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KOBE – LAC session on PDPs  
Wednesday, March 13, 2019 – 17:00 to 18:30 JST  
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RODRIGO DE LA PARRA: We are going to get started. Hello. Welcome, everyone. Please feel free to join us here. There are very few of us today so you're more than welcome to sit here with us.

We can speak Spanish, English and Portuguese. We do have simultaneous interpretation. We're going to begin. We have interpretation to English, to Portuguese, and Spanish, so everybody, feel free to speak in whatever language you choose. We do not have Chinese, or Japanese, or any other than that.

I would like to introduce Thiago Tavares. He is going to coordinate this session. He is the session host. It's a privilege to have him here. He is a member of NIC.BR and he is a friend in the ICANN community. So with that, I'll give the floor to Thiago. Thiago, you have the floor, please.

THIAGO TAVARES: It's a pleasure to be here with you today on this Policy Development Processes session. We're going to give you an update from the Latin American and Caribbean stakeholders. We have some guest speakers here who are going to give the

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perspective on the participation of the region in the main PDPs of ICANN.

So let's start with Mark Hendrick. He should be going at 5:30, so he is going to be the first one and then we'll go on with Steve.

MARK HENDRICK:

Okay, thank you, Thiago. I am going to speak in Portuguese so that we can make use of the Portuguese interpreters. It's a great pleasure to be here. We have been developing in these last six years. The business constituencies survey about the way in which we can buy in the Latin American business sector to ICANN. It's difficult to make them engage, so we have identified very relevant participation, but in the long term, this proved to be very difficult. So I'll pass on the mic to the ex-leader of the business constituency. He is Andrew. He can tell you very interesting things about this project. So Andrew, you have the floor.

[ANDREW]:

I am going to speak in Spanish. It's easier for me. This has been a very interesting study.

Oh, you can hear it? Okay, great. It's okay for me, whichever you would like. I just need to pick one. For the room, is it better Spanish?

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UNIDENTIFIED MALE: Yes.

[ANDREW]: Okay, so like all the other constituents, we've had several difficulties in achieving visibility and attracting new stakeholders in the business sector. There are several sectors that are really important in Latin America and they are not represented in ICANN or else they were under-represented. They have been under-represented in the last 15 years. I've been in the ICANN ecosystem for 15 years myself.

First of all, we would like to raise more awareness and develop a further understanding of the barriers faced by potential community members and second, we would like to focus on what we can change in our work methodologies to help those willing to participate but who are unable to keep up with our participation model, which is indeed, very time consuming and costly because it entails traveling. And more importantly, they need to see how that model translates to their own organizations and to their own bosses.

And I would like to thank you sincerely. I would like to thank the ICANN support team and staff for their contributions, for their ideas, and for the data they have been providing. Challenges

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sometimes are obvious and sometimes are not, but in any event, they can be overcome. We need a little bit more creativity and a little bit more coordination.

From the point of view of barriers, well, we have four: logistics, mainly, the language barrier. In the case of the BC and I think this applies to all other constituencies, there is not much we can share with people that are not actively engaged in the community in Portuguese, in Spanish, or in French, and this is a significant barrier because in the Latin American environment, the decision makers in terms of funding the budget approves when it comes to traveling to a meeting like this one which is costly and far away, well, traditionally, their language skills are a little bit more limited. This is a part of our culture, inherent in our culture.

Secondly, people that have the language skills and the technical skills are very few and we've held a series of interviews and dialogues with different participants and they told us that people like you are, indeed, very valuable and very rarely found so they do not want to get rid of you, so to speak, for such a long time because it means that you are here attending the meetings and this is time consuming in addition to your voluntary work which is time consuming as well, especially when it comes to stakeholders from Latin America. And this is a structural barrier.

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We lack the tools to showcase what we are doing and to showcase that to our management sectors, and also, we are short of time. And we developed a series of recommendations, but before going into the recommendations, I would like to let you know that we thought about how to potentially change or expand our participation models.

[MARK HENDRICK]:

I am going to speak in Portuguese. So the proposal was to focus not only on engagement. We're doing quite well with engagement because once the player is engaged, what should we do to make the player really feel a tease in the context, not only for the organization but also for him. And on the other hand, the player should feel comfortable with what he's doing. It should make sense for him and so we should look for participation or engagement models based on practical cases, cases we have already observed and based on experiences in other communities which enable us to set up models that make sense for us.

Andrew, would you like to explain this to us?

[ANDREW]:

So we have first identified the logistics, but we also identified the agenda. We have to focus on an agenda. We didn't think

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about this prior to this project. Every other week, we reviewed our calls and this review was a 36-month review. And at the end of the day, we saw that there wasn't much activity from the region and that's very important if we want to showcase the value of participation.

At the moment, we are exploring four models that can be interesting, not only to the business constituency but to other constituencies as well. We want to have a shared membership, like for example, two or three companies sharing the cost of membership. So this would lower the cost for them and also we would like to have, for example, a different type of membership in a country where there aren't that many corporations.

Then we need to have direct outreach targeting associations so that [ABAS], for instance, in Brazil can also participate. Then we are thinking about sector participation in the third place. For instance, we do not have the large media outlets. We do not have global, for instance, but we do have Disney and 20<sup>th</sup> Century Fox that are engaged in the north of our region in the global north. So we need to reach out to them to see if they are interested in coming on board, but with a focus on their sector.

And finally, we are thinking about having local ambassadors that would reach out to the BC. In the same way as we have a ccTLD representative, we could have different ambassadors and

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we could have, for example, one in the Andean region and that ambassador could be a regional or subregional leader in charge of a readout session, for example.

[MARK HENDRICK]:

So what I find most interesting is this idea of an ambassador. We are used to this idea here and it's also very valuable according to the example we have in Brazil where all the Brazilian businesses that joined the business constituency were brought over by [Ubaldo] from the CGI in Brazil from the business sector. He was the one who bought in them and he helped the businesses to find a space here. He works with the companies so that it would feel at ease in this context.

And this showed that this is quite easy to do, having somebody who is highly motivated, who is in contact with the local industry. So why not funding and financing this person so that he can take part in this process so that he can participate? And so we could think of other constituencies. Also, this model is not only applicable to the business constituency. It could also be applied to other constituencies, so we should think over new ways of having different Latin American sectors engaged in all this, so great interest is that our community may read this document so that it makes sense to the community. We carry

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out different interviews and this is of great help for people to have a higher degree of participation.

[ANDREW]:

This is, in a way, part of our commitment in the BC. We want to strengthen our link with Latin America. We want to think about how we can work together to be a gateway to participation. So at the end of the day, yeah, ICANN's working language is English. We all know that, but the idea is not to make everybody speak. We need to focus on every sector and to improve the sector skills and capacities so that they can participate.

And our sector and our region are growing. They are in a booming moment. The region is booming and they have the same issues as our colleagues in the global north, so we need to work with stakeholders in the region so that they can learn and we need to engage in a deeper and more consistent dialogue with the region.

And you can play a role here. You can provide your input, your comments, and if you have colleagues in your networks of contacts and are good candidates to join the BC, we, of course, are very willing to reach out to them and talk to them, and if you have colleagues in the region and they cannot attend the meetings, that's okay.



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And also, we want to further coordinate with ICANN so that potential members from our BC can be identified when ICANN holds events, and we can reach out to them and we can talk to them. So this is food for thought for ICANN and for our constituencies as well.

And finally, we are launching a program called “Hear the Region, Hear the BC” and the idea is to have a space to understand the region’s issues, topics, and with that, I thank you all very much for your attention.

THIAGO TAVARES:

Now, Rodrigo de la Parra is going to introduce Steve Chan.

RODRIGO DE LA PARRA:

Thank you, Andrew, for your presentation. Thank you, Thiago. We are looking forward to helping you and to seeing the outcomes in our next LAC space region, perhaps.

As you know, this is a capacity building session and the aim is to provide our stakeholders in Latin America and the Caribbean with tools so that we can more actively participate in ICANN’s activities, especially in the Policy Development Processes.

We have this first presentation on the ongoing PDPs at the GNSO and prior to this session, we held a consultation session with the

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community and our community members identified two processes that are of particular relevance to the region. That's why our colleague, Steve Chan, is here with us. Steve Chan is a colleague from the Policy Development Support Team at the GNSO in ICANN and with that, I would like to thank Steve for joining us and for his time to give us this presentation. And I give the floor to Steve. Thank you.

STEVE CHAN:

Andrew is a tough act to follow. I speak English. I'm sorry. So thanks. I'm Steve Chan as Rodrigo noted. I'm here on behalf of the GNSO Support Team and I will hopefully take you through some quick slides and help you learn a little bit more about the Policy Development Process. So thank you for coming here. Thank you for having me. I know it's late in the day, so hopefully we can have a good and engaging session.

So this is a session, I think it's going to be broken up with a short section with Salvador. Thank you. But for now, we'll concentrate on Agenda Section 1, which is really a general overview about the Policy Development Process.

And then after that, we'll look a little bit deeper into the new gTLD Subsequent Procedures PDP and the IGO-INGO Access to Curative Rights Protection Mechanisms.

So Agenda Item 1 is about the Policy Development Process. This is specific to the Generic Names Supporting Organization. You'll see a red circle around the particular community. That's the GNSO. If you're not familiar with how the community is set up, there are four organizations set up, or actually, sorry, three organizations that are set up as supporting organizations. They develop policy in the ICANN atmosphere and then there's four advisory committees that provide advice to the ICANN Board.

So the one in red, that's the Generic Names Supporting Organization. That's the organization that I support and you'll see in a second a quote from the bylaws and it notes that the GNSO is the only organization within the ICANN atmosphere who can actually develop policy as it relates to generic top-level domains.

We'll talk a little bit later, but the interesting thing about the GNSOP is that generally speaking, anyone can participate in that process so you don't have to be a part of the GNSO to take part in the PDP. And so that includes people from the GAC, from the ALAC and other organizations who, if you do participate in the PDP, it doesn't preclude you as a participant of the PDP from providing advice directly to the Board after the fact. Although, one of the things that the GNSO is trying to do is to make sure that during the PDP itself, or Policy Development Process, that those who are interested in the topic have an opportunity and

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are willing and able to participate during the Policy Development Process rather than coming in at the end after all the work is done.

So moving on to the next slide, this is the quote from the bylaws I mentioned that gives the GNSO the remit to develop policy on generic top-level domains. So you won't be able to read this slide or the detail on this, but this is a high level overview of the Policy Development Process within the GNSO and I wish I could zoom in on certain parts of it, but I'll just try to talk you through it. So you'll see a couple icons on this slide. There are ones where you can see a collection of people and then there's also icons where you can see a document. So what those are trying to signify is the parts of the process where the community, even if you don't take part in the Policy Development Process, you're still able to contribute and provide your comments and input to the process.

So it probably makes sense to just, I guess, go through the top part first. The top section of this diagram is dedicated to identifying an issue, and as part of that, in identifying issue, there is a report that must get written. It's called an issue report. That issue report is the first opportunity for public engagement, so once that issue report is completed, it gets published for public comment and that public comment is integrated into the final issue report. That issue report is what the GNSO Council

considers in whether or not it wants to initiate a new Policy Development Process.

And so let's assume that the GNSO Council determines that the PDP should be initiated. That's what initiates the downward and left section of this diagram and that's where the bulk of the time for the PDP is spent in the substantive discussions and deliberations around the topic identified in the issue report.

So the primary focus of the PDP at this stage is to try to work towards an initial report. That's that first report icon on that downward left line. And so that serves as the second point in this process where the public is invited to provide their public comment, and taking into account that public comment, the working group will then try to work towards developing its final report. And so me speaking about this makes it sound really short. Unfortunately, it's not quite so brief. This will usually take at least 18 months for the ones, the two PDPs I'll talk about in more detail later. The Subsequent Procedures is now in its third year, I think, and the Curative Rights PDP, it's been probably three to four years working. So it's not a short period of time.

And so while this diagram shows that there must be at least one public comment period, that doesn't prevent a PDP from publishing additional reports or seeking feedback in other ways. So for instance, the public comment periods for the Subsequent

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Procedures PDP, it totals four at this stage and there might be a fifth one which allows the PDP to gain additional and really important feedback to influence its deliberations.

All right, [inaudible].

ROXANNE JOHN: Are you going to take comments, questions during your presentation or after?

STEVE CHAN: Any time.

ROXANNE JOHN: Okay, this is Roxanne John, [inaudible]. And in relation to the process, you said there's probably about four and probably one PDP will come on soon, right? So my question is, is there a limit, any number of policies that you are working on at the same time? And then when do you a call for policy discussion? If you could understand, if you have four or five working, are you at your limit or is it open at any time?

STEVE CHAN: Thanks. Did you want to add something?

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ROXANNE JOHN:

No, I was just clarifying. When you said four or five, you referred to the comments. Oh, well I was referring to how many policies at one time that you have the capacity to work on and how do you initiate those discussions.

STEVE CHAN:

Thank you. That's a really good question. That's something that the GNSO Council is looking at, so I'm pretty sure I understood your question. It's how many policies the GNSO can work on at a single time and in terms of timing even, that's a really good question because that's what the Council is considering right now.

They don't have an easy mechanism to determine what their capacity is. So that's one of the things that they're looking at doing is to try to understand what resources it takes to run a PDP. So from a staff perspective, from a community perspective, from what legal advice you might need to seek, what experts, what additional facilitation you might need or face-to-face, all these things are trying to determine how all these things play into a PDP to determine if the GNSO had a new topic arise, whether or not they could even take it on.

So right now, to be honest, without actually having all of that data in front of me, I can't say with certainty whether or not they could take another topic. But having supported the GNSO, I can

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say that we'd be really, really hard-pressed to actually take another topic on right now and if we did have something that needed to come up or needed to be addressed like something as substantive as the Temporary Specification, we'd probably have to pause some other work to be able to take further work on. So hopefully that's helpful.

CLAIRE CRAIG:

Just to follow up, so when you mentioned – sorry, I'm having a real hard time here – when you mentioned the number four, you were talking about the number of public comments that one particular PDP can go over so it doesn't have to be one. It could be several iterations of comments that keeps going back and coming back, right?

UNIDENTIFIED MALE:

Sorry, for the record, could you say your name and affiliation, please?

CLAIRE CRAIG:

Sorry. Claire Craig from Trinidad and Tobago.

UNIDENTIFIED MALE:

All right, thank you.



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STEVE CHAN:

Thank you, Claire. That's exactly right. So the GNSO Operating Procedures require that you have a single public comment period. That's the minimum though. So indeed, the example I gave was where a public or a PDP did more than the minimum required. That's not always the case. There's many efforts where a single public comment period will suffice. But for the Subsequent Procedures, that was not the case. There was additional need for outreach and input. Thanks for the questions.

Time's probably a little short, so I'll try to go quickly through the rest. So I think we left off where the working group delivers its final report. That final report goes to the GNSO Council for its consideration and so it's their job to determine whether or not the process is followed, and to some degree, whether or not the recommendations it agrees with. But mostly it's about validating that the process and procedures for the PDP were followed.

So assuming that the GNSO Council adopts the recommendations and the final report, what that will result in is yet another public comment period, so it would be a recommendations report that essentially is delivered to the Board for its consideration. But that recommendations report and the final report are published for public comment for one last opportunity for the public to provide input and that input is

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then taken into account by the ICANN Board in determining whether it wants to adopt the recommendations of the GNSO Working Group.

And actually, just the last thing is that I think I mentioned this earlier, that if an organization like the GAC or the ALAC, if they want to provide advice to the Board, they're still able to do so as well.

So that's the process. But the next question is what do PDPs look at? They generally focus on, and actually, they're limited in the bylaws by what they can actually develop policy on. So the contracted parties within the ICANN atmosphere are limited to registry operators and registrars. And so all of these parties have contracts directly with ICANN, and so, the limitations of the Policy Development Process are essentially towards consensus policy. So the contracted parties are in an interesting position that doesn't really exist in most places where they have a bilateral agreement with ICANN, yet there is a community out there that can impose new contractual obligations on them. And that's what is referred to as consensus policies.

So given that unique nature where there is a community that can impose new contractual requirements on the contracted parties, there's something called – I'll move forward to this next slide – it's informally called the Picket Fence. IT just tries to

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determine and draw a distinction between what the community can develop policy on versus what the community cannot develop policy on.

So two relatively easy examples, hopefully, to understand are so if there is an issue around security and stability, that would be clearly something that could be developed as a consensus policy that could then be imposed on the registry operators and registrars. However, if there is something related to content, that is something that is not within the Picket Fence and the Policy Development Process could not develop recommendations and new contractual requirements on the registry operators and registrars.

So these things are in the bylaws that are also in the registrar agreement and the registry agreements. I'm not going to go into a ton of detail, but hopefully that makes sense as a concept that there are these consensus policies but it's limited in scope.

For participation in the Policy Development Process, the work is generally done via conference calls, Adobe Connect primarily. That's really the bulk of how the working groups operate. They do, of course, take advantage of the time at ICANN meetings so the in-person time is more rare but it's appreciated and taken advantage of.

Public comment periods are critical to the work, but as I said – well, I take that back. Sorry, I haven’t seen this slide in a little while. So in addition, there is online collaboration, regular publications and briefings as I noted, and then oftentimes, there are webinars and updates as well.

I think I noted this in the very beginning. In most cases, the Policy Development Process is open to anyone who wants to participate. So whether or not you’re part of the GNSO or the GAC or the ALAC or the ccNSO or just an individual that’s interested in the topic, you’re free to participate. There is a recent exception to that which is the Expedited Policy Development Process on the Temporary Specification. There was a representative model where each of the stakeholder groups and constituencies and advisory committees and supporting organizations, they all had an allocation of members that could participate in that one. But that’s the exception rather than the norm. So after this presentation, if you do have an interest in any of the PDPs, you’re welcome in almost all cases, to participate.

I don’t need to go through all the points on here, but I guess one of the distinctions is that if you have the time to participate, you would want to join as a member. That gives you the ability to post messages on the mail list and also to join calls whereas an observer, you’re only limited to reviewing the e-mail traffic.

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And actually, just the last point on this slide is just to note that you are able to join a PDP at any stage. Although, that certainly makes it harder for you to try to catch up on all the discussions that took place. But there are always people within the group from staff to the community and the leadership of these groups that are willing to take the time and work with you to try to bring you up to speed on the things that have taken place. So I think that's almost it.

This slide didn't come out right. I don't think it converted properly. But this was just a high level overview of all of the Policy Development Processes that are currently in flight right now. So one is the one I have already mentioned probably a couple of times which is about the new gTLD Subsequent Procedures. The other one I have already mentioned too is the Expedited Policy Development Process on the Temporary Spec that has now moved on to Phase 2, which is concentrating on the access model to the WHOIS data. There is another one that is concentrating on Rights Protection Mechanisms and then the last one is one that's supposed to be concentrated on this session, which is Curative Rights Protection Mechanisms for International Governmental Organizations and Non-Governmental Organizations. And the other thing that was captured on this slide I'm not going to go into detail.

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So after the GNSO delivers its policy recommendations and they're adopted by the GNSO Council and the ICANN Board, it falls to the ICANN staff to implement those policies. And so what was supposed to be on this slide is a list of all the implementation review teams, or the implementation processes that are in flight as well.

So I think that was actually it and I think it goes to you. Thanks.

UNIDENTIFIED MALE: Thank you very much, Steve. We have a question. Please go ahead, Rodrigo.

RODRIGO DE LA PARRA: It's directed to Steve. Steve, during this week, we were chatting in the corridors about how to measure the specific impact of LACRALO or our regional RALO in the different PDPs in ICANN's history. So somebody that was not a member of the RALO, of LACRALO, wanted to pinpoint these contributions from the region and it's hard to know that.

And after your presentation, Steve, I have this question. Every PDP gives AC and SO the opportunity to present comments in addition to the public comment period, right? So my question is there is a point in the process in which the ALAC receives an alert

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and the ALAC alerts the different RALOs so that they can submit their comments to the PDP. Am I right?

STEVE CHAN:

I will be honest and say that I actually am not entirely sure how the ALAC, how their processes work or the GAC. So in some cases, the outreach to these groups is a critical function of the PDP. So when it's actually operating, that outreach is actually a mandated step within the GNSO Operating Procedures. But the mechanism by which the ALAC reaches out to its RALOs to alert it, I'm actually honestly not sure how that happens. My support in the GNSO is mostly focused on the Policy Development Processes and also supporting the Council. But I guess just to speak specifically to one advisory committee, so that step after the Council adopts the final report and the final recommendations, if I'm not mistaken, I believe the bylaws, they identify that as a part of the process where the GAC is intended to try to be given the opportunity to identify any public policy concerns. So that form of outreach and seeking input has taken the form of public comment. It's not required to be that form, but that has been the mechanism that makes the most sense. So that doesn't exactly answer your question, but it's maybe helpful context to. Thanks.

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THIAGO TAVARES: Thank you very much, Steve. So I'm going to switch to Portuguese. And now, after all of this explanation about how the GNSO and PDP work – and thank you, Steve, again for your excellent explanation – I'd like to ask Salvador Camacho to share his experience as a member of the Latin American community and his experience in building PDPs in the region.

The Latin American community in ICANN has been growing and growing through the last years. But this has not been accompanied by the involvement in the PDP processes. There's not been much involvement as growth. So Salvador, please.

SALVADOR CAMACHO: Thank you very much, Thiago, for your kind words and recognition. And Steve, your presentation has been very good, a very good summary of how PDPs operate. And I think that's one of the points I will be touching on in my presentation.

Rather than a presentation, this is some sharing of what I've been learning over the years in ICANN, so again, Rodrigo, thank you very much for the invitation even though Rodrigo Saucedo is not here, who is the person who contacted me to share with the community what I've been working on, what I've been doing, and again, this has been a learning process.



I was, yesterday, noticing that I've been with ICANN for nine years. But it was only for the past two years when I got truly got involved in this topic, mostly through the fellowship program. And this is something I always say wherever I am, this is one of the big opportunities that we, Latin Americans, have to take advantage of to start our engagement in the ICANN community.

So during the past two years of my participation with ICANN, I have been working on intellectual property. And from the very beginning, I was highly involved with the IPC, the Intellectual Property Constituency, that was placed and was most comfortable to me. And I discovered there that there were only two Latins there with active participation, [Adiel Manov] from Argentina who although has not been highly active in the meetings, he is very active in the weekly meetings, in the calls, in the monthly calls, and the other person is myself.

So I want to make this point. As Andrew was saying, in constituencies such as BC and the IPC, there are very few from the Latin-American community. I think there is a lot of space for us to make our input. And now, straight into the PDP. The first PDP I got involved as a member was the RPM, The Rights Protection Mechanisms because I realized that through this engagement, I would develop my interest in intellectual property because that's when these topics started being discussed or the mechanisms of Intellectual Property Protection

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that have a relationship with other topics such as the GDRP, so that is something that really caught my attention.

And this was before I started attending the meetings and I started with remote and online participation and with the calls, I noticed that this involvement gave me some knowledge. I was able to learn how to get involved so that in the first face-to-face meeting, I had a clear idea.

So this following of the PDP on Rights Protection Mechanisms for one year gave me an opportunity during 2017, after my online participation, in 2018 in the IPC, I got even more involved. So this was the first PDP that caught my attention because it had an impact on my own practice.

The GDRP will be reviewed, will be enforced, and this is one of the tools that is frequently used. I am an intellectual property lawyer so I needed to know what the community thought about these mechanisms. So this was an added value given by the participation in the community and outside the ICANN community. It helped me position myself as a reference point, the person who knows what's happening in ICANN.

And something that is very important is that as the Latin-American community, we have to make a noise. We have to make ICANN known. In Europe, in the United States, even in Asia, people know what ICANN is. There is a good knowledge of

what ICANN is, how the multi-stakeholder model operates. But in the Latin-American community, that is not the case. There are still many people who do not note, first its existence, and second, the importance of ICANN, the relevance of what is being discussed and what impact it has on the DNS.

And the second PDP in which I got involved was also for professional reasons. I'm talking about the EPDP and its relationship with the WHOIS access. Before the GDPR was enforced, it was very easy to do a look-up and know who was the owner of the domain name, if it was related to a brand or not. It was much easier to those [on] research for enforcement and recovery of domain names. But after the enforcement of the GDPR, well, things got complicated.

It was my purpose, not only to get engaged with this community but also try to see if there were solutions for my own clients and that is why I got engaged in this PDP. Now in these engagements, I have found, I have seen some complications that prevent people from participating. It may happen that if a person joins a PDP that is halfway through, that has already started, it is very difficult for that person to understand all the discussions and be involved in the dialogue.

That is one of the complications, one of the primary problems resulting from the engagement in a PDP. And discussions can

sometimes become too technical, so it's quite easy to get lost in a discussion. So combining the complications and the learning demands, you have to read a lot, you have to be aware of the bylaws, you have to know how the constituencies operate, what impacts they could have on the community, and also, all the e-mails you receive. Those of us who are engaged in the system, we know we receive lots of e-mails and you have to take your time to read them, to be abreast because you stop reading them for a week and you are lost in the conversation. And as Andrew was saying, you have to put time into it. And it's almost like a charity time. There is some recognition but there is a recognition for the community.

And something else. If there are members of the LAC community here, yes there are, but I think there could be more. I think we can make a very good contribution.

I'm now about to close. Let me refer to my learnings, what I have learned. Well, first of all, it was the general understanding of the PDP Process. The PDP eventually is the reason why the ICANN exists, which is the creation of all these policies for what purpose? To have a better DNS. So it is necessary to understand how the process operates, how those units, how those entities make ICANN work. That is extremely interesting.

Then it is necessary to understand how the community operates, what are the discussions like, how do negotiations operate, what are the politics within ICANN, and that is also very important because someone who is outside the community, if I explain to him or her what ICANN is, well, it is in charge of managing the DNS, but they view this as something too technical and once they are inside, they can see that there is a lot of politics and finally see the multi-stakeholder model in action, how the consensus is reached, how the consensus is worked upon and when reached, it takes a long time but it is very rewarding. Why? Because everybody agrees on something and that agreement is extremely interesting.

And on the other hand, capacity building. Be aware how the community operates, how policies are developed, or the processes that Steve explained to us, that help us share this with the world outside the community because, as I said before, we will need more people within ICANN. There are individuals who are about to complete their cycle, their time within ICANN, so an important mission of the Fellowship Program is to provide these renewed community members. And then you have the network within and outside the community. I have to make a point of recognition here. I'm here to be engaged, but also to relate as a person. And outside the community, be as collaborative as possible.

And finally, the actions to be implemented, first of all, in my case in Mexico, as I've seen that in the IPC there are few Latin representatives, I have just joined the Mexican Association for Intellectual Property Protection in the Information Technology Committee. Why did I do that? Well, to make people know about ICANN, of its existence and importance and also to increase the participation because as I said before, the greater the LAC community, the better we'll be positioned to make decisions. It is about time to influence on policies, to disseminate the relevant importance of PDPs in national and international fora and how important ICANN is in this respect.

And finally, make more LAC members become engaged in the PDPs. Why? Because if we do not express or voice this as the Latin-Americans and Caribbeans, nobody will do that so we need to have more members. We have to join these groups that we define as the Latin Mafia, and so it is important to add members to find areas of coordination and with this Latin-American vision, provide greater support to the community. Thank you very much.

UNIDENTIFIED MALE: Thank you, Salvador Camacho. We are a little bit delayed so just now I'd like to introduce – oh no, we have a question here for

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Steve and after his answer here, our presenter will make his presentation as an update on the PDPs of the new gTLDs.

UNIDENTIFIED MALE:

I'm going to speak in Spanish. I have this question, Steve. We had been talking about this with you and Rodrigo was asking you about this also. Rodrigo was asking on that PDP outreach phase, when you seek feedback from the ALAC and from the GAC, Rodrigo was asking about that and for the remote participants, these are two advisory committees that give advice to the ICANN Board. So we have this mechanism in the ALAC, and I recently concluded my mandate as an ALAC member, in the ALAC, we had different liaisons. For instance, now we have Cheryl Langdon-Orr. She is our liaison with the GNSO. So each of these liaisons presents a report and gives us an update and feedback, so this is the person Steve was referring to when he says that there is always someone from the ACs involved to communicate or to update their group, their AC, and in turn to get feedback from the advisory committee.

And they work also on creating an informed opinion. And secondly, Rodrigo was focusing on measuring the region's participation in these processes. Well, in that regard, we can join that study, that study you were referring to, because we have a

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spreadsheet designed by the Technology Task Force with our colleague, Dev Anand from the Caribbean.

This task force has developed this tool that has plenty of data and you can break down the data per country so you can see who participates from what country, from what constituency, in which program. For example, the Fellowship Program, so you can use this tool which we have been feeding all the time. So Steve, please feel free to reach out to us because we can share this tool with you, with different parameters and we can have a closer look at the level and categories of participation.

And I would like to commend our colleague for his participation for sharing his experience, and surely, the Chair and the Secretariat of LACRALO are more than willing to help you. Thank you.

STEVE CHAN:

Thank you very much. Thanks again for that explanation. That's very helpful. That's actually helpful to me too, as well.

On the GNSO site, we have a list of members and their affiliation, but what you're talking about is far more detailed than what we have so I think even from our perspective, we welcome you sharing that with us as well. And thanks also to Salvador for that passionate explanation of why it's so important to take place in



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policy development because, really, it's core to what ICANN does. It's a core functionality of ICANN. And sometimes I feel like maybe people lose sight of what we're all here at ICANN to do, so thank you for that.

So the first one I'll talk about briefly and I'll try to make this very short because we're short on time here. So the first one is about new gTLD Subsequent Procedures. This is essentially looking at what took place from the 2012 [round]. There is existing policy recommendations, and therefore, existing policy related to new gTLDs. So the Subsequent Procedures PDP is looking at what the next round or Subsequent Procedures should look like.

This PDP was chartered in 2016. It's been operating, therefore, for about three and a half years. The scope of this PDP is quite broad. It started with and expanded from, so it started with 40 mostly discrete topics and now it's probably more like 45 or more than that. And so, as I said, the scope of work for this PDP is quite broad and it's intended to try to reach its conclusion and deliver its final report to the GNSO Council sometime before the end of this year.

So just some of the topics that are within its remit are looking at community-based applications, applicant support and geographic names at the top level.

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So the current status of this PDP, so it's past that milestone where it's drafted its initial report and published it for public comment. Because there is so much public comment and input received, the group actually divided into sub-groups in order to review that public comment received. The topic of geographic names at the top level, that's actually taken place within a separate work track. It's called Work Track 5 and that is the single topic that that work track is looking at. They actually published their own supplemental initial report, specific to that one topic and so the Work Track 5 is actually looking at public comment as well.

So the working group itself is now sort of at an inflection point. So after having published its report and received public comment, they're actually now taking that public comment into account and trying to reach their final report.

So here, at ICANN 64, actually served as that point where they started looking to try to conclude their deliberations on topics to try to reach preliminary, or actually, sorry, final recommendations. I think that's about it for this one.

So this is just a timeline, and like I said, I'm trying to go through this very quickly because I know there's not much time. So as I noted, the working group is trying to finish their work sort of near the beginning of Q3. What this does not account for is this

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next slide, which is the likelihood of an additional public comment period. This additional public comment period will probably be limited to what are essentially new topics or new ideas. It won't be the full final report in most likelihood. But just those things that the community had not had a chance to provide comment to before. And so what the effect of that will be is to extend the timeline just hopefully until the end of this year.

And so there's this slide that has been included in other presentations. Essentially, it talks about the steps that take place after the final report is delivered to the GNSO Council. This is not specific to this PDP. That's why I mentioned it. It's just sort of a leftover slide. I thought I'd leave it in here just because it's helpful to see what happens. But again, it's not specific to this PDP. So it talks about the GNSO Council role, the Board role, and then eventually, the fact that GDD or Global Domains Division in ICANN, it's their role to implement the policy. And just some resources.

I was just about to ask if there were questions, so Rodrigo, go ahead.

RODRIGO DE LA PARRA: Thank you, Steve. Rather than a question, I have a comment. As you may recall, during this ICANN meeting, the dot-Amazon

issue was discussed and the same happened in prior meetings. The Rules of Procedure for the 2012 gTLD round were in a document resulting from a PDP that was called the Applicant Guidebook. They were in that document, and in that document, there were provisions related to geographic names. In fact, there was a list. Reference was made to a list containing all the cities and states so that if someone wanted to apply for a name included on that list, that applicant would have to seek the city’s or mayor’s or authority’s permission to have that string. We have an interest case in Mexico, dot-Bar, was applied for and Bar is a city in Montenegro so they saw that Bar was listed and they had to seek the mayor’s permission to proceed with their application.

Now the rules did not contemplate the translation of these names. Of course, if you had San Jose, well, that was not permitted. But we didn’t have St. Joseph, for instance. And this is the case with Amazona, Amazon, Amazonia, so all these versions were included on this list that I’m telling you about.

And I’m bringing this up because this is our chance to identify any gap in the prior Rules of Procedure in the prior AGB so that they are clearer to future applicants and to future stakeholders in order to prevent this type of conflict. From a governmental, private sector, and civil society standpoint, this is our time to participate so it would be unforgiveable for you not to get

involved in Work Track 5 that focuses on geographic names. So we should focus our participation efforts on this work track to make sure that all these issues are captured in the subsequent round.

And I'd like to highlight this because it brings to the fore, the way we work in a multi-stakeholder environment. These rules, the current rules, are the result of an eight-year debate engaging governments in Latin America and elsewhere. Of course, we cannot foresee the future and we cannot foresee what names or strings will be applied for and we cannot foresee all the situations but we need to build upon our prior experience and improve the future round. So this PDP focuses on the next rules for gTLD applications. Thank you.

STEVE CHAN:

That's really helpful. I guess I would add, actually – I should have mentioned this earlier – one of the co-chairs from this working group is actually Cheryl Langdon-Orr. So it's helpful to note that you don't actually have to be from the GNSO to actually chair a group within the GNSO.

And then for Work Track 5 that Rodrigo mentioned, there is actually, so there are four co-leads, one from the ALAC and that's Javier Rúa-Jovet, Olga Cavalli from the GAC, Annebeth Lang from the ccNSO, and then Martin Sutton from the GNSO.

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That said, they're not necessarily there to serve as representatives of those groups. They're to facilitate discussions, to still operate in a neutral manner. But the idea was to try to make sure that there is still a voice from each of these groups and that they have a liaison, essentially, to make sure that those communities are able to engage in a process. So the Work Track 5 is sort of a unique animal within the GNSO. It's to try to allow for that inclusion to make sure all the voices are heard for a topic that we know there are a lot of divergent opinions on, so GNSO tried to do something a little different to make sure that it supports that process and all those opinions. So thanks. That's really helpful.

So comments or questions on Subsequent Procedures?

UNIDENTIFIED MALE: Yes. Please go ahead.

SERGIO SALINAS PORTO: Thank you. I would like to address certain topics that were raised. In the Latin American and Caribbean region, we have ongoing working groups that work on different topics in the work tracks. They are focusing on the work tracks and some of our colleagues are participating in Work Track 5 and we are focusing on the most salient points of the PDPs. In my view, this

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is a significant progress so as to actively participate in the ICANN environment. Thank you.

UNIDENTIFIED FEMALE: Thank you. Any other questions or comments?

UNIDENTIFIED MALE: Hello. I am a colleague from Venezuela. I made it a little bit later to this session because I am trying to clone myself and attend several meetings at the same time. Anyway, I'm doing my best.

From what I've heard, I see that all your input is very interesting and I joined the session while Salvador was making his presentation and many of the topics he raised are true and some others need to be defined here from a macro perspective, I mean.

It's important for people to know to learn about ICANN, the importance of what goes on within ICANN and the IANA transition and the different types of policies that are developed. That's important. But at least in my case, I've been trying to participate for the last six or seven years. But it is quite hard to do that on your own, by yourself, and if you want to get involved or engaged in a different topic, you don't know how to manage that.

I was engaged in the CCWG and then we had to work on Workstream 2 and sometimes I had a feeling that I understood what was going on and some other times, I felt that I was even more confused than the very beginning. So if you do not have some kind of orientation, it is somewhat hard to participate.

And most people know, but don't say it. You spoke about the term renewal within ICANN but I can speak about term renewal in the ALSes and I am a member of an ALS who's leadership's terms are over but the leaders are still around. And our countries are different. Mexico is different from Brazil and from Venezuela and every cent really counts in our economies.

Well, you mentioned that you have been participating for the past years. Maybe you have a sponsor. Maybe you have enough resources. Unless you have a sponsor, at least in Venezuela, it is almost impossible to participate.

Well, ICANN and ISOC, they want to bridge the gap and they want to include more female participants and they want to include the younger generations. But there is another type of gap that is wider and wider. And this is the third time I've worked with Rodrigo. I remember the last time and I remember that several stakeholders addressed you and they had questions, simple questions so to speak, and I had certain questions and certain issues that I needed to raise. And you realized that my



questions were at a different level and you gave me a sort of generic recommendation, so to speak, and I have been able to join the fellowship program, but after applying I don't know how many times.

So I've been participating for several years in the groups that I mentioned before, but I learned that I wanted to, or I needed, to submit my Statement of Interest so that I would have greater visibility and so that people would learn that I was really working. But I didn't learn that overnight.

That is the result of banging my head against the wall for many years and I got a GSC scholarship. So two years ago, more or less, I was able to attend a very important event in Paraguay and I hope I get to see you more frequently, Rodrigo.

You were mentioning participation in the different PDPs and I have been trying to participate in many, many initiatives and I have been working with Rodrigo in Bolivia, the other Rodrigo. And I try to participate, but I receive hundreds and hundreds of e-mails and I want to focus on different topics and some of them sort of reach a deadlock and I try to engage. I try to participate in geographic names topics, for instance, and I nominated myself because I want to attend the ATLAS III meeting that is going to be organized by Glenn McKnight. So I see that people encourage me.

THIAGO TAVARES: Thank you for sharing your experience. We are running out of time.

UNIDENTIFIED MALE: Yeah, I get your point but what I mean to say is that sometimes you need some orientation. You need guidance because we receive e-mails and e-mails from NCUC, GNSO, and many other groups and constituencies, and also in Venezuela, I don't know if I'm going to have power or Internet service. But we try to participate.

THIAGO TAVARES: Thank you very much for sharing your experience. A very brief, short presentation on IGO and INGO Access to, is another PDP, so I would like to ask you if you want to say something about that.

STEVE CHAN: Sure. Thanks, Thiago. And I'll keep it very brief. And actually, just to express admiration for you all and just recognizing it is hard to keep up with PDPs even when you're a native English speaker, it's a really difficult experience. So doing it in likely not your first

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language, I can't imagine how difficult that is. So just wanted to recognize that.

So the next PDP, and this will be pretty brief because of where the status of this PDP is, this PDP is about international governmental organizations and non-governmental organizations and their access to curative rights protection mechanisms. And so I guess you could sort of think of this as a sub-set. It's not literally, but it's sort of related to the rights protection mechanisms that Salvador mentioned.

But at its core, this is taken from the charter of the group. It's essentially looking at whether or not IGOs and INGOs have adequate access to the Right to Protection Mechanisms. So the essential questions it's asking is whether or not the existing mechanisms are sufficient, and if they're not, whether or not they should be amended. And it's specifically talking about the UDRP and the URS. But it also holds out the possibility of establishing a separate mechanism specific to IGOs and/or INGOs.

So this PDP originated in 2014 and it held its first meeting that year. And it recently concluded and I realized there was a typo when I was looking through these slides earlier, but they delivered their initial report in January of 2017 and they

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subsequently were able to publish their final report in July of 2018 rather than 2019 which the slide says.

So the Council received that initial report but they haven't actually taken action on this. As you can tell, quite some time ago, it's sitting in sort of a holding pattern right now as the Council determines what it wants to do. The Council determined that it had some issues with both substance and procedure with the PDP and it's holding discussions with the GAC to try to determine the best way forward on this PDP. So as I said, it's a pretty brief update. I'm not going to go into details of the recommendations because there's two minutes left in this session. But yeah, so hopefully that's helpful. Thank you.

THIAGO TAVARES:

Thank you very much, Steve. We have one minute. Do you have any comments or any questions? Otherwise, I would like to close. Thank you all for coming, all the members of the community.

And this is a very complex issue, policy development, as Camacho mentioned. You cannot predict every rule, as Rodrigo mentioned, and some issues will remain open such as dot-Amazon that has been discussed in ICANN for seven years now and many complex issues that involve public policy sovereignty.

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The Board did not specify the public policy issues related to dot-Amazon, so I believe we are going to have a very complex scenario and try to predict all the possibilities in the DNS space.

So we need to continue participating and encouraging colleagues in the region to take part in all this and also get deeper and deeper into all these discussions, so to help our countries and our regions. And I echo your words, Salvador, when you said that in America, we are all close together but we are still in our beginnings so we need to create new context to foster dialogue.

So thank you very much. Have a very good evening and until tomorrow, Rodrigo. And thank you, Rodrigo, and thanks also to ICANN to give us this opportunity, and give me this opportunity to moderate the session. Thank you.

**[END OF TRANSCRIPTION]**