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GNSO – Non-Commercial Users Constituency (NCUC) Policy Session
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Renata Aquino Ribeiro: So we are starting the NCUC policy session and very good to see you all here. We can start the recording. And we have quite a packed agenda for today. We have a few presentations sorry, a few presentations. Farell and Bruna? Farell are you with your materials there?

Farzaneh Badii: Yes.

Renata Aquino Ribeiro: Okay they are great. Oh, let's just wait for a second and do the slides that Farell prepared for us are coming up. Okay go on.

Farzaneh Badii: Thank you Renata, good afternoon everybody. It's really an honor for me to be here this afternoon as a NCUC fellow. I take the opportunity again to thank both the leadership team and also all the community members. Today I will just make a quick presentation on what we start earlier one month ago roughly. We proposed to have your feedback, comments, suggestion for improvement. So what is it about?

As you can see on the screen we began to draft an FAQ document, that means Frequently Asked Question for our constituency. And this work has been supervised by Renata. And we have received so far many contributions from our members. So the objective is, the document is intended to help newcomers (unintelligible) our organization who are wishing to join or to know

more about the NCUC and how to interact with ICANN that they can have a document or a starting point to know more about our constituency.

And actually the document is on the Share in the cloud. We have a link on that. You can go on the link and make a contribution or whatever. And currently we have submitted a draft document to the Executive Committee for their review. So we have received so far some comments, feedback and we are trying to integrate them that we can have in mind that the document is not the final one. As an FAQ it's designed to be updated at any time when they wish so or if you have new terms or if you want to review the terminology anyone can just make a comment and we can do that. We can just go to the next slide please.

So so far we just have one month to make the first draft so we try and make it short. We - it contain roughly around ten questions to help newcomers and those questions around about they finish off of key terms like what is NCUC.

And we also defined NCSG. Some people comment that we should not. But talking about NCUC without talking about NCSG is like talking about NCSG without talking about ICANN. So I think that we might have a good overview about the contest speaker before we go to a specific one. That's why we chose to define the NCSG and some interaction between our constituency and the NCSG.

We also have an interrelation with other stakeholder group as provided within the FAQ. And there are links on how to join the NCUC. There are videos that have been made by the NCUC that are available for a new comer to quickly go and browse and watch the video and have a quick idea on what is the NCUC, what are the current tax force within the constituency, who are the members and how can somebody contribute to the NCUC? So that's the end of my presentation. I welcome any comment, remarks, suggestion for improvement so Renata?

Renata Aquino Ribeiro: Thank you Farell. So as Farell was very adamant to remind you this is a work in progress and let's take the questions now. Ayden?

Ayden Ferdeline: Thanks Renata, Ayden Ferdeline speaking for the record. Thank you so much for all of that. It sounds like you've made some really great progress and thank you for doing that. I just wanted to comment briefly to let people know that (Louise), Kathy and myself are participating in the pilot community onboarding program. And we have also produced some onboarding materials. So if there is synergies between the work that you're doing and the work that we're doing I think people all of us in saying that we'd would be happy to work with you there too. But thanks again for making that.

Man: Yes of course I think this morning we had a meeting with the NCUC committee and they also have a onboarding program. And we recommend them to avoid duplicating some work that I have been doing I think it will be surely a good momentum to work together. Instead of having separate materials we can try to only one material for the NCSG and then go down for NCUC and NPOC. You're right thank you.

Renata Aquino Ribeiro: Any more questions? Matthew?

Matthew Shears: Yes Matthew Shears. I think this is great initiative. Just a very quick question. If you're doing this in Google Drive or something like that could - would you mind circulating the link so that we can contribute if that's okay with the group? Thanks.

Renata Aquino Ribeiro: Thank you Matthew. Farell my recommendation would be recirculating it on the mailing list and you can also send it to the remote participation. Send it to Maryam. She'll send it. I will however say that as planned this is an updatable content. So we will likely have a first version by (BC) which will be in agreement between all (BC). And then we will have the updates of the FAQ.

So now perhaps we can move on to the next presentation by Bruna. Bruna can you start by presenting yourself and talking about your work while we put our slides? I'm sorry I didn't really put our agenda, I didn't really describe our agenda items but we are going to go through them as the presentations as we go through the presentations. So now we are on our presentation by our fellows so Bruna is the second fellow to present now. Bruna?

Bruna Santos: Hi. This is Bruna for the record. Hello everyone. My name is Bruna Santos. I'm from Brazil. And yes my second time at ICANN. I was a fellow at ICANN 58 and a newcomer in CC.

So the idea today and the like the assignment for my fellowship was to study geographic names. So as and I - and I please apologize for any inconsistency or I mean this was a learning experience because it is like a really hard issue or subject to dive into. And yes so as while it doesn't quite load yes here it is. So I guess my whole like policy in like working in policy like policy and CC policy has started when I have volunteered for drafting the CC2 public comment so I have to apologize to the Policy Committee members because I don't think it was like just as good as I wish it was but I mean it was the first exercise.

So I guess we can go on to the like first second slide. So the idea yes so geographic top level domain names. As defined by the some papers and also the paper for the cross community sessions would be the use of country, territory or placings and references to language or people descriptions as a generic top-level domain. And when like discussing geographical names people like not people but I mean GAC members or CC yes I guess ccNSO members could also say that it could clash with two letter country codes.

So and when you talk about two letter country codes I'll - I had listed the three (arifices) established by the ITF a while ago in which the first one would be - I guess you all know this but I mean the initial one would be the set of top level, the first top-level domains and the like establishing the ccTLDs would

be based on the ISO list. The second one creates the domain (implementation) guide and also like sort of in between the lines it says, it confirms that the ISO list it is a place to consider ccTLDs. And last but not least the RFC 1591 reinforces the importance of the ISO and also saying that stating that IANA is not the place to discuss who is or who is not a country.

So all on the RFC note I would like to say as far as like my research there is no such thing as like three letter codes on RFCs, I mean geo names three letter codes so establishing that yes for (unintelligible) please. We can go to the next one.

Oh yes and so when trying to decide where is a - and where it will be like a country or territory code the HB establish that it would be an alpha three code listed in ISO as I said before, our long (firm) as long (firm) or translation of it in any language charter long (firm) name with any association with the code that's designed as exceptionally reserved so probable component of a country name designated as separable country names list or (unrelated) authorization of it also a permutation of any of the mentioned names and last but not least a name under which a country is non by an INGO or a treaty organization.

Yes as far this is like for (some) conclusion that country and territory name ended up being excluded from the first round of the new gTLDs. And then the - when we use any geographic names now if there is any it's under the support of the governments that would like hold the relation to it.

Yes so I - this is like - these are both extracts of some sort of text that I did on the theme. And I'm going straightaway to the new gTLD (unintelligible) Working Group. They are holding the whole - they held yesterday a Cross Community session on geo names and they're holding another one tomorrow. And these were like the main proposals of the Webinar that was held at the end of April and such - so the main proposals for like deeply discussed yesterday with some nice situation, nice, nice discussion to be it -

with in. They were the first one would be like establish a repository of names of geographical relevance, also to establish a geographical public interest commitment, a geo pick.

Also other names used to indicate geographic linguistic or cultural origin should actually be submitted to a governmental like evaluation (unintelligible) thing like an okay. And last but not least would be the utilization of the ISO list because as gTLDs provided that there's non-objection from like any governments. I guess we can go to the last one.

Renata Aquino Ribeiro: Bruna I guess...

Bruna Santos: It is over?

Renata Aquino Ribeiro: Yes that's the last slide. And...

Bruna Santos: I have...

((Crosstalk))

Renata Aquino Ribeiro: You have one more topic to talk about so then we'll just advise that we are then ending this presentation. And in that - in - your conclusions. And due to time I would kindly ask to share this discussion on the list since the session on geographic names has already shown that there can be a lot of questions and comments about this theme.

Bruna Santos: Yes.

Renata Aquino Ribeiro: Please...

Bruna Santos: Sorry. Bruna again. The last part of it was like some doubts that I had whether or not allowing the use of a geographic-ish domain name by a private committee or like organization what effect like the empowerment of a

community or a country. And also I - an idea that I had would be like to promote maybe a series of articles within either the NCC blog or ICANN wiki and geographic names and all the conclusions that we get to have after the like second part of the Cross Community session. So thank you very much for listening to me and like bearing with my nervous and thank you.

Renata Aquino Ribeiro: Thank you Bruna. So moving on in our agenda we have...

Kathy Kleiman: Do we have a position on this, an NCUC position on geo names yet?

Bruna Santos: Hi Kathy. I don't know. I mean I wouldn't be able - I wouldn't feel as comfortable to try to trace a position on this thing like I mean I'm open so...

Kathy Kleiman: Then just I mean we can it but let's just flag that there's a massive free expression issue here. So if we're picking a name that's designed specifically say to critique a certain government antidemocracy stances the idea that you would have to run that by the government itself has massive free expression implications. So just flagging that what looks like lovely terms geographic linguistics cultural geographic I mean now many things are named (Nile) with commercial and noncommercial linguistics and then cultural? People are already flagging that this - that the implications just for speech and language by everyone are enormous so...

Renata Aquino Ribeiro: Kathy, Farzaneh has her hand up in the remote participation environment so we'll - she'll should probably address your point as well. Maryam?

Farzaneh Badii: Hi everyone. Can you hear me?

Renata Aquino Ribeiro: Yes.

Farzaneh Badii: Okay great. I just a brief note on this. I'm very glad that Bruna decided to work on this PDP on the geographic names. And we as the non-commercial's

we have not been very active unfortunately in this area and there is a need for more NCUC members to get involved with the group so that we can stop the government to claim whether a geographic name is involved.

So I do think that we lack participation and we also lack a common viewpoint on this. There should be more discussion on it. And I invite whoever is interested to join the group. And I can also start the conversation about it on the mailing list later on. Thanks.

Renata Aquino Ribeiro: Thank you Farzi. So we move on then to our next item on the agenda which will be led by Stephanie on a discussion with Elliot - sorry discussion on auction proceeds.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. And Elliot would you like to come to the table and take over? Well wherever you can find a free chair.

Elliot Noss: There's a chair here.

Stephanie Perrin: Right there. For those of you who don't while he's sitting down who don't know Elliott Noss, fellow Canadian he is the - you're the CEO of Tucows, yes and a longtime ICANN participant and a member of the Option Proceeds Group that has been formed at the moment. And I made a real mess Elliot of describing the option proceeds apparently yesterday. So I am hopeful that you will be able to explain to everybody what we're doing more clearly. Thanks.

Elliot Noss: Sure I'd love to start by hearing your mess because I - that might give me a good departure point I mean...

Stephanie Perrin: Well I'll tell you that - Stephanie again. I'll tell you that I was rather vague saying that I really truly hadn't engaged that much in it at the moment because we seem to be all over the map. We are discussing - the discussion ranges from whether 10% is a reasonable rake off for administration to the

scope of what might be anticipated as projects, whether it's one year, whether we spend all the money at once or whether we spend, you know, strung out over many years, whether we do this - whether ICANN sets up a foundation or whatever. So there were...

Elliot Noss: I can agree on that. That's great.

Stephanie Perrin: Yes.

Elliot Noss: That's great.

Stephanie Perrin: Yes good.

Elliot Noss: So thank you. It's - my name is Elliot Noss for the record and for Adobe. And I think the, you know, I would always start with the what I'm going to assume everybody in the room knows that when we're talking about auction proceeds that these are the excess funds from the new gTLD process that it is a big pile of money that, you know, it's well north of \$100 million. There's a couple numbers I've heard floating around. I use 140, \$140 million US as my placeholder. And probably the three things that I think are most important for this room are first to understand that the hardest part of this is doing this so - well no, let me say something first. What this Cross Community Working Group is doing is establishing the procedures by which some group will be formed to give the money away. So this is kind of, you know, setting the stage for what the stage will be and then they'll be a submission of projects.

Now probably the most complicated part of this exercise will be figuring out what kind of projects can qualify. So we have two sort of poles that we have to work between. The first is what comes out of the Applicant Guidebook which describes the proceed, the excess proceeds being dealt with consistent with ICANN's mission and with its general samples. And that second term is very important.

The other thing that's true is ICANN has a not-for-profit status in California and anything that they do that's outside of their formal mission could lead to them losing their not for profit status. So what we have is a dynamic where ICANN legal staff in particular would love it if we constrained the use of the auction proceeds very narrowly to projects that directly dealt with the DNS and names and numbers. Now that's a discussion inside of this working group. And, you know, a lot of us certainly myself included want to see those purposes be more broadly defined. And so there'll be a bit of an arm wrestling between I expect between the CCWG and ICANN legal to set the boundaries for what kind of projects can qualify.

What I would say in this room is if any of you can think about good work that could be done, these are things that may be are in the organizations that you are associated with that could be in your various communities that are directly connected with the DNS and domain names and numbers. So an example could be a, you know, a security project for a root servers or something like that then do start thinking about those projects in connection with this pool of funds. You know, start socializing, start dreaming might be the way that I'd put it best.

The purposes may be more broadly defined. You know, I had with a colleague of mine, you know, published an article back in 2012 in Slate magazine which is still available, you know, on the Internet of course where we were trying to get out ahead of the process to make sure that it didn't get wasted. And we, you know, we just to be provocative suggested the with \$100 million we could build wireless networks in significant portions of Africa and wouldn't that be a fantastic use of the ICANN funds?

Now that might be a little bit broad. I mean I still am going to be in that room arguing that projects like that or like exchange points or like undersea cables that are outside of control of local telecom and chokepoints should be well within bounds but that may or may not be the case. So that's the first big point is, you know, kind of there's going to be a process where, you know,

sort of the scope of what kind of projects can qualify will take place. And again, you know, any help we can get from you guys in that room socializing behind the scenes, just helping us think about that issue is great.

The second point I would make is that there will be a lot of dialogue about the sort of the nature of the way that the money will be awarded. And again you could have on one extreme and this would be, you know, where I come out on this issue that there are plenty of people in this community who have enough expertise and familiarity with both the subject matter and philanthropy in general to be able to run this and staff this. There is, you know, probably the opposite view would be we need professionals for this we should retain, you know, consultants and experts to help us give away the money. You know, I have a natural aversion to, you know, paying people significant amount of money to give away money because it tends to reduce the amount of money that you can give away and, you know, and I - so that's another dialogue.

You know, when Stephanie was talking about 10% or 1%, you know, there's a discussion there around what expenses should be capped at. Now again there, you know, I am probably pretty provocative when I say I think we can do it with 1%. And what I mean when I say that is thinking about percentages is silly. We should be thinking about absolute dollars. And 1% of \$140 million is \$1.4 million. That's a lot of expenses to give away money. I think it can be done comfortably inside of a million and a half dollars. And so that's a dialogue. There are some people again who, you know, want much fatter expense cushions and that's a dialogue that's going on.

And then I think the third thing is, you know, I was really kind of disappointed when we had the meeting of the CCWG on this that there were not there was not much local presence. And when I say that it was a room filled with ICANN regulars who, you know, I see all over the world for years. I really, really think that, you know, there's a lot of talk about what should this go to underserved communities, et cetera, and of course it should. It should go to where it will

most help. So, you know, any of you in this room are from underserved communities particularly Africa, Latin America to a lesser extent parts of Asia you really should be aware and active in this process.

And I think that - I don't think you necessarily have to be active in the rule setting process but you should be thinking about the kind of work that could get done now. You know, and I'd really encourage because this is not going to be fast. This is not going to happen in Abu Dhabi. You know, I'd be thrilled if we got to Barcelona in the end of the '18 cycle and this happened. So there's going to be time for this.

But I really encourage people to start thinking about what that work could be. You know, be crazy and dream about this stuff. Think of what you could do in the communities that could most use help them might be consistent with that mission. And by the way I define the purposes here as in service to the open Internet so you can think about that as a frame. Again the rules may end up being narrower but I like that's the frame that I bring into the room.

And, you know, let's run through ideas, you know, bring ideas forward. You know, I or other people, you know, I'm usually at two of the three meetings every year and I'm easy to reach and I'm happy to sort of, you know, to help people think through this kind of ideation. And so I think that, you know, those are probably the most important things that especially in this room, you know, I would want you all to hear. I don't know if I missed any major category and I'm happy to take any questions.

Stephanie Perrin: Thanks very much Elliot. And that was great. And we actually are striking a little working group. (Enried Enterhausen) who's local here will be on that group. Several of us have already put our names forward so maybe I mean maybe we could reach out and have you join us because you've obviously thought about this what it...

Elliot Noss: I think where I can be most helpful is not in the ideation but in the hey here's an idea. What do you, you know, might that...

Stephanie Perrin: Yes.

Elliot Noss: #(idea) be consistent or not -- that kind of thing.

Stephanie Perrin: As a balancing...

Elliot Noss: You know, I'll tell you a little story from today, you know, just to try and provoke people in their thinking. You know, I was through a friend I was taken to some fantastic sort of open education centers that had been set up. There's 12 of them and they're in townships around Johannesburg. And they're all people with no educational background whatsoever coming in and learning first simple sort of basics of setting up a Web page and then going from there into JavaScript, and CSS and HTML. There's a business track.

But what's happening there is two things. It's the curation of all of the great online education that's available for free now. And it's a facility where there are, you know, laptops and computers and Mac minis and a little bit of oversight to kind of help with that process. And already, you know, this has only been going on I think two years and, you know, I got to - I was in two of - two different of the 12. You know, the people who were now running them have been people who had come through the program. And now they had businesses on the side working with small businesses. You know, both cases it was in (Soweto) working with small businesses setting up Web sites, helping them with getting themselves online. So I mean stuff like that is so powerful and doesn't need a lot to really kind of make it very impactful.

Stephanie Perrin: Thanks very much.

Elliot Noss: And I'm happy to take any questions...

Stephanie Perrin: I think (Ron) has a question. And before I'm going to sneak in just ahead of him this is a quick one. Do you think we can stop ICANN hanging onto the money to pay their funds under the GDBR?

Elliot Noss: I think the short answer is yes. I don't think ICANN will face any fines. I don't know if you guys have talked about GDPR but I think that, you know, you'll see Whois. You know, you'll see registrars like us worried enough about those fines that will be in sort of protecting ourselves we'll be saving ICANN from fines. Although it could be an interesting manifestation of, you know, what we always hear from the IP community and the legal, the law enforcement community about good registrars and bad registrars. So maybe it's only the good registrars that will protect them from fines and the bad ones well, you know, cause them to take fines.

Ron Andruff: Thank you Ron Andruff for the record. Thanks Elliot. What was going through my mind -- and you and I are both long in the tooth at ICANN 18 years or so we both - you longer -- this seems to me to be one of the most exciting and pleasurable places you could ever play in ICANN. For all the dry hard policy work we all do what a wonderful place to play and I'm a little bit envious I must say.

But the reason I wanted to ask a question is I - it's such a substantial amount of money and there could be so many different types of things we could do with it I'm wondering what is the administrative element? Will, you know, is there any discussion around that? Would there be, you know, a committee administration? Would there be a group? Is it a separate entity in ICANN. I mean how is that going to be dealt with? Thank you.

Elliot Noss: Yes so that's really the primary work of this CCWG is setting up that administration. So that's all, you know, that's the work we're going through. I can tell you about my own experience with (SERA) the Canadian registry where they give away about \$1 million a year and I've been on that committee since its inception. And, you know, a lot of the principals we're

talking about are going to be similar. So you do have oversight in the award process. You know, you'll generally have a group of people, a project submission a scoring of projects and very specific milestones around follow-up. In this process in addition there will necessarily be involvement from ICANN legal and finance because they need and it's a great backstop on it oversight on this process. So I think that the fact that they're very actively engaged, you know, kind of at that level is a great backstop for this program.

Ron Andruff: So that kind of and I don't want to get too ahead of this thing but it sounds to me like we would almost be getting like we've got a GAC communique. We'll almost be getting an update, you know, at the end of the week and maybe there'll be some meetings that people can sit in on and so forth so you see that as being part of the program going forward. Is that - am I going down the right path?

Elliot Noss: Yes I think I believe that every meeting between now and resolution will have a CCWG auction proceeds, you know, meeting here, you know, at every ICANN meeting. You know, we had a 90 minute slot this time for the members as a real opportunity to kind of get face to face and, you know, spend a little bit of time. And I think for the community, you know, it's a great opportunity to be involved and people, you know, can and should just come to those meetings and at least take it in and at most, you know, participate actively.

Robert Guerra: Yes I was going to make a comment about that. So Robert Guerra, my hat here is at SSAC and again it's Canadians talking about money that SSAC has. But I think one comment I guess that I would want to make is just maybe kind of three questions. One is this being thought as a one-time fund or an endowment? I think secondly is the conversations about funding what's essentially ICT for development is something that's been taking place for a long time. And there are two UN summits on this. And so to - so I would hope that there's a coordination and collaboration with other donors to try to see if there's matching from business and others to try to do that.

I know the MacArthur Foundation, the Ford Foundation and many others and some governments as well, Canada the US have pools that do like this. And so I'm just curious on that.? And the third thing is I worry about I'm sorry I echo your concern about the administrative cost. But also having worked at a previous organization that gave money away it's not just the administrative cost. The US if it's a US entity that gives money away it's the checking against terror lists. It's all the due diligence that needs to happen and who that and where that information gets shared.

And so I would suggest that it might be worthwhile to spend more time to figure out whether this is something that ICANN itself should do or it should collaborate with another entity where the protection of the data and the information of those that are applying and the processes is as open and transparent as possible because in the US information does get shared with US government entities on those that apply and the money transactions. Thank you.

Elliot Noss: Yes thanks Robert. That's great. I'm going to deal with those in reverse order.

On your last point I think you can take great comfort that there are many – there are some in the committee or in the Cross Community Working Group that agree with you. I don't and, you know, we can have a good disagreement on that. You know, I think in, you know, again in my experience with (SERA) and my personal experience giving money away, you know, I think that people can introduce a lot of overhead if they choose to. And, you know, I think so we can - it's that's a you're well represented. I can promise you that.

In terms of the matching funds, you know, it's interesting again there's dialogue on that. My - again I'll just give you my personal view is that this is a big enough pot of money that absent the really big ideas like multiple submarine cables, you know, imagine, you know, we're going to undertake submarine cable from, you know, from Brazil to Ghana or something like that,

you know, so you've got a unique southern cable or something, you know, so maybe there something like matching funds would make sense. But, you know, I think the, you know, the bulk of projects can come in at much lower numbers. And the so it's not off the table but I think it's very particular to its facts. And it has not been determined to your first question whether it's going to be one time or ongoing but I am, you know, I've been saying publicly since this process started, you know, before the CCWG I strongly believe it should be one time. I do not think that ICANN should be in the foundation business. I think that will be a magnet for bad behavior.

And the, you know, as important this is a one-time bounty. The subsequent round will be tiny in terms of its access relative to this. So this is one time in its kind of blessing and so let's, you know, kind of treat it that way so I hope that addresses all of them.

(Tapan Alquin): (Andrew), Elliot my name is (Tapan Alquin) from Internet Society (4023) Chapter. Firstly I'd like to thank the leadership of NCUC for supporting us to conduct outreach that happened for the actual ICANN meeting. But based on what you've just presented there are certain issues that are also recognized since my initial participation within ICANN that whenever there's discussions around DNS there's too much focus on the commercial aspect. And I understand that NCUC is supposed to represent civil society and social interest of end-users because one of the things that has been noted based on the report or the GNO study is that there is a low intake. I think that all of ICANN is all way up with it within Africa in the global South or in the DNS itself.

So I just wanted to hear your thoughts in terms of how do we best enable local people especially in Africa to start developing their own content online and also to also assist them to address social economic challenges because for one some people that they don't think it's a good idea to really like issue out domains because there's issues of (availability). And but I propose that we also consider making sure that people are able to really like BI would

promote DNS intake by issuing those domains to people who wouldn't necessarily understand what is (vigil) of having a domain as a noncommercial user constraints because we're supposed to address those challenges of which the Business Constituency cannot actually like look into. Thanks very much.

Elliot Noss: Yes I think we deeply agree on the problem. You know, just give you my views on solution. I'm a big believer in the importance with the Internet of kind of the technical stack. And it starts with connectivity. You know, Africa is the case in a lot of the world but particularly in Africa, you know, national telecoms have a lot of power and are usually deeply connected to government and are usually a significant source of revenue for government. And that is, you know, that works in inverse. You know, governments have challenged budgets. They don't like to harm, you know, sources of income but at the same time it's sort of generally available low-cost connectivity is what unlocks everything else. And I think, you know, trying to sort of start with the DNS, you know, it's like talking about trying to, you know, let's work on the appliance business when we don't really have electricity yet.

You know, it's - so for me that's why I've really been focused on that connectivity layer when I think about it. You know, you heard me talk about wireless networks and Internet exchanges and submarine cables. And, you know, my experience today my experience, you know, the other number of times I've been to Africa, you know, is always that connectivity, you know, is the thing that's most missing. So that's, you know, my bias, my observation. You know, I'd love as much input as you have on that. I mean I'm hoping you're nodding as agreement in it.

(Tapan Alquin): And completely agree which you are saying that access is fundamental to literally in every in environment where there is that that intake of DNS. But I was more looking at ensuring there was a lot of people they know that this Internet access update but it's not affordable but there's other alternatives of making it affordable. But once it becomes affordable now we can start talking

about DNS, content developments, different types of alternatives that comes with GNSO. I fully agree with those (unintelligible). Thank you very much.

Renata Aquino Ribeiro: Sorry (Tapan) and Elliot. I'm just going to abbreviate the access presentation that Elliot did and the many comments also that we have on the remote participation environment to return to Stephanie who is leading the segment for her conclusion.

Stephanie Perrin: Thanks very much and thanks very much Elliot. That was great. And I'm sorry to cut off the discussion here. Please join the working group that we are establishing because as Elliot says I think it's time to start thinking about these things. That's why we put it on the agenda so that people could start understanding just how much money there was and what the potential is. So without further ado thanks again Elliot, I'm going to turn to my right to yet another Canadian. Tim Smith is here. He's the General Manager of the Canadian International Pharmacy Association. And I'll let him explain the topic.

Tim Smith: Thanks very much Stephanie. And it's great to be here and thank you for the invitation. I do recognize a lot of faces around the room because I had the opportunity of attending the NCUC outreach the two days prior to ICANN. And I'm going to try to remain more composed than I was at that conference. I had just gotten off the plane and I think I ended up with a bug or something like that. So I did get through my presentation but I wasn't able to stick around so I am happy to see your faces here today.

My name's Tim Smith and I am the General Manager of the Canadian International Pharmacy Association. And I'm going to tell you a little bit about who we are. I'm going to tell you about an issue that concerns us. And then I'm going to wrap up with an opportunity. So I'm just going to carry on.

And I will say that I am very pleased today to be joined by (Brock Guntersmith) who is a board member with CIPA and happy to have him

along. This is his first ICANN meeting so welcome (Brock). And let me go on and so to tell you a little bit about us.

The Canadian International Pharmacy Association is a Canadian association of licensed pharmacies that sell maintenance medications and prescription drugs upon receipt of a valid prescription to individuals. In addition to our Canadian pharmacies we also have pharmacies that are licensed in other countries which allow equal safety with perhaps more savings in many respects. And we have been dispensing, doing mail order dispensing to patients in many countries, predominantly the US but in many countries for the past 15 years. And we've done it completely safety – safely by establishing very high standards of practice which certainly involve requiring a valid prescription as I say, obtaining demographic information from our patients and making sure that there is complete pharmacy oversight of every activity within the dispensing process and also protecting patient privacy and their personal information.

So there's a lot that's gone into developing a very good perfect safety record over 15 years. And, you know, our CIPA certification and CIPA's public education of guiding consumers to safe affordable sources for their medication and help them steer away from rogue pharmacies which exist on the Internet. And we've developed very strong reputations with millions of customers and all of this has been built using Web sites .com Web sites as our marketing tool.

So here's the issue. The issue is that in 2015 a new top level domain .pharmacy was granted to United States-based trade organization, the National Association of Boards and Pharmacy. And their goal was to distinguish legitimate from fake pharmacies around the world. And that's a very positive thing. We spend a lot of time searching rogues and monitoring rogue pharmacies. And we think the idea of having a trusted space like a .pharmacy is a very positive thing.

Unfortunately the NIBP, National Association of Boards and Pharmacy created exclusionary and restrictive eligibility criteria impossible for anybody in the cross-border business as we are to fulfill because it requires the domain holder to have a pharmacy license in every place where their patients live wherever they are the world. So we consider this to be anticompetitive because they create criteria that is impossible for people like ourselves to meet. And they're explicitly excluding bona fide licensed pharmacies outside of a country's borders.

So this is a huge issue for us. And we believe it is leading to distrust and that the objective is to lead to distrust for anybody not using a .pharmacy domain. And the problem here is the shadow regulation of domestic trade association implicitly becoming a regulator for a global industry by virtue of managing a gTLD. And it undermines the viability of businesses in our case CIPA businesses and erodes merited consumer confidence in a trusted brand. It's discriminatory against patients and potentially sets bad precedents for future rounds of TLD expansion.

When I talk about discriminatory about the patient's it's the casting unwarranted suspicion on legitimate pharmacies serves to blur lines between real online pharmacies and the rogues, those rogues that use deceptive practices to lure consumers into the purchase of counterfeit medications. So needy patients, people who can't afford medications where they live ended up paying the price of confusion between real and fake pharmacies. That sort of summarizes what our issue is and the issue of overreach and shadow regulation and it's a huge concern for us.

But I want to move now to the opportunity. And everything we've been talking about and everything that we live by has to do with access to medications. And that's what we do is we make medications available to people who can't get them where they are either by price or because of access. So with that in mind in this past March we attended RightsCon in Brussels and we put together a panel and then had a work team to discuss access to affordable

medications as an essential component of the fundamental human right to health.

And I was very pleased to publish an item on Circle ID just the other day which you can go to it, has my smiling face on it and we talk about this issue. We developed something called the Brussels principles which when you go to the blog you will also be able to see that the full principles as they are currently drafted. And what we hope is over a period of time, over a period of coming months or a year is to develop those principles that we have into a code of ethics for safe online pharmacy dispensing.

And we invite you, all of you to participate with that by taking a look at what's there and giving us your feedback. And what we hope of course is that this can become the blueprint for how safe practices can really be done for online pharmacy around the world And just I guess as one note it was very interesting that just in the past few days the UN Human Rights Council tabled a resolution making access to essential medicines a human right. I paraphrase that a little bit but it's a very positive step and it's heading in the right direction and giving people who really need whether in developed countries or in developing countries access to medications. So with that thank you very much.

Renata Aquino Ribeiro: Thank you Tim. That's - yes we have a few minutes for questions. I'll...

Remy Nweke: Okay thank you very much. For the record my name is Remy Nweke. I wanted to find out in your own observation dealing with pharmacy online do you have any relationship with Africa? And if you have what is the extent of the relationship in terms of establishing cut out organization that you relate with within the continent outside maybe Europe where I come from before this issue of US registering a specific organization within the yes, pharmacy domain name?

Tim Smith: Sorry I believe the question is do we have any relationships in Africa? And thee - again our pharmacies are based - we don't have any pharmacies in Africa. Our pharmacies are based in other parts of the world -- Canada, UK, New Zealand and Australia. And but we do ship to about 140 countries in some cases of some of our members. I can't tell you specifically whether we have customers in Africa but I would say the chance is very high that we do.

Remy Nweke: Your countries are shipped in - you ship in you have those - does that include Africa or exclude Africa? Does it include African countries?

Tim Smith: Yes. It's again this is mail order so people come to a Web site from anywhere they are the world and select the medication that they're looking for, contact the pharmacy directly. And we will ship to countries all over the world including Africa.

Renata Aquino Ribeiro: Thank you Tim, Stephanie. Okay so thank you very much for our first segment moderated by Stephanie with Tim Smith from CIPA and from Elliott Noss from Tucows. Now we are - sorry? We have an intervention from Farzi from the remote participation environment. Farzaneh?

Farzaneh Badii: Thank you. So my question from here is that I don't have much time but just I wanted to ask a brief question. What are the adverse effects of trademark overreach and policy bid overreaching trademarks that are actually that might be made in ICANN can affect your work? So if you can relate just what you set out to policy development at ICANN how can that lead to content regulation and how that can affect you so that we can take measures on going to various PDP and policy development and try and prevent the policy to be overly broad and up with trademark overage. Thank you.

Ron Andruff: So this is Ron Andruff speaking. Thank you Farzaneh. I think this comes back to the PICs. It comes back to the Public Interest Commitment specifications. And when you start to have a regulated industry and the string of the regulated industry and they make public interest commitments that aren't in

the interest of the public and that's where that overreach is happening. So when you look at it on the face it all looks viable. But when you have a regulation that says you must be licensed in a jurisdiction in which you operate which is absolutely correct but you also have to be licensed in every possible place a customer may come from. There is no company in the planet that is licensed in every country in every state in the world. It's an impossible hurdle to get over. And that's where this overreach comes.

So you could look at it from a number of different perspectives but that's the nut of it and that's why we come to and spend time with the NCSG and the NCUC because in this case these are the types of things that we do not want to see where once again intellectual property starts to run rampant at ICANN. We need to push back and that's why we bring this here. So I hope I've answered your question.

Renata Aquino Ribeiro: Thanks Ron I guess you answered Farzaneh's question. And now let me thank you all once more. And I would like to call Kathy Kleiman to present this section.

Kathy Kleiman: Hi guys, Kathy Kleiman. And I have the privilege of introducing someone new to ICANN. So first I'm going to ask people to close your computers and join us in talking to our guest or at least, you know, some of us take notes on our computers but so Jamie Hedlund who as we know has been with ICANN for many years based out of DC was promoted to the head of our contractual compliance for ICANN to support our senior VP of contractual compliance.

And he decided he needed a right-hand man and he went looking around the world and he hired Bryan Schilling. And this is Bryan's first meeting at least working for ICANN. I don't know if it's your first meeting. You'll tell us. And so he's coming around to meet us and so I wanted to introduce you.

He is a lawyer which I find to be a good thing and was Assistant General Counsel for the US FBI and did research there for cross border terrorism

matters. And he also specialize in some of the investigations of DNS so he's really savvy on criminal and cyber investigations. He also worked for some private companies after the FBI but he is here to join us to talk about contractual compliance, to talk about some of ICANN's new initiatives that are going on there that work, that involve working a lot with consumer organizations at the government level as well as intellectual property as well as, you know, issues that may border on content so I wanted to introduce us to Bryan for a second.

This is the Non-Commercial Users Constituency. We go back to the founding of ICANN and we represent non-commercial speech online. We're kind of dedicated sorry, we're dedicated to representing expression free speech privacy and due process. Many of our members would be ones that in certain countries would be considered dissidents and criminals for putting out information that is contrary to certain governments' interest or certain large corporations interest. We consider, you know, some of us we're accused of abuse on a regular basis and we consider it some of the highest forms of the use of the Internet. So we wanted to invite you to introduce yourself and also there may be a few questions from people about kind of this new expanded scope of ICANN working in the abuse area. Thank you.

Bryan Schilling: Thank you Kathy and thanks for the opportunity to introduce myself to the NCUC. I'm the Consumer Safeguards Director which is a brand-new role for ICANN. It's disconnected from the contractual compliance even though Jamie will be overseeing that as well as consumer safeguards. And we had the opportunity earlier this week to speak with the ALAC, the GAC, the Cusiness Constituencies and so we definitely wanted to have some time to introduce myself in the role to the NCUC.

It's thank you for the introduction and discussion about my background. It is, you know, somewhat ironic in that at different times because of my time with the FBI in that there were certainly some of the groups that are part of this organization that would be at odds with law enforcement and government

agencies. And then I went on to work for Microsoft where I worked on some data privacy issues and government access issues. And while I was there we had the NSA disclosures and the course of that quickly started working with CDT EFF various privacy groups to address those issues that really shocked us all in the technology community. So I very much value the work that you do in the NCUC and the various organizations to further the issues that you do as well as recognize that in many jurisdictions some of the organizations are as you describe potentially considered dissident groups and at risk groups. So it's fantastic to be here.

As ICANN looks at what consumer safeguards is, you know, I've kind of pulled from the job description that what I'll be doing at first is taking a look at what are ICANN's authorities to address abuse issues in the DNS. So that will be starting off with the contracts. But what we also want to do is look at going beyond that. What are the other areas that we can as a community come together and look at addressing abuse issues?

So with that we are advertising for members to join us in a working group that will focus on consumer safeguards. We're still trying to put that together. And it will be the community that sets the agenda, sets the timeframe, sets what are going to be the priorities that I will work on for the community within the ICANN space. And also this role is not to have it be stove piped. So I will be working across the ICANN organization with (OCTO), GDD, contracts compliance -- all the various entities -- some of the, you know, strategic to MSSSI team that's looking at things like the privacy issues and GDPR.

So it's right now a very undefined role in some sense until we hear from the community as to what would really like to focus on. And that's what we hope this ad hoc group will do. And we hope we can be in a spot to have the community decide that they'd like to have an inaugural session in Abu Dhabi to kind of focus in on and address these issues. But with that I'll wrap up the introduction and open to questions if any?

Kathy Kleiman: Good I was just going to ask you if you'd be receptive to questions.

Bryan Schilling: Absolutely.

Kathy Kleiman: I see Wendy Seltzer's head is up.

Wendy Seltzer: I think I just lost the connection to the mic. No seems to work anyhow. Wendy Seltzer, great to meet you. Thank you for joining us. And I - while I don't want to get into a semantic debate I am going to raise, you know, while the consumer issues I think risks, one of the great things about the Internet is that anyone can connect and be both a consumer and a producer of speech, expression, community dialogue. And so it's very important to us here that those avenues be open and, you know, one person's abuse is another person's free expression running rampant over the norms of a different community. And keeping those things in balance and not making consumer protection be a tax on free expression I think is critically important.

Bryan Schilling: Thanks Wendy. I mean this isn't, you know, it's been part of ICANN's remit and mission to not be involved in content. And this isn't an effort or a position designed to go into that space. You know, I will say as we talk about abuse one thing that comes off - up quite frequently is spam a form of abuse but then on the other side there's is it also a form of content? So I think that's a topic that would be up for discussion in something like the Ad Hoc Working Group because clearly there is spam that's used for free-speech activities for commercial purposes. But then we also know there's enough evidence out there that spam is also a good vector point for malicious code. So just to yes to be clear this isn't an effort or a movement to go into any type of content space unless the community decides that there's a different approach to go.

Kathy Kleiman: Ed Morris briefly please.

Ed Morris: Yes thank you and Bryan welcome. And your appointment does reflect the ICANN has finally recognized that registrants actually have rights. So I want to applaud ICANN the organization for finally making that recognition.

What you just said concerns me. Code to speech, talked to Larry Lessig. He wrote a book about it. Our bylaw is clear. ICANN shall not regulate, i.e., impose rules and restrictions on services that use the Internet's unique identifiers or the content that such services carry or provide. It's clear. We fought for that in the accountability group. Wherever anyone of this community you said you want to hear from the community about whether we're going to regulate spam it doesn't matter. We pledged to follow the bylaw.

Bryan Schilling: And I think it's a fair comment and it - but it's still I think one side of it is that some spam that has content is designed and really only for delivering malicious code. And so that's a debate I think we will have as a larger community and hopefully, you know, come to a consensus of is there a time or a place over time to look at some of those issues and come to perhaps a different definition of what content potentially is and not go down a slippery slope that...

Kathy Kleiman: Because we only have five more minutes I've got (Neils), (Michael), I'm going to put myself in the queue and we have our next group here which is the Competition and Consumer Trust Review Team. We appreciate their being here. So Bryan we will be inviting you back.

Bryan Schilling: Great.

Kathy Kleiman: But briefly, briefly (Neils), (Michael) and myself.

Renata Aquino Ribeiro: I would just note that we also had questions in the remote.

Kathy Kleiman: Oh.

(Neils): Bryan thank you very much for coming here and talking to us and welcome to the ICANN community. I think it's very worrisome also what you just said that we perhaps need to redefine what content is and what is not. The reason I think that's a roll jazz play I also do not think it's a role ICANN staff should play. I also do not think it's a role that ICANN should play.

And another thing is that in your presentation to the GAC you mentioned that you wanted to play a role to liaise between users and law enforcement. That's also not a roll of ICANN. So I think we should have really clear what ICANN does and does not do and even though very important thing needs to be done we need to do things about spam, we need to do things about abuse but it doesn't mean it needs to be done here.

Bryan Schilling: Thanks and let me clarify. I didn't mean that it was ICANN that needed to do something. It was if the community in this Ad Hoc Working Group would decide through a consensus basis that there was going to be a need or a movement towards looking at things like spam and the - some aspects of it that are malicious and harmful to end users and various groups out there then that - so it's a community question is just what I was raising not that ICANN would be doing that.

And also I think, you know, if we go back and look at what I said to the GAC it wasn't necessarily that ICANN would be a conduit between a consumer and law enforcement but that we wanted to look at going beyond if the community wants this the past where I understand it was often, you know, ICANN would say well we're only limited by the contracts and therefore, you know, sorry no - nothing more. But if somebody comes to ICANN with an issue and we can still say well we can't do anything because we're bound by the contracts however here are other organizations and other groups that may be able to help you whether that's a law enforcement agency, a consumer protection agency, or a group within this community is what was the intent behind that comment to the GAC.

Kathy Kleiman: That was (Neils) with the Article 29 - Article 19 in Europe. I think you guys should exchange cards and continue the discussion. (Michael) very briefly because we are waiting on our next...

(Michael Karnikos): Yes hi, (Michael Karnikos) for the record. I was just also hoping for some clarification something that was mentioned on Monday. And I may have misunderstood it but I thought that I heard you mentioned that you were looking into taking steps to combat child abuse imagery. And, you know, as much as we all understand that that's something that needs to be combated again I don't see how doing something like that would not be classified as regulating content. So I was hoping maybe you could clarify what you mean by that or if I'm misunderstanding?

Bryan Schilling: No thanks. Again this wasn't an intent to say ICANN is going to but it was something that we've heard from the GAC for example the Public Safety Working Group is something that they would potentially bring as a subject matter to the Ad Hoc Working Group and something that could be a topic of discussion up for the community in terms of is there something that more that needs to be done in the DNS to address child abuse issues?

Kathy Kleiman: Okay and I'll just add a comment not - and probably something you can't do soon but I would recommend you change your title because consumer safeguards director I think invites a million things that don't belong here. We have someone here who's from the Federal Trade Commission and knows exactly what consumer safeguards are and she lives and breathes them every day and they are content. They are protecting us from fraud and all sorts of types of abuse that are illegal under US law but you're not. So we don't do content. It's not - remember as Ed pointed out. So first thing can you redefine your title then?

I think we have some questions online but we're going to need - maybe we can get them, you could read them and we could continue it. I would facilitate

the answers to those questions off-line if you're amenable. Would that be okay Renata?

Renata Aquino Ribeiro: Yes.

Kathy Kleiman: Okay.

Bryan Schilling: Thank you for the invitation.

Kathy Kleiman: I'd like to invite the Review Team to come up to the table - grab - if you have an empty seat next to you raise your hand please because we've got a - we've had a lot of members of the Review Team join us which is great. Renata go ahead.

Renata Aquino Ribeiro: Okay so now we have the last item of our agenda meeting with Jonathan Zuck, welcome. Thank you for joining us.

Jonathan Zuck: Thanks for having us. My name's Jonathan Zuck with the Innovators Network and I'm the Chair of the CCT Review Team and I have a number of members here. We're fully infiltrating your meeting here...

Kathy Kleiman: Please do.

Jonathan Zuck: ...by spreading out. So this is (Lauren Capin) as mentioned earlier from the SEC that it was the Chair of the Sub Team on Consumer Trust and Safeguards. Here on my left is Drew Bagley who has been focused on the DNS abuse issue quite a bit. Oh, (Carlos) is here that was from on our competition team and Jordan that was the Chair of our competition team. And then David Taylor across the way there was on the Safeguards and Trust team as well and did a lot of work on the IP -related issues. So I think that's everybody that we brought and only a couple of folks that support us, (John Batisse) and (Lisa Gurley) and they're in the back there but have done yeoman's work of trying to corral us into something coherent so...

Kathy Kleiman: So Jonathan this is Kathy Kleiman and thank you for the introduction to your team and thank you for everyone coming. We had actually been told you were coming Jonathan. It's good to see everyone.

So Farzi asked me to facilitate this as well so let me kind of kick off based on NCUC and NCSG's comments. And then as you have other questions and if there's things online please let us know. We're going to ask some questions is that okay?

So competition consumer trust and choice review. You gave us 50 recommendations. We found that hard I just want to let you know. For volunteers going through that was a lot. That was really hard.

So a number of them and so I want to go through. There are kind of two categories that we wrote comments on. Milton kind of let our comment on you called for a lot of studies of the market. And he said that you called for the gTLD and I just want to check that you called for the next round of new TLDs to be held up till the data comes in from some of the studies that you're requesting. And there are a number of them that he referenced recommendations to.

And he said why should we be holding up new rounds of new gTLDs until we get studies of pricing in secondary markets and all sorts of things like that? So let me refer you. You know the recommendations better. A lot of people here have not read them even though we've certainly circulated them. Maybe you can give us some background then we're going to go on to abuse.

Jonathan Zuck: Sure things Kathy. And thanks Milton and (Absentio) for the question. The - I think I might ask Jordan to add to my reply but we don't see the data collection is being a terminal activity and yet instead an ongoing activity. And so part of the challenge is that we implement policies and then five years later

we do commission big studies to try and look backwards at how they went and then three years later we implement a new policy.

And a big part of our recommendation is about ICANN becoming more involved in the ongoing collection of data. So in other words there isn't some big study that needed to be commission as a prerequisite to further rounds but it's the beginning of the collection of data so that as this is studied in the future we're not having to look backwards to try and find data going. So that's really the difference. It's about getting going with the collection of data so that future reviews, future policy development processes have historical data to look back on.

Kathy Kleiman: But channeling Milton it means that we're not holding up new rounds to get this data?

Jonathan Zuck: I have very little concern about holding up new rounds frankly. So I mean I guess my point is is that if we're trying to do a cost-benefit analysis future expansions of the DNS we need to be able to the degree possible measure the upside benefits in terms of competition, increases in consumer trust against some of the potential downsides in terms of increased DNS abuse or cost trademark owners, et cetera. And so making good decisions about whether to move forward in the future I think requires more information. And so I don't think there's a pressing need to rapidly expand the DNS that should be in the way of beginning to collect more data about the marketplace that we're trying to support.

Kathy Kleiman: Go ahead.

Jonathan Zuck: I'll let Jordan put that more diplomatically.

Jordan Buchanan: Yes well I might just say something slightly different which is I view it is pretty unlikely that the implementation of the recommendations that we have flagged as prerequisites are going to take longer than implementation of the

subsequent procedures PDP. And so is - I think it's pretty unlikely that any of them will end up on the critical path end up blocking. I do think we have tried to - and maybe I think one thing we could take away in our analysis is to be clear about why we have tagged things as prerequisites when we've done so because we had extensive discussions within the review team to try to be clear about which actions we thought needed to be in place before further expansion of the TLD space and we tried to be very disciplined about that.

Like in fact for a while we were having conversations like oh, could ICANN do this really quickly? We'll just make it a prerequisite. And we said, "No, no. It doesn't even - it doesn't matter if it's easy or hard. It's matter whether it's important to be done prior to the expansion, to further expansion."

And so we've tried to be very - we - for all of these we do have a reason why we think it's critical to have them in place. I think to the extent you guys have specific feedback on why any of those would be unnecessary to welcome that a follow-on conversation as opposed to just a generalized, you know, we don't think - we don't want to hold things up.

But, you know, like I say, I think it's very like in practice I think it's very unlikely and as a principle point I think we have been thoughtful about it but we'll try to be clear in the final report with the rationale for making things prerequisite as well.

Kathy Kleiman: And to your invitation we do. There is detailed information. I just don't want to read our comments in detail. But for example Recommendation 13 there are questions about why you're gathering this and why it's necessary. So, you know, it's - if you could take into account the questions that we've raised over the types of questions that you're being asked especially in this early recommendations 23 14 I think with market data that there's some question about whether ICANN is the one who should be collecting some of this information so if you could take those under advisement and review them closely we would appreciate that.

Jonathan Zuck: For sure.

Kathy Kleiman: Before I keep going with questions on are there (unintelligible)? Okay good. Then I'm going to go on to some of the recommendations. And there are lots of them that have to do with abuse. And I've got to tell you I've been in this world for 18 years and I wrote these sections for comments and I have no idea what you were talking about. You didn't define abuse. In the Whois Review Team we spent days rewriting, months probably our recommendations. And yours were very, very vague. I hate to be so personal but yours were very, very vague.

So in our Recommendation 19 we say what is abuse? So could you first try to define for us the kind of abuse you consider within your scope because it was hard to find. Maybe it was in other places and didn't see this. And then we're going to ask about some of the abuse that you're chronicling or it's in - within the scope of ICANN to be doing that -- same kind of question we were asking Brian Schilling. And please don't take any of it personally. I have the highest regard for all of you.

Drew Bagley: This is Drew Bagley for the record. So the answer the first question as to why we were vague, we do not yet have any results from our DNS abuse study that we ha decommissioned at that time when put these recommendations in place. So these recommendations were based off of what we had seen at the time by studying the safeguards that were put in place to mitigate anticipated abuse. Yet that was part of our mandate.

And so they were intentionally vague but because we were trying to come up with the best idea we could with the information we had at the time knowing that they would likely change once we have data or be updated or become much more precise which as you point out we absolutely need to do with many of the abuse recommendations. And so now we have a draft GNS abuse report available. And so that's on our wiki if you guys would like to read

the preliminary report. And then there will be a final report next month. So the question about how abuse is defined for our purposes we focused on the types of abuse that were - that the safeguards were intended to mitigate and primarily and basically solely focused on technical abuse which would be malware hosting, phishing botnet command and control. The other thing that was measured by the DNS abuse study which is a gray area which sometimes falls into one of those falling - or one of those proceeding three categories and sometimes stands on its own would be spam. So we did get - the study did also look at data related to spam even if spam is sometimes going to be something that's up to an independent jurisdiction or an individual jurisdiction to define.

And other times it's going to overlap and actually be part of a phishing campaign and therefore be phish but just be high volume and, you know, perhaps a farming campaign or whatnot. And so that's how we have focused it and looked at it because our purview was looking at this as the fact that safeguards were put in place to mitigate risks that were anticipated by the expansion of the DNS. And we needed to have some sort of data to determine whether or not the safeguards were in fact effective in anyway.

Kathy Kleiman: Sounds like we were banging our heads against the wall together. At least I know I'm in good company because that sounds like that's the process you went through. Is there any chance you'll be publishing another draft because there's a lot more detail now, another draft because if we see it's in final and then the ICANN board because there's - through this it sounds like there's like huge steps going forward now.

Drew Bagley: Thanks Kathy. Yes that was one of the topics of our discussion for our weekend retreat here in Johannesburg what was to about the new data that we have coming in and how best to address it. And so there will be some changes to recommendations that'll result both from the DNS abuse survey that we select a final draft, a final version of in mid-July and also the results of a INTA survey on trademark owners, et cetera and incorporating those

studies into our work and adding some specificity to some of the recommendations.

And we intend to release like a subset of like a delta if you will of things that have changed so that it could be a targeted thing for you to look at to see what have been changed exactly and doing that...

Kathy Kleiman: You comment on that.

Drew Bagley: Exactly.

Kathy Kleiman: Okay, opening it up to the floor. I don't want to hog the mic but I can if you want me to. Okay with my other hat on as co-chair of the Rights Protection Mechanism Working Group are you second guessing us? There's a lot of stuff there about defensive registrations and, you know, stuff that we're looking at to protect trademark owners but also that great balance that I don't see as much in your report of registrants and potential registrants and future and those who want to - you know, the whole balance is what we're dealing with. And I kind of see it as running with the intellectual property stuff.

And so first how does that funnel into the Rights Protection Mechanism Group particularly if maybe we pass some of that. And will you be second guessing kind of the outcome of that working group? Thanks.

Drew Bagley: Yes thanks Kathy.

Kathy Kleiman: I don't mean these as directly. It's the end of a long day. I don't mean...

Drew Bagley: No, no, I appreciate your candor Kathy for sure. And we saw that in your comments. And certainly here are some recommendations that appear directed at the IP community for example. Like we were looking at defensive registrations and saw that they were concentrated in a small number. In other words there wasn't like an industry-wide increase in defensive registrations.

And so that was an observation that we made and saw that there was a small community that was bearing a high cost.

And so one of our recommendations was trying to see if there was a way to somehow mitigate those costs for that subset because they were the ones bearing that weight. But it wasn't - that wasn't meant as a counterbalance to anything. It was more a question of seeing if there was a way to address that particular setback. And it's in the context of an observation that there hadn't been an overall across the board increase in defensive registrations. And so we tried to be very balanced in our findings and we were trying to be focused the recommendation on the community which was fairly small that might have been negatively affected by the new gTLD program but not at the cost of anyone. It wasn't a balancing question as much as it was trying to identify and persist if a crime that occurred. And all we did was suggest that the community look at a way. We didn't recommend one in particular but to address that but Jordan go ahead.

Jordan Buchanan: Yes I'll add maybe a slightly glib suggestion at the start which is I suggest you read the INTA comment in response to our reports if...

Woman: The...

Jordan Buchanan: ...yes the intra - the public comment that published in response to the report. And you probably wouldn't glean from that response that INTA thought we were running into the arms of the intellectual property community. They certainly thought that there were, you know, that we - that there were - there was significant sort of costs to the brand owning community that weren't adequately represented in our report. And we'll be taking a look at that issue as well as your advice.

But, you know, I think A, Jonathan's captured it perfectly correctly. We saw a specific we - I think my - the general impression we have is that the safeguards that were put in place to protect these trademark holders mostly

seem to be working pretty well. A lot of the sort of really dire predictions about what the expansion of the new gTLD program would do to trademark holders like they don't seem to have played out. And that's our overall conclusion is that the - that for the typical trademark holder has not seen a huge increase in costs.

Now there's been some changes in behavior that I think will - is that we actually see from the INTA study that we'll want to highlight in our final report but it's roughly that they - trademark holders have to monitor a lot more. There's a lot more TLDs to look at and make sure that their markets aren't being abused. But we don't see a ton of defensive registration behavior in general. But we do see this bimodal behavior where there's a small number of brands that end up defensively registering a lot.

And we don't view defensive registrations as a good outcome of the program right? They're not representative of consumer choice. They're brands feeling like they're obliged to register as opposed to, you know, registering like an individual or a company, registering one of these TLDs because they think they get more value out of them.

And so, you know, to the extent we sort of observed that there is a set of brand holders that are registering large numbers of defense registrations. We think that's at least worth looking at right? We say like things in general seem to be working pretty well but for this subset of trademark holders it seems like there may still be a problem. And I think what we end up doing in the recommendation is referring to the RPM PDP and saying "Hey, this is maybe a problem you guys should consider. And if you are, if you've looked and you've considered it and said either that there is no problem you've come up with another way to resolve it that's fine. I think we just wanted to flag it is an issue that we notice that the policy process should consider."

Kathy Kleiman: Just wanted to make sure we were having policy on two tracks because that would be confusing. (David) did you want to add anything?

(David): No I certainly can more general and I agree with you completely I mean having policy on two tracks is a difficult thing. And the fact that were both sitting down and sitting in separate groups and running at the same time kind of by definition puts us on either parallel courses or collision courses. So I think we're wanting direct. And if you look at the various comments and the recommendations we're directing to the RPM working group effectively, you know, I know you're looking at the URS so one of the recommendations is let's look at the URS.

And I think your comments on that was one which I thought was quite unfair because you went and actually said, "No, the URS, you know, this sounds like an IP," comment trying to get a comment. I've got it here somewhere but it was - if I can find it that's it. That it directs the RPM Working Group to seek a chancellor option in the URS and to apply RPMs to legacy TLDs, et cetera. And it doesn't at all. There's no direction. We don't want you to do that and that's what I'm saying whatsoever. I'm saying we need to look at that. We look at the options see what there is which you're going to be going to that anyway on the RPM Working Group so there's no way we're taking a view on which way you should go. And the same on the trademark clearinghouse. You're just saying it's basically there's a lack of data.

So when we're looking at things we live in the anecdotal world of RPM owners saying, "Oh, look we've got hassled here. This happened, this happened." And on the other side freedom of speech, "Oh look and we got screwed here and we got screwed here." And it's just evidence.

So we're just saying get some data. Let's look at the data and let's see where the facts are and then we can actually come and C because there's no point in us asking for something that nobody wants. And it's, you know, a mechanism that doesn't actually do any good and has a, you know, in that balancing act it goes the wrong way. So I think it's, you know, all of those

things are we're just like literally saying, you know, pointing to get to the RPM Working Group certainly for those aspects.

Kathy Kleiman: That's fantastic. And it's good to know that wasn't a direction that that was a misinterpretation. So and in fact it anticipated my next question which is did you have any questions for us about our comments? And I know you've got, you know, a whole stack of them but was there anything else that you wanted to point out that we could provide more detail on or information on because we did go through a number of recommendations. And this could be now or off-line but we're available for the kinds of clarifications that you just pointed to. And I'll be following-up on this defensive registration thing because I got some kind of personal questions on that one.

(Carlos): We should take it off-line but because you have very strong position on - not on 40 but 41 and 42. We should discuss it. You are requesting us to take them out of the recommendations at all so I think it would be worth to spend a few minutes outside of this room and take this because actually those are the strongest recommendations we got from anybody. So let's talk about that if it's not clear.

Kathy Kleiman: Thank you (Carlos).

... If it's unintelligible.

Jordan Buchanan: Well that - it's Jordan Buchanan again. What I was going to suggest we actually had a fairly productive small session yesterday. It was a hour and 15 minute Registry Stakeholder Group to sort of work through some of the recommendations and make sure we understood it to clarify it from our side. And so I think to the extent there was a group of folks from the noncontracted side that want or the noncommercial side that wanted to, you know, set up a similar session with us I think we'd be happy to have some further engagement to make sure we work through the issues.

Kathy Kleiman: That would be great. Again asking for comments and asking our chair of this session Renata how are we doing on time?

Renata Aquino Ribeiro: We got three minutes more.

Kathy Kleiman: Okay. And we've run over so on purpose because I told them they couldn't shut us off. So thank you for the extra time. Any other questions, any other comments? Again we feel honored to have the review team as a whole? Ed?

Ed Morris: I'm sorry Kathy while we have Jonathan here very quickly on Recommendation 14 something that I'm very concerned about. You were there when we put the content prohibition in the bylaws the ICANN shall not regulate content to paraphrase. You know, you look a Recommendation 14 it says create incentives to encourage gTLD registries to excuse me, to meet user expectations regarding the relationship of content of a gTLD to its name.

What concerns me is almost the metaphysical part here. Are you saying that although ICANN should not regulate and cannot regulate content it can create incentives for others to regulate content? Is that what's intended?

Jonathan Zuck: Well basically yes. I mean I think that's an important distinction and I – what we discovered from the survey of consumers was that the - such a large expansion of the DNS has created an expectation of a more semantic Web right that I can use these top-level domains as a first filter if you will of what it is that I'm going after.

And obviously setting some kind of hard rule that .doctor needs to be restricted domain when which would preclude, you know, rug doctor or something like that from being a part of the domain it doesn't seem appropriate. But at the same time if people are looking to build consumer trust through a more restricted TLD themselves as a business and with that accepting what might be a lower registration volume as a result then, you know, figuring out I mean there's already a lot of discussions about reform

around ICANN fees because of smaller like .kiwi having to spend 250 a name for example.

And so it sort of fits into that same category is there a way to make sure that if somebody wants to do something like that it's economically viable to do so. And so maybe saying create incentive or something like that felt like too much of an overt thing but in other words create a world in which people aren't harming themselves economically by trying to create a community-based or more restrictive TLD, et cetera, this seems more in matching with what appeared to be consumer expectations was the nature of the recommendation. So I know it's a fine line that we're trying to draw. I can tell from Wendy's phase that she feels that I'm on the wrong side of the fine line but I mean it's an open discussion and not one that we're being overly prescriptive about. Jordan go ahead.

Jordan Buchanan: I mean I'll just say if you look at sort of the market dynamics as they exist today there is – if you have a TLD it's very hard to justify putting any restrictions on it whatsoever because it costs more money to enforce the restrictions and you get fewer registrations as a result.

And registrants it's unclear whether registrants value that. Like end users might right? Like people navigating to the site might appreciate the fact that everyone in .doctors is actually a medical doctor but the registrants don't necessarily appreciate paying a bunch of extra money and so they're unlikely to – so you don't really get more business. You can't charge more money, you get fewer customers and you pay more and so why would anyone do that?

And then we see as a result of that the logical outcome which is no wonder that right? It's something that I would guess of the open TLDs like 1% of them have any sort of restriction. And I think there's two virtues to the - to a more restrictive model potential. One as Jonathan points out it better matches user expectations about those what those endings might look like. And secondly

one thing that we're seeing from - that we'll see in the final thing - either it's in the current DNS abuse report or the final one is that we seem that once there's any restrictions on a TLD it really drives abuse out of the system because the bad guys don't want to give up the sort of information that would be necessary in order to go through a validation process.

Kathy Kleiman: Wendy's name was mentioned. So she...

Wendy Seltzer: Thanks, Wendy Seltzer just to put words to the expression on my face but I...

Jonathan Zuck: Read - did I misread the expression or...

Wendy Seltzer: No and as I've shared with some of you before I think I'm concerned that looking at consumer expectations on a global Internet is, you know, putting a potentially majoritarian and speech restrictive interpretation on what's permitted there. And we need to be careful that we're continuing to allow the same opportunities for minority and dissident viewpoints to be expressed. And that's why it's so important to maintain that line against content regulation.

Ron Andruff: And Wendy it's Ron Andruff. I guess I would just say like we have a lot of open TLDs now that are - that have no restrictions right that anyone can register in for any purpose. We have very few of this other model. One of the goals of the one of the goals stated over and over again of what we wanted from this program is innovation. And we see very little variation in business model. And part of that's just the economic incentives are aligned that way.

And so part of the goal here is just like we see various places where value could be derived from the program that doesn't seem to be being achieved today. And so it would be good for ICANN to think about whether there's ways or ICANN as a community to think about whether there's ways to create economic incentives that better align with different types of business models emerging.

Jonathan Zuck: Consider the other way right now the system's rigged against niche TLDs. It's rigged against them. So is there a way to make it less so I think is may be a better way to put it but...

Woman: We're getting the signal to cut it off. I'm happy to join with small group discussion afterwards as well.

Kathy Kleiman: Perfect. This is Kathy Kleiman again inviting you to come up to me afterwards if you want to join the small group that will take up your invitation to meet. I want to thank ICANN staff for staying late. And I want to ask you guys to join me -- and hold on before we do -- in a round of applause for the CCTRT the Review Team because they're living and breathing this guy's giving you enormous amounts of volunteer effort. You have no idea. I mean it's really huge. Thank you.

END