

**Transcription ICANN London
Registrars Stakeholder Group
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Afternoon Session (Part 3)**

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Michele Neylon: Good afternoon everybody, boys and girls, ladies and gentlemen. Registrar stakeholder group meeting. We are proud to announce the arrival of - oh, sorry, the return of SVG. SVG, Stephane Van Gelder, everybody. Whoa. I bet you never got that kind of a response elsewhere, did you Stephane? Admit it.

Stephane Van Gelder: More the two letter, two word kind of response. You know, it starts with an F and ends with a U.

Michele Neylon: It's nice to see that you're at least recognized, how people recognize you. Okay, Stephane is going to talk to us about some French thing. I mean, it's - as he's pretending to be French. And hopefully it's somehow interesting and he will make it all very relevant to us. Is that right, Stephane?

Stephane Van Gelder: No, I didn't promise it would be interesting.

Michele Neylon: Oh, okay. Sorry. He's going to talk to us about something very, very boring and we won't let him present to us ever again if we all fall asleep. Over to you, Stephane.

Stephane Van Gelder: Thank you, Michele. Just a question about the slides. Who's got them?

Michele Neylon: (Jennifer).

Stephane Van Gelder: (Jen)? Where is (Jen)?

Michele Neylon: Not here.

Stephane Van Gelder: This used to be better organized.

Man: (Unintelligible).

Stephane Van Gelder: That's right. It's going to be tough to present without slides but...

Michele Neylon: Stephane, you'll - since when have you lost the ability to speak? When did this happen? Is this you went over to the dark side?

Stephane Van Gelder: I love the BC. So - oh, the slides are coming up. Let's just wait for those to come up. And I'm about to talk to you about one of the new gTLD applicant's projects that is probably one of the most (innovative) or at least different in that it's not something that was designed to sell domain names or register domain names directly but rather as an ecosystem, an entire ecosystem in itself. Can I have a bit of quite please from some of the unruly Germans?

Michele Neylon: Excuse me. Stephane, please do not insult our members (unintelligible) of the chair.

Stephane Van Gelder: Okay. So just waiting for those slides to come up.

(Volker): You were saying not selling any domain names? Oh, hang on just a...

Stephane Van Gelder: Hang on. Hang on, (Volker). Calm down.

Michele Neylon: We need to celebrate our - the 15 years of the registrar stakeholder group. We decided - we literally had cake. No metaphors intended. Okay, it seems we're having technical difficulties here. I'm - we don't have any hold music.

We really do need hold music. (Mike), can we get hold music for LA?
Preferably something rather upbeat.

(Mike): We have the (Amigo) hold music that everybody loves so much.

Michele Neylon: All right.

Stephane Van Gelder: Can you tell an Irish joke, Michele, while we're waiting, please?
Sorry, we'll get these slides up in a minute. Thanks for your patience.

Michele Neylon: Do you want to talk about higher level, Stephane, in the interim, about you
know, what...

Stephane Van Gelder: Yes, yes, let me - yes, absolutely. Thanks, Michele. I will do that.
Let me start and we'll get - if we get the slides up, we'll show you - we're up.
We're up so we're fine. So I'll just kind of sit there talking.

Okay, so let's try and make up the lost time. Thanks for your patience. The
idea I to tell you a little bit -- if I can work this -- about (Frogen) which is a new
gTLD but it's also a new tech that's being developed. There's a new software
there for the Internet.

What are we talking about? Well, you'll know that basically the Internet has
three layers - the plumbing underneath, traffic and routing in the middle and
software up top. And this technology that's being developed by (Frogen) is
something that will sit at that level up top where the World Wide Web sits now
or email or things like that.

The idea is to have something that allows a new type of site that is both
totally multiplatform, totally multilingual and multi-script and also extremely
secure, fast, (pillowed) and able to be coded for any type of device.

So we're looking at something that basically is difficult to do right now on the Web. When you design Web sites you do have to currently cater for different types of advices, different types of systems. Obviously when the Web was first designed, no one knew that we would have the variety of devices that we have today.

So what you're looking at here is a prototype of (Frogen) site which has not set shape which is why this example has such a complicated shape just to show that the shape has not predetermined type.

The content itself can be put in any - can be displayed in any type of text or language that you wish. You still obviously have the basic links and then browsing systems and devices that you need.

But that type of site would appear exactly the same way on any device so whether you're looking at it on an iPad, on a tablet, on a smart phone or on a computer, you'd still be saying - seeing the same thing which is obviously of interest to developers because it stops them having to redo what they've done for one device all over again for another.

And the actual size of the - both the code and the sites is much smaller so we're looking at something that isn't intending to replace anything that exists today. It's basically another possibility on top of what we have today and a possibility that would fit nicely with obviously the multi-device ecosystem that we have.

But with the kind of people that we're now seeing use the Internet more and more, as we all know, are not necessarily coming to it using computers, desktops or portable computers. They're more often than not coming to it using smaller devices.

So having small Web sites that are multiplatform and they can load in low bandwidth environments is a good thing and it's something that this project is trying to do.

One thing I should say is that the project itself has been set up with a non-profit that has all the technology within it called the OP3FT. We're not getting rid of acronyms. That's something that we'll keep.

So the idea is that the technology, if there is take up and if the technology does launch well and have people on it that want to develop for this technology, it will always remain free and available to all. That - there's an attempt to guarantee that by putting all the IP, all the intellectual property and the patterns into fund this non-profit.

And it's outside of the realm of the commercial enterprise. So I'm talking to registrars. So I should talk a bit about addresses. And although there is a new gTLD in there, that has only been registered to secure the system as a whole.

The idea is not to sell dot (Frogen) domain names. There will be a few but they would only be used by the registry itself to secure the whole system. And (Frogen) has been hard at it for the last 14 years developing this.

So there's been a lot of thought going into the system as a whole and the system includes a registry type - kind of a registry/registrar type of arrangement and it includes, obviously, addresses.

And these are the addresses that have been coded for this system. So the format itself is different to what we know in the DNS and on non-traditional domain names in that the - first of all, there's a unique identifier that's here, in this case, that's the star that is used to identify (Frogen)'s addresses.

And the addresses themselves can be written in any script and these are just a few examples of addresses and the way they can be written in native or (cerillic) or whatever.

There are three types of addresses that are being worked on at the moment and these mirror what we have in the traditional domain name space, so the public addresses are basically domain names.

They would all have - they're written in reverse to the domain names that we know and love so you have the TLD first, as it were, (Frogen) in this place, being the TLD, star and then any site name.

Or you can have dedicated networks where the TLD is anything that someone wants to register. And that is basically just - on the left here, you have traditional domain names and in the middle you have a TLD like arrangement.

On the right, you have an internal type of address which we won't go into for now in the interest of speed and time. I'll just go quickly over that but I want you to see the first two types of addresses because these are the ones that will be used by people who want to browse (Frogen)'s sites.

So I mentioned the OP3FT. That's the fund that's being set up as a non-profit to promote and protect this technology. That ensures that the technology itself won't be sold, become someone else's property, not be freely available to all and the idea of behind that, the founders of the project really wanted to separate the technolo- the development of it with the commercial part of it to make sure that there would be no capture.

So it's a bold way of launching something because, for them, in essence, it means they lose control of the technology and that's what they want. They want the technology to be available to all.

There is, though, as I mentioned earlier on, the registry-registrar type of relationship. There's a call registry called the (Frogen)'s call registry which will - it has a direct relationship with the non-profit and will then contract with registrar type partners to distribute the addresses.

So this is where, in this community, we start to focus on the commercial possibilities because everyone is able to connect to the registry and to start selling these addresses.

So as a registrar, you would simply connect to the registry, sign a contract with the registry. There's no other accreditation required. There's not setup fee and you can then start distributing these addresses. There're already a few tests that registry sellers already in operation, already distributing addresses and the technology itself is being ramped up for distribution later on this year where - so that's when the full launch will happen.

And that's why we wanted to talk to the registrar community about this now so that you would both be aware of what's going on with the (Frogen)'s technology itself and be aware that these opportunities for distributing new types of addresses are about to exist.

So there's the timeline. We are looking at sunrise type priority registration period around the September this year time. The TLD itself is already live. So the technological ecosystem already exists. And then a full rollout towards the end of this year, the beginning of next year and I don't have specific dates yet and that's why I've not put them on the slides here.

So this is very much an initial informal presentation into the (Frogen)'s ecosystem. It's a first step. Happy to take any questions obviously. You can ask me or we have someone else from (Frogen)'s. I'm looking around the room at the back. Do you want to come up so that everyone can please see who you are? And you can talk to us both. I mean, we're happy to answer questions now. But I think you're pressed for time, Michele, and if you...

Michele Neylon: We are. We are quite pressed for time.

Stephane Van Gelder: Right. So if you are, we're around and we're happy to answer questions. Thanks for your time and I hope...

Michele Neylon: Stephane, I've got a couple of people (unintelligible) ask you a couple of questions.

Stephane Van Gelder: Okay.

Michele Neylon: Question.

(Christian): (Christian) from (Lasagasa). Did - if you can explain in short why did we sign up for this?

Michele Neylon: Thank you, (Christian). That was the question I was going to ask but you did it for me.

Stephane Van Gelder: To make money, of course. The idea behind this is that there's a new technological rollout and you - different types of sites. For now, you can choose to believe that the idea is far-fetched and that this will have no take up in which case, (Christian), there isn't much interest in signing up.

But as the technology rolls out, and if we do find ourselves with people wanting to use this technology, wanting to use simpler, multilingual search sites, one of the things that I didn't mention is that the Web sites are - sorry, the (Frogen) sites are designed to be secure and do not allow, for example, malware or virus type software to be loaded into a user's computer without their knowledge.

That type of thing, if that does have some take up then obviously people will be coming to you guys asking to register these addresses. So at this time, I

understand that it's a bit early and that you have yet to hands around it but that's why we're doing a first introduction and as we see rollout of this technology, then you know, we can talk about it again and it may become more obvious.

Michele Neylon: Thank you, Stephane. (Kelly), please go ahead.

(Kelly): (Kelly) (unintelligible) group. Can you bring up some of the Web sites that have been built so we can have a look? Because you said it's not - it's technology that's been around for a few years.

Stephane Van Gelder: The technology has not been rolled out yet so I can't show you...

((Crosstalk))

Stephane Van Gelder: That's why I showed you an example that - the model I showed you is a model. I can show you models for now and when the technology rolls out and the timeline I showed you, it was the end of the year, that's when we can show you those sites.

(Kelly): It would be good. (Unintelligible) a few for the - you know, their Web site just so we can see what it looks like.

Stephane Van Gelder: Absolutely.

(Kelly): Test it on multi devices, see if we can - if it is secure, and - yes, and give it to our development team to put it through the paces.

Stephane Van Gelder: Yes, (Kelly), that's absolutely right. There are still steps needed. The reason why you're not being given a firm date is that - because this is an ambitious project. It covers a lot of things, as you can see, they're still in the product testing phase and they don't want to release until they're sure

everything works and there are no issues with security, for example, or other things, you know, multi-lingualism(sic) or anything like that.

So one of the things that I've told them as advisor to them is obviously that the quicker we have some concrete sites to show people, the quicker we have concrete dates, the better it is for everyone.

So once again, the idea here is to let you know this exists, not to, you know, we haven't come with any contracts and once there is a firm start date, we can come back and explain it to you then and show you some real sites.

Michele Neylon: Okay, I have a remote participant who is going to be channeled through the lovely (Katlyn) and then I have a lady down there waving at me.

(Katlyn): This question comes from (John McCormick). Is this WAP 2.0, hyphen, another Web - (WOP)?

Michele Neylon: Stephane, so is it (WOP) 2.0-slash-another (Web)?

Stephane Van Gelder: Do I look technical to you, Michele?

Michele Neylon: Stephane, please, answer the question.

Stephane Van Gelder: I have no idea. That's why I brought other people with me that won't come to the table. (Omar), do you want to try and answer that?

Man: Yes, it's not another Web. Do you want to - just introduce yourself.

Man: Yes, sorry, my name is (Unintelligible) from the (OP3FT). And I am in charge of the promotion. So it's not (unintelligible) softer layer. It's a numeration on the Internet and our objective is to allow a new type of (an addition) so with the (Frogen) site, you are not going to do the same thing that we're - a Web

site. It's different. But it's not (an alternative). It's not (unintelligible). It's not (alternative).

Michele Neylon: Okay, I have two others. No - (miss), go ahead.

Woman: Yes, I saw on the address that you put a (frame name). Is that (frame name), is that the last one that - it will be equivalent to the (dot com, the net). So how is it going to - is - how are they related to the current gTLD systems?

Stephane Van Gelder: Are you talking about the site?

Woman: Yes.

Stephane Van Gelder: Your question is the site name?

Woman: Yes.

Stephane Van Gelder: That's just an example. It would be any name. So if you're reverting it, if you look at standard domain names today, that part that's in front of the GLD.

Woman: So there are no more TLD ideals at all?

Stephane Van Gelder: As a TLD but it's written in the way anyone would normally read it, which is any Latin or using a Latin alphabet which is from left to right. If you look at some of these examples, I believe that, for example, in Arabic, it's written from right to left. So that's another thing that this technology is trying to solve, is the fact that it's not based on Latin character type addresses only. If your language is written left to right, you read it that way, and if it's written right to left, you read it that way.

Woman: Okay.

Michele Neylon: We'll have to close this off because we're already running over.

Stephane Van Gelder: Thanks very much for having us.

Michele Neylon: Yes, I think maybe we can have lots of interesting discussions around this and several interesting questions have been posed but I have to hand over now to Bertrand. We're having a French afternoon. So Bertrand de la Chappelle, who's going to talk to us about the Intranet jurisdiction project.

Woman: Five minutes.

Michele Neylon: He can - he will be brief. Okay, Bertrand - I know, for the first time in your life it's - okay.

Bertrand de la Chappelle: Good afternoon everybody. While the slides are loading, my name is Bertrand de la Chappelle. A certain number of you have seen my face in various functions in this organization.

I used to be the GAC representative for France and I then was elected on the ICANN board in November of last year. I'm here with (Bob Feninger) who's managing the Internet jurisdiction project with me which is fundamentally, in a nutshell, a dial up process among stakeholders to address the tension between the cross border nature of the Internet and the patchwork or national jurisdictions.

I don't think there is a big need to elaborate on the environment and the tension between jurisdictions because you are living that on a daily basis. You are selling your domains worldwide and you know that the content that is hosted under those domains is accessible worldwide. That is the beauty of the Web. That is the interest of the Internet.

The challenge is that the international architecture and the international legal architecture is based on the patchwork of national jurisdictions. And so

without getting into too much detail, the challenges that this patchwork or national legislation, especially for user-generated content or things that people are posting on their own that are not edited, it is extremely difficult to define what is the applicable law.

And that fact that it is difficult to define the applicable law means that there are things that are legally in one country that are not legal in another one and that, as a consequence, there are trans-border tensions and there are requests and there are desires to either take down some content or some domains themselves, take down content.

If you can go - okay, that's the first slide. You can go to the second one which is what I just said about the tension. The third one is basically the first one that I will address. You can move to the next one which is one of the challenges of applicable laws, when you have platforms - no, that was the previous one.

When you have platforms or your services, you're serving the world and there are different applicable laws. And this is an issue that is growing increasingly leading to the second point which is the most important one - the rise of cross-border requests to intermediaries.

These requests are being made to platforms. That can be Facebook, Google or others that are hosting content. So they can be (made) as well to DNS operators, the registries and an increasingly potential leak, or correct me if I'm wrong, towards registrars.

Country X is not satisfied with the content that is hosted under a specific domain name or under a specific user name on the platform. And they're trying a certain number of tools. They're trying to get the mutual legal assistance really to work which do not work because it requires a certain number of prerequisites that are not satisfied.

And as a result, you are confronted, like many other intermediaries, with the challenge of receiving a request that is based on the law of another country. It doesn't necessarily fit with the law of your country or the law of the country where you're incorporated.

There are relatively few provisions in your terms of service that relate to what should happen in those cases. And increasingly, you are just like other operators, under the request of making a determination which is a quasi-judiciary determination under a penalty of having the site blocked in the country, under penalty of having difficulty operating in the country, et cetera.

And so next slide is fundamentally the situation is not - the current situation is not really sustainable. It is not sustainable because the fact that private operators are making quasi-judiciary decisions, is not comfortable for a lot of actors.

But also because the reasoning that allows you to say we are located in Country X and, therefore, it's the law of Country X that applies, will not hold forever because increasingly, the government was on the other side, are beginning to adopt national legislations to try to apply their jurisdiction that's (territorial) or to develop rules that say any operator, that's less true for you but more for platforms.

You need to have operations or data in our country so that we can apply our national law. So this is threatening the very nature of the Internet as a cross-border platform and, to be frank, the very nature of your own business and the interest of your users who can buy a domain name from anywhere in the world.

So next slide. The consequence is that there is a need for some form of transnational due process mechanism that handles those requests and allows you, like other - like registries and like platforms, to receive a request that's correctly formatted, that have all the information and that allow you to

manage them in a way that is much more accountable and recognized as - today.

This slide is about the project itself and it's the last slide, given the time. The project was launched in 2012. It is about getting the different actors around the table. We have organized 13 different meetings in (monitoring) countries including four that were held last year in Brazil, Aries, India and Washington.

We've held outreach events in more than 20 countries with the different categories of actors and the whole process is currently involved in more than 70 entities. To name a few, this includes the government of the United States, many European governments, including Germany, Sweden, the Netherlands, France and the UK, but also the governments of Brazil, India, Uruguay and a few others.

Among operators, it includes the main platforms like Google, Yahoo, Microsoft, ccTLD operators, (Ouda), CTIBR, (Nixi) for India, (Natafar) and (Cera) and (civil society) actors, law enforcement agencies including Interpol, Europol, local law enforcement agencies. And the goal is to bring around the table - I forgot to mention OECD Council of Europe and European Commission.

The goal is to bring around the table actors to develop a framework for trans-border requests. (Unintelligible) has 32 international experts that produce a newsletter every month that you are highly encouraged to subscribe to and you should get a look at the next slide.

The goal is to have a trans-national due process framework on domain (procedures), content take down and access to user data. And the next slide is without getting into details, and the goal is here just to make a teaser and establish a contact with you.

The framework will have six building blocks that I will not detail. I'm here just to mention that we've been in contact with Michele and a few other people from your community. We would really like - (Paul) and I are just the facilitator of this process.

The goal is to expand the number of actors who are participating and extend particularly to engage the registrars much more because today, one of the big challenges is that to be absolutely frank, when very large platforms like Facebook, Google and the others have the capacity to resist those pressures, when large registries have the capacity to resist those pressures, in many cases, registrars are one of the weak links and you will be submitted to a lot of pressure regarding domain procedures.

And one of the objectives is to define, not only the procedures, but also a level of principles that establish that the domain name level is not a content control panel and that the only conditions under which domain name procedures should really contemplate it as a solution is when there are propagation of malware, (fishing) or activities that are really harming the whole infrastructure.

And that the conditions under which domain procedures have the appropriate solution for content related issues should be extremely narrowly defined and set with an amount of caution. That is not the case at the moment.

So the goal is to provide for the whole community these platforms, albeit, GNS operators a set of principles and procedures that will allow a formal harmonization of the procedure if not a harmonization of content.

I hope it was useful. The last slide is just the reference if you want to contact us afterwards. The address is Internetjurisdiction.net. Please subscribe to the mailing list. We would love to have, as I said, we've been interacting with Michele. If there's one or two other actors in the community that would be willing to interface more so that we can discuss further, I'd be happy to.

Michele Neylon: Thank you, Bertrand. I'm very conscience of time and everything else so if anybody wants to follow up - okay, I'll let one person.

Woman: Does this project or a (fishing) project cover the Web content, right, basically? And if it does, you would cover the whole criminal activity and intellectual properties related to each?

Bertrand de la Chappelle: Good question. The work has been conducted during two years. The objective and the end result has been to narrow the scope to what is really requiring a particular action. We do not cover - the process is not on copyright, trademark and things like that.

It's mostly on user generated content that triggers tensions between jurisdictions, typically situations where something is legal in one country and not legal in another one.

And as I said earlier and this is a very important message to you and registries, the goal for that aspect of domain (seizures) is to make sure that domain (seizures), whenever they happen, with content -- I'm not talking copyright -- related to content are absolutely necessary and there is no other level more granular that can be addressed. And I think this is one of the important elements that needs to be documented at the moment. Does that answer your question?

Woman: Yes.

Bertrand de la Chappelle: Thank you.

Michele Neylon: Thank you very much, Bertrand. Okay, welcome.

Man: The (unintelligible) one solution but when we're dealing with content, it seems much more practical to also bring the hosting service providers to the table

who are not represented at ICANN because they are not directly involved with the domain name. So is this effort also directed at hosting service providers and how are they involved?

Bertrand de la Chappelle: This is an extremely valued question. We have started with, really, the - a minimal set of actors. The hosting provider is clearly a category that we're now trying to engage because they are the next ones on the line if we want to move from touching the DNS towards addressing the actual content.

The more granular it's needed, the more it goes to hosting. The hosting providers that are fully part of the large platforms, blog posting, like when Google (has gotten) posts and things like that or Facebook or the rest, but the hosting providers for individual sites are not yet in the landscape and is part of the next round of actors. Thanks for the question. It is in the literature. Recommendations for contacts, by the way, is this one.

Michele Neylon: Thanks very much, Bertrand. If anybody needs to follow up with Bertrand or once we put you in touch with him, he's not hard to find. He's the flamboyant Frenchman...

Man: (Unintelligible).

Michele Neylon: Exactly. Flamboyant Frenchman with white hair floating around. You'll find him somewhere in the building at some point. If not, just let me know and I'll put you in touch with him. Thanks. Go on.

Woman: This is not a question. It's a very short - since ICANN already spent so much money on the TNCH and maybe in the future, this TNCH (delegation) make available to anybody. So if anyone finds any content that - at the trademark intellectual property related, as usual, they should check the (obvious) first. Just my thought.

Michele Neylon: Yes, the registries have joined us. I believe Mr. (Graylik) is out there somewhere. Apologies for the delay. We ran over slightly with the board which had a domino effect. And thank you for coming in to join us today. We appreciate it.

We have reached a gentlemen's agreement that on this occasion, registries would come to us but in LA, we would go to them assuming, of course, that the registries aren't given a broom coverage in LA which would, of course, render the entire thing a little bit difficult. There are some spaces at the table. If more of the registry people want to join us up at the table, please do.

Man: (Unintelligible).

Michele Neylon: I don't know. I can't speak for him.

Man: (Unintelligible).

Man: So thanks, Michele. Thanks for inviting us in. I object to the term gentlemen's agreement because I don't think either one of us are gentlemen.

Michele Neylon: Well, I was trying desperately to categorize you as a gentlemen but, you know, by extension, myself.

Man: Yes. And as far as the meeting room choice is concerned, I think we sort of agreed that if there's a bigger room, then it's logical for us to move all to the bigger room. And if they're the same size, then we'll alternate. So I think that's a reasonable approach.

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