their own ecosystem, and we were doing this more and more and have adapted our travel policy to do that in order to find out what the problems are, that we are listening, and to explain why we take the decisions that we take.

And it is a point that has been raised many times in these past days, but I would like to reiterate it again. And I think for me as a, well, relative newcomer, I'm now one and a half years into my board tenure is that once I started visiting different parts of the community at their own meetings, I got a much better idea of how things operated there. And I think that's where you build up the relationships. That's where you build up the trust. And you can explain how things -- how things function. So, that's a very important part of it.

The other part is that we are starting as part of a pilot project seeing what part of our board workshops in which we prepare things that are going to a formal board decision, that we can open them up and people can listen in. Now, at this session, we had -- for example, the workshop part about the new anti-harassment policy was public. Now, that's not that we take the decision there. The formal decision to adopt the policy will be taken at the public board meeting. But it gave us an opportunity to discuss and to do that in an open way So, that people know how we prepare these things.

And if that is appreciated -- not a lot of people showed up for the call. Maybe it wasn't advertised well. So, the budget meeting was also, open. It was very interesting. And I think as people -- as we advertise it better and make it clear that anyone can listen in, hopefully we'll get more traction. So, that is one way, also, that we can try to explain more how we do these things.

One other thing we've been thinking about -- but I would really like to actually pose a question back to you, is what would it take for you to have -- to understand better how the board makes its decisions, is that we -- after every -- for every decision that we take to not just have the formal resolution but to put it a little bit more in context.

There's a lot of volunteer fatigue, not everyone has the time or the energy to read through every single resolution and everything that ran up to it. If we can somehow in a blog post or in a summary document explain this is why, this is the background, this is where it came from, this is why we took the decision we took, make it easy to understand, make it succinct So, that -- and then make sure that it's accessible that people can find it on the website, I think that -- that should go some ways as well. So, these are just some of the things that we're working on, and we'd be really appreciative if you had ideas, not just coming out of the formal Work Stream 2 but other things that we can do to make sure that -- we are your board. So, it's important for you to understand why and how we take the decisions that we take. It's an absolute priority.

MARKUS KUMMER:

Thank you, Lousewies.

And, Matthew, the questions were asked to you. What more do you need? Please.

MATTHEW SHEARS:

Thank you, Markus. Thank you, Lousewies.

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I think putting a context around decision-making would be incredibly welcome.

I think one of the points that this is getting to is the greater leeway that the board has in terms of deciding whether or not to disclose certain elements that go beyond the DIDP. And, hopefully, that's something you might be considering as part of your review of decision-making. Thank you.

LOUSEWIES VAN DER LAAN: Maybe also, for the benefit of the newcomers who are still trying to not fall in the acronym black hole, I've got the exact wording here. It's the documentary disclosure information policy. And there's some -- on the ICANN website, you can actually go there and you can see where there were requests for disclosure and what the responses were. So, this, again, is done in a transparent way. And it's actually quite interesting to see how it works. And the proposal, the very concrete proposal that you have, you know, if there's specific sensitivity but that elapses after a certain amount of time, for example, if it's business confidentiality, things relating to that, how we deal with that, I think it's an interesting one to look at.

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MARKUS KUMMER: Thank you.

Chris, you wanted to add?

CHRIS DISSPAIN: Thank you, Markus.

I just wanted to take the opportunity of picking up on what Lousewies -- on Lousewies talking about us holding the open sessions that we ran on Saturday and Sunday, I think they were.

And I know -- I happen to know that Robin was on one -- was on one of the calls, and I think Kristina Rosette and I know there were some people on the second one. So, I really would appreciate it -- and I'm going to say this to other people in the community -- if those who were actually on the calls could give us some feedback about how they thought it went, et cetera, not necessarily now but send a note or something. And, secondly -- because this is a pilot program. And I'd hate for it -- I'd hate for us to drop the pilot just because we don't get any feedback. So, it would be good if we could get some feedback.

And, also, we'll try and make sure that the details of the sessions that we hold next time around that are open are slightly up better disseminated rather than filed in the back of a filing cabinet guarded by a tiger somewhere in the basement. Thanks.

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MARKUS KUMMER: Thank you for the question, Chris. It was a well-kept secret, indeed.

I don't know whether, Robin, you would like to react since you listened in. But you don't have to.

ROBIN GROSS: (off microphone).

MARKUS KUMMER: Okay, okay, sorry. If anyone can give us feedback, that would be welcome.

Can we park this question? I think we have --

RINALIA ABDUL RAHIM: Markus? Sorry, it's Rinalia. I just wanted to mention the CEO report that basically provides a little bit of content and context on what board discusses during workshops as an attempt to provide more transparency on board work. And in case Goran wants to say a few more words about that --

MARKUS KUMMER: Thank you. That's an excellent addition.

Can we move on to the next question? Tapani will introduce.

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TAPANI TARVAINEN: Thank you. For the last question, I still avoiding talking myself and handing this over to Robin.

Robin, can you please introduce the PICs question.

ROBIN GROSS: As you know, specific PICs or public interest commitments were accepted into the new gTLD agreement. Some of these PICs contradict, and even set aside, GNSO, policy processes and consensus policies. What can we do to eliminate or mitigate the problems of these PICs? How can we ensure that PICs do not move ICANN policy outside of its narrow mission and does not override or ignore consensus processes in the many hours of volunteer effort, time, research, drafting, editing, and reviewing spent creating it?

MARKUS KUMMER: Thank you.

Would you like to answer? Also, George I think would like to answer.

Okay, Becky.



BECKY BURR:

So, as Robin knows very well from hours and hours of discussions on the new bylaws, we thought long and hard about what -- how to deal with the PICs commitments in the contracts. The PICs commitments fall into two categories, roughly speaking. There was a group of sort of standard PICs commitments that ICANN asked for. And then there was an opportunity for applicants to provide any other commitments that they wanted to make.

I think that the ICANN PICs -- I think we could probably all have a view as to whether -- or which ones are problematic. But I -- and I personally speaking, in the course of the accountability, did suggest that I thought there was at least one of them that was problematic, one of the standard ones that was problematic.

Clearly, other commitments that were volunteered by applicants for a variety of purposes, I don't have a total inventory of those, but I'm willing to guess that there are a lot of them that ICANN could not impose on people as a contractual matter consistent with the consensus policy process, et cetera.

Having said that, we struggled with what to do about the fact that people had made voluntary commitments to do and behave in certain ways and that those voluntary commitments formed in some part the basis of their award in some cases of

the delegation of the TLD and that we needed to -- and that that somehow sort of -- you know, sort of removing any obligation with respect to those PICs was -- was a sort of -- I don't know. I don't even want to characterize what it was. But there was an equity problem and there was a reliance by the community problem and whole bunches of those.

So, just acknowledging that we were in a bad situation, we agreed to grandfather those provisions. Now, they cannot appear -- I mean, the test in any new contract, for example, in connection with a new round is the bylaws mission test strictly. But I believe that the new bylaws specifically say that existing contracts including the public interest commitments in those have been grandfathered. I know this is not a completely satisfactory answer, but I don't know what the basis for us to get rid of something that we specifically grandfathered into the bylaws would be.

MARKUS KUMMER: Thank you. Do you have follow-up questions? Yes, please.

ROBIN GROSS: It's maybe more of a comment. But if we do this again, this type of policy development process in the form of a PIC, it seems like

we're just really creating a competing policy development process to the GNSO's process. And it strikes me that it's really discouraging governments and others from participating in the PDP process because they can wait till later and just get a PIC and they don't have to participate in the multistakeholder community consensus agreement.

So, you know, while I understand folks may be saying, well, we did what we did and we can't change that now, but how can we make sure that this kind of process doesn't happen again where we're really overriding community consensus policy and very often just based on government lobbying or commercial lobbying So, the harm that that does to the multistakeholder model, to the bottom-up model, to the community consensus-base model, I think that's a real concern that we have to deal with going forward and make very certain that kind of process doesn't happen going forward.

BECKY BURR:

So, I hear you, and I absolutely understand what you're saying. We did specifically say that ICANN's contracting in the future must be in service of its mission. Now, I know that there's language that a lot of people objected to that says it can enter into and enforce agreements, including public interest

commitments, with any party and service of its mission. I understand that.

But anything that is called a "public interest commitment" which, as you know, is just a statement about I'm going to do something or I'm not going to do something -- it's a contractual term -- there's no magic -- I mean, it's called a public interest commitment, but it is actually a provision in a contract that binds a party to behave in a certain way.

But it cannot be -- it cannot be outside of ICANN's mission. So, I believe that, you know, this is -- this was a real-life compromise with specific language put in designed to prevent that kind of event from happening. And there are So, many things about the contract that I wish we had done differently in the last hours of that, but ...

So, I certainly am keenly aware of it. I know the board has followed the bylaws debate on this, which was quite robust. And I think that we in the end agreed to a principled compromise. I know it's not the principle -- it's not the compromise that almost anybody wanted, but that's -- that's where it comes from.

MARKUS KUMMER: Thank you, Becky. That's the very nature of compromise.

Kathy, would you like to?

KATHRYN KLEIMAN:

Kathy Kleiman. And some of my blood, sweat, and tears is on the floor along with many other people on some of the consensus policies we negotiated with something 180 degrees -- this microphone doesn't like me. We'll try this one -- where something 180 degrees is now in a public interest commitment across hundreds of top-level domains. So, I want to ask a question, but then I'm going to add something else to it.

I was part of the group that negotiated the base Registry Agreement, that was part of editing it. I don't remember any public opportunity -- and maybe I missed it -- to talk about all these PICs and to let the board know the damage that some of these individual PICs in particular, not the standard, but the damage of some of these individual PICs could impose.

And I just want to share, I know contracts are sacred. But as I shared with Goran in our wonderful Skype session when we were in Iceland, my parent's contract for their house written in the 1930s, they bought the house in the 1980s, says no Jews, Blacks, or dogs. We are Jewish. And obviously that clause in the contract is impermissible as a matter of public policy. It is void as a matter of public policy. And I would think anything that's

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outside of ICANN's consensus policy or ICANN's bylaws should be void as matter of ICANN policy. Thanks.

And is there an opportunity still to have this discussion because we're talking about 1300 new gTLDs?

BECKY BURR:

Chris was asking about an example, and I don't think we actually really need to have -- I am willing to concede that when applicants put things in there, there are -- I don't know of one because applicants I was associated with were not in the mode of throwing things in there.

And I guarantee you that the -- all of the contracted parties would march arm in arm with every member of the NCSG in protest about what happened in the final hours of those contracting things, in the sort of rush to get agreement about a contract.

I mean, as you will recall, the negotiations about the base agreement took place long before -- and that a contract was agreed upon and subject to public comment and adopted long before the end of the process. And then there was a last-minute process that I would certainly hope that we will never see again.

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But I am struggling with the concept that we should re-open this process when we had an extremely clear discussion about the compromise in the course of drafting the bylaws.

So, I totally hear what you're saying, and you know where my heart is. But, you know, I think the community reached a -- reached an agreement there.

Now, if you told me that somebody had made a public interest commitment to say that no Jews can register in a TLD, I might have a really different opinion about that. But I'm not aware of those things.

MARKUS KUMMER:

Any further comments on this issue? I feel we could go on for hours, but I don't think we have the time.

I don't see any further -- I think we have taken note of that. And can we then move on to the questions we asked you to answer?

May I ask staff to put up the questions the board asked the NCSG.

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TAPANI TARVAINEN: Thank you. For the first question, I will ask Robin to come up with this one and explain because she's been our main force in the CCWG accountability.

ROBIN GROSS: Thank you. Yeah, actually, this is a working group that I think everyone in NCSG is really proud of our participation because I think we've got one of the broadest groups of participants and people who are rapporteurs for some of the different subgroups. And so, you know, I've -- I feel like our group's participation in that -- in this working group, it's ongoing, has made me feel very proud of my members just because they are just so, active and doing so, much in these groups and have brought a lot of the issues to the table, things like the transparency deliberations and the human rights issues. And some of the staff accountability issues are issues that our group pushed for and are there now. So, I should thank you guys, the board and the staff, for actually letting us do this work, more or less supporting us in doing this work. And I think it's coming along really well. Thanks.

MARKUS KUMMER: Well, thank you for this answer and very much appreciated the positive tone and the positive note. And the second part of the



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question, could we actually do more to facilitate participation and timely completion of work?

ROBIN GROSS:

Well, I think some of the questions that -- that I know we've sent out to, for example, ICANN legal to get some assistance in working on, for example, in the CEP, we haven't gotten any responses. So, if we could get some assurance that we can get a little bit more responses from ICANN staff to participate and give us some of the data that is needed So, we can do the work in these groups. But if we don't know what the data is, it's kind of hard to fix it.

MARKUS KUMMER:

The need for data, this was a recurrent theme throughout our discussions with the constituencies. I wonder whether ICANN org would like to come in on this issue. Doesn't seem to be the case. Okay. Your desire has been noted. Oh, David Conrad. Yes, please. It's late in the day, So, it's appreciated if people are still awake. Please, David.

DAVID CONRAD:

David Conrad, ICANN CTO. So, one of the projects that we're undertaking is the open data initiative pilot, and we're actually

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interested in understanding what datasets the community is interested in. You know, we're -- one of the first steps in that project is to actually go through the datasets that we have internally, catalog them, and try to do that sort of first order estimate as to the amount of difficulty we'll have to undertake to make those available to the community with, you know, whatever transformations and redactions are necessary.

So, based on that, then there will be decisions made on balancing the cost versus prioritization within the community and within the organization, and I think I will defer to my boss for anything else.

GORAN MARBY:

Robin, I just want it noted I -- because I got surprised by your question because I actually thought we sent that information to -- already to the CCWG and Ed thanked us for it. Is there anything else that you're looking for that I missed? I think you're referring to CEP.

ROBIN GROSS:

Yeah, I was referring to the CEP, the cooperative engagement process.

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GORAN MARBY: Yeah. I think that we answered those questions, or is there anything that I missed?

ROBIN GROSS: Okay. Well, I was told by the rapporteur that he hasn't gotten any responses to those questions, So, we might want to look into that a little more.

GORAN MARBY: Yeah, that's why I -- yeah. We thought we answered them. So, we can sort it out offline maybe.

CHRIS DISSPAIN: I think they were sent to Ed, and I think he acknowledged that in the CCWG session. I think.

MARKUS KUMMER: Okay. Well, that's just -- just too much -- too much happening to keep track. Okay then. The second question, what policy/advice issues are top priorities for your group. Who would like to take that one?

TAPANI TRAVAINEN:

Okay. Thank you. I tried to talk to our people about what would be our priority issues, and it turns out the answer is basically all of them. This is kind of difficult. Of course, I can pick up some like we are very happy with the way privacy issues were put forward in this meeting when we finally got the data protection commissioners here, and we do hope that continues. But it's not -- I cannot really say that we prioritize that or the others. We are concerned -- now general themes or concern are freedom of expression, privacy, transparency, due process, and that pretty much covers all of the big PDPs that are going on. The trademark clearinghouse remains an issue, the new gTLDs, RPMs. So, I cannot really say that we prioritize one of these or the other. It depends on which of our people I ask. So, I will take advantage here of the situation and have I the mic and answer a little beside the question about our concerns in general. Because it seems that the problem isn't getting the work done in all of these things that are important to us. We very much would like to see the Work Stream 2 closed up in reasonable amount of time because this kind of process, the rules hanging in the air still being completed gets in the way of real work. And in general the resource issue, while we have too many -- too few people working. If anybody watching our sessions here, Reykjavik, wherever, you probably have noticed that we have a

fair amount of young people. I'm pretty sure we have just about the youngest average age in any SO, and I think AC as well. But growing them up, getting them in, takes time. It's difficult. So, we are getting those resources in place, how we can get these people grown in. There's such a gap. We don't have -- the old-timers don't have enough time to manage them and then lacking that resource is something of a problem.

So, it's kind of -- actually the most common answer I got when I asked what our priorities was, survival, which is kind of bad. But I don't think it's really that bad, but still you get the idea where they're going on.

And would any other people, quick round -- Matthew, would you like to follow up on this?

MATTHEW SHEARS:

Yeah, Matthew Shears. We -- this kind of goes back to the first question, of course, about facilitating and participation and the timely completion. I think we are looking very much forward to redeploying resources onto the PDPs, So, the priority PDPs at the moment. But, of course, we can't rush Work Stream 2. So, we've got to do it right. So, we're hoping we'll get it right and have a timely completion. Thanks.

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MARKUS KUMMER: Thank you. Kathy, do you want to follow up?

KATHRYN KLEIMAN: I know you've heard us say this before, but it is -- we have 11 reviews going on, 3 massive GNSO, policy development process working groups, 9 Work Stream 2 subgroups, and 1 new community-wide ad hoc working group on contractual compliance and consumer safeguards. Goran said something brilliant this morning when we asked him about something, a director of privacy. And he said, put it in my budget. Can we respond that too? Can you put it in our budget so, we can do all of it? There's a lot of new things that come from ICANN. I've always felt we should spread these things out, and it -- it's hard - - it is hard for us to respond, maybe even harder with more volunteer bandwidth as ICANN creates things as it is for you to respond, I think, to our requests for directors of diversity or privacy or whatever we were talking about this morning. Thank you.

GORAN MARBY: I just want to say thank you. I think that is the first time since I joined ICANN that someone said that I said something brilliant.

[ Laughter ]

[ Applause ]

MARKUS KUMMER:

Well, I feel tempted to say, shall we end on this positive note.

[ Laughter ]

But I see there are -- Rinalia. Yes, please, on the reviews, I suppose.

RINALIA ABDUL RAHIM:

Yes. Thank you, Markus. I've been answering questions and giving comments and reviews all day, So, I thought I should do the same for you.

Yes, there are 11 reviews in the pipeline for this year, and we've heard the concern from the community about bandwidth. And there are some ways to manage some parts of it. So, in terms of organizational reviews, the board has some discretion in spreading them out, if the target organizations say that it is helpful if they could have more time. And So, what we're doing with the organizations that are upcoming, not the ones that have already started, is to ask them would this be helpful, and if that's the case, then the board will take action and we will put it out for public comment and then the board would approve

spreading out the reviews. And this may involve SSAC, RSSAC, and ccNSO.

Now, they may also, say that we want to stick to the existing schedule, and that would be fine and ICANN organization will just have to support the review as scheduled itself.

In terms of the specific reviews, which were previously the AoC reviews, that's actually more in the hands of the community. If you actually want it to be spread out more or done in a different way, it requires community powers to be triggered and bylaws to be changed.

MARKUS KUMMER: Thank you. And Chris has some comments.

CHRIS DISSPAIN: Well, yes. Just building on what Rinalia said, I was just turning to Matthew. I've heard from you and ALAC and the ccNSO, and a number of other places, I suspect the GAC, although we haven't seen them yet, that these -- don't worry So, much about the internal reviews but the ex-AoC reviews, too many, too soon, too quick, it's a huge burden, et cetera, et cetera, and yet, it doesn't seem to be the ability to coalesce the community to come to us and say, please, slow this down. You need to do that because



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the bylaws say they have to run. If you want them to run, they run. If you want to slow down them, there are methods for doing that. See, Avri is shaking her head saying don't slow them down. So, the thing is, at the moment -- we get lots of inflow of information saying it's -- it's a burden, it's impossible, we can't do it, and yet we get slow them down, slow them down, slow them down. So, it really is quite hard for us to know what to do.

Given my own personal choice, I would stagger -- I would find a way and I would stagger them. But I can't do that and the board can't do that unless the community comes to us and tells us that.

MARKUS KUMMER: Thank you, Chris. More comments? Rinalia?

RINALIA ABDUL RAHIM: Not on this topic, but on the challenge that Tapani had mentioned earlier about capacity and managing resources, especially volunteers and younger volunteers. I think this is a problem that's shared in other parts of the community as well, and I've always wondered whether you could actually leverage on the ICANN Fellowship Program or whatever other things that ICANN org has in place to support you with capacity building or

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mentorship if you don't have time to do all those things. Now this, of course, doesn't solve your problems in terms of directing work under the areas of interest that you are interested in, but that's something I wanted to throw out at you.

MARKUS KUMMER: Would you like to answer? Please.

TAPANI TRAVAINEN: Thank you, Rinalia. That would certainly be one way of trying to find -- I'll have to look into in more detail how much we can use that, but anything that helps in that is welcome.

MARKUS KUMMER: The fellowship program seems to be very successful indeed. We have noticed some young people standing up in open forum to the microphone and making themselves heard, So, they are definitely a resource to be tapped on.

Are there any more questions people would like to discuss? We can also, stop a little bit earlier. Nobody stops us from doing that.

Oh, there's somebody coming to the microphone. Yes, please.

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RAOUL PLOMMER: Hi there. My name is Raoul Plommer. I work for the NCSG and I've got a really simple one. Since all the profit-making part of the community gets their stakeholder groups to pay for their food, it would be nice if ICANN paid for the noncommercial ones because we don't have any money for it.

MARKUS KUMMER: Okay. We note it. Thank you.

Werner, please.

WERNER STAUB: Yeah. As we're talking about noncommercial concerns here, I think it is -- would be worth the while for people who look into this to have a closer look at what final declaration occurred in an IRP proceeding against ICANN last month.

This was an IRP proceeding nominally against ICANN. The actual counter-party, which, of course, could not be participating because it was just between ICANN and the complainant, are the international sports federations.

The sports federations are generally noncommercial organizations.

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And they have been patient, you know, playing by the rules that have been defined, and now I'm not going to go into the details but you should just have a look at what happened and see that ICANN lost a proceeding against a party that systematically abuses domain names as a matter of strategy, not as a matter of accident, that owns a registrar that actually does the abuse and that has the top scores in abuse and not just by research that is done here but also, other research shows this, and this company manages to complain that they have been discriminated against or they have been victims of bias because the arbitrator knew something about sport.

CHRIS DISSPAIN: I'm just going to briefly respond by saying thank you, and as I know you'll understand, it's not appropriate for us to -- at this stage to discuss matters that are the subject of reconsideration requests, IRPs, and the like, but thank you for the comments.

MARKUS KUMMER: And please.

LOUISE MARIE HUREL: Hi. My name is Louise Marie Hurel and this is my first time at ICANN So, I'd just like to stress the importance of actually

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promoting a sustainable engagement So, you -- all of you across the day, and I was accompanying the NCUC and NCSG discussions, and the transversal diagnosis is that there are lots of people engaged, there are lots of volunteers, but there are few people actually carrying lots of these processes in their bags, and the call for volunteers and more people engaging is a pressing issue.

So, I think the question is how to promote sustainable engagement not only related to the fellows and to the next gen but to understand how to actually bring these people and actually promote a space where they can actually engage and continue engaging throughout, as they discover their place at ICANN and as they discover ICANN.

Thank you.

MARKUS KUMMER:

Thank you for your comments. They're well taken and, again, it's a pleasure to see a new face. It's good to see there are new people coming in.

The suggestion, yes, we can hear it. I don't know whether somebody would like to comment on that.

Yes, Kathy.

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KATHRYN KLEIMAN: Kathy Kleiman.

We've talked about the fellowship. We should also, talk about next gen and the onboarding program that brought me together with Louise, the onboarding mentoring program. So, these programs that ICANN has created that Janice and Debra are working with are phenomenal and they are helping us with bandwidth. So, now if we could just extend the schedules, extend the calendars, stagger things, but these programs that exist now are just tremendous. Thank you.

MARKUS KUMMER: Thank you for the feedback. It's good to hear. That confirms my impression that they are, indeed, very positive, and I think that's a very positive note to end our discussion which turned out to be very lively.

I don't know. Any last comments?

Tapani, please.

TAPANI TRAVAINEN: Basically just noting that it was very nice to have a meeting that not only did not run over time, because I've been reading off other schedules. So, far, we have two minutes to go and we

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have -- in perfect agreement and turning like note and seem to be surprisingly happy with each other despite all the -- some expectations to the contrary. So, thank you.

MARKUS KUMMER: Thank you all and let's close this session.

[ Applause ]

[ END OF TRANSCRIPT ]