KOBE - Joint Meeting - ICANN Board and ALAC

Wednesday, March 13, 2019 - 00:00 to 00:00 JST

ICANN64 | Kobe, Japan

LEON SANCHEZ: Good morning, everyone. We will now begin our session between the Board the ALAC, the At-Large Advisory Committee. Thank you all for waking up early and being here on time.

This is a very important session in which we are able to listen to the users, the end-users' voice firsthand. So I would like to try something a little bit different from what we usually do. So instead of reading the questions and having this exercise as we usually do, I'd like to have this be a more interactive session, more like a dialogue instead of us just reading questions and answers. So let's try to do this.

Of course we will go through the questions that you kindly submitted and we will be providing answers, but let's try to do this as a constructive and interactive dialogue so we can take advantage of this time that we have together.

So, Cherine, would you like to welcome our guests?

CHERINE CHALABY: You're the boss, so...

[Laughter]

LEON SANCHEZ: Thank you very much, Cherine.

So our first question has to do with the financial impact -- the financial impact that emerging technologies might have in ICANN's -- in ICANN's finances. We are aware, as you are aware, of course, that there is some emergent technologies that might be seen as challenging to the Domain Name System, and that these technologies could have implications on the way that ICANN's funding is obtained. So we have prepared an answer on -- to this question in order to share with you the thoughts that we have on how we see these new technologies emerging. And I think this is -- this is a question for Ron, but I -- I -- Maarten, could you -- could you please share the Board's thoughts on this.

Ron? Ron? Ron.

MAARTEN BOTTERMAN: Good, let me start, and Ron will join us, will jump in.

Basically if we look back to the session on the strategic plan, we see we clearly recognized that this is going on, and this is one of the reasons that has fed into the expectation of flat income over time.

We see this is affected, and the other thing is we're not going to stop these things to happen but we need to be aware and we need to be able

to offer our credible alternative. And that is part of what we have in the evolution model as well.

So, Ron, on the financial impact of alternative Internet identities and the impact on the budget.

LEON SANCHEZ: Good morning, Ron.

RON DA SILVA: Good morning. I apologize for walking in late.

It's not just about money? So you want me to answer not about money? I can do that, too.

UNKNOWN SPEAKER: (Off microphone).

RON DA SILVA: I can do both.

All right, so I'm going from memory. This is the question about identifiers and the long-term impact of not only the technology but also the economics; right? Ah, good! Coffee is kicking in.

You know, I think Goran was actually commenting on this with respect to 5G and a whole different set of identifiers. There were questions in the open forum the other day about blockchain, IoT, and, you know, I think it's fair to ask what do these things mean and what is ICANN's

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mission with respect to these other identifiers? Do we have a role? And if so, what is that role? How should we be engaged? These are all strategic questions that we are considering and looking at and are aware of.

I know the organization has focused on some of these developing technologies. They're tracking it. They're aware of it. Are we taking, you know, any specific actions or are there specific activities that we should be doing beyond that at this stage? I don't think so.

Do we think there's, you know, a real financial impact in the long term? I don't think so. How long is that long term? Ah! There's an interesting question; right? Because I mean, I hear the scenario of -- everybody has one of these things [indicating smartphone] nowadays, and how often do you actually see, you know, a string on here that's related to the DNS. You don't. It's an app. You click on that.

And another example I hear is how prevalent it is that users will simply put in some information in a search bar on their browser, and if the display comes back all the time with just some clever little link and the string that is identified with the link is obfuscated in some way, whether it's some clever image or a picture or something other than "Hey, look, here's a really cool string that's something in the DNS." Yeah, sure, that could impact the value of the strings. People don't see them; right? The only value -- Ron speaking, by the way. I feel the value in the strings is they're human readable. And if they're not human readable and they're just hidden and there's some other machine level that's processing the DNS strings, it doesn't have the same value.

I think domainers would agree with that; right?

[Laughter]

So all that said, yes, we're tracking it. Yes, there's a lot of interesting technological developments going on with respect to other identifiers. And the -- you know, I think in strategic objectives number 5 there's this 5.1, making sure we're aware of the marketplace. Well, the marketplace also these other parts of the industry that are developing and make alternatives for identifiers in the technical layer.

So that was my response off the top of my head.

Did I miss part of the question? Because I walked in as I heard, "Hey, where's Ron?"

LEON SANCHEZ: No, I think you provided a great answer, Ron. But I would like to maybe open the mic for others to contribute.

So I see -- who was first? Sarah?

SARAH DEUTSCH: Yeah, I would just add to Ron's answer, just from a kind of value proposition, that because domain names are readable and users see them, making sure that they are actually providing value and are not -- you know, have a high degree of trust is important so that they don't become invisible and they -- you know, even if they're never completely

substituted out, we want to make sure that they remain a trusted alternative.

So thank you.

LEON SANCHEZ: Thanks so much, Sarah.

Then I have Jonathan and then John.

JONATHAN ZUCK: Thanks, Leon. We had some interesting results in surveys that we did as part of the review of users, and there were two questions that were sort of relevant to this idea.   One was understanding that user expectations with this rapid expansion of the DNS would lead to a more semantic web. In other words, the fact that there were so many strings would increase the predictability of what you were going to find. If it was.PHOTOGRAPHY, you would find a photographer; .DOCTOR, you would find a doctor. And so there was very strong response in that regard that with so many strings there was an expectation of that being meaningful; right?

And so we identified that as a risk that if that expectation has been set but not then met that the things we're looking for in terms of consumer trust might be in jeopardy in the future.

The other thing we asked is what people are doing and whether they're considering alternatives to strings, and it was more than half of the respondents said that they were considering some alternative to a

domain name, which was having their identity be Facebook based or a restaurant being OpenTable based, et cetera. There's a lot of -- easily a third of the restaurants, I find their website is now a pointer to something else, which indicates a desire to be part of something identifiable, a community or something like that. So people with photos being on Flickr or 500px or something like that as opposed to trying so hard to do their own individual brand building through, you know, a single domain name.

So I think there are definitely trends that we're seeing in that area, and I don't know whether it's ICANN's remit to do anything about it, except in so much as we do everything we can to make sure that those strings behave in a consistent and predictable way, and we're doing what we can to improve consumer trust surrounding them, which is why there's a lot of discussions about DNS abuse and things like that, because the extent to which the consumer identifies somebody who is committed to protecting them, they're going to gravitate toward that solution.

LEON SANCHEZ: Thanks, Jonathan. John and then Holly.

JOHN LAPRISE: John Laprise for the record. I'd like to echo Jonathan's comments, and this is sort of an argument between the tyranny of choice and end users. And in the U.S. and the grocery stores, this is the oldie versus your local grocery store with, you know, 50 different versions of ketchup versus

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one just one version and whether users want a lot of different choice or a couple of reliable choices.

And this also bears on the discussion, the future discussion about subsequent procedures. It's like and new domains. It's like do end users really want so much choice? Now, some people do, but a lot of people don't. They want something easier.

The second point I would make which is on a different tack is we're looking at -- at the question in terms of continue to make ICANN relevant. It's also within the realm of conception that ICANN at some point will be in the same position as buggy-whip manufacturers with the advent of the automobile. We have to also think about planning for our own obsolescence, potentially. I mean, that's a -- we may not have any say in the matter, but we have to be prepared for that possible contingency. So that's something we should, at least, in some file be thinking about for the future.

Thank you.

LEON SANCHEZ: Thank you, John.

                       Holly.

HOLLY RAICHE: Yeah, Holly Raiche.

Really, just quickly, the -- the thing that's going to play for the advantage of domain names as opposed to some of the Google stuff or the Facebook stuff, we're beginning to understand how much of our data or the data about us is being gathered by the Googles and the Facebooks and used in ways we don't know, can't control, et cetera, et cetera. If you've got a domain name and you've just got a name and you go to that name, you actually have a lot more trust. And it may, in fact, be something -- a selling point that says this is -- this is where you go, this is where you check, and it's safe.

Thanks.

LEON SANCHEZ: Thank you, Holly. I think these are all very important views and very important inputs for us to consider.

Cherine, would you like to add something?

CHERINE CHALABY: So I think your question is very pertinent, frankly. And we cannot say -- we can have personal views, but from a Board perspective, an ICANN perspective, we cannot just say we're going to ignore all this; life is okay. I think there's a -- there's a real danger in years to come if we are not thinking about how to evolve our identifiers. And it's one of our strategic objectives to look into that. We haven't got the answers yet, and ICANN org is working over the next few months together with the community at assessing these risks. We need to have a plan and say is it going to affect us? Is it not going to affect us? How is it going to affect?

And the point you mentioned about being relevant, the point you mention about consumer choice, what they want, these are serious questions and we cannot ignore them. Even if we come out at the back end of the exercise towards the end of the year and say, well, in the short term it's not going to affect it, but here is a plan of things that we can do to evolve our own identifiers.

So we don't have an answer to your question, but we can assure you that this is going to be one of our strategic objective that we're going to work on and come up with some plan at the end of the year to say this is the position that we collectively, as a community and ICANN and with OCTO, are going to take.

And I know that OCTO is putting together a platform to encourage the community to come in and express their views on that particular subject and that particular issue regarding the identifiers.

So this is a very, very important question, and thank you for raising it.

LEON SANCHEZ: Thank you so much, Cherine.

So the next question that the ALAC has kindly submitted for Board consideration and reply has to do with the Subsequent Procedures Working Group. The spirit of the question as I read it is that there seems to be a lot of pressure on the Subsequent Procedures Working Group, and what the ALAC is asking is whether this pressure is justified. Are there any particular reasons for these time constraints and work pressures to be raised or is it something that's maybe being pushed by

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those whose business depend on domains and having the subsequent procedures. They're also asking if there are other considerations such as budget that is driving this urgency.

So for this question I would like to call on Avri to provide us with some input.

AVRI DORIA: Thank you, Leon. Reading the word "unjustified" sense of urgency is one of the things that makes me look at one of the problems we often have the community where as things are, indeed, urgent to some and things are not urgent to others. So the whole notion of unjustified urgency.

Now, the justifications for some of the urgency that have been seen is, first of all, the new gTLD program of 2012 was seen in a sense almost as a pilot. the people that put it together said, "Okay; here is a program. We know we're not going to get everything right." That was, indeed, the program, as you say, where we were building airplane as -- as we were going with a decision that at the end of that, we would step back, we would review what happened, we would look, as a community, at all the issues.

So the community spent a year before ever starting the subsequent procedures new gTLD work basically saying what are the problems? And it came up with a very long list of issues from around the community of what the problems we're seeing. Then there was a

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decision that all the necessary reviews would be done before a new program, and all of those issues would be worked.

So people are in the process of doing that. The group is in the process of doing that. And they're, as you say, doing yeoman work and it does really look like.

Now, the only pressure I have seen for that is that there was a decision to do a program, there was a decision then to do a follow-on analysis and to decide whether there would be a continuation. This is something that the Board is watching, assisting when asked, but certainly in no way motivating. I have never heard of someone saying, "We must have a new gTLD program, because" for any reason other than there's a large part of the community that says we want to keep going on.

Now, there are also lots of voices also saying, "We want to keep going on, but we want to consider this. We need to measure that." And so that seems to me that it's being done.

So the urgency, if there is any one, is a lot of people's time and work is going into this, and there's sort of an urgency to do the work, finish the work.

But I also notice that there is very little that's saying, oh, you know -- in fact I haven't seen any, "No, we're not going to do that. That's too hard. We need to get a program done."

They are meticulously, as far as I can tell, going through every single issue and not moving on until they've dealt with it.

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So I really don't believe that there are considerations driving, other than the individual considerations of members of the community that see reasons for doing the work. That would be, you know, my answer. And it sort of includes that Board answer that sort of says, "And we're not driving it." You know, we as a Board are supporting it. We're in favor of supporting the work being done by the community. And when there are answers -- you know, whenever there's a review, the Board reviews the documents, tries to send back comments that do not put their fingers on the scale, and then the program continues with our support.

LEON SANCHEZ: Thank you very much, Avri.

Anyone want to add anything or react to Avri's response? I remind you for those of you sitting in the auditorium, there is an open mic, TOO. So if you want to contribute or want to add anything to the discussion as I encouraged you at the beginning, I want to do something more interactive, so you're very welcome to stand up to the mic and contribute.

So we have Tijani.

TIJANI BEN JEMAA: Thank you very much. Tijani speaking.

Thank you, Avri, for this answer. And you speak almost our mind. The problem is that those who are in a hurry to start the new round says that the Board decided to open a second round as soon as possible. And

they said we have to start it now and do it. Also, now we have a proposal to open a second round with dates, with everything. So we cannot say that there is not a pressure. There is a pressure.

But how the Board will react to this pressure, this is the question. That's all.

LEON SANCHEZ: Any reactions, Avri?

AVRI DORIA: Quick comment. I do not recall -- and I wasn't on the Board when this might have happened. But I do not recall having been in the position of working on the working group the Board saying "you must."

I remember there being a policy decision made with the 2012 round that after the 2012 round there would be an analysis on whether there would be any rounds.

And then it was one of the earliest tentative decisions made by the subsequent procedure group that, yes, they intended to work towards another subsequent procedure. Let's not even call it a round yet because to many people's mind, this is just a second procedure within the round that was started.

But an actual Board decision saying "there shall be," I do not remember ever seeing. What I did see is there is a policy decision to work on whether there should be another one and to correct any of the faults that anybody discovered.

Now, you know, you can correct faults and then still have a fault to correct again in the future. So I'm not saying that I expect perfection from the group. It will be close.

[Laughter]

Well, I have great confidence in them.

JONATHAN ZUCK: Avri, I'm confident that under Goran's leadership that the implementation of any future round will be impeccable. I just wanted to add that.

LEON SANCHEZ: Thanks, Goran. Thanks, Jonathan.

AVRI DORIA: The mutual admiration society here is just palpable.

CHRIS DISSPAIN: No pressure, Goran. No pressure.

LEON SANCHEZ: Good. Thanks.

Cherine, you wanted to add something?

UNKNOWN SPEAKER: (off microphone).

CHRIS DISSPAIN: No, you can't because we can't hear you.

LEON SANCHEZ: Thank you, Cherine.

CHERINE CHALABY: So I just want to add to Avri's point, in fact, the Board's position since the last -- can I join this mutually --

CHRIS DISSPAIN: I was going to say, Cherine, let the record show --

CHERINE CHALABY: The "thank you for thanking me" kind of group.

                          [Laughter]

                          On a more serious note, we -- the Board has come under pressure repeatedly over the past few years when asked about setting a date and the Board has always been clear in its response the Board will not set a date. The community has to complete its work and give an indication of when the next round is ready to be launched. So we're not going to take the lead.

                          However, we did ask ICANN org to look at all the reviews and come back to us with an analysis of where is the status of each one of these reviews so we know where the new sub pro is. And I have spoken to

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Cheryl and others. So we know the difficulties they're encountering as well.

But we did say that if there is any -- any preparatory work that can be done that is not controversial and it will be in the community's interest, we will consider it.

So that is as far as we go. But more than that, we're not in a position to announce anything or make a decision yet.

LEON SANCHEZ: Thank you, Cherine.

Goran.

We can't hear you. Do we have a mic for Goran?

GORAN MARBY: Sitting down here, I'm using the observation. It was actually quite good to sit down there because I see the whole PowerPoint. Very simple.

But from my -- now, it's actually contradictory to what's said here because if you look at them, the first one, how do we want to evolve the identifier system, the impact -- so that is, like, yes, go and run for a new gTLD program. Because that's evolvement.

Could someone explain that to me? How do you see an evolvement of the identifiers? I don't get this. It's early in the morning, I admit.

LEON SANCHEZ: Sebastien, you have your card up.

SEBASTIEN BACHOLLET: Since we -- since we have the tools for interpretation, I am, therefore, going to use that.

Now, actually, I don't want to apologize. I am not quite sure that we need to buy 50 pairs of socks to cover two feet.

Just to give you ideas, it's not because we're going to add new TLDs that we will be able to defend ourself better from Facebook, Flickr, et cetera, et cetera.

Do not think this is the question. The idea is how do we use them? How do we simplify them for use? How do we proceed with the IDN today? Those who are in the system, those who can allow us to use mails -- emails, et cetera, that's the question. We don't need to add and add again. That's not how we're going to defend ourself better.

Of course, we should stop all the discussion, open the applications and accept all the applications. That would be a way to defend ourself.

So, therefore, we have to think about it, do real work, and see how we're going to defend ourselves. And it's not a new round of TLDs which will change things.

[Applause]

LEON SANCHEZ: Merci beaucoup, Sebastien.

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Jonathan, is that an old hand or new?

JONATHAN ZUCK: Thanks. Sorry. Jonathan Zuck for the record, if there is one.

Just briefly on your question, I think that to build on what Sebastien was saying is that I think the first question is about us asking the questions about what might be the causes of that trend. What is it that leads people to these other alternatives rather than a domain name? And what is it that we should do about a program to make sure that we've at least addressed those things over which we have control, things that lead to better consumer trust, et cetera, that might make people more comfortable in a world of discrete domains rather than these kind of community-based alternatives.

So that's what the question was about, not about we need more strings, but what is the nature of those strings and the nature of the environment in which they exist, which is about contract compliance. It's about, you know, semantic Web, restricted TLDs that people can trust. Those are all things that are questions that need to be addressed given that this trend exists.

So, if anything, question one is about slowing down the momentum toward a new round until we've answered some of those questions and are doing our best to address them before we move forward, if that makes sense.

I also wanted to just respond to Avri's comment, which I think is very reasonable. And I certainly don't want to in any way criticize the efforts by the Subsequent Procedures Working Group.

It's more that there's this sense of -- I mean, if we look at the reports, these interim reports, lack of consensus all across the Board and then juxtapose that with let's put together a time line. And I get it in a sense because in many respects the two most successful community projects have had externalities that gave us a time line, right?

One was the transition and one was the GDPR, right? And so maybe a time line is what will help bring people to the table that are otherwise being obstinate. I don't know the answer.

But from the outside, the juxtaposition of those two feels like whatever it is we do, we need to get this going soon, right? That's what it feels like. So that's one point.

The other thing you said was that a significant portion of the community is anxious for there to be, you know -- the DNS to reopen, if you will. And I guess that's another conversation that is always under the surface within the ICANN community, which is that there's a minority of the ICANN community that appear to have a majority of the influence over that community.

And so I think it's -- to suggest that in any sense a majority, maybe not even a large minority of the community, are anxious for a new round feels like potentially an exaggeration of the reality and that most of the

community is, in fact, either indifferent or has a feeling of caution about subsequent procedures.

So it's very difficult to have a conversation about that. It's a sensitive topic. But, you know, we know who's anxious. It's not end users, right? "Oh, my God, I can't find a string." That's not a problem anymore, right? They very least I have 1200 choices to get the exact string that I want, right? So it's not end users. It's not the business community. The brands to some extent are excited about maybe doing some creative work there. And I think that's an interesting conversation.

But I would also say that the At-Large are very interested in trying to -- and I know you are as well -- identify the people that appear to be left out of the last round. How is it the applicant support program didn't work better? Why didn't the community priority evaluation system work better? If we're going to prioritize, let's prioritize the people that might, in fact, have demand for strings out there in the world that somehow fell through the cracks because of things we waited until the last minute of the last round. Why isn't that the only conversation that's taking place right now?

LEON SANCHEZ: Thanks, Jonathan.

That kind of leads into the next question, but I'd like to give the floor to Avri for a brief comment. And then we can move on to the next question.

AVRI DORIA:	First of all, I got signaled that perhaps something I had said was said wrongly by me.

I did not say that there was a decision that there had to be a new round, a policy decision. But the first decision that the new -- there was a decision that there had to be discussions. The first, as I said -- semi-decision -- It's not locked in stone yet. I don't think any of the decisions are locked in stone yet of the new gTLD group. But the first question that was discussed was: Do we want to have subsequent rounds?

Now, that was also the subject of a comment review and an open comment review and such.

And while there were a certain number of answers with the cautions, I think that the answers that were seen were "Keep working, folks."

Now, perhaps -- I see Cheryl getting up so perhaps she will correct me or augment. Yeah, you could have -- okay.

So I just wanted to correct that -- yes, please, Cheryl.

CHERYL LANGDON-ORR:	Thank you, Avri. Cheryl Langdon-Orr for the transcript record. And I am speaking here purely as one of the co-chairs taking over the excellent starting role that you were fitting in the beginning of the subsequent procedures PDP process, Avri, as one of the co-chairs of the PDP process.

Ladies and gentlemen of the At-Large community, can I remind you that the open method of policy development process run in the GNSO

welcomes each and every one of your voices to be heard in the process that is run. It is predictable, it is clear, and it has limitations. And that is we go out for public comment. We take those comments into consideration. We have extremely hard-working people. One or two of you in this room are amongst those.

But if you are feeling your voice is not being heard or weighed correctly in this process, the problem lies with you, not with the process.

We can only work with the material we have. And we have thousands of hours and hundreds of people contributing. And I know how many of you have been there.

LEON SANCHEZ: Thank you, Cheryl.

So I'd like to move on to the next question because it's related --

JONATHAN ZUCK: I just need to say something very quickly.

Cheryl, I love you and you know that I do. And that was very dramatic.

But if the only way to have a voice in the ICANN community on any single issue is, in fact, to operate in the working group of that issue, then you'll have to have a fairly siloed view of your interests.

So there are comments, and the comments have to serve the purpose that they serve. And I guess I was talking about my impression of the

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comments was not a flood of "let's make sure we're getting this done as quickly as possible." That's all.

LEON SANCHEZ: So let's move on.

AVRI DORIA: I had not quite finished on the milestone. It is a project.

LEON SANCHEZ: Keep it brief.

AVRI DORIA: It is a project, and the project has a schedule. I don't think the milestone was -- is a driver, although people always try to meet the schedule. But you also noticed that the schedule has changed over time. It has drifted as things took longer than expected.

So these are not schedules like the EPDP schedule where there's an absolute "must" be done. They're not schedules like the transition where there's an absolutely "must get done in a year" and then we took a year longer. It's more like a third kind of, "okay, how long do we think it will take, here's our schedule, let's try to drive to the schedule. Oh, okay, it's taking longer. The schedule is revised."

So I think it's that third style of schedule that we've got there, and it's not a milestone "this must be achieved by this date because there's some external factor forcing it."

LEON SANCHEZ: Thank you very much, Avri.

And that leads into the next question which we've already kind of been discussing in these interactions. But for those who don't have the benefit of being here with us in the room, this next question is about one issue that Jonathan was signaling and Avri was rightly also responding to, which is how do we -- there has been a suggestion floating in the air about running a brand round before anything else.

So the view of the ALAC as the question is posed is that this seems to be innocuous. But there is a concern of how we could take care of those who have been seemingly left out or left aside in the first round. And this refers to communities and refers to those underserved regions which didn't have or weren't able to actually take advantage of the first round.

So given this new question, Avri, would you kindly lead us to the answer.

AVRI DORIA: Thank you.

So, first of all, starting with the Board answers, the Board is not going to take a position on that, is not going to put its fingers on the scale, is not going to try to force it.

If you look at what's going on in the group, yes, there are people that are arguing that brands should go first. Yes, there are people that are

arguing that communities should go first. There are people that are arguing that IDNs should go first and others. I do not believe it's a resolved issue.

When I was in the role of chair, my prediction was that everybody would want to go first and nobody would end up going first. But that was purely a personal prediction at the time. And, you know -- but the Board is not in any sense saying, "Yes, we've heard from the brandholders." That's just not the case.

LEON SANCHEZ: Thanks, Avri.

Do you want to follow-up, Jonathan?

JONATHAN ZUCK: Yeah, I guess just briefly.

I just want to make sure that in this particular case this is not like the other question. This isn't about, you know, pointing the finger at the Board about anything, right? And I'm glad that the Subsequent Procedures Working Group has successfully infiltrated the Board --

[Laughter]

-- so that we can --

[Laughter]

No, I'm just -- I tease. But, you know, what this is about is actually a conversation about this issue because on its face, the At-Large are actually very supportive of finding interesting and creative ways to bring more money into the organization.

And I don't mean to be crass, but the At-Large have spoken explicitly about that. You know, are there ways that we can successfully build up the coffers, make sure that we're funded, feel less restricted on the things we're trying to do in the community on things. And in many respects, a brand round feels like a way to do that. It feels like here's something straightforward.   Here's something simple.   You know, couldn't we do that?

And the Neustar proposal, which is the one that was circulated, right -- I know it wasn't from the Board or promoted. It was just circulated. Our initial reaction is, "Oh, yeah, well, maybe," right?

But then as we looked at it further, giving them an unfettered kind of round to themselves could result in a kind of a land grab that says "Oh, well, my company is called weeds" so I want .WEED. Or my company is called Mr. Plumber so I want .PLUMBER or whatever it is that could, in fact, make it more difficult down the road for communities and others to get the strings that they're after, not having been able to participate in a round that was intended nearly for brands and whatever the criteria for a brand was, et cetera.

And so we were at one point wondering if there's a way to have a brand round that delays delegation. So let them get their applications in, et cetera, but then they're tabled so that there is an opportunity for

communities, others, to come in to some kind of a contention process to prevent a situation that would have been unintended by having the brand round in the first place.

So that was the nature of this question. It was less like the other one. It wasn't like, Board, why were you pushing? It's more like is there a way to get our cake and eat it, too, and we didn't know the answer. And we just wanted to open that up for a discussion. That's what this question was about.

LEON SANCHEZ: Thanks so much, Jonathan.

Any follow-up by anyone in the room? Avri.

AVRI DORIA: Only that I hope that that goes into the considerations that are being discussed within the subsequent procedures, either as comments or as some other -- there certainly are participants from ALAC in there. So when that discussion comes up -- and it will come up because as far as I can tell, nothing is finally decided yet so everything is still possible. Well, from some definition of everything impossible. But, you know, I'm hoping that it's been conveyed.

LEON SANCHEZ: Thanks so much, Avri. Anyone else? Holly.

HOLLY RAICHE: Yeah, just -- Holly Raiche for the transcript record. Just to halt that -- the report which I haven't had a chance to read. I think Jonathan's scanned it a bit, but the final report -- sorry, the Board response to the consumer trust and choice report, I'd like to see a lot of that addressed before we start to have another round because there was some very interesting and important suggestions in there. And I understand the Board has adopted some, will look at some, and I would like to have a look at the report but have some level of comfort that, in fact, some of the things that were identified as issues will be addressed before we have a next round. Thank you.

LEON SANCHEZ: Thank you, Holly. John.

JOHN LAPRISE: I'd like -- John Laprise, for the record. I'd like to echo Holly's comments that I think that the thought to sort of preference a brand round before anything else is premature until subsequent procedures is complete. Until we know what the mechanism is going to be, I don't want to really weigh in on the order of potential new rounds or their timing. Thank you.

LEON SANCHEZ: Thank you very much, John. The Board has to take an action on all recommendations on the CCTRT and there is a report that you can ask for that is attached to that communication. So I think we have agreed

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also to have a meeting in Marrakech to further flesh out how we're going to address each of the recommendations. Tijani.

TIJANI BEN JEMAA: Thank you. Avri, you said that people -- some people are asking for starting by application of the community, others by IDNs, others by brand. That's right. But we have a concrete proposal from Neustar that was proposed by the chair of the group A, I think, to the chartering organization to comment on and this is a concrete proposal with dates, with everything. This is different from what everyone can see. That's why we are a little bit concerned, if you want.

LEON SANCHEZ: Thank you.

AVRI DORIA: Can I respond to that?

LEON SANCHEZ: Yes, Avri, please.

AVRI DORIA: I think it would be great if there were concrete proposals from the other folks with dates and details as well.

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LEON SANCHEZ: Thank you, Avri. Okay. So anyone else wants to add anything to this topic? Yes, Cherine.

CHERINE CHALABY: You know, I just wanted to just say a few words about the CCT review because I think Jonathan here -- and we've had the discussion the other day, and I just wanted to say that I recognize that as a Board we didn't do a good job at all in communicating the decision we took and that perhaps it would have been much wiser to talk with the CCT review leadership team before coming up with -- with our resolution.

The -- we're going to have further discussions, I think, with the review team, and the -- the situation, as it stands, is that there is -- we have accepted some recommendation but some others are impending, and we look forward to ICANN org coming back to us with -- with good recommendation so that we can move forward with most of these recommendation. But we're waiting for ICANN org to do the analysis and the costing.

So again, once again, we apologize for any miscommunication from our side, particularly to --

JONATHAN ZUCK: Thanks, Cherine. And I don't want to open a can of worms about the CCT review in particular. There's a lot of conversation to be had. I think in the context of this particular discussion, there's this notion of a number of the recommendations being designated as prerequisites to a new round, right? And there was a lot of consensus in the community

that they should in fact be prerequisites to a new round. There were some that didn't agree with that but there seem to be a lot -- so that becomes a fundamental question that I do think sits at the foot of the Board in the context of the review which is, do you agree that such -- these kinds of things should be a prerequisite. So I'm not trying to put anybody on the spot this minute, but I'm saying that's an example of something where I think the community is looking for the Board to affirm the notion that yes, these things related to DNS abuse, for example, need to be resolved before there's a new round, whatever that might be and however long that might take. And so I think the community is looking for that kind of leadership from the Board, and I think it's within the Board's remit to make those kinds of decisions.

LEON SANCHEZ: Thanks, Jonathan. Goran.

GORAN MARBY: Goran Marby here. I'm the CEO of ICANN but I now speaking in a personal capacity. Here's the problem, Jonathan. And this is why it's so -- it's easy to say that we should provide leadership. But one of the things I know as a Board member I don't want to do is to interfere in the policymaking process because that belongs to the community. I mean, everybody wants to do the right thing here. Everybody is engaged in doing the right thing and having our own opinion. But just the -- maybe I'm too -- maybe I'm personally a bit too harsh on this one because when I came on board of ICANN three years ago there was a lot of discussions about interference from the -- from the Board, from the org,

in the -- in the policymaking process. So I draw a very hard line for my own staff. And we discussed this a lot in the Board, that if the Board endorses something and says, this is what we think the community should do in a policymaking process, isn't that stepping out of the boundaries which the Board -- the community has set their decision that the role of the Board should be. I mean, if we can have a -- that is sort of the heart of the matter. Because in essence, many of the things we as individuals, we really strongly like them or we agree with them, but during the transition it was so clearly cut out that policymaking process belongs to you guys and the Board should never, ever, ever try to be a part of it. And if we can figure that out, I think we all are going to get it, but it's hard to say that the Board -- the Board should have a leadership role in the policymaking process because that could be actually stepping out of line.

So believe me, believe me, it's sort of -- it's sort of this, you know, yeah! We want to do it. Don't take a photo of that one, please.

[Laughter]

Sorry, I was joking with you.

UNKNOWN SPEAKER: (off microphone).

GORAN MARBY: Yeah, we can do a hug photo later, if you want to. But do you see, Jonathan, do you see that particular thing? So we don't break the trust

and bond I think we've built over the last three years before the Board, the community, and the org.

LEON SANCHEZ: Thank you, Goran. A quick reaction.

JONATHAN ZUCK: Yeah, I'll be quick and again, I really wasn't trying to open a can of worms about CCT. I completely agree with your -- your point about community concerns about Board overstep, et cetera, and it was very highly featured in the accountability framework discussion of the CCWG, no question. And so it is a -- it is a question of balance.

There's two things that I would -- I would bring up. One that's, I think, non-controversial or less controversial and one that's maybe a little bit more controversial, right?

The first is, the review process is, in fact, a community-driven process. Everyone is in -- there's representatives of the entire community that are part of the review, right? And so those recommendations do come from the community, et cetera. It's not a -- it's not the same thing necessarily as a policy development process, but maybe it's a priority development process or something like that that I think the Board is in a position to potentially endorse or agree with those priorities as expressed by the community.

So I think where the community is concerned is where the Board appears to take action that hasn't come from the community. An

example, an inflammatory example that might pop out of my head is pausing the SSR review, right? And so that isn't something that built up trust in the Board over the last two years, for example. And again, I don't mean to open up that can of worms either, but this is all a balance. And so we -- none of us can afford to be absolutists in our approach to these things because we know that that's not the reality.

GORAN MARBY: But SSR2 which, you know, a lot of those things are conflicted. The SSR2, the Board paused it for very specific reasons and restarted it and it was very much an interaction with the community leaders at that time. So it was not -- not solely Board initiated in that sense. But we don't have to open that one again.

But I think – so, I mean, you actually gave the answer. And which I actually think you have given the answer before. And I've given the answer as well. Many of those recommendations comes from the CCT, which the Board doesn't have anything to say about. It's now used in the next round's discussions. And I think that is showing how it should be working. Because you worked deliberately to come up with recommendation things which now the sub pro people are actually looking into. So it works – it works mechanically. So maybe we're creating a problem out of something that isn't a problem. Because yes, you are, it's the same people who was in the review who is now in the sub pro. So – and that's the way you should do it. I don't want – but –

UNKNOWN SPEAKER: (Off microphone).

GORAN MARBY: It's a lot --

LEON SANCHEZ: Yeah, we need to move on. Sorry for being a party popper.

[Laughter]

UNKNOWN SPEAKER: A longer conversation that I'm more than willing to have.

LEON SANCHEZ: Okay. So the --

UNKNOWN SPEAKER: Awe!

[Laughter]

CHRIS DISSPAIN: For the benefit of those participating remotely, Jonathan Zuck and Goran Marby are not currently participating remotely.

LEON SANCHEZ: Thank you. So the last question the ALAC has posed to the Board is in regard to GDPR EPDP and how the interests of non-registrants has been

taken into account through the EPDP. So I'm going to read a part of the question. "In most instances the lines drawn are not so bright. But in the case of EPDP on GDPR compliance those non-registrant end users were given very little consideration. We are aware that the NCSG is operating from a principled, more ideological position and that the contracted parties are potentially facing an extremely complex patchwork of privacy regimes and liability. However, we remain convinced that third-party access to registrant data is imperative to law enforcement, research, and consumer protection in its many forms. The ALAC At-Large community are aware of efforts by ICANN org to take on some of the liability otherwise faced by contracted parties. Can you help us understand the likelihood of that outcome or any other efforts to ensure that many do no suffer for the needs of the few." And for that I would like to toss it to Chris Disspain.

CHRIS DISSPAIN: Thanks, Leon. So I'm actually going to read out this because I want to make sure that I cover everything as best that I can in the short time that we have available. Thanks.

So the Board understands that moving to -- to a UAM (indiscernible) that issues reasonable and predictable access to data in accordance with the requirements of the law is a community priority. So we get that. The working group proposed -- the technical working group, Goran's technical working group, has proposed a mechanism for responding to queries, and org is beginning to speak with organizations that may be in a position to credential users for specific uses. And org

is also convinced a roles and responsibilities conversation with the contracted parties as recommended in the EPDP final report.

So in other words, we're moving forward on each of the three elements that we think need to be in place to operate a UAM. Those three elements are basically the who, what, why, when, and how rules, the -- how you authorize and -- and authenticate qualified users and the process. So we're moving forward on those three elements, but it's very important to understand there is one very significant dependency. Truly global UAM requires either Pan-EU level sign-off on the granular who, what, why, when and how rules or confirmation that a UAM mechanism would be deemed to effectively reduce contracted parties' liability with respect to processing of personal data necessary to respond to queries submitted.

So we have to get those -- either of those two things in place and that's because absent effective assurances that the who, what, why, when, and how rules comply with GDPR, then each contracted party will necessarily continue to apply its own risk profile to request for personal data and ICANN's enforcement authority will be simultaneously limited by the lack of clarity about the law. Alternatively, if we could confirm that a UAM mechanism would be deemed to effectively reduce liability, contracted party liability, with respect to personal data process for delivery, then a consistent user experience could be delivered based on ICANN's risk assessment, which, of course, would need to be approved by the Board, based on the evaluation of the legality of the who, what, why, when, and how rules. So it all kind of feeds together.

The essence of it is, the phase 2 of the EPDP has a lump of work to do that it can do and it's very important that it does do, but it is -- it is -- there is a dependency on outside parties coming to the -- to the party to help with this. And, you know, that's either the Pan-EU level sign-off on the rules or some way of knowing that we've actually managed to reduce the contracted parties' liability. And in essence, that's the position as it stands right now. And I have no idea whether that helps you understand the likelihood of the outcome. I'm not entirely sure it helps me understand the likelihood of the outcome, but it is a statement of where we think we are at the moment. And I hope I've made it clear that the necessary parts of that that org can do outside of phase 2, talking to the DPAs, all of that stuff, is actually happening, and that in respect to phase 2, legal advice is critical. And we've told that -- them that, that they need to get legal advice pretty quickly. Okay? Leon.

LEON SANCHEZ: Thank you very much, Chris. Any comments or reactions to this? Alan.

ALAN GREENBERG: It's not a reaction to that but it's a linked question because it has to do -- it has to do very relevantly with what will be happening in phase 2.

When we embarked on the GDPR fun -- and I say that without comment -- ICANN org's stated objective was to find a balance to ensure compliance with GDPR while maintaining the existing WHOIS system to the greatest possible extent. Is that still the position of the Board?

LEON SANCHEZ: Chris.

CHRIS DISSPAIN: Yes.

ALAN GREENBERG: Thank you.

LEON SANCHEZ: Thanks. John.

JOHN LAPRISE: John Laprise, for the record. One element in this question that doesn't -- I'd like to nuance a little bit, and this is the discussion I've had with other members of the ALAC is that when we talk about the section, however we remain convinced that third-party access to registrant data is impairment to law enforcement, research, and consumer protection in its many forms. We recognize that not all law enforcement, consumer protection, and research is -- are created equal. Many of -- many such requests are used for purposes other than -- you know, for the oppression of end users, and we have significant concerns in our community that especially in organizations that might be deemed legitimate may be using the UAM for ill -- what we would -- what end users would deem to be illegitimate purposes and we have serious concerns about how that will be implemented in the UAM. Thank you.

CHRIS DISSPAIN: Yeah. I -- just to be clear, I think -- law enforcement already has -- law enforcement has access. It has -- it doesn't have access in the same way that it used to have access, but still pretty much every country has access, right? And it may not be satisfy to them that they can't cross borders and so on, but they do have access.

The tougher one is research and consumer protection. And again -- and Alan and I have bounced this ball back many times in discussions in the EPDP working group.

The consumer protection challenge is again dependent on the local law, because there are some Consumer Protection Agencies that have, in effect, the right -- the same rights that law enforcement has and so on. And then when you talk about your illegitimate uses, of course. Now, I don't want to sort of dig up the work of the experts working group, but if you go back to that report from I think 2015 and you look at it, what we recommended was a system that is, in effect, what GDPR has now driven us to. We said it should be independently run. You can question that or not. Doesn't much matter. We talked about gated access. We talked about different levels of data being available to different people. We talked about accreditation levels and all of that stuff, and we talked about legitimate use. All of that stuff is already there. And we can go back to that, if we choose to do so, and have a look at it and maybe learn some lessons from it if we could get over the -- the community's feeling that it was all forced on them because it was a decision that Fadi made to run the experts working group. If we could

get over that and actually look at the work that was done, actually a whole heap of this work has already been done. And there is a short -- there are some shortcuts in there that you can -- and cherry pick, by all means, but there are some shortcuts in there that you can take by looking at what was done and say well, now that we're forced to do this because of GDPR, how much of this can we just pick up and run with.

LEON SANCHEZ: Thanks, Chris. Sebastien. (non-English word or phrase).

SEBASTIEN BACHOLLET: Sebastien Bachollet.   Just to make sure, everybody talks with acronyms. We say UAM. At least we should say that it's Unified Access Model and not always use the acronym.

When it comes to the decision of the Board to create the expert working group, it's not a creation of the CEO. It's the board of directors that asks for the creation of that working group.

LEON SANCHEZ: Okay. So we've exhausted the answers from the Board to the questions, and now do you want to add something, Goran.

UNKNOWN SPEAKER: (off microphone).

SEBASTIEN BACHOLLET: I was talking about the acronymism and I was also saying that it was a decision of the Board to have the expert working group. It was not a decision of the CEO and president, even if it was the president and CEO who have organized this group because he gets responsibility to do that at that time.

GORAN MARBY: Okay. Sorry. I misunderstood. I thought for a second you talked about the technical study group, which was -- which was my decision and not the Board, not delegated to the Board. Thank you.

LEON SANCHEZ: Thank you, Goran. So we -- we also asked two questions to the community. If we could have the Board's questions on -- thank you. So the first one is what the Board, ICANN org, and the community should be doing now to prepare for the successful implementation of these plans. And this goes to our -- the strategic -- the strategic planning that we have been doing, the exercises of consulting with community on the trends, the strategic objectives, and this -- this whole strategic plan for the next five years and we have been crafting. So we would like you to please make three suggestions, as concrete as possible, providing one each for the Board, ICANN org, and the community. So we would welcome very much your thoughts on this and the answer to these questions. Who wants to be first? Maureen.

MAUREEN HILYARD: Thank you. Thank you, Leon. And thank you to the Board. I think one of the things that I was actually very hopeful that we could achieve, and this was the conversation, you know, wherein we've actually sort of like run the first part of this session which really highlighted the important -- what was on top for our CPWG participants. And it's really good to sort of see that not only have we got the ALAC members but there are other contributors within -- who are here within the audience who have had a major input into the questions and responses today. Thank you.

Yes, to do with this -- this part, you know, it's probably going to be quite short because we did actually have a session where I hoped, you know, we'd get lots of contributions from our -- you know, because we provide advice to the Board and we sort of thought this would be a good opportunity. But unfortunately, it got hijacked by the multistakeholder and the governance aspects that -- the other sessions that are sort of like going to be held within ICANN64.

But I think that, like, for example -- I mean, I've had a look at it and in discussions with other people, looking at, for example, the suggestion with regards to what -- for the Board. The Board's vision, for example, is to be a champion of the single, open, and globally interoperable Internet and the trusted stewards of its unique identifiers.

And so one of the questions that sort of like came up is, like, it's probably a question more than a suggestion, but it's something that I think that the Board needs to be sort of like -- where -- sort of like really look at how is they can actually demonstrate to the Internet community

that they are -- that they are the champion and the trusted steward. How does the Board propose to demonstrate that?

I mean, it's going to be really important. If people are to sort of like buy into the vision to actually sort of like feel the vision is appropriate for ICANN.

Another sort of query was, too, in relation to that vision is how will the Board prioritize its strategic objectives of the plans, the strategic plans five years so it can give equitable attention to each of the objectives? I mean, how they're going to be prioritized so that each of those objectives gets some equal attention in some way. I mean, I'm not expecting that these will be answered at this present point in time, but just looking at it.

From the ICANN org perspective is that I'm looking at, for example -- and these are the things that we have actually sort of like viewed and incorporated into our public comments in relation to the vision but -- and the mission. Communication has been an important aspect for -- for At-Large and ensuring that the vision and the mission of ICANN is actually sort of like truly spread across the community; that the contents of the communication of this vision and -- and the strategic objectives enable everyone who uses the Internet to -- especially those who are nontechnical, to really understand what it is that the strategic plan is all about, why it's important, and how it will ultimately impact on the end users.

So -- And that the work plan that ICANN org develops should be in collaboration with those who are representative of the SO/ACs within

the ICANN community so that the project outcomes which we currently feel that we don't totally identify with because we haven't had any involvement in them, but that the project outcomes can indicate their relevance to both ICANN and the downstreams SO/AC strategic objectives themselves.

And when it comes to community, we also sort of have been discussing the fact that it's important that each community's strategic outcomes, strategic plans and objectives should relate to the ICANN plan, and that would actually have a downstream affect on any applications that we actually have. We currently do that, but we have -- I think it's the fact that we haven't formalized that connection between the plans that we have and the plans that ICANN has.

LEON SANCHEZ: Thank you very much, Maureen.

I have to apologize. I have the break overlap the time assigned for this session, so I thought we have the session going until 9:45 but it was scheduled for 9:30, so we are running over. I'm very sorry for this. It was an overseen by myself.

So I'd like to thank you all for this very constructive discussion. Your input is key for the performance of the Board and the performance of the organization. I would like to continue discussions with the at-large community, of course. We'll be continuing to get back to you. You know how I personally like to get your feedback on a continuous basis, so I

would encourage us all to continue this exercise of constant communication.

And I would like to now thank you all.

Maureen, would you like to say something to finish? Cherine any final --

CHERINE CHALABY: No.

LEON SANCHEZ: So thank you all, and let's go for a break. Thanks.

[Applause]

[END OF TRANSCRIPT]