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Renata Aquino Ribeiro: Good morning, everyone. So we're starting now. The NCUC Constituency Day with the agenda read out. Okay, so we are - we have quite a packed agenda for today. We will start with the Public Interest Registry and the systematic operate infringement alternative dispute resolution policy. SCDRP, background on this topic and a discussion from 8:40 to 9:00. From 9:00 to 9:30 a presentation on SCDRP and an update on the work of PIR, the Public Interest Registry by Brian Cute, who just came in. Hello. Hi, good morning.

From 9:30 to 10:00 we have NCUC in influencing domain name policies, current NCUC work and areas of possible engagement, developing measures, IDNs, DNS forums, and here we will have several presenters along with your NCUC Executive Committee representatives who are here, regional representatives, Anna Loup from North America, (unintelligible) for Africa, Tatiana Tropina, Europe and me, Renata Aquino Ribeiro for Latin America and the Caribbean and David Cake for Asia Pacific.

And at 10:00 am to 10:15 a discussion about the meeting with the Board and the CEO on the following segment. We will have a break for coffee at 10:15 to 10:30. From 10:30 to 11:00 we will have a quick conversation with our

CEO. From 11:00 to 11:30 we will have a meeting with Board members, confirm is Kaveh Ranjbar, I hope I pronounce that right. And from 11:30 to 12:15 we have the newcomer segment with (unintelligible) and Grace Mutung'u, who are already here. Good morning.

And also a quick wrap up. So what we do at NCUC and why should you join, presentation by Grace and Aarti Bhavana, who is their mentor, and one of the mentors, and a topic specific to Internet governance as far as NCUC at the ICANN ecosystem, and how it is different from other spaces of interactions such as ALAC.

We will also discuss specific topics such as human rights, freedom of expression and privacy and Internet governance and its relation to ICANN and NCUC work, so I hope the agenda is quite clear for everyone. And if we are ready to go to the next topic on Public Interest Registry and SDRP. Okay, Ayden will - Ayden Férdeline will present this topic. Thank you, Ayden.

Ayden Férdeline: Thank you, Renata. And good morning, everyone. So Farzi has asked that I give you a brief introduction to what the Systematic Copyright Infringement Alternative Dispute Resolution Policy was, why we had some concerns about it, and then to open it up to the floor to see if there's anything that anyone else would like to add to the conversation. We have 20 minutes, which might be longer than we need.

We had some concerns about this policy because we saw it to be essentially a UDRP for copyright. It was offered by the Domain Name Association as a proposed industry best practice, which had included as a part of its new registry registrar healthy practices. For those who don't know, the Domain Name Association is essentially an industry trade association which represents the interests of the domain name industry with regards to the adoption, use, provision of domain names.

The Public Interest Registry, as the name suggests, has, in our view, a special obligation to serve the public interest and it is also a registry that is operating as a nonprofit corporation. So one of our issues with the Systematic Copyright Infringement Alternative Dispute Resolution Policy was that we felt that in the speed to adopt this policy, that the Public Interest Registry, but also the Domain Name Association didn't engage in enough - didn't pay enough attention or engage with the multistakeholder community enough.

We felt that there were voices that were affected and that were going to be impacted by this policy that were not invited to comment on it when it was being developed. Most of us in this room, maybe not all of us, but I think most of us would agree that those who use websites to engage in or to facilitate copyright infringement should be subject to appropriate enforcement measures but the challenges confront copyright owners also confront those who have to defend, also confront the defendants in these situations. It's difficult for everyone here.

There is documented abuse of the Digital Millennium Copyright Act, for instance and its notice and takedown procedure. It's being used by not only rights holders but also by political actors to infringe the rights of users to free expression, that has been documented.

And another issue that we had with this policy was what is as termed as shadow regulation, the idea that measures which are developed through supposedly voluntary private agreements rather than through public laws, regulations or more inclusive, multistakeholder dialogues, where there's just a bit more transparency and accountability around them. So we just thought that - or at least I thought that this policy was developed in a manner that was ill suited to satisfy the same standards.

But I might pause there just to make sure that I've been clear, just to see if there are any questions that people have before I can continue or if there are

any comments that anyone else would like to make, or perhaps to present an alternative perspective on my analysis?

David Cake: I just wanted - it was also...

Renata Aquino Ribeiro: Name for the record.

David Cake: Sorry, David Cake. It's also this policy introduced not like an external arbitration sort of totally outside any - introduced external arbitration into domain name polices that was outside of a policy process and that was of some concern.

Renata Aquino Ribeiro: We have comments from a remote participant. But, Ayden, can you just go on a little bit more (unintelligible) David's comments, I will get the remote participation.

Ayden Férdeline: Sure. Thanks for that, Renata. I'm not going to repeat the title of this policy each time, I'm just going to refer to it as the policy now. But I think another issue that we had was that having a supposedly voluntary practice, which isn't really that voluntary because if you have built your brand on the back of - you have your Website established under a dotOrg domain name, for instance, you've been operating that Website for 10, 15 years, you can't really transfer to a new gTLD, you are in a position where you are locked down to that domain name. So it's not particularly voluntary for registrants, in my opinion.

But even if was a voluntary process, it is still outside of the ICANN processes, which we participate in. And that was problematic. Because once it becomes established that supposedly healthy domain registries and registrars can cancel or they can transfer domain names because of copyright infringing content, that happens to be hosted at that domain name, and that they can take down the entire domain name rather than just that small parcel of content, which might not have even been uploaded by the registrant, it just

seems inevitable that there's going to be a slippery slope, that there will be pressure to regulate other types of web content, whether that is hate speech, whether that is fake news, whether that is something else. So it was the slippery slope that we worry about as well.

Renata Aquino Ribeiro: Ayden, so I have comments from a remote participant. "What is copyright infringement? Whose laws? Are these - are there not enforcement possibilities by the appropriate authorities?"

Ayden Férdeline: Would anyone else like to take that question? Thank you.

David Cake: So the copyright infringement, I mean, is - while of course copyright laws vary by jurisdiction and in some places the copyright terms will be a little bit higher and so forth, for the most part copyright - we have a relatively stable global standard in the Berne Convention and so on. So as far as what copyright is, there's a reasonable sort of international agreement. But this policy is not, as I understand, it was not just about copyright infringement on a sort of low to medium scale, minor copyright infringement occurs essentially all the time in the sense of, you know, everything you ever write online is technically copyright and so on.

But this is about large-scale copyright infringement, which may in many jurisdictions carry a criminal offense and so on. But they're not sort of - this wasn't really a policy, as I understand it, to take down sort of over individual civil sort of copyright claims but more about sort of large scale infringement as identified by large scale copyright owners or, you know, major copyright beneficiaries. So that's - most of the time the remedy, as you sort of suggested, you know, you take someone to court or send them a takedown letter or something like that.

And this is more saying well, when there's a big site that's doing a lot of copyright infringement, the - you don't sort of just send them threatening letters, you make sure they stop doing it as quickly as possible by taking their

Website down, I think is my understanding of the intent of this policy. But of course who is a - who counts as a large scale offender in the - and so on.

And it is interesting that this does sort of suggest that takedown via a domain name is the appropriate in this sort of case whereas most of the time if you were talking about copyright infringement, you know, you'd probably go for the host or the originator rather than the domain name. But then I'm not a copyright enforcement lawyer, I can only tell you what they sort of have generally indicated, I may be wrong about the details. But so this is specific - I do understand, policy was for large scale copyright enforcement, not as a general one size fits all copyright enforcement tool. And was in addition to other mechanisms that you would use for copyright enforcement.

Renata Aquino Ribeiro: Thank you, David. Grace, would you like to?

Grace Mutung'u: I just want to seek a clarification. Is there a precedent for this kind of - this kind of action? Because from my understanding, ICANN and domain name law is basically about trademarks and not about content as far as possible. And even when we talk about, you know, other rights like freedom of expression, it's normally to do with only the domain name. So is there precedent for this kind of action? And is this opening the work of ICANN from, you know, domain - I mean, trademark law to, you know, all other sort of rights?

Renata Aquino Ribeiro: Ayden.

Ayden Férdeline: Thanks for the - Ayden Férdeline for the record. Thanks for the question. It's a good one. I'm not an IP attorney. I'm not - so I can't speak knowledgably about - I can't respond knowledgably about everything you just said. My understanding was that this was unprecedented.

And the reason I say that was that we have mechanisms for at least just in ICANN we have a policy development processes where ICANN accredited

registries and registrars can thoroughly, transparently come together to evaluate proposals such as, on a topic like this in regards to copyright law. And then we can decide prior to any final decision is being made, we can talk through all of the potential implications. But I might see if anyone else would like to comment to the substance of your question instead because I'm not best place to respond there.

Renata Aquino Ribeiro: So on the question of precedent, was this by Grace Mutung'u, I have for the record. And anyone else would like to address question of precedence? Kathy Kleiman. If there was a precedent for this case of a systematic copyright infringement.

Kathy Kleiman: May I ask a procedural question? This is Kathy Kleiman. I'm very pleased that you're here, but I had understood that this part, and I wanted to ask the Chair, that this part of the discussion would be our preparation for you coming, that this is our pre-preparation. So I just wanted to check if that's not the case - I think it's very odd to be kind of - I feel a little funny brainstorming in front of you when I thought this was the preparation. But again, the Chair, and I came in a little late.

Renata Aquino Ribeiro: Avri.

Avri Doria: Avri speaking. Yes, I didn't understand us as prepping for the person, prepping for PIR. I understood us as prepping for the subject. And I think that that's what's being done. I would hope that we could do it, you know, since everything we do is open and transparent anyhow, I would think that we could do it, I mean, even if the person weren't in the room, even if Brian weren't here, he'd be able to listen so.

Renata Aquino Ribeiro: Yes. We are discussing the topic broadly. And we have just a few more minutes, we have five minutes until Brian presentation. So I guess this would be a good time to review the concepts and address any further explanation needed. So again, our topic is Public Interest Registry and

Systemic Copyright Infringement Alternative Dispute Resolution Policy, SCDRP.

We have a question about precedents and history of such processes if anyone would like to address it. And Ayden, do you have any further observations to make about this point?

Ayden Férdeline: Ayden Férdeline for the recording. No, I don't. And I think I'm not just expressing my opinions, which might not be - might not be the most appropriate.

Renata Aquino Ribeiro: Kathy.

Kathy Kleiman: And again, apologies, I would have shared this but - I just - I'm sharing an economists article, you know, this is old, Free Speech Under Attack, and that's what I think is going on. The concept of pervasive copyright infringement is not a legal standard. We've never had that. Copyright is content. And when content is taken down, that's speech. And so what's very important, and I know we're going to hear about it, is the due process, but not just the due process but the rules by which that speech was taken down.

And this is new. We're in new territory here. But again, the legal standard is not pervasive copyright infringement, that's not a legal standard, it's copyright infringement itself and there are defenses, there are fair use and fair dealing responses. We're in new territory. Thanks.

Renata Aquino Ribeiro: Thank you, Kathy. Anyone else would like to address these points more broadly discuss it? Brian, would you like to start? Yes? Thank you very much. So Brian Cute will now present us on the topic of Public Interest Registry and SCDRP, Systemic Copyright Infringement Alternative Dispute Resolution Policy. Thank you.

Brian Cute: Thank you very much. And thank you all. I want to open up by saying I know you're all aware that you saw the public announcement we made that we were pausing the development of this policy that was in recognition of the concerns that had been raised in part about the content of the policy and also about the question of consultation. And I'm very happy to speak to the content of the policy as it is today. I'm very interested also to talk about consultation and how we could do that going forward.

I want to start also at the why, you know, why did we head down this path just so everyone's clear on that. We absolutely recognize the sensitivities of these issues. We fully, as PIR, understand the importance of free speech and protecting it. We're a registry operator, we're not for profit, and we're a registry operator so we understand that we don't want to get into the business of content regulation, nor do we want to drag ICANN into the business of content regulation.

Why we did that, headed down this path, I think you all can appreciate the environment that we all face with increasing pressures from governments on registries and registrars, the potential for legislation that could be forcing us into content regulation, places we don't want to go, on the one hand. And those pressures continue and I get invitations to the White House from time to time to join a group that'll be persuaded that we should do more. And that's one part of the environment that we see.

And then the other part of the environment that we see within the domain name industry is, as you are all seeing, registries beginning to develop their own models and mechanisms like the trusted notifier model that Donuts uses for dotMovie. That relies on the MPAA as a decision maker, as an arbitrator about what gets taken down. That's not the right direction, in our view.

So in looking at both of those pressures in the environment, we thought there might be an opportunity for Public Interest Registry as Public Interest Registry to craft an approach that at the center would preserve all aspects of due

process for the registrant, obviously, that the decision maker would not be someone from the interested stakeholder group, but rather a panel of jurists and approach a question that could be narrowly tailored, hence the systemic and large scale - that was the intended and is the intended target to the extent that we can craft a mechanism that can be narrowly applied, that won't infringe speech.

So that is the why. And I think in the macro level, for me, what I think is important, and I know this was a subject of debate, is that to the extent that domain name industry actors, stakeholders, can craft approaches and solutions to challenges, it can become a very important reference point for all of us in the future when we're facing government pressure or potential legislation to say no, actually this stakeholder group can craft solutions, you don't need to pass legislation that imposes blunt solutions on the industry and creates harm for everybody.

So I want to understand the why and what the aim is from our perspective. And I do want to speak about the mechanism as it is and what it may be. And I want to say flat out right here, I'm not predisposed that we move forward with this at all. What's important to me is how do we consult going forward in a meaningful way and if we can, and if this mechanism under scrutiny can become a mechanism that hits all the right targets that are important to us as matters of principle, then perhaps we are able to offer an approach and a solution that is unique and serves a narrow purpose.

If not, after consultation and input, we put it to the side. I just want you to understand where my mind is on this. So the descriptions of the policy proposal around the table were fairly accurate and that was good to hear that it was intended to address systemic copyright violation where the purpose of the site is copyright infringement. Again, getting into how that's not gamed and against political speech is an important discussion but that was the target. It was a proposal for alternative dispute resolution panel with professional jurists who would hear the complaints.

It is designed to provide due process - all due process that a registrant would get. It would be US jurisdiction based. We are a US-based organization. It would allow the right to sue before, during and after. And to the legal standard, in the US courts today for plain vanilla copyright violation complaint, not systemic and large scale, the plaintiff would have to meet a preponderance of the evidence standard. Essentially in front of the court you prove that 51% of the evidence shows infringement and you win.

The standard of proof that was in this mechanism is clear and convincing evidence, which is a much higher standard of proof. And then other elements indemnification from the plaintiff, if they get this wrong. So these are the elements, and I was pleased to hear that they were reflected pretty accurately back by the group here, so I don't think we have a misunderstanding to correct at this juncture.

And I do want to discuss these elements, although I - again, we're pausing and consulting and deciding with input, is this something we should or should not do? So the second question I do want to get to is, the concern about how we consulted is very well heard and very sensitive to us. We were engaged over the course of four ICANN meetings, at three other industry-related conferences over the period of time. And how we would shape a consultation going forward is something I'd like to talk about.

Renata Aquino Ribeiro: We have a question by Rafik.

Rafik Dammak: Thanks. Rafik speaking. Thanks, Brian, for this explanation. Just one question, since you are talking about the consultation, what about involving the Advisory Council and the PIR? I was representative of the NCUC there, and to be honest I had question did you approve this, or what, I mean, I had to tell people we were not involved at all. We just discovered like anyone else.

So what will be the role in the consultation for the Advisory Council? I think among other parties and so on and how we can help you on that, I'm talking here as from NCUC side.

Brian Cute: Thank you, Rafik. Yes, we intend to put this in front of Advisory Council. And get their input on conceptually how could we shape a consultation. Again, this is Public Interest Registry holding a consultation, this is not an ICANN-full multistakeholder model consultation as defined in the contract within the picket fence. It's not that. It's something different.

I think you all know that when we implemented DNS SEC, which we were the first to do and a very important thing to do, that that was a consultation process outside of the full blown ICANN multistakeholder process. We consulted with security experts and stakeholders, but it's different. Same with the restocking charge or fee that we impose to prevent domain tasting many years ago. Wasn't subject to our common full multistakeholder consultation process within ICANN for consensus policy making.

So it is a bit different, so how we do this is important. So yes, we intend to engage our Advisory Council actually shortly, we want to get their input on from a concept perspective, how could we shape a consultation, Public Interest Registry consultation, that would hit the right targets and satisfy the right needs of all the stakeholders. And then take that concept out to stakeholders and invite input and get further input on how we could shape a consultation that would work well for all the stakeholders.

Renata Aquino Ribeiro: Thank you, Brian. Kathy Kleiman.

Kathy Kleiman: First a comment...

Renata Aquino Ribeiro: Please state your name for the record.

Kathy Kleiman: Kathy Kleiman, you just said it so well. But okay. Thanks. First a statement and then a question, but one I know you have a good answer to but it's important that this group hear that good answer. Okay, so when I was with PIR we got called on the carpet in front of the White House over rogue pharmacies. A lot of, you know, rat poison being sold on the Internet as pharmaceuticals, people dying. No question about this.

But how would we take it down? And there were registries and registrars in the room, and ultimately the registries in the room, which was VeriSign and PIR, said look, you know, we don't know a legal pharmacy from an illegal pharmacy. And it became an issue that the registrars took on. They're closer to their local laws, they have the direct relationship with their customers.

And they know kind of who's marketing in their markets, you know, what is a Hindi pharmacy that's operating under law, and a Canadian pharmacy operating under law even though they're all operating say, through dotCom versus a US pharmacy.

So that's just one - there is a tradition of registries pushing back and just saying, this isn't our area, we're global, let the registrars who are much more local handle this. If you want to comment I'll pause, otherwise I'll go onto the question.

((Crosstalk))

Kathy Kleiman: Okay. So you probably saw on Com Daily I was quoted that taking down a domain name is like, for copyright infringement, is like cutting - is like pulling out a tree by the roots when really what you want to do is cut down a branch. So what David Cake said, I think is interesting, that normally in copyright infringement, I know you have a good answer for this which is why I want to put it - normally in copyright infringement we take down a link, we take down a video, we take down the infringing content.

Here with the domain name, you can have many authors, many pages, much content, you have ListServes going off of it, emails going off of it. There's a million places that that domain name can be used and it's all coming down, if it's coming down with a copyright infringement allegation. Why isn't this overkill?

Brian Cute: Because it is intended to focus on the very narrow corner cases of systemic copyright abuse where the purpose of the site is wholly to facilitate copyright infringement. And I believe, and this is - the devil is in the details here - we know that. You know, from a legal perspective and from an impact perspective we know that. And addressing 80% of a problem and harming 20% of free speech is not the solution, okay, in terms of the remedy. That's understood.

It is intended to be narrow. It is intended to address those corner cases that are clearly flagrantly systemic abuse and that's the purpose of them. You know, part of this is that the panelists would have a good understanding, right, that we would have real experts on that panel and have depth of understanding, not just copyright and how to discern where that line is but also understanding the impact of taking down a domain name and how else that might, you know, affect good speech, if you will, or legal fair speech. So the devil's in the details, Kathy.

Kathy Kleiman: Do you have some examples - you've got examples in your head. Are you allowed to share them of some of the stuff that's really troubling you that's out there.

Brian Cute: It's - I would not, because it - there could be some dotOrg sites today that would meet that definition. But it's not about taking down a specific dotOrg site that meets that definition today. It's not about getting this one or getting that one, it's about addressing a problem if we can. I look at it generically, is there a mechanism and a solution here to address a problem that could affect a dotOrg registration a year from now, two years from now? That's it. I don't

want to assign this to we want to take down X site or Y site, that's not what this is about, it's about finding a solution if there's one to find.

Kathy Kleiman: So it's not about - because I don't think of copyright infringement on dotOrg sites. It's not...

((Crosstalk))

Brian Cute: All I'm saying is I'm not going to call out a specific registered name to answer your question. That's - that was the question, is there a specific - I don't think that's helpful to the conversation myself. I know that's come up in some of the articles that have been out about this issue, but I don't think it's particularly helpful.

Renata Aquino Ribeiro: Avri.

Avri Doria: This is Avri Doria commenting. And I should admit, while I'm commenting, that I am a contractor, that those work for PIR, so. But I think that naming a registrant, at this point, would sort of be going completely counter to the notion of this needs to be done with due process and properly and so on and so forth, so the idea of asking somebody can you give me a name now, is, you know, to verify what you're saying is a bit problematic when we're talking about something that needs due process.

Renata Aquino Ribeiro: David.

David Cake: I just - to move slightly general, would, for example, like a large torrenting site be an example of the sort of thing that you would expect this to be used against without nominating any particular large torrenting site?

Brian Cute: Possibly.

Renata Aquino Ribeiro: Tatiana, would you have anything to add?

Tatiana Tropina: Well, personally I actually have a question, Brian. You talked about pressing need like pressure from the government, like pressing need to do something. I wanted to ask you why copyright? For example, personally I am cyber crime, cyber security lawyer, and I know that there are pressure from - various pressure from the government, from law enforcement and private industry on registries, registrars and so on.

I know that copyright is not really on the top of the agenda. There are many other misuses and abuse, and I would say that copyright, you know, it's on the light side of all these. So I mean, I hope it's not too harsh of a question to ask, so why copyright?

Brian Cote: No it's a fair question of course. And I mean, again I'd reference back to some of the models we're seeing emerge like the trusted notifier model in our industry, which is going in that direction. And frankly, we don't think that's the right approach. And so one of the triggering ideas was is there an approach here on the issue of copyright that we could contribute that would set a model that would satisfy all of the right principles?

Look, actors, other registries are going to craft their own approaches and solutions going forward. I think that horse has left the barn, as they say. So that being said, and we being who we are, when we see those types of precedents being established that we think set the wrong precedent, we think it's an opportunity for us to step in and set the right precedent.

And if we do, and we can, and again I haven't prejudged whether we actually do this at the end of the day, it would be great if other registries were to follow suit. Not saying that there has to be an across the industry adoption of our solution, but if we can contribute in a way that pushes these solutions toward due process and the principles that we care about, we think that's an important contribution.

Renata Aquino Ribeiro: We have one more intervention, and again I would like to ask on the - those who are on the mic to state their name for the record please.

Robert Gaetano: Roberto Gaetano, I'm the Chair of the Board of Public Interest Registry. And I would like to say a couple of words to present the Board's perspective in this. Not that it is different but I think that we have to make the distinction between the concept and the execution. And we have discussed this issue on the Board, we have identified and I'm - I mean, Tatiana, thank you for your comment because that - it was getting my reflection on this.

We feel that - we felt on the Board that on several issues, not only about copyright, but if we don't go to a self-regulation and we don't propose something we - somebody else is going to occupy that space. And if that space is occupied by governments, then there is no way to change it. So we better be proactive. So that's why we push this idea of going to a self-regulation of the industry.

In terms of - and that is the concept. And I am still convinced that we need to go to do something. Now, point taken, what the execution was not perfect, because it remained too much within the industry and didn't involve the rest of the community, including first and foremost the society, civil society also the government because eventually we need to involve also the government in this because different governments have different points of view.

But I would like to make sure that we have two - those two things separate. I welcome the fact that this discussion was triggered. I take your point that we should have involved the Advisory Council earlier. This said, I would like that the conclusion of this - of this meeting is to find a way where we can go forward to find a solution that is a self-regulation of the global community and find a way in which we can evolve in this direction. But the option of just punting the ball and do nothing, I don't think it's a good option.

Renata Aquino Ribeiro: Thank you. Kathy.

Kathy Kleiman: Kathy Kleiman. So this is a great dialogue. Thank you for being here. I thank you for being here. And I think everyone is very appreciative. Okay, so question about governments getting involved, the US government, as you know, tried to get involved in a big way a few years ago, first with COICA), the Combating Online Infringements Copyright Act, which we pushed back with a blue ribbon panel of technologists and CDT and PIR and everybody working on that. That blocking domain names was not a good idea.

And then we go SOPA and PIPA, and nobody ever heard - no, nobody - huge reaction across the Internet to the kind of legislation that would take down allegedly copyright and infringing content. So with that kind of pushback, is there kind of huge global problem? And if we can't talk about details it gets harder. But is there - when Donuts and MPAA talk about their statistics, they've taken down a dozen domain names maybe. Why not use court for that? There is a mechanism and so it seems fair to ask, you know, as a country, the United States, you know, as citizens working, you know, rejected SOPA and PIPA in a huge way and said we don't want this kind of legislation by the government. This isn't fair, this isn't appropriate.

So is there really a driving need for private action when we still have the courts? So if it's a dozen issues a year, why not go to court? Courts have very little sympathy for massive copyright infringement. They'll get the order, you'll take it down, you'll obey the court order, you'll take it down. It seems like there is a mechanism in place for the amount of massive infringing content or whatever standard you want to create for it. Sorry, I'll ask for the third time and then I'll stop, why not use the existing mechanism?

Brian Cote: So you're right, there are existing mechanisms. What is not certain is what might come from governments going forward in the future. What changes in administration, not just in the US but in other places. We all can't be sure what's coming down the pike and who's going to have a thumb on the lever in

the corners of power and perhaps produce legislation that goes far beyond a narrow set of copyrights.

So I think reality suggests we need to be proactive and we have industry actors who have already established solutions, ones that we don't think are the right approach. That will be replicated, I guarantee you with registry operators that will be replicated. So in that environment we would tip toward let's try to be proactive and craft the right solution, the right solution that works, and satisfies all the principles that we care about. If it's to be crafted.

Renata Aquino Ribeiro: Okay. So we have a queue, Tatiana and Marilia. Marilia, would you like to go first?

Marília Ferreira Maciel: I can. Thank you, Renata. This is Marilia speaking. I was at the Internet and Jurisdiction conference last year, and there was one track dedicated to domain name seizures and that conversation pretty much came and what I heard there actually were governments, some of them who are very active in the GAC, addressing registries and saying, guys, we need to self-regulate because if you do not, I do not want to step in, but I have constituents back and home that are knocking on my door and I need to be able to give them an answer. So if you don't do it, we will do it.

However, I take Tatiana's point that the points that were keen to them were not copyright, were not intellectual property, they were concerned about crime, about fraud, about child protection. So what I feel is that copyright agenda pretty much, like they do on the national level as well, uses these topics as a Trojan horse to insert your own agenda in that. So I think that we need to separate the way that we react and I pretty much agree that maybe a preemptive action and to be proactive is good. However, I think that we need to separate what is really of concern. And I think that copyright has been a lot free riders on this debate.

Renata Aquino Ribeiro: I'll pass on directly to Tatiana since our time is running.

Tatiana Tropina: Thank you very much. Tatiana Tropina is speaking for the record. I just want to echo what Kathy said but in a bit different way because again, I'm working this area. There are many instruments for self regulation. Basically I believe that what you are talking about in a way is still a core regulation because you - if you are talking about infringements there is something in the law. And my worry was always about these - and especially with these judgmental things like infringement is not crime, that self-regulation or for me it looks more like core regulation, will turn into private judgment with no limits.

And in a way it's like Kathy told there is a court and this is so true, because court is judging from the perspective of law. And the borders how industry is judged and when they're, say, self regulating - I'm sorry - not clear - they are not clear. And I believe that when we are really talking about self regulation and now I will go back to Marilia's point, self regulation is based on, you know, proactive approaches, they are about like for example, resilience of your network, which is not in the law but you want your network to be resilient, you are self regulated.

When there is something in the law, and you're coming up with the framework, it is still core regulation and especially if you feel pressure from the government. So I believe that maybe we should be a bit careful with the terms, if we are talking about proactive approaches, it's something that you want to achieve in a way, you know, come up with some initiatives which are not regulated by the law. If you are talking about infringements, you're based on the law and you have to be crystal clear about the borders of acceptable not to make it private censorship with no limits. Thank you.

It wasn't a question, it was a comment. And it was probably a very long intervention, but I also wanted to ask you in a way, can you sum up what kind of lessons are learned from this? I mean, the community was quite happy. I was happy when this was halted. I was really happy with the impact, you know, these - the reaction had. So I was happy that you are so open, you

know, that you are so open for community feedback that you're going to be so open for community input.

And the second question is, okay, you started with copyright, maybe it will never happen. Maybe it will never happen. But if it will, are you going to take this forward and address other issues which government pressing you about and are you going to make it in any different way? There's a different framework so just use it, you know, a pattern for anything?

((Crosstalk))

Renata Aquino Ribeiro: I apologize, we have quite a queue, and we must be mindful of your time. So Matthew is in the queue and then I will ask Brian to kindly address the comments a little bit over your time so we can go about eight minutes a bit over. Thank you. Matthew.

Matthew Shears: Matthew Shears with CDT. Brian, thanks for coming in and also to echo Tatiana's words and others, we appreciate the pause. One of the big challenges here is about the slippery slope, right, this starts with a well intentioned idea suddenly you have governments that can see that this and that can be done to address a particular concern and you're right in a mix where what you've put in place then becomes expanded upon, leveraged and we find ourselves in a very difficult place altogether and one we don't want to be in.

So it's incredibly important as you go into the second round of consultation that this solution or right solution or whatever will come out of this consultation be appropriately scoped, be - that (unintelligible) of every possible safeguard and protection that can be in there. Anything less than that will be exploited. And these are things that we really do need to pay a lot of attention to.

We can't be seen, I don't believe, to be undermining the multistakeholder model. We can't be seen to be bipartisan or undermining existing processes, as others have been talking about. So these will be important considerations in that process. And I think the scoping is essential so as narrowly scoped as possible. And if we can get all those dimensions right, then, you know, we might be on the right track, but that's a big ask. But I think it's fair to say that we appreciate the opportunity to engage in this going forward. Thanks.

Renata Aquino Ribeiro: Brian, please.

Brian Cate: Thanks for the comments, Matthew. And Tatiana, to your last point, no, there isn't, in our mind set right now that we'll do this and then we're going to do something thereafter, no, no that's not where our mind is at all. And I think the biggest learning was the reaction to the consultation, for me. And I understand that. So the conference you attended in Paris and that jurisdiction was also one we attended where we were able to engage with governments and hear that perspective. And I hear your concern and warning about that perspective.

But in looking backward, while we felt we were out within the community and in front of and engaging with the right stakeholders at different points, it wasn't perceived that way or felt that way. And for me that's just a trigger, we needed to stop and pause and say, okay, how do we consult in a way where stakeholders feel that their voices are heard, their inputs are factored in and the result is something that everyone could look at and say, okay, we can accept that. So that, for me, was the most important point.

But I - I'm a former lawyer myself, I understand how critical this issue is, copyright, and I understand the deep concerns about speech very, very well. That was important to me as well. The consultation piece for me was the most important element of what I was hearing from the community. So when we stepped back we said, okay let's put this on pause, reengage, see if there's a way we can shape a consultation that we would hold with

stakeholders that could work. And that's the first job before we even get to the content questions again, our first job is to see there's a consultation that can be shaped and open and inclusive and meets all the right marks.

Renata Aquino Ribeiro: Thank you, Brian. We have one more intervention from David Cake.

David Cake: So just this copyright policy was one of several policies for takedowns as part of the Healthy Domains Initiative, is there going to be any further like community consultation or discussion on any of those other policies which - I mean, I think they will be a lot less controversial, but I still think in their aims - but I still think in terms of the details we would really like to take a look at some of those.

Brian Cate: Yes, well HDI speaks for HDI. We had participated in HDI and the other members are responsible for their own proposals, right? So I know that HDI, in speaking with Mason Cole, understands that there's deep interest in engaging with what their proposals are from the community. And I think there were lessons learned on that front as well. But we are speaking only for what PIR is proposing. We can't - you know, ask HDI to do something - they have to decide to engage on their own. Thanks.

Renata Aquino Ribeiro: Tatiana.

Tatiana Tropina: Thank you very much. Brian, I actually wanted to ask you because we have been asking you so many questions, do you have questions to NCUC? Do you have any questions to us? Because, you know, we're not dealing with copyright only, we're dealing with due process, human rights and we're engaged in as many activities and policymaking process here and accountability process, so we all around ICANN in any PDP or in any process. So do you have questions to us? Do you have any concerns we can address, so to make it a bit of a dialogue.

Brian Cute: Thanks, Tatiana. And I know we're short on time.

Renata Aquino Ribeiro: And please state your name for the record. But we can go a few more minutes.

Brian Cute: This is Brian Cute. Thank you for that. No questions really, actually. And I won't have the time, I wanted to give a bit of an update on what's going on at PIR beyond this really important issue. But within this timeframe, I see opportunity. I think we've learned an awful lot in the last two years doing outreach to the NGO community around the world and launching dotNGO, and (Ong) and (Ongood). And one of the things that we're intending to do in the shorter term is to take more action to try to offer tools and education to noncommercial users around the world.

And Avri is working with us to develop an online toolkit of resources, crafted for NGOs, noncommercial around the world. So they kind of a getting back to basics, you know, what is the internet? How do I access it? What's the difference between a closed user group and the open Internet, and starting there and building toward how can an NGO or not for profit create a trusted visible online presence?

So we're going to be doing more of those activities in the short term. You'll hear from us. We very much welcome your inputs. I know Avri will be taking the toolkit out to a number of stakeholders and we're really looking for feedback on how can we better serve the community, NGO and (Ong) put our focus squarely on the global south and the next 3 billion and the underserved markets and we think there's contributions that all of us with our expertise can make to that community. So we'd welcome that.

Renata Aquino Ribeiro: Thank you. Any other interventions? Kathy.

Kathy Kleiman: (Unintelligible).

Renata Aquino Ribeiro: Sorry. One more intervention then?

Roberto Gaetano: Yes, Roberto Gaetano. I think that we should improve the communication and definitely for the number of reasons the channel of communication that is the representative of the NCUC in the Advisory Council, and the Advisory Council, I would say, globally. We are reviewing a bit also the Advisory Council to make it more effective because that could be one of the primary way of for communication. And I would like to see that improving in time. That will be the first step. Then we might also think of other means to work together in the public interest. Thank you.

Renata Aquino Ribeiro: Thank you, Roberto. Kathy Kleiman.

Kathy Kleiman: And I think people will welcome the outreach and the wider consultation and of course if as you said, you're operating under US law, there's a world of fair use attorneys and law professors that specialize in this area, and would probably make themselves available in addition to this community - as Tatiana I think so brilliantly said, you know, this is what we do also, the multistakeholder engagement process. And in some ways you're taking on the task of recreating that kind of structure in a smaller way.

And so, you know, who to bring in under the - in the tent is - if you want to build the tent, and I think you're right, that that's the first question is, you know, does the tent stay up at all given that there are other mechanisms. But if you do want to build the tent who gets to come in it, and I'm sure - I welcome Roberto's idea that that's a conversation in and of itself. Thank you.

Renata Aquino Ribeiro: Thank you, Kathy. Tatiana.

Tatiana Tropina: Thank you very much. Tatiana Tropina is speaking for the record. Well just to address your points, Roberto, unfortunately Farzaneh Badii, who is now on the Advisory Council, she couldn't make it to Copenhagen because of the recent travel restrictions. But I know that she would like to pass this, that she

is ready to be the channel of communication on the Advisory Council, she is ready to be active there. So let's work together and let's do something out of it. So I'm speaking on her behalf here. Thanks.

Renata Aquino Ribeiro: Thank you very much. Any other intervention? Okay, so if our guests - we would like them to wrap up the session. I thank our guests, Brian Cute and Robert Gaetano. And Anna Loup.

Anna Loup: This is Anna Loup for the record. So we're going to switch gears here a little bit and we're going to be looking at what the NCUC is doing in regards to influencing domain name policy, and we're going to have a few separate presentations and so first up I just want to give a background - an overview of current work. So if we can switch down to the next slide that'd be great.

Awesome. Thanks. So first I want to call everyone's attention to the work being done on the CCT Review Team. The NCUC is going to proceed to read that lovely document and look at all of their recommendations, you know, seemingly million of them. And write a public comment. So I'm very excited and I urge everyone to get involved with that and to also read as much as you can or at least look at the recommendations and make comments.

The next is I want to call everyone's attention to the gTLD metrics and the global registrant survey. These are two activities that were undertaken within the CCT Review Team, the Consumer Choice, Trust and Competition Review Team. And I think they are very valuable resources for a lot of working groups that a variety of people are involved with in the NCUC.

This can go all the way from RPMs to looking at diversity to looking at development. And I think it's really important to pay attention to these metrics and also look at the registry survey, not just at the data but at the methodology behind them.

Next I want to call attention also to the DNS abuse, this is also a report that is going to hopefully be released for public comment soon. This has been developed as well under the CCT Review Team. So again these are sort of an overview of current work that is being done or very near future work that NCUC members are involved with.

Can we go to the next slide? Now, Ines is going to present on Middle East - the Middle East DNS Forum. Ines.

Ines Hfaiedh: Hi. Ines Hfaiedh for the record. So last year we had NCUC had a panel at the Middle East DNS Forum. And it was in Tunisia. And we had the previous chair, Rafik Dammak taking part in this DNS Forum. And it was in a session titled the Civil Society Participation and Policy Development within ICANN. And we had - so we had a presentation on civil society involvement, how NCUC develops policy and why it is important to have a voice in the ICANN - at the ICANN PDPs.

And also we had Amr Elsadr, a GNSO councilor, back then for NCUC. Congrats again for becoming ICANN staff. And so we talked about - so Rafik talked about noncommercial interests and how NCUC focuses on human rights, data protection, privacy, development and access to knowledge. And it was also - and how we ensure balance between freedom of expression and trademarks. And it was considered like an outreach event for the regional community.

Also we had how the process of policy development was discussed by Amr Elsadr and he tried to explain that complicated process, but he managed I think. But he showed the PDP work and the bottom up policy development process. And how can people participate in working groups.

And also there was like an overall acknowledgement that there was a problem in raising consciousness and lack of outreach events so that we encourage and give incentive to people to participate in public comments. So

I think that was a good opportunity to have outreach and to share how the policy happens for civil society activists inside ICANN. Thank you.

Anna Loup: Excellent. Thank you so much, Ines. We're now going to move onto Renata if we can get to the next slide. Excellent. She's going to be speaking about development issues. Renata.

Renata Aquino Ribeiro: Thank you, Anna. Renata Aquino Ribeiro for the record. Development issues and NCUC, this segment is important for developing countries, participation in civil society strategies within the ICANN community, addressing the relationship between domain name policy and development issues as outlined by ICANN engagement strategies.

So ICANN engagement strategies exist for underserved region and underrepresented groups to take advantage. This means that programs such as Next Gen, Fellowship, and other engagement programs do take into account regional representation, gender balance and stakeholder group representation.

The (unintelligible) presentation across the board is a core of the community values. This can be related to the development of works such as the study on the LAC DNS marketplace, which was published yesterday, which analyzes a possible growth in the DNS marketplace in Latin America and the Caribbean by increasing - by making more dynamic the Internet economy and helping understand developing countries context and how the empowered community can contribute to (unintelligible) of this marketplace and its investments.

It is important to point out that the DNS marketplace studies are regional and they do carry on specific - specific tasks that are assigned by the Global Stakeholder Engagement team, and also involve community members in the dialogue for the production of the study.

Carlos.

Carlos Alfonso: Yes, Carlos Alfonso here. Sorry to be late. I wonder who is doing that LAC DNS marketplace study?

Renata Aquino Ribeiro: Yes, that was a core - that was a comment the NCUC made, which was very adamant in sharing the authorship of such studies with the Latin American Caribbean community as it was conducted by a UK research group. And that did have, however, as local partners from the community, (Cintra Sooknanan), a lawyer from the Caribbean region, and (Carlina Gerra), but again, the community members do not really - do not really conduct the studies, they are more like actors to help engage the region to answering the surveys and whichever demands that UK think tank would have.

Thank you, Carlos, for your question. And so that's a general review on development issues in ICANN and how can developing country community - communities engage. Anna.

Anna Loup: Excellent. Thank you so much. Yes, I'm going to open up the floor now for a discussion about just generally the new - the current round, subsequent rounds. Unfortunately Avri Doria is not here to speak about the Subsequent Procedures Working Group so hopefully maybe in the - or later in the day we can have her speak about it because this is a very important working group. But I think opening the floor now - I saw Marília's hand first and then Renata.

Renata Aquino Ribeiro: I would just address this point, so Avri will be back to speak to this point later.

Marília Ferreira Maciel: Thank you. This is Marília speaking. Just to answer Carlos Alfonso's question, the document is jointly filed by Oxford Information Labs, LacTLD and dotEU so apparently they conducted a study jointly. I don't know about the sharing of tasks that Renata mentioned. But one thing that I think it is important to call attention to is that when the parameters of these studies on the DNS market come, they are very high level spenders that you need to

comply with to be able to provide, to be a provider of the study, first of all, you need to enroll yourself as an ICANN service provider, you need to have a lot of (unintelligible) of the organization, there's a lot of paperwork that you need to provide.

And I think that it's hard for research centers in developing regions to be able to comply with all the requirements without aligning with an external partner who is used to participating in this sort of competition and tender to get projects with international organizations such as ICANN. So I believe that we will see when these results come up a lot of partnerships between developing and developed country organizations. Renata has a two-finger but I had another point so I give to Renata and then I'll come back. Renata.

Renata Aquino Ribeiro: Thank you, Marilia. Yes, and indeed I think from the RFP to the results of the study it was pretty clear that there will need to be some further structure, strategy, even maybe with GSC partnership to have the local Latin American Caribbean community involved in this study, is one of the conclusions of the study itself is that the region needs more research centers into marketing and DNS. So it's kind of a circle. We get back to the same thing. But thank you very much for that comment, very enlightening.

(Unintelligible), did you want to say something? Carlos.

Carlos Alfonso: Yes, I have the study here. I am trying to understand why this issue of the market and marketplace are relevant to NCUC. That's all. Thanks.

Marília Ferreira Maciel: Well, this is Marilia speaking. I think that one of the - the study I just went through - through the study with my eyes, I did not read it with the due detail attention that it deserves, but I think there are some things that are interesting for us. For instance, the study points out first of all that there are very few registries in the region and this we know. That there is a tendency of contraction of the registrar market. And that a few top level domains in the region they find very hard to find their way to the market.

So registrars based in the developed world many times they don't want to sell top level domains from the region, first of all, because they believe that there is not a relevant market among their customers that would lead to a scalability of the domains. And second of all, because some of them point out that domains in the region many times they do not follow a very proper procedure of registration, there are procedural issues in the region that make it hard to negotiate with actors in the region. So that is difficulty in terms of how the region is organized and how automated the process is. So that is what is point out more or less in the study.

This I think it's a relevant discussion to us because if you think about the new gTLD subsequent procedures, we are discussing how to provide support to new applicants, which is very important and which is not a given, by the way. This is some - if we need to see some support given to new applicants in developing countries we need to really chime in into the discussions because there are some actors that are not convinced that this should be a priority at all.

But even if we succeed, if we provide support to applicants in developing countries, if the market chain is structured like this that you do have a registry but that cannot find a way to put this domain in the market through registrars, to an organized chain of registrars, then really we are really helping in the entry point but we are not helping throughout the chain so the market will be sustainable.

So this is something that we need to discuss, there's not a problem only in the moment of the application with the application guidebook, the problem is how the market is structuring, and if there is a concentration on the market of registrars, we need to address that too.

So I think that the study gives us elements and the CCT review yesterday in the session about the reviews the chair of the CCT review pointed out that

one of the clear outcomes and findings of their study is that the market is indeed very low in developing regions and this will not change unless there are clear and policies being put in place for the next round. The tendency is to have more concentration. So there are different groups working in parallel that are arriving at the same conclusion. So I think that this document they sort of reinforce one another that's why I think they're useful to us. Thanks.

Renata Aquino Ribeiro: Carlos and then Rafik.

Carlos Alfonso: Final comment, because I do not want to prolong the issue is in the region we have several completely different practices of ccTLDs like on one hand you have countries like Brazil in which the ccTLD is considered the identity of the country on the Internet and therefore only Brazilian instances of individuals or corporations or organizations can use the dotBR.

On the other hand we have countries using their ccTLD like gTLD, and competing in the gTLD market like dotCO and very successful, there are very successful example. So it's in between there is a lot of differences in the practices. Some do not even consider the idea of registrar, others have the traditional structure of registry and registrars and mainly are focusing on a nonprofit operation, are not on a market operation.

So I wonder if the idea here is to see what the market conditions are for gTLD development or are to treat the domain name system as a whole in the region. I am not clear about that. I have to read it anyway, I didn't read it yet.

Rafik Dammak: Okay, thanks. So...

Renata Aquino Ribeiro: Rafik Dammak.

Rafik Dammak: Rafik Dammak speaking, yes, thanks, Renata. Just kind of maybe to respond to Marilia. I mean, there was several discussion happen before, maybe we didn't follow them closely, but regarding the registrar, the issues was raised in

different vision, at least, for my awareness from the Middle East. The explanation that like the insurance and so on, even if they want it's hard to get that. And to be fair, there was also some effort from ICANN since they had kind of a project with regard in the served region, just for the registrar to - they kind of waived some of the requirements. So we can continue working on that.

But I can understand from your comment we have to take - to have kind of holistic vision, is not just the registry or registrar but maybe the whole kind of ecosystem or market. And so what - so for example we have to get more involved in the subsequent procedures for working group. I know that Avri has asked several times to participate more with regard, for example, to the applicant support when they are reviewing what was done before. And then the same time we need to think in how we can push with regard about registrar because I don't see the space where we can advocate that in term of policy development.

With regard to the study, there were several, and the latest one I think it's from the Africa region, there was also the one from Middle East and so on. I guess what we need to do is more try to comment them - comment them and to see what are the common area there and to see what we can do in term of policy. So instead of maybe just trying to treat one area for another we need kind of more holistic view. So I guess we are in agreement on that.

Renata Aquino Ribeiro: I'll just quickly jump in, reinforcing Marilia's view. Also agreeing with Marilia that this (unintelligible) consideration of the market, but I'll also bring the point of education and awareness about Internet policy making, so the study does bring this is an important point. And perhaps even building strategies to strengthen the supply chain for the DNS market place again is a very important point, as Marilia brought it up. Marilia then.

Marília Ferreira Maciel: It's just a quick point. Marilia speaking, just a quick point about the session of the LAC space yesterday. There was a moment that I found was

really useful, they brought Michele Neylon and for the first time instead of having a talk from someone who is announcing how the market is great and always rosy and flowers and come make money, he brought the conversation to a very real level. And if you're expecting to make loads of money with DNS, that will be really hard to do.

So you need to associate services around that and that will be what will bring value to your clients. And if you are in developing region then the different aspect that you have is custom service on your own language is knowing, you know, the communities, the small ones that are in the countryside, it's really hard even for me, Neylon, he was saying yesterday, to compete with a Go Daddy, for instance.

So this kind of conversation I think needs to happen more. And I do agree that there is steps and support to support in the third region and to put projects in place. But I think that sometimes, you know, this is real being conveyed as, you know, coming and make money, but we need to be real too because this is helpful to the people that want to be part of the domain name market to know what to expect. So I really appreciate the conversation that we had yesterday and if we can replicate that in other spaces that would be great. Thanks.

Anna Loup: So we have actually Farzi has been waiting in the queue for a while. I just want to check in and see if it's - if she was able to connect. And during that time, Stephanie. Oh, never mind.

Farzaneh Badii: Thank you, Anna. Can I speak?

Anna Loup: Go ahead.

Farzaneh Badii: Okay.

((Crosstalk))

Farzaneh Badii: So first of all, first of all I have to say I am very frustrated with the remote participation. I have to call in, they have to call me, I have a comment, the moment is gone, I can't make my comment. And then, you know, we have to sort this out, that's one thing.

The other thing is that the - this agenda item on the development was purposefully to address Carlos's question. Where does NCUC come in when it is about development issues? And I have faced this question when it comes to international domain names which are mostly done by the government in the developing country. Where do we place ourselves when it comes to these issues where - when it comes to the procedures for getting the new gTLDs?

For example, I work on jurisdiction issues and I can see that due to sanction some countries commercial or noncommercial they cannot actually go and get a new gTLD because of the US sanction. So the agenda item - what I had in my mind was to kind of clarify the role of NCUC in this, in the developing country issues, especially the noncommercial issues. And where do they play a role? Do we play a role when we - when they talk about the internationalized domain name? Or is it solely the power of the government?

So this was kind of - and I think Marilia also addressed it very well. But that is why - and I think we should be more proactive as NCUC in these issues and clarify our role and see where noncommercial interests comes in even when it's about international domain name, which is in most developing countries, is kind of within the remit or they claim that it is within the remit of the government. Thank you.

Anna Loup: Excellent. This is Anna for the record. Thank you so much, Farzi. And we are sorry that you've been having a lot of troubles getting connected. Stephanie, I saw your hand up.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I just wanted to echo what Marilia was saying about participating with the other constituencies, basically. I went to a meeting of the ISP guys that Tony and Tony, those of you who are watching GNSO will know Tony and Tony, put on in Hyderabad.

And it was really, really interesting, and obviously there is an interest from the noncommercial perspective in how services are rolling out. These guys were talking about the difficulties they were facing in providing Internet services, various regulations, restrictions, costs, you know. The more we do that the more we have better relationships with our fellow stakeholder groups.
Thanks.

Anna Loup: Excellent. Thank you so much. Anna Loup for the record. I'm going to wrap up, I'm - just because we want to move on to the next issue. Rafik, is that - is your - do you have a pressing comment or question or is it okay if we wrap up so we can move on to questions about the CEO? Oh. Okay. Kathy.

Kathy Kleiman: Yes, Kathy Kleiman. Just a quick question that I think amazing points are being raised and to Farzi's question, is this something for NCUC? I think it's something for NCUC if people want to be involved. I think now we have - like people who are becoming experts in this, Marilia, others. As Stephanie said, there are people we can make liaisons with, but if helps your region if it's something you're interested in, if there's a noncommercial aspect to it, even if there are business aspects, and there should be business aspects, you know, why not? Why couldn't this be a new area for NCUC?

You know, again, depending on what people are interested in. But in terms of IDNs, I think that's always an area if we have expertise and interest building the internationalized domain names, but of course it's about speech, it's about expanding speech into, you know, non ASCII characters, three cheers for that.

Anna Loup: Yes, Anna Loup for the record. Thank you so much, Kathy. This is - just to wrap up I wanted to make a few comments because I think looking at these reports that are coming out it's really important and if you look at the teams that are generating these reports, we don't have a voice in these groups. And I think that this is a problem. And we haven't been as involved as I think we could have been especially in the CCT review. You are seeing issues that, you know, just like IDNs, universal acceptance, these are things that are business-related but they also impact noncommercial users.

And I think these are important issues that we need to be paying attention to. Not only by joining the Subsequent Procedures but commenting on the DNS abuse publication that's going to be coming out for public comment, the CCT document that is out currently for public comment that will be - we will be working on very shortly here.

But I think being aware of the importance of recognizing that these procedures took a very long time to develop and that they are going to, you know, be looking at these procedures again for a possibly a subsequent round. And it's really important that we are involved now, not, you know, we talk about it, we think about how we can be involved, we just get involved because I don't think that, you know, if we talk and talk and talk about it, we'll miss our - because people have been involved with this group for years now.

If you look at the review team, the CCT review, it started in 2014, right? We're already two years behind, right, on knowledge of the metrics, knowledge of the methodology, knowledge of the issues, right, so we've got to catch up. And so with that, I'm going to wrap up this session. Thank you guys, so much, for a wonderful conversation. And now we are going to - excuse me - move on to talk about - can we get the slide back up with the - thanks - questions for the CEO and Board.

All right, this is Anna Loup again for the record. So I just want to open the floor for development of any questions, comments or concerns. We will have

Göran meeting with us at 10:30 and then at 11:00 we will have Board members meeting with us. So I really encourage - we have some comments and questions that have been developed, I could either go over those and we can discuss them or I will open the floor for development of specific questions.

Yes, we have questions. Okay, all right. Ozan, is it possible to put them in the chat or how should I send those to you?

Ozan Sahin: Put the questions in the chat or...

Anna Loup: Yes, or I can - I have a Google document of the questions that I've been working. I will...

((Crosstalk))

Anna Loup: All right so I posted - I'm very sorry about this, I should have put these questions in my PowerPoint and I forgot. So I put the link in the Adobe chat, if we could maybe do a - put that up on the screen. But I'll just start out. One of the questions that has been raised was the discussion of a privacy officer and a diversity officer. Now I just have those as topics, so I would be interested in hearing discussion about the formulation of a good question. Stephanie Perrin.

Stephanie Perrin: Thanks very much. You know that we have been discussing and we even have a Google draft up of a privacy policy. We've been talking about this for a couple of years. I apologize for my voice. And I also didn't say Stephanie Perrin for the record. I'm concerned, it came up in our meeting with the registrars the other day I think, I'm really concerned about proposing a privacy office before we get a policy. So I'm resurrecting that policy draft effort.

I talked to ALAC and they - while they don't have the bandwidth to draft them they have certain concerns about privacy policies, they're more interested in accuracy. They're interested in - they realize that we need this kind of activity. So that would be a very nice joint effort if ALAC and NCSG proposed this thing. So I'm offering to get that going again and Holly Raiche has said she'll help me, she's a good drafter on the privacy side.

But, be careful with what you ask for is all I can say. If we propose to the Board that they appoint a privacy officer, they're going to take somebody out of Legal Services and call them a privacy officer. It has happened in every American corporation and I don't get invited for dinners anymore with these guys because I said it was the worst way of doing privacy in a corporation. But that's not going to stop ICANN from doing it that way. I should remember that I'm on the record. So I would wait until we have a much more mature approach to privacy before proposing this. Thanks.

Anna Loup: Thank you, Stephanie. Any other comments, questions, concerns? Yes, David.

David Cake: I would - rather than phrasing the question of when will ICANN have a Chief Privacy Officer, which I suspect, if we, you know, put the question that way we will get the sort of - might get the response Stephanie suggests, so I would suggest we ask about ICANN developing privacy expertise and capacity. Like essentially they have no one on staff who is a real expert in privacy.

And given that it's a major issue for them, and when I say expert in privacy I mean, many of us here are - I say privacy enthusiasts, but don't have the level of sort of deep expertise that Stephanie has having actually worked in the area. We need someone with - if ICANN had someone who actually understood European privacy law and didn't just, you know, try and, you know, duck and dodge it in sort of unfeasible ways, they would - a lot of the

negotiations and discussions would just immediately jump to a more sensible level I think.

And so that's my suggestion that rather than saying when are you going to get a privacy officer, we talk about how are you going to get more privacy expertise within ICANN and capacity. I mean, even if that person was not necessarily in the sort of, you know, within legal services or the GDD, even if they were, you know, around in the policy department or something it would help. But certainly they should have someone who is within, you know, the sort of core of ICANN who has privacy capacity and that's what we should be asking about is ability rather than the title. Thanks.

Anna Loup: Stephanie, go ahead and then we have Farzi in the Adobe Connect room and then Kathy.

Stephanie Perrin: Yes, I should say Stephanie Perrin for the record - that I have inquired of staff, because I have quite blatantly been making all kinds of remarks that ICANN needs privacy expertise. And senior staff have told me that they have people on staff with privacy expertise. I said who? And I haven't had an answer to that question. But so I think one has to be - one has to be extraordinarily careful, they're quite defensive about this. So but I absolutely agree with David, it'd be useful to have some expertise on staff first.

The policy area might be the place to ask for it because if legal staffs up with a privacy lawyer it'll be what we call a privacy goalie, you know.

Anna Loup: This is Anna Loup for the record. I'm sorry, I forget to do that. I just want to turn it over to Farzi in the Adobe Connect room. Farzi, can you - are you able to connect?

Farzaneh Badii: Yes. So I just want to - I just wanted to give you a little bit of background when I sent the request to Göran, the question that - they asked in the forum what sort of questions we were going to be asking. And since - or when I

announced on the list that I'm going to have a one on one meeting, the question of human rights implementation came along, and we decided that with the members to invite him to talk about human rights, you can ask about other things as well and of course privacy. But keep in mind that we have - we have said in the forum that we were going to talk about human rights.

So keeping in within that framework, of course privacy fits in there too. The other thing that I wanted to make a point about is that for the Board meeting only Kaveh can attend. The other Board members could not attend so they met up with some of the NCUC members on Sunday. This meeting with Kaveh is a very casual informal meeting. You can talk to him about anything you want.

But what I had in mind was to tell him about who we are, what we are doing, what sort of issues we are focusing on, what - where we are in the kind of like the ICANN governance mechanism. And because as sometimes Board members don't even know who we are, so it would - it's a good start to tell them what we do and we are not a scary bunch but a nice bunch. Thank you.

Anna Loup: This is Anna Loup for the record. Yes, Farzi, thank you so much for reminding me, I think that that's a really critical thing that we need to discuss. So I think if we are just going to talk about the process by which we are sort of the format that we are going to have, I think it would be best to have all those who are on the EC as well as other members of the NCUC not only, you know, say who we are but what we're doing very specifically, right? It's names, faces, and tasks. Because we have such a diversity of, you know, people who are doing a diverse set of tasks.

And so I think rather than reading a definition, right, we give him a picture, right, look at all of the amazing things that we are doing in this group. So I think my proposed agenda for the meeting would be to start out by saying this is the EC, this is what we do and then I would open to folks who are not on

the EC volunteer to say what they do as well, introduce themselves, and then we'll go into questions. Does that sound like a good plan?

Kathy Kleiman: Were you outlining the meeting with the Board member?

Anna Loup: Sorry, this is with Göran. But we can do the same for the Board members as well if time permits just because those are two things.

Kathy Kleiman: Okay. This is Kathy. I'm confused now. I thought we were talking with Göran about the privacy officer and about the diversity officer? And I was going to suggest a way to do that. But now I'm hearing a different agenda for that meeting so...

Anna Loup: Sorry, this is Anna Loup for the record. I wasn't clear. Yes, I just wanted to do - so originally what I was - the plan was to have us introduce ourselves to Göran as well as the Board very briefly. So for the discussion with Göran it would be of the EC. And then we would go into the privacy officer after that.

Kathy Kleiman: Okay then let me make my comment on that, which is Fadi was a decision maker. You presented him with the problem and he would make the solution on the spot, it was really cool.

((Crosstalk))

Kathy Kleiman: You know, it was a cool process. You didn't like the outcome all the time but it was a fascinating process. Göran, I think more of a rapporteur, as a - although - as somebody who discusses things. So in this case, for the privacy officer, and separately for the diversity officer, these are two different discussions. So I would have them as two different points almost.

What is it that would make a good privacy officer? Maybe that's a discussion we can have with him and casually put in not a US lawyer. You know, what would make a good diversity officer? We're one of many stakeholders he

should be asking these questions to. And so if we could have a discussion with him, we can kind of pick his brain, he can pick our brain. I think he might respond to that kind of format. Anyway, thanks.

Anna Loup: Excellent. Thank you, Kathy. Rafik and then we'll go to Niels.

Rafik Dammak: Thanks, Anna. Rafik speaking. I'm sorry, I didn't notice that we are suggesting diversity officer. Okay, just I would object that we - okay, I would advise to drop that for now for simple reason is we have the Work Stream 2 diversity subgroup working on the diversity recommendation and Renata know that we have one of the recommendations that are still working on about diversity office.

And when, for example, in the GNSO and the Board meeting when the Board talked about diversity is one of the area of focus, it was confusing for me for the simple reason, we don't want duplication of efforts between what the Board or the ICANN staff will do and what the community will recommend within the framework of the Work Stream 2.

So let's let the subgroup working on that, that space where we have those kind of idea, I really don't support that we suggest for now to the - to Göran. We don't need to duplicate the cases what we had with Fadi, he start many things, I mean, by himself and so on and so we kind of try to kind of object and so on. So that office or role is important but it's end of discussion at the community level, so I don't advise that we suggest that for now.

Niels ten Oever: Niels ten Oever for the record. I'd like to propose maybe a middle way because there is definitely a change in management style and many of us have requested that. So Göran will definitely really carefully follow the processes. And I think it's also good that we will follow the work as it's done led by the community in the PDPs and also in the CCWG. Nonetheless, it might be interesting to hear or see the reflections of Göran and/or the Board on what is going on because we've also been - had a couple of times in -

especially in the CCWG on Accountability where we were all of a sudden kind of surprised by Board comments or staff comments relatively late in the process.

And I would see this is as an opportunity to give a short overview of where we are in those processes and have a taste of what they think about it to ensure that we have good communication, but with complete understanding that the actual processes is going on in these subgroups, then the CCWG plenary, then back to chartering organizations etcetera.

Rafik Dammak: This is Rafik speaking. Okay, I understand what you are trying to say, Niels, but that's kind of wishful thinking here because I mean, we had kind of experience, I mean, maybe I'm looking here a kind of conservative in term of how we interact with the Board or with - I mean, the leadership, Göran and so on.

We can ask them but my concern if just we are telling them this idea they will start and but that will be kind of fair accompli, I mean, I understand from your standpoint you talk about that like human rights because that was raised several times and we have the discussion with them. But just for that like diversity and so on, I'm kind of let's say let - we have war going on, we don't need kind of the overlap or duplication and so on. It's already confusing.

What we are, for example, doing at the subgroup level we've started to reach the staff and ask them about how they are collecting the data and what kind of effort they are doing already. And so we are trying to include that and see how we can maybe improve how we make things more consistent and so on. This is kind of the - how I see things. I understand that, yes, we can ask them and have that look but just kind of personally reluctant, maybe because previous experience we had how we see things with Fadi.

To be honest, I have no idea how Göran will behave. I mean, we have some high expectation from him, but also I'm kind of reluctant because some kind of cases (unintelligible) so.

Robin Gross: Hi, this is Robin gross for the record. I just have a question on this diversity officer concept. This is the first I've heard of this, is this something that this group was talking about proposing or that somebody else at ICANN is talking about or where is this idea coming from? Well somebody put on the little sheet.

Renata Aquino Ribeiro: Yes, At Large. So I wanted, again, to address the diversity office. Yes, I agree with Kathy, it's two different things, the privacy officer and the diversity officer, what jumps at you first is how controversial the proposal of the diversity office is mainly because diversity offices exist for liabilities to certain process. So for universities, for instance, which have racial quotas, for hiring practices, the hybrid nature of ICANN as a not for profit corporation, which also deals with a community that needs to be diverse makes this quite an interesting challenge.

So the leader of this proposal is Sebastian Bachollet from At Large. And also jumps from who is, at first when talking about this, is expenses so what would be the staff, the size for diversity office of a community which had, in Hyderabad, for instance 3000 people attending. So how could you make, for example, India a diverse place? Like would you have to introduce ballots into the meeting? So well I'm just saying because I find this very fascinating.

But, yes, I would agree with Rafik that we make - this is not - I don't really know how to ask this for the CEO because I don't think there are answers for this diversity office shape. But also I think it's really interesting that we think about this question of diversity in ICANN and we address it during this debate. Thank you.

Anna Loup: This is Anna Loup for the record. We were supposed to go to break at quarter after so because the CEO is coming at 10:30 which is in eight minutes, so for those of you who need a break, I do apologize for not calling the break earlier. Please feel free to, you know, go have a break. And we will be starting with the CEO at 10:30.

One last thing, I really want to urge us to have questions in the next four minutes, so please, you know, instead of speaking about the questions, like just say a question that you would like to ask sort of format wise, right, so we have something.

Robin Gross: Can I just follow up? I do not think we should ask the CEO to hire a diversity officer. This - I think it's undercutting, it's conflicting with the work that we're doing in the Diversity Subgroup in the CCWG. This is the first I've heard of this concept and so, you know, for us to be saying oh and now we're going to propose this to the CEO, like this is something we want to do? No way.

Marília Ferreira Maciel: This is Marilia speaking. I agree with Robin and also don't think it's strategic in this moment to put so much on the request, so, yes. But I just wanted to go to the other question because we have discussed a lot the previous point, and the thing that - I think it's important to raise with regards to community applications is because I feel like if there are two points that we have failed miserably in the first round, one of them is to make the market more diverse, the second of them is to really give priority to community applications that should have been a priority and it seems like they have fallen into this loophole of never ending procedures and appeals.

And I came across one of the people working for the dotGay yesterday and they were telling me that one of the first things that Göran did when he took charge of the CEO job was to sort of halt the process to try to understand why there is such disagreement, why there are reports coming from different sides saying different things. And apparently this process with him right now for him to be able to understand and to sort of give his opinion. And this has

happened some time ago when he took office and we have not heard from him ever since.

So it will be a question to understand first of all to make a general point that this really needs to be addressed and it's a failure of the process, a serious one. And second one to understand where particularly this - the appeals have gone and when he intends to give an answer.

Anna Loup: This is Anna Loup. Thank you, Marilia. I actually am very much in agreement. I think that this is a good question because we can engage him with something that he does - he's very excited about or he cares about but then ask him to comment upon it because this is a very critical part especially going forward if we're talking about subsequent procedures for the subsequent rounds.

There are not many people in the room but I need to have, you know, a quasi-consensus on questions. This is unfortunate but I have to push it through. So - oh okay, I took them down because I didn't want him to walk in and see our scratch pad. Okay, so the - I would actually have Marilia phrase the community applications. I think that would be a good question to begin with because it is substantive and we have sort of a tangible we know that you, you know, took this - the community applications issue and you - it's sort of your project now. And we would like you to comment. Do you have a specific wording that you would like?

Marília Ferreira Maciel: No, I can say more or less that I said before, there are other people that have worked in the subject and know more than me so if Avri walks in and she wants to chime in, so she would be the best person to do I will say.

Anna Loup: Perfect. This is Anna for the record. Yes, so we'll plan to have you raise that first question. And I think David is not in the room but then we're going to go for a question about the - a privacy officer. I'm asking the room. I know that

there was some disagreement about the diversity officer, but I'm returning to the privacy officer. Is there agreement, disagreement, concerns? Would that be our next question which would then be asked by David Cake?

Robin Gross: This is Robin Gross again. Yes, I think it would be good for us to really focus the discussion on the privacy officer and so I think, you know, we had the data commissioners here yesterday. They made a nice big splash. It was a good meeting. Let's build on that, let's now try to push and get that actually, you know, that concept much more implemented here at ICANN. So let's really - let's really just focus on this privacy issue for a little bit.

Anna Loup: And this is Anna Loup. I'm going to back to the chat. I do apologize. I don't know whose hand was up first, but Farzi, I know that you've had issues participating so I'm just going to with you.

Farzaneh Badii: I'm just - I just wanted to reiterate what I said. Make sure that the CEO is not going to come up with like candid answers. So make sure that when you're discussing things with him regardless of - because first of all I don't think the diversity officer question - it's going to take him like off guard and I don't think we should ask that. I have not put it in the forum, by the way, not that we have to follow the forum question. But I think it would take him off guard.

If you want to show him diversity, we can show him by saying that NCUC is very diverse. So try to get questions that you can actually get an answer for like candid, like good answers that can be of use later on. Those are my last words and I'm going to go to bed, thank you.

Anna Loup: Thank you so much, Farzi. This is Anna Loup for the record. I think this is - that's a very good point so for those who will be asking questions, Marilia and David Cake, who's not in the room, when he comes back we'll remind him, I think heeding those words would be great. And with that, Renata, I see your hand is up in the chat.

Renata Aquino Ribeiro: Thank you, Anna. Yes, I agree and going office - by office, first the privacy office seems quite emergency. And really what worries me is is not just having the office itself but the shape it will take. So I think the question would have to go along these lines.

((Crosstalk))

Renata Aquino Ribeiro: We don't have anyone else with their hand up.

((Crosstalk))

Renata Aquino Ribeiro: So anyone else want to make another comment, question? Break time, good, okay. Ines says break time.

Anna Loup: Okay, this is Anna Loup for the record. I just want to say thank you so much, Göran, for coming and speaking with us. And we are going to begin - oh...

((Crosstalk))

Anna Loup: Oh. All the extra gadgets here. So I just want to say thank you on behalf of the entire NCUC for coming and speaking with us today. We're really excited to have a conversation with you. So my name is Anna Loup. I'm the North American representative on the EC. And I want to just quickly have all the EC members who are in the room just go around and say their names and what region they represent. Ines, we can begin with you.

Ines Hfaiedh: Ines Hfaiedh, NCUC Executive Committee representative for Africa. Thank you.

Renata Aquino Ribeiro: Renata Aquino Ribeiro, NCUC representative Latin American Caribbean.

Göran Marby: Göran Marby ICANN Org.

Anna Loup: And currently not in the room is Tatiana Tropina, European representative, and David Cake who is representative for Asia and Pacific. All right so I just want to begin by saying we're hoping everything is going well, having moved to LA, I'm from LA myself, so I just hope that you've settled in well, hopefully everything's going well there. And with that I think we're going to turn it over to Marilia with our first question.

Marília Ferreira Maciel: Thank you very much, Anna. My name is Marilia Maciel, I am NCSG representative at the GNSO Council. And thank you very much, Göran, for being with us this morning. Actually our first topic for discussion is one that is very dear to us which is community applications. In our opinion, there were two main shortcomings in the first new gTLD round. One of them was to make sure that the domain name market is more present in developing regions and to give support to developing country applicants.

The second one was the community applications and the procedure that was followed to see these applications being carried through. So we are working in the New gTLD Subsequent Procedures to try to make sure that we address these two shortcomings. But there are community applications from the first round that are still undefined in terms of what will be their status.

We have been approached by some community applicants. And I had a chance to speak yesterday with dotGay and they were coming to us as councilors in the GNSO trying to understand as well if we have some inside information with regards to where the situation is. And I was explaining that in the case of dotGay, for instance, apparently there has been a lot of different reports saying different things and the situation is hard to understand. So I was told that you took a personal interest on the matter and that you have sort of halted the process to try to understand where it stands and to form your own opinion with regards to this applications.

So I just would like to know if the folder is actually with you and when we expect to have some conclusion with regards to these applications because they should have been a priority to us and somehow they have fallen into this black hole of procedure and we don't have a concrete answer to this particular issue. Thank you.

Göran Marby: First of all, happy to be here. All the things I do during a week at the ICANN meetings, to have the opportunity to come and meet those groups is the ones I really enjoy a lot because I like the conversations. We don't always agree but I really enjoy the conversations. As some of you have now learned that I like to discuss things.

But I want to ask, you know, on the moving to LA, it's been grand, despite the weather. My house got flooded and I know learn California mold. But apart from that it's - the weather is better in general than in Sweden.

Coming back to be serious about your questions, no, I haven't stopped anything. I don't handle portfolio. But I - one of the things that I'm trying to figure out, and I'm going to allude back to is something I talked before is that what I'm trying to understand is how the process is actually supposed to work. Without, you know, (unintelligible) on any particular applicant in that sense is that it is nontransparent for me what happens and where it stops. And I've been spending time on trying to understand the underlying factors rather than going into specific so I haven't stopped anything.

I'm not going to bore you and go back to what I call the flow charts, again. Some of you - I don't know if anyone has been up to my conference room and looked at the flow charts that we have on my walls. Anyone done that?

David Cake: Not yet but I've heard such - about it so many times I'm really tempted now.

Göran Marby: Yes, please do. I describe my job sometimes as peeling an onion, you take off layer after layer and you cry all the time. And I - there are some - I want to

speaking a little bit longer now because this is fairly dear to my heart. And I hear there are - I'm starting to think what are symptoms and what are the problems. And we have many problems to fix. And sometimes we've been very good at trying to go and fix the problem, you know, we find a new process, we invent something because we want to do something.

And there's two problems with that is that one of them because of the lack of institutional memory we have, I'm not saying people's memory, I say institutional memory where it's very hard to trace back why we took a decision, it's not really transparent.

And the other problem with that is that sometimes we fix the problem but not the cause. And I started to believe - well one of the reasons I'm doing the flow chart thing, which I'm not supposed to say so I tell it to everybody, the internal project name is Hubba-Bubba, big bubbles, no troubles, is to point out that the processes for something is fairly complicated. You know, I don't see myself as the smartest person in the room, but I usually have a potential for understanding how things fit together.

And anyone who walks up to my room will see how complicated, and for some good reasons as well, we talk about democracy here and it shouldn't be fast, it should be able - everybody to pitch into the processes. So there are checks and balances built into it. But I think that the way we build from those processes makes it less transparent.

So going back to your questions, to ask where are you in the process, it's kind of hard to ask if you don't know the full process. So the only thing I'm doing is that I - by clearing those things up, maybe we'll become more transparent.

The other thing, which I've seen in this that we sometimes don't agree on where we are in the process or what's going to happen next. And I call that impasses where we start at a decision point where - and for some, you know,

we didn't - maybe there are things that we have to learn from this that we created places where we don't know what to do now together. And that causes a lot of frustration because it takes time to figure out a way of doing it.

And I have - I don't want to be bureaucratic, we're not a government, so we don't have to be bureaucratic, and Steve always points this out that I think it's - we don't have to create something that is very bureaucratic. But bureaucracy has one advantage if you do it right, it's transparent and predictable because then you know what's going to happen next.

So apart of these documentation things I'm doing, which makes me a very boring Swede, is that by trying to - please my Finnish colleagues just smiles at me, he knows exactly what I mean - is that if I try to do this the more bureaucratic way we can talk about where we have to inflict flexibility into the system.

Because I want the discussion to be happening in the right place. Because of some of the policies that is done, sometimes when they end up - and remember now, re-facilitate the discussion within the community, and we should not interfere and take sides in that discussion. And that is a culture change because of the new bylaws. So we are trying to work on that.

But when it comes to the Board, and the Board has instruct me to do something, my voluntary path disappears because now the Board accepted a new policy, and it should be implemented. The problem arises when a policy writes with us through the Board that is not clear, that something that is - because we are actually taking a policy, and we can go back sometimes you started with a policy and defined a scope for that policy.

And because of the length of the process things happen during the time so instead - if the scope was X, you end up with X+Y+1, and therefore when it's handed over to us maybe not everything is clear from the original. So there is a time there where there are different processes how to act with that. And I

think we need to be better overall to look at the scope, look at the end result but also in the implementation process to make that more transparent.

I can't change that over a day, and a lot of those discussions actually should be handled by the community. So let's say that I'm - I'm not - I haven't stopped anything, there is no dossier about the way - it's up to the Board to make decisions on those things. I'm in discovery phase to make it more transparent and accountable going forward.

And I don't want to do a quick fix because I think we are - with after the transition with accountability, we have to go down to the course. Sorry for the long answer and it sounded a little bit - but that's kind of the strategy I'm having right now. Thank you. I can talk for 10 minutes more about this if you want to.

Anna Loup: Excellent. Thank you so much. So I notice that actually we have a question in the chat. So we have Niels and then I'm going to go to Rafik and then I think it's David Cake. Niels, go ahead.

Niels ten Oever: Niels ten Oever for the record. And let me first close my laptop, and I think that exemplifies that when great examples are given by leaders that even civil society can follow. So I think even though I'm not as Nordic as you, I'm from the Netherlands, I also aspire to be boring. And I think this is also part of the work we're doing with when it comes to human rights, we're actually trying to be boring.

We're following the procedures in the Cross Community Working Group on Enhancing Accountability and the - and we're developing processes there in the human rights subgroup. But it seems if we carefully look through - we squint our eyes and look forward, there will be a moment where different parts of ICANN - the SOs, the ACs, but also ICANN the organization will need to come up with ways how they will address the bylaw - the core value that

has been added to the bylaws. And I was very curious to hear what your thought on how ICANN the organization could live up to that.

Göran Marby: What an easy question. First of all, being boring comes very natural to me. It was a joke, you're supposed to laugh. The - one of the things - thank you. One of the things I did - I'm supporting Board member here - one of the things I did when I came in which one of the things that - I've said this many times, don't expect me to do big things with, you know, big changes because you cannot do big changes in an environment like ICANN, you have to do one step at a time and let that kind of happen and then you take the next one.

I know there are people who wanted me to come in and do big changes everywhere but I do a lot of small changes. And one of the changes I did was I changed my support for - and now I've lost an acronym, my own acronyms, DIPD, my own internal organization on this and put that under Sally and rearranged and reinforced some of the - some of the resources I gave them.

And the reason for that was I wanted to give the community better support in the discussions. But I also draw a line in this one which is not an easy line because most of us who actually works together with me on what I call a nonvoluntary basis, are in this for a reason, and we share the same reasons with many of you, we think that it is important, we think it's a game changer and we want to be active. So it's kind of hard for us sometimes not to intervene in the discussion.

We have to really be disciplined sometimes, and when it comes to issues that are even close to our heart, by saying that the community has to come up with a way to handle this and we will work out a format for doing that because if we were interfere too much in the policy work, we - and my understanding is that you're making progress in the discussions within the community. And the democracy or the multistakeholder model has this unique feature and everybody will get what they want.

And that is the way it is. It is a - that's the consensus and that is the way we're building up. And then we have to work very practically how to implement that going forward in any new rounds or anything we do. So I'm saying that, you know, I'm sympathetic and trying to support the discussion. And if I don't give you enough support, please let me know. But it's going to be very much the community has to set the standard for something as important as this is.

Anna Loup: Excellent. Thank you. This is Anna for the record. I'm going to move onto Rafik.

Rafik Dammak: Thanks, Anna. Rafik speaking. Göran, just if you can clarify for me because you mentioned many times about this idea of - about the procedure or the process and so on. Like in GNSO we have all the process and they are described in like an Operating Procedures and even we have a flow chart. But what do you mean exactly, are you talking about how this stuff, I mean, doing some operation or this? Like you want to document and make this process public or what? Maybe if you can give some examples just to make it more concrete or clear for us.

Göran Marby: The basis for - the GNSO makes the policies, but that is only part of the process because what happens then it comes to the Board who takes into - takes advice and then there is the part of the implementation but also have interactions with the community. We actually divide the implementation into two phases, one of them we call analyzing part, and then you have the implementation.

The actual implementation is quite short, that's like changing the contract, but analyzing and planning process is where there's a lot of different things. And it turns out, and I'm not judging now, I'm not putting - it turns out that there are different opinions about how the decision points are actually made. I give you, you know, very simple example is that the GNSO makes policies and then the Board get advice from the advisories.

Where should - and if they go in and take that advice, do they actually change the policy or do they add to the policy with the help of the advice? And how are we going to reconstruct that to either get back to the GNSO or should the Board make a decision?

I'm not saying I'm taking sides on the discussion but there are different opinions about it. And what I'm thinking is then, okay, write down what you think or what - this is the way to do it so we can kind of clear out those ropes.

Another example - and I'm - sometime I get judged by my predecessors that - because I say something now that sounds like someone said in 1872 in a meeting somewhere in the world. If I would be - if I'm limiting myself into what all my predecessor have said, and apparently they talked a lot, I'm trying to use my words so I try to be careful, I'm not trying to move any decision points anywhere. I'm not trying to get into any discussions anywhere about how this construct is.

I'm trying for clarity to point out that there is a long process that starts somewhere and there is checks and balances built in and there are end results coming out. And some of the frustration I think is the non-understanding of the processes. Or when, for instance, two parts of the community works according to their own charters and their own mythology and ends up never talking to each other.

An example of that would be where should the advisories comes into the process? Would it be more efficient? And let me just ask you if for instance, GAC advice, came in earlier in the GNSO process than into the Board. That's okay, I woke up. And I think - I'm trying to figure out ways, by pointing out it can actually (lack) the frustration. I'm not going to any political debates about who should decide what. Thank you.

Anna Loup: Excellent. So we are going to move on in the queue. I see David Cake.

David Cake: Okay so my question is about - so I think the session with the data commissioners I think was very significant yesterday, I think marked a really - perhaps a turning point in how we talk about privacy act ICANN, and I think made it clear some comments that ICANN was in a lot of ways had not really addressed very fundamental questions and so on, like that we are starting to do now in working groups and things like that, you know, really had been neglected for a long time like basic things like purpose of collecting data and things like that.

Now several times - and we ended up with calls for things like a privacy officer and so on. Now I don't really want - I don't think we really should be telling you how to deal with the issues, you know, whether or not you should have a privacy officer and so on, in that sense, you know, to some extent an internal issue for you to deal with.

But it's been quite apparent to me at least and to several other people involved, that ICANN is lacking in really internal capacity to fully understand European law, particularly data protection law, and that this has hampered, you know, made a lot of discussion in the past, a lot more complicated because, you know, the initial position from ICANN does not really seem to understand that.

And what I'm saying is ICANN I think needs to build capacity in the area of, you know, deep knowledge of privacy law. It's a very complicated area that, you know, people completely professionally specialize in, and I don't think ICANN really has anyone without sort of deep knowledge as far as I'm aware.

I'm really interested to talk about what you think where we go from here and how we sort of improve the level of discussion with both, within both the community and ICANN the organization in terms of having a much deeper understanding of privacy and not turning it into a binary but understanding all the very, you know, how issues of purposes of collection and Whois, you

know, collector and provider and things like that, sort of important ideas that we - ICANN has not done a very good job at all of articulating in the past.

Göran Marby: Now we finally are adding on the consumer safeguard person, which is by definition a fairly, right now I'm defined role. I clearly admit that because we need to have a discussion with you and the community about - some of those things there has to be done with the help of the community what is -- how we are going to address some of those issues.

So we actually see that person as someone who comes in who's going to have those discussions about well who are the consumer and what are the safeguards, because they are, as you pointed out, in ICANN environment, a little bit undefined and we need to work better on that. That's not what you're talking about but it is a step in the direction.

But you - again, you - this is - I learned this when I come and meet you that you often point to things that is very close to my heart. What you see during this meeting is that we actually do some - a little bit new stuff. We are - have broadening some of the discussions we had and so for instance we talk about domain name identifiers like (DOA), we are putting on sessions like this.

And the reason why we are doing that is because I think that ICANN is - we often talk about accountability but I sometimes when I talk internally I talk, who are we for? Why does ICANN actually exist? I took this job because I happen to think Internet is important, I don't shy away from that. I know that ICANN is not the Internet, we are part of it, but we are an important part and I happen to think this is very fun and I want to be here.

So my kind of obligation for this is because, you know, I feel myself responsible for Internet users and otherwise in the world. And the concept, ICANN has to be relevant because we're not a company who protects, you know, whatever people sometimes think. I'm not here for any revenue

streams or running a company or something, we are here to provide a service to the world about connecting people.

And in that context, I would love to find a way to broaden the discussion what we can do to be relevant in the future. If someone comes out with an alternative Internet, whatever it's called, that is much more relevant for people and then we should die, then we should disappear. We cannot - because we are not a company that actually, you know, doing this for a business purpose we have to open up the discussions about other things as well.

So we tried to take ant steps in the direction of bringing, you know, other things into the discussion as well. I'm not going to talk - I know there are many different views on the specific subject on privacy but I'm trying to figure out how can we have a conversation about how this is done and actually, which comes back to your discussion about the GNSO, we have a changing world.

The next billion users will come from the mobile space. How do we interact with that specific technical environment going forward? We don't have implications on the privacy. And the mobile phones inherently have a lot of privacy issues by themselves regardless of the IP traffic.

So I think that what I would like to find - when I've spoken to the Board about it, I speak internally about it, how do we broaden the discussion going forward so we don't only maybe limit ourself in our mission, that's - I'm not talking about changing the mission, but bringing other things into the discussion as well.

Again, a long answer but your questions are very good and we have to think about them in many layers. Thank you.

Anna Loup: Excellent, thank you. I'm going to go to Kathy Kleiman for a quick comment and then we're going to end with Marilia. Kathy.

Kathy Kleiman: Kathy Kleiman, thank you for being with us. So a quick comment on several things and then hopefully a quick question. One is going back to implementation, that there are a lot of issues, I agree with you, on implementation. But I'm not sure the community can solve all of them. The community is spread thin doing the policy. So implementation may be about finding ways for the community to check in on the implementation as it's being developed.

The community is not great on technical, you know, developing the details of technical policy, as you've seen. We're good at kind of big picture things.

((Crosstalk))

Göran Marby: Jamie met with you in - some of you Reykjavík, and one of the things we are talking about, and that's after implementation, that is actually when we do the compliance, to figure out a way if we can have a group from the community who we actually asked questions, formally we own the contract. There is a physical contract between the ICANN Org and the contracted parties, but he has an idea how to set up this advisory something, which he blogged about a couple of weeks ago, as a way of opening up - I know, small ant steps, to increase the understanding.

Also the complaint officer is about that as well, so we can publish complaints and publisher answers so that is small ant steps to open up things. Sorry.

Kathy Kleiman: but I was thinking very specifically about the implementation process of the policies that are developed. And you're right, what I thought you were suggesting was that there might be a disconnect between the implementation and the policy that has been adopted and I agree with you, there often is. And so as we take the policy to the implementation, to the contract, there is often a disconnect.

Göran Marby: To be sure, when I started talking about is that the purpose of the policy, which were decided and what comes out as a decision from the Board, could be very different because so many things have happened during that process. I'm really trying to shy away of proposing solutions to that problem because it's actually in your hands. But I of course have ideas.

Kathy Kleiman: I do too. I'll send you some of them. But is the - this new consume person that you're talking about, are they really - is that where the data protection or data controller role should be? It seems like two different roles in many ways. And I agree with you also that we need a discussion of who the consumer is.

We often feel like the consumer, we are the registrants, we are the consumer of the product that the registrars of sell and through them the registries. But that's not often the definition that used of consumer in this environment, so that will be an interesting discussion. But is this new role, this consumer safeguards role, is that really what the - did I understand right that that's where data protection and whatever possible data controller role might...

((Crosstalk))

Göran Marby: If we're talking about protecting consumers, whoever they are in this environment, that's why I said we are - we're setting up this - sometimes it seems more about a conversation than the actual end result. I mean, starting a conversation around this role now, we are assigning a person and a function to have that discussion.

And the first thing that person is going to do is actually start engaging with different parts of the community to start having a conversation. It's kind of focusing a conversations that have been going around for a long time to put it in one box, to have a lot of those.

And then if it's, first of all, we just submitted a new budget and I will, I mean, which for public comment. And I started - it sounds like when I speak to my

kids sometimes. This is the amount of money we have. I've said this, if you ask my kids you've seen them doing it a thousand times. And if you want to do something else, within that budget, then you have to take something else out because we don't have more money than this.

So I - by that saying, please engage in the budget process because that's actually where you are going to tell me what to do. It's through the budget lines and it's hopefully - we're going to work with that over the time to make it even more transparent. But remember that, any proposal you give me has to be bounded by the budget, physical laws. So I'm not answering your question because I don't have an answer to the question. We're starting a conversation about many things right now.

Anna Loup: A right so we are just about out of time. I'm going to give a quick comment to Marilia and then we are going to end of the session. So Marilia, go ahead.

Marília Ferreira Maciel: Thank you. This is Marilia speaking. I'm sorry there was a glitch in the queue and by the time I raised my hand to comment on your answer there was already a long queue so I'm coming back to community applications, if you allow me.

I think that in terms of process, we are all in the same boat trying to understand the process and it's not only you, all of us work with the charge of procedure in our hands when we go to meetings trying to understand. I think that the main difference is that individuals in the community, they don't have the support that maybe the GNSO councilors or the CEO have to have staff to talk to, to try to understand what the process is. They don't have the same resources that we have.

So sometimes they ask questions in the corridors, they come to us. And like yesterday in the public forum, there was a colleague from the Registry sector trying to get from the Board a clear date on when we are going to have the next round, which I was very happy with the answer from the Board by the

way because we need time until the next round to fix the issues that we are discussing right now, not just community application. So the time will come when the process is ready.

But for this community applications, the time is long overdue so I think that we are in a different situation. So if I can come up with an actionable item would be to provide these people sort of a clear timeline, what is going to happen next, when they are expected to have a solution for this particular issue. I think that this is something that could reassure them and give them some sense of closure and show that we are on top and paying attention to their concerns. Thank you.

Göran Marby: I will so much now look at my fellow Board members.

Ron da Silva: Board member. I think the answer is the same. I mean, the Board doesn't control the process, right, we're looking for the community to finish the process. And the implementation then goes to the organization, to Göran and his team, to execute. I don't want the Board to be a gating factor in any of the process.

Marília Ferreira Maciel: This is Marilia again speaking. Not at all. Our point in the beginning of this conversation was that community applications have sort of fallen into a black hole of procedure that it's hard for every part involved to understand what is the process, what is the current step, where this process is. So the members of the community just wanted to have some reassurance of what is the current step, who is taking charge of this issue and when can they expect an answer? It's only that, it's not the Board to decide, it's just some kind of predictability, that would be helpful.

Göran Marby: Actually I don't disagree. We have stuff to figure out what the process are in some of those cases because they're not the easiest one. We are - some of those applicants are the ones that are - there are many different opinions. We

- one of the things that I - one of the things I'm proposing to do, which I've discussed with the Board, is something that I call an impasse.

And just to give you - I actually had another word for it but I'm not allowed to use that either, I call it processed for failure, with our beautiful processes ended up where we don't know what to do. And often I think, and again I'm not judging, I'm not saying that anyone's wrong, but because of the process we ended up actually wanting to solve a problem because everybody wants to solve a problem. So let's do and solve the problem.

And I have a feeling that sometimes that process for solving that problem has been nontransparent. And I'm not saying - because most of us who were here wants to solve problems to go on. And in this world where ICANN Org Website is one of the largest sites in the universe and nobody can find anything, I do accept that, it's hard to make that transparent.

So we came up - or I came up with this idea which I call the impasse. The impasse is really where we don't know what to do. So how do we turn that into a process that is open? And the only way for me is to go back to the community - and it's many times the GNSO - and say that there is a disconnect with the, you know, for instance you had written an idea with the policy or what ended up in the contract and we don't seem to have an agreement.

And I don't want to set myself in a negotiation. We have a responsibility for the contracts, formally, and we have to implement something that the Board have said. But how do we turn that into a positive conversation instead of, you know, inventing a new process somewhere?

So the impasse is - and I reached out to James Bladel, I'm trying to be transparent, and I said to him, now we are trying to do this construct where the ICANN Org and the community, the relevant part of the community, and

the policymaking is the GNSO, we agree upon that we have - we have an impasse. We don't have an agreement.

It's not about ICANN staff has a disagreement with the policy, I don't want to say that. It's when the community itself maybe has a disagreement how to proceed. And the impasse is really how we formally can hand that back to the GNSO through the Board. So the Board doesn't take the decision, to Ron's point, so we - because we built the structure how to do things, but we end up with places where we don't know what to do. So we have to, for transparency reasons, we have to build that into a process again.

Unfortunately some have called that the impasse protocol, which I don't really know what it is. It's about me coming back to the community, GNSO most of the time, and saying hey, what you call it in the US, between a rock and a hard place with this. Whatever decision we are going to make now, nobody is going to like because -- I said this in an earlier meeting, I was a regulator before. And I know that sometimes we end up with a decision, you make everybody miserable but for different reasons.

And I don't want to be in the place where I distribute misery evenly, because that discussion should be happening in the community. So we - looking at that point right now, how we can take some of those congested problems back to the community because that's really what the discussion be happening. When we sort of - when we don't know what to do. And if you look - Avri - very happy that - hi, Avri - that she will promise to come up and look at a flow chart as well because she has a lot of input and understanding how this works.

Because in the discovery process, we realize that not everybody agrees how to handle it. So we try to build in this, you know, the discussions -- there is a mechanical thing where the discussions will be had in the community, we have to fix a way to address it. Yes, please let me know when you figure it out.

Anna Loup: Excellent. Thank you. Now, we have one more question from Aaron. I know our time is up. So I default to you, if you would like to take that question or I know you're very, very busy.

Göran Marby: Yes, but don't tell anyone that I'm still here.

Anna Loup: Okay. So, Aaron, go ahead. Aaron, can you hear us? Oh, he is in the chat. Okay. I do apologize. Okay. All right, well, Aaron, I can't find your question in the chat, please, if you are going to ask a question put a brackets with Question in it. But I think we're going to move on if I don't...

Göran Marby: May I say thank you very much for coming here. And I also want to give a special - I had the opportunity to have a more informal conversation with some of your members a couple of nights ago and I have to say that that was one of the - that was a - so far it's actually one of my highlights from this week. I really appreciate that you took the time and the effort to tell me the error of our ways. But it was - you have fantastic representatives in this group. Thank you.

Anna Loup: Excellent. Thank you. Okay, again, thank you so much, Göran. And then we are going to move on to our session with Board members, which is going to be moderated and chaired by David Cake. Take it away.

David Cake: Thank you. So we thought we'd approach this session a little differently to the way often interactions with Board members go. Instead of collecting a list of very difficult questions that we thought we could ask the Board members, now we've got relatively new Board members and we understand that, you know, we will have an opportunity to ask difficult questions later in the day.

But right now we thought we would sort out swinging around and mostly we would like to know what questions you have for us, and can you just - and we thought we would do this as a little bit of a get to know you session and let

you know what we are doing. So I thought I would start out by just asking if the Board members present have any - well first, would you like to briefly introduce yourself, and then see if you have any questions for us.

((Crosstalk))

Lousewies van der Laan: Right, thank you very much, David. So my name is Lousewies van der Laan. And there are two other Board members, here's Kaveh and Ron. Now the reason there is not more of us here is because, as you know, this is our Constituency Day, so we have back to back meetings on Tuesday, formal meetings, televised meetings so there's - it's really hard to step out. But we managed to rearrange them in such a way that some of us could step out because I think it's really important that we take some informal time together.

I just wanted to make, as a matter of introduction, two general comments. The first is that the Board is trying to make a very conscious effort to engage with the community in what we call your ecosystem. I think there was - and this is when I joined 1.5 years ago, there was a kind of perception that the Board was like sitting back behind, you know, the desks and the community would come to us.

And so I when I was - did my leadership training in Dublin, the onboarding everybody said, well, you know, you seem like a very nice person at, you know, when you get onboarded, they give you a pill and you go over to the dark side, and we never hear from you again. And you may have been one of the people who said, you will be connected to the hive minds and that's it...

((Crosstalk))

Lousewies van der Laan: Yes. And so I think most of us have really - have looked at the way that it set up, and the ICANN meetings, as useful as they are, are not the easiest place to have, you know, an informal and relaxed exchange of views.

And so we have started, as much as possible, when there are events in the community to actually go there. And I think it makes a huge difference.

I mean, for me for example, as a non-techy, it was amazing going to my first RIPE meeting and then, you know, then I started to understand what the Numbers people actually do, and that was a nice transition, then going to my first IETF meeting, where I still don't understand exactly what they do, but at least, you know, then there is a way of easing into it.

So I want you all to know that there is a real willingness on the side of the Board, to engage with the community at your events so when there is - of course we can't all fly all over the world etcetera, though we try to do a regionally, so I would go to a RIPE meeting, because I'm based in Europe. We try to distribute it.

So wherever we can do that, and in that way make sure there are direct connections between us, that we know each other, so that it's not only done in this formal format, I think that's important.

And the second thing is I think there was some references made to the privacy thing we did yesterday. So again this is also just my personal experience, the first time that I heard privacy being raised there were a lot of like, oh no, we don't get involved in that, we don't do that. I think the atmosphere is changing here as well.

And I was really happy we had the event yesterday, I was really happy with the turnout, with the high level of participants and everything. And so the way I have learned that ICANN works it's a bit like moving an oil tanker and it make take a while and so I think people who have been pushing on making data protection, you know, an issue at these meetings, you know, who knows when exactly the oil tanker, you know, has turned? But it's turned.

And so this is also part of the process and have a dialogue and of people listening and of adapting the mindset. And so I must say I've been very encouraged seeing the way that the Board operates. I hope that, you know, also our being here contributes to that. But my experience is that the best way to get things done is also through the informal contacts, and it's been really wonderful getting to know many people. And I hope we can keep on doing that.

And then I want to head over to my colleagues, these were just some introductory comments from my side.

Ron da Silva: Thanks. To that vein, I want to thank you for inviting us to be here. We don't have, I don't think on the calendar, and I was trying to look through it because there's so much to scroll through - I don't think we have a full session between the Board and you, so this is - it's nice to be able to break out and we're skipping something. So it wasn't actually moved around, we're actually skipping something to be here. And that's appreciated, not that - it's appreciated to leave there but it's appreciated that I can be here. So thank you.

I think - you asked, is there a question, I came in at the end, sorry about missing the brief intro, but I did hear the request for questions for you. And I do have one because I just came out of the ALAC session with the Board and they're having a bit of a - not an identity crisis but they're trying to address some of the issues that came out of the review around are they representative of end-users or are they representative of the people who care about end-users and, you know, the whole dynamic of you look at ICANN, where does an end user go?

Like if your mom or your dad can, who was not involved, make that assumption, in the Internet space and they simply call you up for IT help when their email doesn't work, perfect example, where do they go if they want to come and participate in ICANN? Well first, why would they? But

suppose somehow you convince them. And then they said, okay well where do I fit? And maybe it's in one of the ALSs in the ALAC, don't know, or sorry, in the At Large. Maybe it's here. Right? This is actually called out somewhere in your description as well.

So how do you reconcile, that's my question for you, is like how do you answer that question for your mom or your grandma? Like come be in this meeting in Copenhagen, don't go find all the interesting things to do in town, but instead come hang out here all week and here's where you should go and why.

David Cake: Did anyone in particular want to take that? I'm happy to take a stab at answering it.

((Crosstalk))

Robin Gross: Okay so, you know, with respect to the noncommercial users in particular, in some sense everyone is a noncommercial user of the Internet because we all use the Internet to, you know, to talk with - share pictures with grandma and grandpa and do all sorts of noncommercial things. So it really is about what you want to do when you get here.

If you want to support noncommercial uses, noncommercial users, for example promote things like human rights and freedom of expression and privacy and development, those are the kinds of issues you want to work on that you want to promote, then you would be long into Non Commercial Users.

One of the things about ALAC is they have a mix of business users and noncommercial users so there's a bit of a important structural difference there where we are really just focused on trying to protect noncommercial uses of the Internet, and they're really more focused on individuals, generally some of them are, you know, just an individual lawyer, individual accountant and they

need to use the Internet for their business uses. They could also go in the BC, if the BC's rules would allow them. So I think that's really important distinction between the two organizations.

Ron da Silva: So a related follow-on, if I can? David?

David Cake: Yes, Stephanie.

Ron da Silva: Oh okay.

Stephanie Perrin: Yes, Stephanie Perrin. I've been here four years and I must say that I think there's a bit of a problem and how we advertise to the world in our outreach what ICANN does. It's kind of - in Canada we have a lovely slogan for advertising for the military, there's no life like it. Well that's false advertising if you ask me. It might be true in some senses.

But we tell people when we do outreach, come and be part of building the Internet. Most people don't care about the Domain Name System. And we are often criticized in a, you know, in the noncommercial area well, you know, you don't really represent end-users. We do represent their interests. And the unfortunate truth about participating at ICANN is you have to master a great deal of technical, policy, legal matters that are complex.

And I can do this with 35 years of working in government where I was in the area that dealt with Internet. But I still spent two years solid trying to figure out how the DNS actually works and what the registrars and registries are all about and where the economics are. And frankly that's hard work. And so when we do outreach and we get young people who are keen and eager, they want to build the Internet, and there's no life like it too, then you tell them well, you have to figure all this out. If you haven't been working in the area, it's daunting.

And the mentoring process, quite frankly, isn't working well enough because we're all overloaded. We try to mentor people and bring them along, but if they aren't self-starters we really can't carry them on our backs, you know, they have to come with us. They have to be able to run along with us.

And the amount of commitment of time to participate in the PDP process, which frankly I feel very strongly, if you're not here to participate in the PDP process you're not really helping ICANN with its mission as he represent civil society and the end-user.

So that's not really an answer, it's another question and problem. And the three groups really there's NCSG and ALAC, and NCSG splits into two different groups with different missions. But, they're beset with the problem that they are doing outreach and we are gathering our members, and we've got people traveling to meetings, but are they able to become productive members to help actually influence outcomes? That's the question.

David Cake: Yes, so I just want to briefly add to that by saying one of the things that distinguishes us from ALAC is that we concentrate on gTLD policy and ALAC have a broader mission, and so of course can, you know, weigh in on things like, you know, ccNSO policy or things like that.

But other than that I'd like to - you had a follow up?

Ron da Silva: I do thanks. So another related item that I thought was interesting to bring here is representation versus advocacy. I know the ALAC gives, you know, one of the things they were struggling with is people assert, oh you must represent billions of end users. Well that's not true, if you look at the ALSs, the ALSs are all kind of representing their own interests, whatever those might be, and then they kind of clicked together to create the At Large.

So I raise that same question here, representing the noncommercial user community or advocating the community, and if so then how do you, you

know, if you're advocating, where do you get your position or where do you get your stance to represent the end-users? You know, how do you -- that's mapping of end-users actually being represented or in some way advocated for without having the engagement to get the feedback from them kind of, you know, do you assert it from your own principles?

Do you have your own methods for establishing what is in the best interests of the end-users without actually asking end-users? These are the kind of questions I think they are wrestling with, I think are germane here as well, I'm just kind of curious how you - how do you wrestle with that?

David Cake: I think the queue for that - I have Avri, Kathy, then Niels, and Marilia. So if I've got the queue in the wrong order please complain but otherwise, Avri.

Avri Doria: Hi, yes. And Avri Doria speaking. I think it's slightly different in that an ALS is a general organization. I think in both NCSG and NCUC there are members, and the members - so when I'm sitting here and I'm sitting here as APC, Association of Progressive Communications representative, and it's the breadth of the organizations and individual members that do the signifying of breadth of representation.

But I think that most of the people that are sitting in NCUC or NCSG are there as either individual representatives, the individual members, or representatives of large and small organizations. So it's a slightly different mix than an ALS. And on your previous point, just because - it's also there is the horizontal and vertical breadth and scope difference between the organizations.

So if you wanted to put your fingers in just about everything that ICANN does then you would want to go to an At Large organization, if you wanted to focus on gTLDs and you would come here.

Kathy Kleiman: Kathy Kleiman. Fortunately I don't think we were having an identity crisis here, which is good. And we had these discussions, oh my God, 18 years ago when we were directing the charter and the goals of the Non Commercial Stakeholder Group. And we signed that charter in Santiago Chile in 1999 and I was the primary drafter. And we are not just the interests of the organizations around this table, we dedicated ourselves in that charter, as Robin said, to representing noncommercial speech online.

And we know what that noncommercial speech is, it's educational speech, political speech, personal speech, hobby speech, it's where we all go on the Internet to share when we are not engaged in business. It's where we share the information about our children and their Little League and the Girl Scouts and political dissidents and human rights groups that Niels will probably be telling you about shortly and the robustness of the speech that's not exchanging money.

And we think this is a really important mission, and we've been very focused on it for 18 years. And it's an exciting mission. But we are not the only communications system out there. We are the greatest communications system out there, according to the US Supreme Court, and I agree, but we are not the only one. So we get to take some of our values and ideas from other places.

So in the United States, for example, the US Federal Communications Commission operates under a legislative mandate of operating in the public interest, convenience and necessity. And public interest lawyers over 70 years have worked in defining what that, you know, what public interest means and fighting for things like due process and making sure that things aren't revoked without process, and privacy. And we are working on freedom of expression, free speech, fair use.

That's where we've seen our role in the policies that we are making in the GNSO. Happy to go into more detail but we feel very well grounded and

when we go into our policy discussions and our PDPs, and there are too many of, can I just share? There are too many of them. We have a voice and we feel it's kind of a special voice. Thanks.

David Cake: Thanks. Just want to say we are getting very close to the end of the session, we haven't even heard from one of our Board members yet. So, yes, make a few brief comments and then we will go back to Niels.

Kaveh Ranjbar: I will do a quick introduction and then I think it's good to continue. So my name is Kaveh Ranjbar. I joined the Board officially in Hyderabad so before that I was doing my on boarding since June. And my other job the I am Chief Operating Officer at RIPE NCC which means I am in charge of K-root.

The way I came to the Board is actually I am representing K-root on RSAC and RSAC as a liaison to the Board, so I am officially RSAC liaison to the Board. And for many different reasons, I actually share a lot of common interests with the NCUC. And I have been following the work. And I have a few questions but I think the answers will take longer so we will find another time to discuss.

David Cake: Thank you very much. So with like sort of two minutes to go.

Niels ten Oever: Yes, to all your great surprise, I will not talk about human rights right now. I think what you've asked is inherently difficult question that's potentially not solvable here, and that is the question about representation. I think the issue about representation in governance bodies is a problem all over the world with decreasing numbers of members of political parties, and who represents who.

I do not think that is something we could or should solve here. What we can do is ensure that those who want to participate, can. And for that opening the door is not enough. We should ensure that people can participate on equal

footing, and that they have the resources, and resources is not just money, it's also knowledge, the trust and the opportunity for them to participate.

So let's not dwell on what has been but what we can do. And there is a beautiful opportunity with the new meeting strategy for Johannesburg to do strong outreach in communities where we are not heard. So I really look forward to the Johannesburg meeting where we can get a lot of people and share a lot of our passions to the people there, and hope we can increase our community so we get a bit more representative.

David Cake: Thank you. Marilia.

Marília Ferreira Maciel: Thank you, David. This is Marilia speaking. Well actually I think that you asked two very good questions. And we are happy to be able to answer them. To me what enlightening, coming as a Fellowship participant to ICANN, I was faced with the same question, where to participate. And it was always clear to me that I wanted to participate as an individual.

So in attending At Large Structures, it became clear to me that besides Europe that have an individual system based participation, if I came from other regions such as Latin America, I would need to join an association.

And I was not enough aware of this community to be able to do it, so participating as an individual became much easier in NCUC because you have individual participants and NGOs as well.

But another thing that was important to me was that I wanted to be part of the policy development process, and because NCUC is part of the GNSO, it's not that we only discuss domains like issues like human rights, they become (transversive) to what ICANN does, that we do give a lot of emphasis to the policy. So besides this NCUC meeting, we have an open meeting of the NCSG, and we have a meeting of the NCSG Policy Committee to really discuss what are the issues at the GNSO and how we are going to chime in.

So this focus on policy I could only find here. And to me that was a very good at attractive to participate in this group. So to me that was enlightening. On the representation issue, I pretty much agree with Niels, and I don't think that any of us coming from any civil society background can ever say that we represent people or we are the voice of the people when we don't try to do it.

And I think that we respect very much the diversity of views that we have here. And one of the things that corroborate that is that we don't bind the votes that the GNSO. So we have different councilors that when we do not reach agreement on a particular thing, we may vote differently. And that is quite different from what happens in other parts of the GNSO, which usually come to a decision and vote together.

Of course that brings us political difficulties, but we try to respect that diversity that we have. So it is one of the points that we try to make sure that this diversity somehow reflected even in the policy process.

David Cake: Okay, thank you. So mindful of your time, I'd like to say thank you for attending. And you can leave if you want though of course you're perfectly welcome to remain.

Just a couple of other comments I'd like to say. You did talk about wanting to, you know, visit our ecosystem basically. One suggestion is that couple of weeks there's RightsCon in Brussels would be something useful than if you want to see sort of us in our, you know, in our own environment so to speak.

And just before you go, we'd like to pass on, unfortunately the NCUC chair, Farzaneh was not able to be here but she wishes to just getting here - yes, thank you all for making your time - making time for us, and we really are keen to improve argumentation with the Board. And I think this was a good one so thank you.

Ron da Silva: Just a quick question, so you mentioned there's a RightsCon coming up in a couple weeks. Do you have a forecast of say the next 12 months of other things that are going on so we can plan for it and coordinate amongst other Board members that we...

((Crosstalk))

David Cake: We will try and get something together. Renata.

Renata Aquino Ribeiro: I just wanted to pin on that and say there are some periodical events that participants from NCUC are like Internet Freedom Festival, which has just happened in Valencia. Of course there is the IGF. But what is interesting, and I think that this is what Dave also means when he mentions us in our own environment is that our environment is becoming more plural, so these are all un-conferences, so if a very different world from the ICANN world.

And I would also get back to what Marilia said, that is because we are more valuable when we are diverse and un-hierarchical, so that's probably why these bases are multiplying so fastly.

David Cake: Yes.

((Crosstalk))

Lousewies van der Laan: Yes thanks. I would like to stay for the next half hour because I think one of the key questions that we haven't had a chance to discuss yet is how the work here touches on Internet governance.

And we have a working group within the Board on Internet Governance, which is led by our colleague, Markus Kummer, you're on it Ron, there's a - I'm on it. And so one of the things we were discussing is kind of the extent to

which ICANN has to be, or must be involved in Internet governance and exactly where not.

And that delineation is, you know, we've been trying to come up with - to almost guidance for the Board. And it has, you know, sometimes we do it through partnership with others, sometimes it directly affects what - Internet governance directly affects who we are and what we do, and then we have to be involved. And sometimes we really should not be involved because then it becomes political and we don't want to do that.

But, you better than anyone else knows, these things crossover into one another. And so I'm really interested to learn more about how you do the delineation because I've seen a lot of you at the IGF as well, because I think we can learn from that to make sure that we keep the Internet working on a technical level but also keep it open and free.

And this is sometimes we are the real challenges are. So I'm really interested to hear more about that, and when there are activities that are related to this, I think it's going to be really important to draw the delineation especially with the new CCWG on this coming up.

Kaveh Ranjbar: Sorry, just to make a quick announcement. I'm moderating the next Board Constituency session so I have to leave, but I will be back in a few.

Ines Hfaiedh: We have several members of CCWG IG here, I'm one of them. Tatiana, would you like to address?

Tatiana Tropina: So briefly about delineation, I believe that there are - there is a difference between involvement and following the discussions and being aware. For example, one of the examples, cyber security discussions and political agenda, some of the countries, international organizations like the IETU, a recent China strategy. We cannot get involved because it's way beyond ICANN limit or sorry, mission and remit and so on.

But I believe the CCWG IG together with the Board working group on IG should be aware about what is going on for one simple reason, if you want to uphold, if we want to follow the multistakeholder governance model, if we want to preserve it and develop it, we have to be aware which threats exist to this model.

So not being engaged on this by being constantly aware of what is going on I believe is very important. So we kind of seeing what is going on, informing the community, yes, getting involved, no, so that demarcation is exactly, its mission by being aware is very important.

Ines Hfaiedh: Okay so maybe now we can move to our next agenda item, which is newcomer segment. So yesterday we had - and my colleague, Tatiana, to talk to the Follows as Executive Committee about NCUC. Today we would like to share with you some - a different perspective. And thank you very much for coming. I see many Fellows mixed in and the room is full. Thank you very much for coming.

And we will have a different perspective from some of our members. We will start with Grace. Thank you.

Grace Mutung'u: Grace Mutung'u speaking. I come - I work at the Kenya ICT Action Network, which is a multistakeholder platform for people interested in ICT. And it's very Kenya centric, and for the past 12 or so years we've been having discussion on ICT policy in the country. What we realize is that over the years ICT is, you know, globalized and what happens in other spaces really affects us. So this is the reason why I joined NCUC because my background is in law and I'm interested in the issues such as privacy and freedom of expression.

And most importantly, I really find that in this space there is too much concentration on trademark law at the expense of many, many other rights. And you know, in Africa we don't have those very individualistic kind of laws

and rights, we are more of a communal kind of people with people's rights. So one of the most interesting things about NCUC and attending ICANN is that it makes it more meaningful not because -- it's not important to just be aware about an issue, it's important to also understand all the trends that are happening in the world and how they affect our national policies.

So it's been an interesting space, it's more interesting to interact with people and get their different points of view and understand, you know, all the politics and underlying factors and undercurrents of decisions are being made. And thank you for the Fellowship.

Ines Hfaiedh: Thank you, Grace. I just have - Ines Hfaiedh for the record. I just have a small question. Was it easy for you to navigate this maze of policy?

Grace Mutung'u: Honestly, no. First of all the whole business of acronyms is like a gigantic puzzle. But one of the - like I've had, you know, personal interactions with people like Renata, Kathy Kleiman, and sometimes when they explain the big concept and break it down, it turns out that it's a very simple concept in acronyms. So I encourage everyone to just ask dumb questions and find out exactly what is being spoken of.

Ines Hfaiedh: So just ask. So I would like to move to (unintelligible). Thank you.

Kathy Kleiman: And I just said that there is no such thing as a dumb question.

(Ming): I'm (unintelligible), I'm from Malaysia, and I joined NCUC around last year, June. And I don't have much chance to like participate actively until I met Renata last year in IGF Mexico. And she suggested me to join the mentee program, so today I'm here.

What I'm doing now, I joined RDS Working Group and I am still learning now, no contribution yet. And what I'm doing now is just observing the mailings and

I'm reading the text documents, and I'm, yes, I will be ready to contribute more in the second phase of the working groups work. Yes.

I also said, because I can't contribute more now or I left out of the discussion, because it is quite common for newcomer like cannot really join the discussion now because the work has been going like years and we just joined months ago, yes, so it is - so it kind of (unintelligible) for me, I think. Yes.

Why I decided to join NCUC because I always wondering what ICANN is doing and then what those acronyms means, yes. I doing my Master in Public Policy a few years ago so I taking some courses about ICD policy so I very, very excited and I'm very interested on ICD policy. So this what need to join the NCUC, yes.

And I always believe that if you don't want to rule by the policy or law, you have to rule them back, yes. So by involving myself in NCUC for like discussion on the policy, help shape the policy is rather than - is good than I just complain on social media or some friends, yes.

Ines Hfaiedh: At least now you have become more familiar with the process at least...

(Ming): Yes.

Ines Hfaiedh: Even if you're not really able to actively get involved in it, at least you're still on the learning process. That's nice.

(Ming): Yes.

Ines Hfaiedh: Okay, can we hear from Aarti? Thank you.

Aarti Bhavana: Thanks. Hi. This is Aarti Bhavana for the record. So I've been - I'm attending this meeting as part of the NCUC Fellowship as well. So I've been part of this

- of NCUC for about a year and a half now with ICANN 54 in Dublin - been my first meeting.

I do write into CCWG Accountability and the IANA transition, and the NCUC was extremely helpful in that regard because that's an extremely complicated process. And this was a group of people who have been involved in these processes for years and who understand the background and the history very well and who are very open to questions, open to talking about things. And that was extremely helpful.

So about once a month Robin organizes an NCSG meeting to discuss CCWG Accountability. And those meetings are extremely helpful because it's just a group of say 10, 15 people who are talking about these issues in great detail. And it gives you a lot more opportunity to talk about them than, say, a CCWG Accountability meeting where there are 60 or 80 people.

Other than that I've also been involved with Whois and I've had long discussions with people like Kathy to understand the decades of background that comes with these issues and that are important to know before you can proceed with the policy work.

So overall it's been - it's extremely useful to ask questions and the group that is willing to answer whatever questions you have no matter how many times you approach them. And preparing for this meeting also has been great because, you know, to take part in the Fellowship as a mentor because I was a newcomer not that long ago. So thanks to NCUC for making my participation at this meeting possible.

Ines Hfaiedh: Thank you, Aarti. What are the recommendations because really keen on - we're looking forward to having always this mentorship. What are the recommendations that you would give to future mentors?

Aarti Bhavana: I really like how we were told right off the bat there were certain things that we should do, for example, we should have a couple of calls before the meeting so that was great because I got to talk to Grace and (Ming), we had a couple of Skype calls. During one of them - so where I basically explained what NCUC is doing, what are the various work, various policy work that we're interested in.

And another meeting whether we went through the schedule, because it's pretty complicated and can be a little confusing to look at the entire week schedule and figure out what sessions you want to attend. So when we did that before even coming to the meeting I think those kind of things could be helpful. And it also gives you a space where you can ask questions.

I also really liked how Farzi put people in touch, put both Grace and (Ming) in touch with various people within the constituency so they could start getting involved even before they came to the meeting. So that gives them some level of preparation. So that was really good. And I think this was the first time they're doing the Fellowship in this way, in the structure, and I thought it was extremely helpful.

Ines Hfaiedh: Are we interested on adding this on the application for the NCUC Fellowship so that we have this mentorship program. This is really wonderful. Thank you very much, Aarti. So now we will be moving to second item, governance - which is governance specific. Ayden, the floor is yours.

Ayden Férdeline: Hi, thanks. I just wanted to make a quick intervention first. Ayden Férdeline for the record. I just thought I would clarify for those in the room who might not be aware, there is a distinction between the ICANN Fellowship and the NCUC Fellowship. So this is the NCUC Fellowship which Aarti, Grace and (Ming) participated in is something that the NCUC funds itself from its donors.

And it's some internal capacity building that the NCUC has been doing to upscale our membership and to do some in-reach. I thought it was important

to put that out there that this was a separate effort than the programs that ICANN staff run. Thanks.

Ines Hfaiedh: Thank you very much, Ayden, for clarifying this. So let's move to governance specific topic. Where is NCUC at ICANN? We have a question?

Ozan Sahin: Yes, Ines, this is Ozan speaking, the internal remote participation management, we have a question and comment from (Kimberly Anastasia) in the chat box, would you like me to read out loud? "(Kimberly Anastasia), Brazil, I'm considering myself a first time attendee even though I'm via remote participation. So sorry if I'm proposing something off topic. Considering what is being said, I would like to know how exactly we are planning to foster diversity and the insertion of people from different regions and backgrounds beyond ICANN meetings ensuring that our recommendations do not stay just as recommendations, but become visible in the community on a day to day basis? I say so as a person entering the IG universe that tend to get lost with frequency in the NCUC mailing list."

Ines Hfaiedh: Grace, you would like to answer?

Grace Mutung'u: Without funding like on the (unintelligible) for diversity being one of the few, you know, people from Africa, I think one of the meaningful ways of bringing more people into ICANN and because I tried many places in ICANN before I found home in NCUC, is just almost hand-holding people into some of the NCUC work.

And I found it more meaningful not just to join ICANN, in air quotes, but also to be taken through a PDP working group and even have like - I mean, the RPM Working Group and sorry for the acronyms, it shows I'm maturing, but and even have, you know, a what's up group where you can really ask the questions and ask what are we really discussing. If you are just frustrated at what is happening. And I think there is no other way to learn ICANN than to

be immersed in it. I find this one of the best practices that can be done to bring more people from other areas of the world.

Ines Hfaiedh: Thank you. Okay, yes, the floor is yours, yes.

Carlos Alfonso: I would like to advance an idea which is I am watching right now here the - a map of regional and national IGF initiatives. And you look at it and you think is this a network? No, it's not a network, but many of us from NCUC or NCSG, are present in many of these national or regional initiatives. And of course ICANN issues are also discussed in these spaces, no? Issues of the so-called critical Internet resources or the themes of which pertain to ICANN which are of interest to ICANN and to NCUC as well.

I wonder if we could think of a sort of project or initiative in which NCUC members or NCSG members participating in these national and regional IGF initiatives can capture somehow the results regarding the ICANN topics and bring them together in a sort of future synthesis of what at the level of IGF in all these regional initiatives and national are of interest to ICANN and to us, NCUC. Because if it's not a network, we are - we can build this network to capture that information, right?

Ines Hfaiedh: Thank you. Stephanie Perrin.

Stephanie Perrin: Thanks. Stephanie Perrin for the record. I just want to endorse Carlos's idea because I've been thinking since the Board members asked, you know, can we know what your local, you know, in your own habitat events are? We should figure out how we can prepare a regular input to the Board giving them a more or less a prospectus of where we're going to be. In my case, I think we have a very good outreach each in our own areas about what we do here.

We go out, we, pardon the Christian analogy, we preach the gospel about what's going on in terms of policy at ICANN. I do it in the privacy community. I

really do like you should care about what's going on at ICANN because there are deep, you know, privacy issues embedded in the domain system. So others do it in their own area of expertise.

How hard would it be for us to turn this into a wiki kind of thing? And I know Rafik is going to throw something at me because I don't contribute to the - our little technical interfaces, but to pull it together, do a two-liner. So for instance, I was at CPDP on an ICANN panel, it wouldn't kill me to give you a two-liner on what happened at CPDP. And I can tell you where ICANN will be discussed at other privacy venues.

How hard could that be? Could we get Maryam to help us do that so that it doesn't fall on more volunteers?

Ines Hfaiedh: Anna.

Anna Loup: So this is Anna Loup for the record. I want to make a quick plug for something I've been working on. I - there hasn't been a survey of our membership in a while or ever, and I think that that would be beneficial to developing a network that you're speaking of is because it's not just people who are involved with the IGF but it at other events, right, so that we have these extended networks but we don't know what networks, right, we could make a list but it probably wouldn't be sufficient if we tried, you know, for people in a room.

So developing a survey that would not only ask people about how to better get involved, right, so going back to (Kimberly)'s question, right, getting lost within the frequency of the NCUC list, right. This is feedback that we need from the members of the NCUC comment that in the event that they're going to. So I've been working on developing a survey that would not only help us understand you know, sort of what does our membership base look like, right, through, you know, looking at diversity, where are our failings, what are we doing good, you know, well in.

But then also finding a way to, you know, developed these networks. And then this would be a way that when we could send, you know, reports to the Board and sort of let them know what we are doing and really who we are. So I will leave that.

Ines Hfaiedh: Thank you, Anna. I also would like to reiterate what Renata said about mapping our membership. The floor is yours, Rafik, and then Michael.

Rafik Dammak: Okay, thanks. Rafik speaking. Just maybe a quick comment, I'm not sure what you were asking me, Stephanie, but okay. Regarding the - to know the interest of our members, that's something we had discussed for a while within NCSG and NCUC. And I think there is an opportunity maybe much more, how say, effective than a survey which takes time and so on is for some years we tried to improve the membership management system within NCSG and then for NCUC.

And that will be available soon, I think Tapani can provide more information about that. And having more advanced membership system, it will allow us to know more about our members, to ask them about topics they want to work on and so on and to - we can use that as a kind of analytics so we can reach them and will using that platform.

Ines Hfaiedh: Okay, thank you Rafik. Michael.

Michael Ohgia: Hi, Michael Ohgia. I'm an NCUC member and also a first-time Fellow. I just want to iterate that (Onya Gengho) at the IGF Secretariat is the coordinator for the national, sub-regional and regional IGF initiatives and I'm sure she would be absolutely pleased to hear that the existing network of NRIs would be a great resource for ICANN and for the community. And it would be really good for us to leverage these existing resources as well as the existing networks that exist.

I also want to stress that I think it's important specifically for collaboration on Internet governance issues that we work with - that we don't repeat work that's already being done. There's no need, with the limited time that we all have and not just us, I mean, anyone that's working in this space, see where the work is already happening and then let's work together in that way. And with that said, I apologize, I have to get to another meeting.

Ines Hfaiedh: Thank you, Michael. We have also to move to our topic. If you allow me, if anybody has anything more to say on where is NCUC at ICANN ecosystem and how different it is from ALAC, because we answered Ron da Silva's question, can we move to the next topic?

((Crosstalk))

Ines Hfaiedh: Okay. Renata.

Renata Aquino Ribeiro: So I just want to come back to Grace and (Ming)'s presentation because I think they're hiding their game. The What's Up group, they shaped it. So there's a What's Up group now to discuss policy and to discuss NCUC events. And they named it, they shaped it, they are running with it. And it's really important that we give this credit to our newcomers. They are finding their way on the policy work.

Ines Hfaiedh: Avri.

Avri Doria: I want to ask a question about this, so this What's Up group is just a group for the newcomers in the group? Because this is the first I'd heard of it. Thanks.

Renata Aquino Ribeiro: Yes, it's quite - there's an ongoing effort of the newcomers in ICANN meetings to have social media groups. So they decided to drift off and do the civil society at ICANN group. So it's new. It's - well one week old, less? Yes. And anyone who can...

Avri Doria: But it's only for the newcomers?

Renata Aquino Ribeiro: No, it's a civil society group and anyone wanting to join in just message us.

Ines Hfaiedh: Thank you, Renata. That's wonderful. Now we'd like to move to human rights because we have newcomers here and many would like to hear on human rights. Niels, can you tell us something about it?

Niels ten Oever: Every opportunity to talk about human rights, I'd be more than happy to. First, let's see if we can find an open source solution to the What's Up group, maybe we find something, it would be nice with our noncommercial interests, let's see.

At the same time, I'd like to give you a short introduction of the work on human rights, where we really need your work because we've just etched a little bit because we've been able to build on the great expertise and experience here for the last 15 years in ICANN civil society participation to during the IANA transition, get a core value in the bylaws that says that ICANN will respect human rights.

And what this exactly means is what we are currently working out in the Cross Community Working Group on Enhancing Accountability Human Rights Subgroup. So whereas we might have a high-level conception of what that will mean on how the bylaw can be interpreted, the proof of the pudding, as always, is in the eating. And it is really not the work of the Cross Community Working Group on Enhancing ICANN Accountability to find implementations of this work.

So once we have the framework of interpretation in the bylaws, we will need to see how ICANN, and its policies and operations, can respect human rights. And that is still a beautiful blank canvas that we, together as a community, but also where the ICANN staff, the ICANN Board, can draw in together.

So that is something we would need your help on. If you want the easy dip into that work, I'd really like to invite you to come to this session Wednesday, and don't be scared of this name, it's the Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights, you know, that title is consensus building in the making. You know, you just add words to make people happy. And I love to make people happy so there are a lot of words.

So it's CCWP HR. and what that is is a very informal, I repeat it's informal, body where we try to research and keep all the strings together on human rights progress in ICANN, because now it's being discussed among the governments in the GAC, there are relevant topics in the New TLD Subsequent Procedures Working Group, there is work in the Whois Working Group, on RDAP, on the Rights Protections Mechanisms. There are all aspects to human rights in there, but I also know, and no one here can follow everything.

So within the Cross Community Working Party we try to keep the night on what is going on and keep a bit of overview and try to be a vessel of communication, and do some research. So we've been writing papers to see how could this work, how could this not work. And because we are an informal body we can think relatively blue sky because there are no direct impact there.

So if you feel like trying some ideas out and discussing with us and getting into the loop, we'd be more than happy to welcome you.

Ines Hfaiedh: Sounds great. So you know where to go if you want to learn more on human rights and corporate social responsibility. And, (Andrea), you had a question?

(Andrea Russo): Hello, I am (Andrea Russo), I am a Next Gen ambassador. I'm still a newcomer, in my second meeting. I had a comment regarding the difference

between NCUC and ALAC. As a newcomer it is very confusing of this two sections. So from my legal and marketing background, I came up with the suggestions that maybe you can use in the future. It's about how you brand yourselves.

So try when you talk about NCUC to talk more about the purpose that you are doing and not like in general ICANN stuff and things and policy but specifically on the policy. Like a suggestion could be to start the sessions talking about human rights, talking about privacy and always, always marketing as this rather than marketing as a policy development because there are so many groups that are doing this that for newcomers it's very confusing.

And make sure that it's the clarity of the role. We had an event - a joint event between NCUC and ALAC, and still wasn't very clear the role that we have. So it will be good on your Website, but also in the newcomers day to come and make very clear the difference between the two groups.

Ines Hfaiedh: Thank you very much, (Andrea). You mean at the beginning of this session like at 8:30 or at the very beginning of this session?

(Andrea Russo): Whenever there are newcomers.

Ines Hfaiedh: Yes, because...

((Crosstalk))

Ines Hfaiedh: ...intentionally we scheduled this session on newcomers segment right after you finish the Fellowship session, that's why.

(Andrea Russo): Yes, like now how it is it's good because also the newcomers, a part of them, we had the Next Gen presentation and so on but also in the newcomers day

which was yesterday or the day before should come and make the message more clear and get involved.

Ines Hfaiedh: Okay, so making the roles of NCUC and At Large more specific and...

((Crosstalk))

Ines Hfaiedh: Okay thank you very much. We've got - now we - we can move to any comments or something? Okay, Stephanie.

Stephanie Perrin: Thanks. Stephanie Perrin for the record. I feel your confusion because when I came to ICANN I had the same confusion. And the conclusion I reached, and I don't wish to sound old and cynical, is that groups compete for all you newcomers, all us newcomers. And we're not going to get clarity of purpose delineated from one group to another because we all have a similar message.

So I think that perhaps if we were a little more explicit in our newcomer sessions to say you've got choices. We all try to do different things at ICANN, we're all competing - nobody is going to say that, but that's the reality. But I don't think if we come up with a clear statement of purpose the other groups will have a similar statement of purpose and it's not going to help.

(Andrea Russo): But just like in conversations like outside of the working groups it can be okay, I'm dealing with this, this, this and I'm not dealing with the other things. So it's also like when you're communicating with newcomers or - yes, the newer generations you still use this - like it's just communication and the property of the terms.

Ines Hfaiedh: Thank you, (Andrea). Rafik, you wanted to say something?

Rafik Dammak: Okay, so how to say - I understand the difficulty to explain sometimes the difference and that's how ICANN is structured, but just maybe also to clarify

like the newcomer sessions, so on, we are directly involved on that. So we are not - we don't have the control of the message there. However, one point to have in mind is that you can join different group, it's not mutually exclusive. You can go to ALAC, you can join NCSG and so on.

And personally my advice to many, just join because it's threshold is quite low. You participate and see how the group interact, what are the kind of internal dynamics, what are the issues that are discussed because at the end of the day whatever you will hear during the ICANN meetings is kind of marketing and everything like a sect, please join us, we are the best people, the best group, you know, but join and you can see what the real work done there by the kind of discussion that's - the mailing list, how people interact and so on.

I think that the best way is really kind of starting and, you know, you can learn and you find if that you are fit to that group that structure or not and you can try other. But again, it's not mutually exclusive, you can join as many group as you want.

Ines Hfaiedh: Okay, thank you very much. Sorry, we have to move to the next topic, freedom of expression. Robin, can you tell us about it?

Robin Gross: Hi, my name is Robin Gross for the record. I'm with IP Justice in San Francisco. So I wanted to talk a little bit about how freedom of expression is impacted here at ICANN. And one of the main ways is through trademarks, basically policies that are designed to provide maximum protections to trademarks. There's this balancing, if you will, that has to go on between allowing people to use words including words about companies, products, and - that may be perhaps disparaging of them or just use those words in other ways that are noncommercial and of course the trademark owners don't want people to be able to use those words.

So we've got this tension and we need to work out this balance between these two concepts. And so when we come up with trademark policies here, we're very much pressured by the majority of the community to give more and more and more rights, protections, to trademarks and there's not a lot of concern or pushback about freedom of expression.

So that's historically only come from the Non Commercial Users Constituency at ICANN. So there's trademarks and now we're seeing that being expanded to copyright issues so now that's on our radar as well. We're also seeing governments who don't want people to use certain words on the Internet because they consider them to be sensitive or they think they've got some kind of right to control how the name of their country is referred to or mountains in their region or rivers or things like that.

So that's another area where we're seeing restrictions being put on people's freedom of expression rights to be able to use these words in the domain name system. So if you're interested in protecting freedom of expression and making sure that consumers, individuals are still able to exercise their free speech rights, while at the same time providing legitimate trademark protection, then this is a good place for you to join. This is a good place for you to work on because there's a lot of work on trademarks here.

But at the same time, all this work on trademarks is really about freedom of expression because it's the opposite side of the same coin. There's a lot of things to be working on here. When you see someone saying come join the trademark group, do it and do it from the perspective of protecting freedom of expression. So those were just some of the main issues that impact freedom of expression here. There are more, but these are three big ones and we need a lot of help so please join. Thanks.

Ines Hfaiedh: Thank you. An open call to join. Now we'll be talking about privacy. Can you have Ayden or Stephanie or anyone who wants to volunteer to talk about it? Privacy.

Ayden Férdeline: Sure, I'll step in for a few moments. Ayden Férdeline speaking. And maybe Stephanie will jump in at the end for what I miss. One area within ICANN that touches upon privacy is what is called the Whois system. And Whois is actually not an acronym. So there's no confusion there.

And essentially it is a directory which was created when the Internet was a close and trusted network that contains the names, addresses, phone numbers, email addresses of domain name registrants. And it is an open access directory which anyone in the world today can access and retrieve the data from, including the personally identifiable information of vulnerable persons and organizations including those that fight for the rights of minority groups worldwide.

The NCUC has historically advocated that individuals and organizations are entitled to privacy in their domain name registrations, and the right to due process before their identifying data is disclosed to other parties. It shouldn't be a minority view in this community. Sometimes it feels that way and that is always something that I've never understood the hypocrisy because even people in the community who claimed that privacy isn't important or that it is dead take actions to safeguard their own privacy.

They put passwords on their email accounts, they have passwords on their social media accounts, they meet behind closed doors, they have their closed meetings, they have locks on their hotel rooms, all steps designed to prevent other people from entering what they consider to be their private realm and knowing what it is that they don't want other people to know, because privacy is a legitimate right and it is also a fundamental human right.

And this has been a really exciting week for privacy advocates and privacy enthusiasts. We've had some really great developments this week. Yesterday one of our representatives, Stephanie Perrin, and the GAC observer from the Council of Europe, organized a series of events with the participation of the

UN special rapporteur on the right to privacy, I believe the Chair of the Committee of Convention 108, and other European data protection commissioners, a representative from Interpol, where we had a frank exchange of views among the different ICANN communities on the privacy and data protection implications of that Whois system that I just mentioned.

And I think there is now a better understanding among different stakeholders as to - maybe not a better understanding but at least a dialogue among the stakeholders and some of the issues that have been flagged that we need to address in the near future. And I think it's really encouraging for once.

I might pass over to Stephanie to see if there is something that I missed there, but I think we have a really positive path ahead at the moment.

Stephanie Perrin: Stephanie Perrin for the record. Thanks, Ayden, I think that's a great summary. I do think, and I believe it was Lousewies that said earlier that the oil tanker is turning around. And I can see it starting to lumber its way around. At the risk of sounding, as I mentioned a minute ago, old and cynical, it's been a long four years preaching privacy here in the wilderness. And I was drafted here to, as a privacy expert, to sit on the Experts Working Group that was appointed to fix the Whois, and I was exceedingly lonely there. It happened by just sheer to incidents that the GAC representative that they got on that committee I had known all of my colleagues way, way back on the data protection side, and so there was a common bond of there.

But there was one privacy advocate, and many representatives of intellectual property and information services companies that use Whois data, and, you know, security people who rely on Whois data. So I was a little unbalanced and I had to be quite shrill. And I regret the fact that my role at ICANN has been being shrill for the last four years. I think it's working my character at an advanced age.

But we're not there yet. We will have to keep up the pressure to basically bring, as Ayden said, and I think very well, it's not just the application of data protection law, which of course is in 110 countries now, not just the European Union, but it's also the ethical considerations.

And he didn't mention it when he was on the podium but the EDPS, Giovanni Buttarelli, who has been around a very long time, one of the first things he did when he became EDPS was set up a committee that was looking at ethics, because we may be changing the whole wave privacy and data protection are discussed in a world of big data so that we are really talking more about how you use it, the ethics of it, less about the old concept of what is personal, what isn't personal.

And basically that's part of our work too is advancing the protection, the confidentiality of data that you have no business looking at whether it's protected by law or not. So all of the PDPs that we operate on, I am sure, have a data protection access - aspect that we need to examine very closely.

And anyone who is interested in this, I would be very, very happy to help bring you up to speed with what's going on. And if you would like to join the RDS PDP please don't be overwhelmed, talk to people, talk to Ayden, he's on it. It's going to go on for infinity I think. I mean, I hope not, I don't think I'm going to live that long. But we really could use some help. And it's a great way to learn because you will see on a week to week basis on the conference calls fights over specific data elements, and that helps bring it from the theoretical down to the real. Thanks.

Ines Hfaiedh: Thank you, Stephanie. So the RDS PDP, okay, thank you very much, everyone. The tech team is telling me that we have to wrap up. And thank you very much everyone, and we will put an end to the session right now. And enjoy your lunch. Thank you. Bye.

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