

**Transcription ICANN Singapore
NCSG Meeting
Tuesday 25 March 2014**

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Rafik Dammak: Okay, let us start, so hello everyone. Thank you for coming to the NomComercial Stakeholder Group Meeting. So my name is Rafik Dammak and I am the Chair of the stakeholder group. I know that it's not a good time, people are just still eating their lunch, but thanks for those who may be (unintelligible) now. So we will wait for others to come.

So maybe let's start with people to make some introductions, start from the right side. Fabio can you just please introduce yourself and (unintelligible).

(Roger Vartner): Hi and hello everybody. My name is (Roger Vartner). I'm a member of the board of the (unintelligible) Steering Committee and NCUC member.

Woman: Hi, this is (unintelligible). I'm an NCUC member from Bangkok, Thailand.

Man: (Unintelligible). I'm a member of the (SCC).

Woman: Hi, my name is (unintelligible) from the Association for Technology & Internet (unintelligible) and it's my first time with ICANN.

(Shaquil Redmond): Hi everybody, my name is (Shaquil Redmond). I am from Pakistan and I am a second time fellow at an ICANN meeting and am interested in the (NCSC). Thanks.

(Olsen): Good morning everyone, my name is (Olsen) and I am from India and I work with an organization called the Risk (unintelligible) which is a not for profit organization. And I'm also a first time fellow here and I'm looking forward to learn from and you and looking for (unintelligible) and where I can (unintelligible).

(Yaka Fayed): Hi everybody, this is (Yaka Fayed) from Pakistan. I am a first time ICANN fellow and I've been working with an organization called the (unintelligible) Telecommunications Council. We actually work on telecommunication and IT policies. We (unintelligible) the policies and development in the Middle East and the Africa region. We are a not for profit organization by the way, thank you.

(Sara Izzie): Hi, I'm (Sara Izzie). I'm a first time fellow and I am from Iran and I have (unintelligible).

Milton Mueller: Milton Mueller, Syracuse University, Internet Governance Project, NCSG Executive committee.

(Maria Macill): (Maria Macill) from the Center for Technology and (Science) (unintelligible) Foundation in Brazil, NCSG Policy Committee and Cross Community Working Group Internet Governance.

Woman: (unintelligible).

Rafik Dammak: No, it's an open meeting. We welcome everybody.

Woman: I'm (unintelligible) from Egypt. A member in the (unintelligible) domain names.

Walid Al-Saqaf: I'm Walid Al-Saqaf, NCUC member.

Bill Drake: Bill Drake, I'm the Chair of NCUC.

Brenden Kuerbis: Brenden Kuerbis, I'm a member of the Internet Governance Project, Syracuse University.

Rudi Vansnick: Rudi Vansnick, I'm the Policy Chair of NPOC and the Alternate Chair of the (NCSGEC), sorry.

Klaus Stoll: Klaus Stoll, NPOC, NCSG, and GNSO councilor.

Marie-Laure Lemineur: Good afternoon, my name is Marie-Laure Lemineur and I'm the Chair of NPOC.

(Laurie Shulman): I'm (Laurie Shulman). I represent ASCD who is a member of NPOC and I am a member of the NCSGEC.

Sam Lanfranco: Sam Lanfranco, Canadian Society for International Health. I'm in NPOC, NCSG, and I'm on the Policy Committee of NPOC.

(Neil Struber): (Neil Struber), Acting Head of (unintelligible) and Article 19.

David Cake: David Cake from Electronic Frontiers Australia and NCSG-GNSO councilor and a member of NCUC.

Carlos Afonso: Hi, Carlos Afonso, Institute for Technology and Society in Rio.

(Grace DeVega): (Grace DeVega), Kenya (unintelligible), NCUCEC.

Rafik Dammak: Thanks so the agenda you can see on the screen, so just - we start to get reports from the different constituencies, but (unintelligible) we have I guess expert working groups - members of the expert working groups that they want

to talk with us. So I guess maybe we can just start with the (week) reports. Who wants - okay maybe we can start with you. We can start with you Marie-Laure and maybe we will have the expert working group coming. After that, we will really start discussing about the topics that we want to discuss with the ICANN Board in the meeting start from 3:30.

And just maybe if we have enough time just to get reports from the NCSG Policy Committee and if there is any other business, so do you agree with this agenda. If you want to make some (unintelligible).

Woman: Would like (interest) in an additional item, which is a request for ICANN to cover - for funding to cover travel to the Brazilian meeting.

Rafik Dammak: Okay, I think we have (unintelligible) so we can talk about that.

((Crosstalk))

Woman: Yes.

Rafik Dammak: Okay, so let's start with the report in the meantime.

Marie-Laure Lemineur: Good afternoon again. Basically what we - most of us arrived on Friday and on Saturday we had a pre-ICANN one-day event that we co-organized with the Domain Name Association plus the Public Interest Registry and ICANN, and that was the - the title of the event was Multi-Stakeholder Dialogue On DNS In Development.

We basically discussed the issues related to gTLD (fault) developments, ICT (fault) developments, and integration property applied to society. Then on Sunday we all attended the GNSO Council session. Monday - most of us went to the opening ceremony and then stayed and attended the session on (IANA) and in the afternoon, I believe we all (split into) different sessions.

Some of us went to the Cross Community Working Group. And I didn't, so if you want to explain - I don't know.

If you want to mention what happened during the session. Not really and well basically Tuesday which is today we started very early this morning with a meeting with the NomCom, a half hour session with the NomCom and then had you know stakeholder constituency day from 9:00 to 12:00 where some of you actually attended the session and discussed - covered you know different issues ranging from membership to you know reporting on finances, upcoming plans before we finish in June and now we are here, so I believe that would be it. If you have any questions, please.

Rafik Dammak: Thank you Marie-Laure. So...

Marie-Laure Lemineur: Sorry, forgot to say we went to the gala last night. That was the social part of the agenda.

Rafik Dammak: Okay, that's in the record, but okay, any questions.

Kathy Kleinman: Yeah, I do. Sorry, Kathy Kleinman. Sorry to be late in joining. Would you discuss - you know feel free to say it's none of my business, but the discussion with NomCom. Did it have to do with the extra seat and what's the result.

Marie-Laure Lemineur: Oddly enough when I received - I mean usually we do request a meeting with the constituencies. And originally, my understanding is that we were going to discuss the skillsets for recruiting ICANN board members and then, actually we did not discuss at all this issue. Just explain to us what we were doing and then we needed up discussing the NPOC seat on the NomCom.

I mean there were - that's a good question. We are not planning to discuss this with them but rather to (know) because it was on the agenda for this meeting, so you know we (unintelligible) the opportunity and had a very

interesting conversation actually. And they made some recommendations and I don't know if we can provide some more details when we...

Rafik Dammak: I think usually for ICANN meetings, the NomCom tries to meet all of the Constituency Stakeholder Group, but this time, I didn't receive any requests, so I'm not sure about NCUC. So it's quite strange, because usually in this time they try - yeah, because usually they try to get the feedback of the community and kind of what to provide of board members and about (outreach), so I'm not sure, but (unintelligible) insight into (unintelligible) and present it to NomCom.

Man: As a replacement appointee for NCUC for your replacement, I had my first NomCom meeting yesterday so I don't have too much background, but I am aware of a proposed bylaws revision to address the NPOC seat. And concerning kind of criteria for candidates, I think I can speak to this. We are not talking about individuals.

But I guess my concern yesterday was that much of the criteria that they were coming up with working with a (search firm) was very business oriented. And I understand that ICANN is a business, but it's a public benefit corporation and I think the criteria should be wider, should address more concerns, particularly around the NomComercial area.

So you know I am not - I am so new to it I'm not quite sure, particularly in this round, if we can influence that. And the application period is coming to a close here pretty quick, the 1st of April, so but in the future, I think we need to think strategically about how we will shape that initial discussion about what are the criteria for the candidates that they are looking for.

Rafik Dammak: Usually (unintelligible) a member, that's why they have the meeting with the communities to get the feedback and to discuss it with them, but this time it didn't happen. And for the (unintelligible), I think there is - I guess it's tradition to (unintelligible) extension.

Woman: (unintelligible).

Rafik Dammak: This time.

Woman: (unintelligible).

Rafik Dammak: I don't know why. Usually it depends on the date of the AGM. I think it's in October this time. That's why the date of the AGM ICANN meeting, but I don't know. That's new leadership and (unintelligible) how many applications they get. So never say never, so...

Woman: (unintelligible).

Rafik Dammak: Yes, Klaus.

Klaus Stoll: I think it is important to be fair to all of the old candidates who are still on the list that they have to reapply in the new format. They are having a new Web page, they are having a new format, so if you don't - I mean people like me who were permanently on the list to think it's rollover year to year. No, this year it's not rollover. You have to go through the whole rigmarole again.

Rafik Dammak: Do you mean to reapply?

Klaus Stoll: Yes.

Rafik Dammak: Okay, so our guests are coming, so maybe we will start soon.

((Crosstalk))

Man: I didn't understand, Klaus. You are permanently on the NomCom list for what? You are a GNSO councilor.

Klaus Stoll: Sorry, but there is nothing to (unintelligible). I would ask (unintelligible) if I would like to (unintelligible) candidate.

Man: Yes.

Klaus Stoll: I put all of my papers in and normally you get a letter if you are not selected. (Unintelligible) next year complete it again and stay on the list. This year they changed it and said, "We have a new Web page, we have a new procedure," you have to (unintelligible).

Man: (Unintelligible).

((Crosstalk))

Man: So we will start in a few seconds. Please wait.

Man: In the meantime, maybe we could learn what good food do you have in the food court.

Woman: It does smell good.

Rafik Dammak: Well it's not more time for food now, only food for (unintelligible).

((Crosstalk))

Rafik Dammak: Okay, so I think we may start. Okay, thank you, so our guests are the Expert Working Group on the New Generation Registration (unintelligible) Service, and so we have I think (Stephanie) involved with that and could you just introduce it.

Susan Kawaguchi: Susan Kawaguchi from Facebook.

Rod Rasmussen: Rod Rasmussen with Internet Identity.

Rafik Dammak: Okay and also NCSG sent a comment to the latest status report and we wonder if you could make a quick overview on what the Expert Working Group has done and then maybe you can get our feedback and our comments on the reports, okay, so can you start.

Rod Rasmussen: I'm perfectly willing to talk for a few minutes, but I'm just here by circumstance and have to leave in a few minutes, so I guess we didn't plan this very well. So we gave a presentation yesterday. This is the same presentation, right, I assume. This is the condensed version, okay, well let's see. There is a video about the RDS, what it is. I hope most folks here are familiar with it and we don't need to spend a whole lot of time.

Woman: Rod, can you just (unintelligible) acronym (unintelligible).

Rod Rasmussen: Okay, well that means I actually have to know what the acronym stands for. RDS, Registration Data System or Service or Servers or something what the S is for. Service, thank you.

So now we don't have any slides. Okay, is (unintelligible) doing a video embedded in this one?

Man: (unintelligible).

Rod Rasmussen: What's that? Yeah, maybe it gets...

Woman: (unintelligible).

((Crosstalk))

Rod Rasmussen: Yeah, well we are fine for about half. So there is a very cool video which is available on the ICANN Web site as well, so there is a link to that.

Man: (unintelligible).

Rod Rasmussen: Well that's up to these folks here. Do you want to see the video?

Man: (unintelligible).

Rod Rasmussen: It's about two minutes.

Man: (unintelligible).

Rod Rasmussen: Okay, so if you want to see the video, let's roll the video.

Man: Not everybody has a background on what you are talking about.

Rod Rasmussen: Okay, cool.

Man: (unintelligible) people here.

Rod Rasmussen: Okay, sorry I'm coming in kind of cold, so we will show the video. This is just an overview of what the whole concept is, the project, or whatever you want to call what we are doing with the working group.

Okay, so I will try and - yeah that's fabulous. Well yesterday it worked about halfway through and then it went into that. That was very funny. Are you going to try and...

I think we will skip that due to technical difficulties. So the Expert Working Group was formed a little over a year ago to take a look at the registration data collected around the registration of a domain name and looking at it from really a clean slate perspective to - if we were to start today and build out a system and service to handle the needs of the various stakeholders what would we do and lets go ahead and put together a plan.

And then - and this is commissioned by the board directly, so that's why it's the Expert Working Group, and I guess we've got a couple more expert working groups now that have formed up and other things since then, but I guess we were the first.

The idea is that feedback to the board which would then put it through the normal GNSO and also policy development process from there based on the recommendations that come out. So this is not a group that's going to make any policy. We are making some recommendations around where to go potentially with a lot of things.

But there are a lot of different principles that we've surfaced as to how you might want to approach this to take - to provide the ability for various stakeholders to satisfy their purposes and then incorporate concepts around efficiency, privacy, all of these various aspects that weren't really taken into consideration in the original Whois system, which was you know designed 30, 40 years ago, whatever or whenever we came up with the (ARPA net).

So that's what we were commissioned to do. We've been doing it at various meetings and now you know the whole concept of this registration data service is that we have - we are proposing a couple of different alternate systems. At least that's what we have in our reports. There have been public comment periods for it where you have a system where you have people providing data into that system, storing that data, and accessing that data under far more accountable and purpose driven needs.

So that's the whole idea of having this kind of diagram here. This is a theoretical model, right, where there is a database that may be distributed in multiple places. There is an interface that people can use and there is some sort of potentially gated in some cases and in some cases not gated access to various different information.

That is kind of what (unintelligible) in the video in much more eloquent terms than I just did. If we want to just move on to whatever the next slide is.

We gave a status report in November at the - right around the Buenos Aires ICANN meeting. We had some sessions there, some public comments we took through the end of February. During the winter - well winter for us northern hemisphere types and for the southern hemisphere I guess summer. Yeah and we are on the equator here so I guess it really doesn't matter too much.

But the - we had some research done on various aspects and questions that we wanted to have surfaced. We looked at things, practices done by ccTLDs, which have a wide variety of different requirements for getting domain registrations.

We took a look at - and these are RFIs, which are Requests for Information, and I will explain the acronyms going along. Requests for Information in this context if you will familiar with kind of contracting processes, this has nothing to do with that. This is basically what it says; request for information from parts of the community or various providers out there for information around things that they do.

So there is one we did on potential providers or people who do accreditation of different types of groups and users out there. So this is again looking at how you would potentially accredit ate various people to get access to the system and validate and et cetera who they are. So if they are making an attestation, (it will add) any data that it has provided.

IBM did a really robust model cost comparison which - all of these will be published in the summaries for the information. But they took a look at the two main models that we proposed and gave a very robust look at how that - they could potentially be created as systems, et cetera, and what the kind of costs would be involved.

And then a very extensive survey on privacy and proxy service providers where I think there was 50 some responses, which we got 11 really in-depth responses, which were very informative to how those systems work. And I believe we are starting out with a PDP around the privacy proxy if I remember it. Yes, okay, so that served a dual purpose. So we got - you know got - ICANN got a two for one special on that.

Next slide please.

Woman: Can I just ask you a question?

Rod Rasmussen: Sure.

Woman: What are the - could you just outline briefly the two main models.

Rod Rasmussen: Sure.

Woman: the initial report had one main model, a centralized database for WhoIs. What is the second model?

Rod Rasmussen: Right.

((Crosstalk))

Woman: (unintelligible) comments that you've asked for the survey.

Rod Rasmussen: Yeah, so my apologies. Yeah, there are two primary kind of data models that were proposed. One is bringing the data together you know for the standard you know kind of aggregated system where you have the data collected into one database that could be obviously replicated, but it would be you know stored logically in one place.

The other is a federated model where data may reside in different databases in different regions and things like that so that helps potentially solve some issues, it creates others, and that's what will be - what we have presented on and we can do more presentations. The pros and cons of that, the tradeoffs you get from having either kind of a more central aggregated model versus a federated model where the data may be more distributed.

Okay so we have been very busy here in Singapore. We had a couple of days scheduled and we actually added - we did another full day on Sunday to go over feedback and kind of our own review process of what we've been doing internally.

We've launched this risk survey, which we are asking basically all of the members of the community. I think there - is there a slide that explains this a little further after this? I'm trying to remember.

Woman: (unintelligible).

Rod Rasmussen: okay, yeah. No, this is the real short version, so let me expand on that. The survey is - we are asking all members of the community basically who are affected by this, which is pretty much everybody, to take a look at this and provide their input into things they think may impact them. The two things that they may think will impact them the most, and these are both from a risk and benefit perspective.

So what are the things that you see as potential risks to the - you know from each respective model. And what are the things that could be very good benefits. Which ones do you think may be likely to happen and there was another column. I don't remember what the fourth one was. What was the fourth column on the risk survey?

Woman: (unintelligible).

Rod Rasmussen: Pull it up. Yeah, okay, and then we are going to use that. Okay, well let me just run through the rest of that and then we can take a look at the survey real quick. We really want to get - what we are trying to do here is fill the gaps to make sure we haven't missed anything really major and also make sure that if there is some areas of concern or some very specific things that people have a lot of interest in that we cover that thoroughly in our final report.

The goal is to have a final report done and to the board by June so we will have that done by the London meeting and we will have some presentations and discussions at the London ICANN meeting.

I think that's about it. I don't know if you want to share the survey real quick. I don't know. Did we get the link working on the...?

Woman: (unintelligible).

Rod Rasmussen: Okay, cool. There was a problem with the link that we provided. They had a shortened link yesterday and...

Woman: (unintelligible).

Rod Rasmussen: Okay.

Rafik Dammak: Maybe we can (unintelligible).

((Crosstalk))

Rod Rasmussen: Yeah, while they are doing that, if we want to have questions for the group.

Rafik Dammak: yeah, because it's really a good opportunity for us to give you direct input and feedback. We sent you our input a few weeks ago, but I think maybe face to face to share our thoughts, so let's start with Kathy.

Kathy Kleinman: Kathy Kleinman. I'm looking forward to them putting the survey up because this is seeming new that we hadn't known about. It wasn't part of the comments on the most recent report. So what I wanted to do is just give a quick overview.

We submitted very short comments, they went on about 14 pages to the Extra Working Group, so I will summarize them, and thanks to everyone around the table who helped edit, you know review, and ultimately submit them, so thank you. It was an NCSG submission.

So first, thank you to the Expert Working Group, both the people here as well as those not here. This was a group that was supposed to only work for three or four months and now it's 18 months. And having been on the Whols Review Team for 18 months, this is a lot of our lives that are spent, so thank you very much. And I understand you are about to go into very intensive meetings multiple times a week, so this is enormous.

Let me just - there is no slide up about what data is involved, what the Whols data is, so let me just remind everybody that for a domain name registrant this includes name, telephone, email, and physical address. And so for those of us in the NomComercial world, this data identifies the domain registrant which could be for us a NomComercial organization, human rights groups, public interest groups, political minorities, religious minorities, individuals.

And (Maria Farrell) who I understand is under the weather which I'm sorry about gave an amazing intervention at the ALAC panel that we had discussing both this and proxy privacy world where she said she's a blogger. And being a woman with an opinion that she publishes, she wound up with rape threats after she publishes on a number of issues. In fact, she has men that after she posts something that might be a little controversial - she actually has her friend screen the emails because they are so upsetting to her.

So you know for us, for people engaged not in the marketplace of goods and services but in the marketplace of ideas. Some of our ideas are very purposely confrontational and the idea that someone could find you at your home has always been very upsetting to me and it was something that we talked about in all of our comments on Whols and to the Extra Working Group.

Let me summarize very briefly things that we support strongly in the interim report that was published in November. We support binding corporate rules. The idea that ICANN should adopt a privacy policy that would then be incorporated into the contracts with registries and registrars. Data protection - there are privacy laws all of the world and it's time for us to come into the 21st Century on that.

And that we support the ongoing use of proxy and privacy services, which the EWG calls shield services and not just for individuals but of course for human rights organizations, NonCommercial organizations, as well as small businesses and all businesses. The Whols review team found that all forms of registrants, individual, NonCommercial, and commercial all use proxy privacy services for very interesting and legitimate uses, so we support that.

As well as secured protected credentials - that those domain name registrants most at risk in the world should have an extra layer, almost an anonymity in their ability to participate. But we all agree and every comment that the Expert Working Group received on this would be that these secured protected credentials be very, very limited.

So we are still looking for privacy protection for a larger group that would include you know schools in Pakistan for girls, NonCommercial organizations, the LGBT groups. You know you could just keep going and going about the NonCommercial groups that would need privacy protection that might not be as high credentials but in the middle.

Things that troubled us in the report and we would love to have a discussion about it. One is the introduction of a new field called the registrant type where there are only two choices, individual and legal entity. Many NonCommercial organizations are legal entities, but it doesn't mean that they don't have privacy protection or freedom of expression protection or freedom of association protection that would protect their addresses in part from disclosure or the need to protect them from disclosure.

There is a lot of data. If we are going to create this one central database, there is a lot of data going in. Do we really need all of this for the technical operation of a domain name system or should we ask for more legal process? Have a limited amount of information and contact - be able to contact the registrant if there is a technical problem, but go through the registrars under their national laws to find out actually who the person is.

This is what happens in a lot of other types of Internet cases. You actually have to prove you know locally that what you are asking for is illegal under national laws that protect the registrant. Here we are moving the data to a centralized database.

If the Chinese Government starts looking for all of the pro-democracy groups is that right? Is that appropriate if those democracy groups are based in the EU or the U.S., should this database be revealing that data? So too much data. Let's streamline it.

And then, something -- and hopefully you can correct me -- that appears to be unlimited access to those who have credentials to the data. So if there is - there will be some layers of privacy and it's still not clear what data. At least to me, what data is published, what data is not, who opts in, and who opts out. But ultimately if you have credentials, if you are law enforcement or a law firm, what appears to be - and please help me. Once you have those credentials, you can have all you want of the data.

And how do we limit - and hopefully that's a misunderstanding, but there appear to be requests that anyone in an organization from paralegals up in law firms can request data and that it is somewhat unlimited once you are inside. So those were - but you know lots of people here have been reading and participating so please join the discussion and raise other concerns, but let's start off with those three, registrant type, too much data, and unlimited access once you have credentials.

Thank you.

Man: I will address the last one first. That is not - I think that is a misinterpretation of our intent. Every request for data out of this system is purpose driven, so I don't think we are going to allow the purpose to be I want to pull all of the data out of the system. In fact, I think we specifically said no bulk access. And another one of the principles I believe we have in the preliminary report. Three is so much internal at this point I don't know which is preliminary versus the internal.

I do know that we have the concept of or principle around ensuring that the system is not abused by credentialed access or law enforcement or whomever has credentials to harvest data indiscriminately. That's definitely part of our overall goal with providing this is that you can actual hold people accountable who are accessing the data and not just the people who are providing data, so that's certainly our intent within that.

Man: So did I hear you right? You said no bulk access? No bulk access at all or is there a particular condition or...?

Man: Yeah, if I remember what exactly we have in the report, but the idea being you can't just take the entire database and get all of the information out of it. Yes, from that perspective of bulk access.

Man: Under any circumstances.

Man: Yeah, well we can't replicate the entire database. Other than for escrow I guess would be the only reason to do it I would think. Or not escrow or you know systems - you know you don't want the data to just disappear because the server has failed or something like that.

Man: But that's very good.

Man: Yeah, that was the intent.

(Omar): Hi, this is (Omar). You have a section in the Status Update Report about the analysis of jurisdictional concerns and applicable law. This was also an issue we had to deal with on the Thick Whois PDP and (Susan) will remember. We spent a lot of time working on this and we came to the conclusion on that working group that we lack the capacity to address this effectively. We really couldn't.

And hearing in the Status Update Report that you are also recommending further research be done this, so in that light, don't you think it would make more sense to recommend that ICANN take a serious step towards addressing this concern so that you can get it right. So that we can all get it right before we suggest moving forward with what is admittedly an improvement to Whois, but still it's quite radical and we would want to get it right.

So (Susan) you remember one of the recommendations we tried to push for with the NCSG members in the working group was an issue report to address these concerns. And we didn't manage to get that through, but don't you think at this point that it would be a good idea? You yourselves are suggesting more research be done on this. Thanks.

Woman: so one of the things that we are exploring because this data is all either all aggregated or all in one spot or - and it would probably work in the federated model also is a rules engine. And that could be each country could put their

rules in for data, the handling of data into the RDS. And if you were looking for information from Germany, you may only get this, but if you are looking for information from someone in the U.S., you would get that.

And so you know I mean this is early thinking. Do we have all of the implementation. You know we are not implementing this. This is going to go out to the community and to the board, but we are definitely exploring other options to deal with that. And I think leaving it up to the local jurisdictions who understand their data policies is probably the best way to do that. That's my personal opinion.

And you know we've been told - what was that?

Man: I second that.

Woman: Okay, so you know a lot of hard thoughts and a lot of hard won political issues surround this, the use of data, and we do need to respect that. But we also need to make sure that when you know there is Contac ability, that you know people can know who they are dealing with on the Internet. If they are going to be you know handling over their personal information as address for shipping and credit card, then they have a right to know who they are doing business with. And so, it's balance and I think we're on the right track with that.

Man: My apologies I have to leave now. And Kathy my apologies to you because we answered your first two questions and this is your third one there. So I think it's definitely - and thank you for your time and I have to leave.

Kathy Kleinman: Can I ask you a quick question about accountability. It can be before the fact or after the fact and for us, we are going to be really concerned about accountability after the fact because people can be (unintelligible) in the process. I mean once you engage in freedom of expression issues, it's the data that's given up and you are trying to check accountability after the fact.

Man: Right I think depending on which parts of the system you are looking at, we are trying to build it into both sides right and that's at least a goal.

Kathy Kleinman: (unintelligible).

Rafik Dammak: Any other comments or questions? Yes Kathy.

Kathy Kleinman: And (unintelligible) is definitely supposed to join the discussion (unintelligible), but the question about too much data and whether we can streamline it. Why we are putting all of this data into a centralized database or even regional databases and then the question of access, how much access you have once you are a law firm with credentials and one of the things you do is trademark infringement, which is a lot of the use of the Whois data also. It's to go after people you deem to be a trademark infringer or a copyright infringer and of course it's based on allegations which haven't gone to court yet. So these are lots of issues that have been percolating in the ICANN world for a long time.

Woman: (unintelligible) trademarks. Okay, I just wanted to give you an opportunity. So you know I'm not quite understanding your question about the data elements. You know we really haven't. We've really looked strongly at all of the elements that are currently in the Whois record. Those were decided upon a long time ago, yes, but I think they all had defined purposes at the time and maybe some of those have broadened and grown, but you know we definitely looked at use cases and if we - one of our earliest principles was if there wasn't a use for the data element then we are not going to recommend it being in that set of data elements.

We also have looked at the possibility of do you really you know like (unintelligible) and I - you know all of the information for registrant admin and technical contact are all the same. Do I really need to publish all three records three times? Maybe not; maybe we don't need to do that, but if you are not the technical contact for your domain name it gets back to the contact

ability. Do you need to - if someone needs to contact you, are they able to - are the data elements in the record available.

So we've really given a hard look at each and every data element and spent lots and lots of time. We initially sort of brought in a lot more data elements. There is a lot more data at the registry or the registrar primary. Do those belong in this database that is accessed by the public. Yes, there is a credentialing process but it is still you know depending on what level you - of data that you might access that could be...

Rafik Dammak: (unintelligible).

Woman: But that's not a new concept. That's most ccTLDs or a large number of ccTLDs making (unintelligible) that anyway. So you know I think what we've come up with is there is a (unintelligible) and we have data in the background to back it up.

Man: I'm sure you probably were not speaking as - in detail so I'm going to ask you. You said if there was no use for a data element you wouldn't include it. And I think by use - I mean there's not a single data element I couldn't think of a use for somehow, somewhere, sometime, so presumably there's a (unintelligible) than just possible use.

Woman: Well we came up with - and we asked the public for some of this information too. You know (unintelligible) for WhoIs record for. What do you need when you have an issue with a domain name, with a Web site? And so we looked at all of the elements, the contact ability elements mainly. And due do we need those.

And so...

Man: Contact ability is the criteria.

Woman: That's one of the criteria but yes when it comes down to it and can you at least identify who they say they are. You know I mean an address you can search and you know you will not go out to their home hopefully. And I agree on the privacy proxy. I don't think we had any debate on that on the Whois team. That there is a desperate need for that in every you know in the domain world, in the Internet world. But you know all of the data elements that we are advocating leaving in you can also go back to the report and see the use case for it.

Woman: And we commented on the initial round on use driving purpose for the data. So we commented that that was a strange way to do it because you can find all sorts of uses for data, but it's the use of the drive of the collection of the data versus the initial need for which the data was created and collected, which is the technical purpose really.

Man: The purpose of the...

Woman: the domain name.

Man: (unintelligible).

Woman: But so this is an open issue but somebody has their hand raised.

Woman: Yeah, hi. I'm (Volatna) from the Association for (unintelligible) and Internet but I am speaking for myself. In some jurisdictions there is principle of proportionately so have you looked into the proportionality aspect of the use of data when - considering this model.

Woman: Well I'm not familiar with that concept completely. I would give a guess to what you are talking about, so I haven't seen a definition of that is what I am getting at.

But yes, I mean we definitely feel like the information that you know you would initially access is the most important data for contact ability, so everyone - and you know we have not defined this completely yet. We are still working. We have a whole month of intense work to do because we've got some hard nuts to crack, but you know everyone should be able to contact a registrant whether it be for a technical issue, an IP issue, a you know consumer protection issue so that email address is the most important.

And also probably the most least harmful to that registrant if its misused - yes spam is bad. Nobody likes it. I hate having to go through spam, but it's not my home address where someone could walk up to my door and knock on my door.

So you know we are looking at the importance of the balance based on those use cases and what makes the most sense to allow both sides to - the registrant to be protected but also the consumer to be protected - that contact ability. Back to that again.

Man: (unintelligible) because we should go to close it (unintelligible).

Woman: I'm sorry I haven't all of this yet, but I would just like comment at something. (Unintelligible) from the country where the political (unintelligible) is strong and (unintelligible) human rights protection in Thailand.

I would like to ask the working group to consider about telling the registrant the proposal (unintelligible) want to know Who's information from that domain belong to. I mean if I am like (unintelligible) I'm on the Web site. If I know that I do the (unintelligible) anonymous, I don't want anyone else to know who I am.

So I would put that (unintelligible) something. But I may want people to contact me if I know that that person - that the (unintelligible) person wants to contact me. So in fact what I want to say is that if I know the (unintelligible)

info from me or (unintelligible) from me or how I (unintelligible) to them. You have like this kind of...

Woman: I'm not quite getting it, but so you are saying that someone could request to talk to you or to get information from you, but not be given your contact information. I mean it sounds like (unintelligible).

((Crosstalk))

Woman: By default the (unintelligible) Whols (unintelligible) telling something, but if there wasn't like a name or an email, they have to tell me (unintelligible).

Woman: so that is a concept that we've debated. There is a lot of issues on each side and we think that if you are truly in a situation where you need to be protected, then (Stephanie) has outline the (unintelligible) process. And even a heightened proxy, a proxy would prevent people from knowing who you are. So some of this exists now and there is a case elevating that proxy relationship to the registrant where you are highly protected. So unfortunately I have a meeting at 2:15 elsewhere.

Man: we would have (unintelligible).

Woman: that would be great.

Man: One last question. I want to ask after you talked about (unintelligible) can you elaborate more on that.

Woman: (unintelligible). I think maybe it would be helpful from a privacy perspective if we just went down the tier. So the concept of (unintelligible) secure protected credentials and this is a new process at ICANN. We would need to set up some kind of tribunal and some kind of attestation program whereby if you could prove that you were definitely at risk.

So for instance, you are a promotion of GLTB folks in Russia or a country where it's - you can be thrown in jail for being...

Woman: thank you (unintelligible) sorry. (Unintelligible).

Woman: So then under those circumstances you would apply for a credential. We would have to figure out how to verify that you weren't a criminal during the setup of a Web site with this excuse. But you know, these mechanisms can be put in place, so there's not a layer. Then if you are someone who doesn't want to be harassed like (unintelligible) said the other day, you are just trying to run a blog, but you don't want to receive - folks showing up at your door. That's a privacy proxy service and in our model, the agreement was that the privacy proxy - the details of the customer don't go into the centralized database.

So that if you are someone posing as a legitimate law enforcement but in fact you are either the ex-spouse tracking the wife down to kill her or whatever, you don't get anything except the privacy proxy service.

As I keep telling the privacy proxy service folks who are worried about losing their market, this is going to drive more of a market because it's going to be a little more organized and you won't be able to put bogus Mickey Mouse information in anymore, but you would be very unwise not to use privacy proxy services if you are for instance the situation you described.

Okay then in lull of that you've got a rules engine that implements local law because I would argue that at the current time it's not necessarily the case that data protection law gets implemented at the registrar. Some are better than others, okay, and I wouldn't know. I haven't done an audit. I can only speak for Canada where I have been snooping.

So and then the - and somewhere at this level with the local specifications into this proposed rules engine, and this is a new idea, that would be

purposed driven. You've also got to cover small business and figure out how you are going to do that because they don't - in some jurisdictions (unintelligible) covered under data protection law and in others they are not.

In others, they are covered under different laws. And building this rules engine and doing the research on jurisdiction is a non-trivial proposition. It doesn't exist at ICANN as far as I can see and it's a lot of work and it changes all the time.

So that brings us to the proposal that went into the Brazil report which was why not have binding corporate rules which originally developed in the European union but is also a concept that has been agreed by the APEC countries that there is a set of rules that a corporation agrees to and an international organization agrees to. It says they will abide by those. They set the bar for their privacy principles at a high level. And they provide basically enforceable rights under that so defining corporate rules. So does that answer your question?

Raffik Dammak: That's what I understand. I mean corporate rules have to be obeyed by the (unintelligible) but in the same - if they are a subsidiary or a subgroup of that organization. For other type body of (unintelligible) there's a signed of contractual clauses that augment this (unintelligible).

So are you talking about standard contractual clauses and giving it a new binding corporate rules? Is that is?

Woman: No. If you look at the Article 29 group Website in the European Commission you will find they reached agreement on what constitutes binding corporate rules and they gave guidance on how to do them. And under the European system you take your corporation's binding corporate rules to a data commissioner. You select your office within the union. You get them ratified by that data commissioner and then they're accepted for the purposes of data transfer.

And the point that I would reiterate here it's all about data transfer and the new European regulations are going to be tougher in terms of data transfer. So if we have a central repository and we have a registrar over here, the data's got to flow between the two. So you need something or you won't be able to do it. It's (granted) out, you know.

Rafik Dammak: We need to go to (Ogessaway).

Woman: So that's kind of satirical.

Rafik Dammak: We need to go to - okay - so (unintelligible) so we need to go to closure. So Kathy will make comment and then we need to really to move...

Woman: I just want a huge round of applause for Stephane who has been on this for 18 months.

Stephane Van Gelder: No, no. Only since February.

Woman: If feels like it.

Woman: And we see not just the other working group but all of ICANN has updated protection laws because she's the drafter, the main drafter of the Canadian data protection laws. So huge changes in ICANN thanks to Stephane.

Rafik Dammak: Thanks. I know that this topic will take much more time than planned, but anyway so we have - can we go back to the agenda? So Bill, can you take 34 in NCUC quickly?

Bill Drake: Sure. NCUC had its meeting this morning for 3-1/2 hours; which is a third of our main organized activities.

This week we started off on Friday with a policy conference that was very well attended, that went all day Friday the 21st. It was focused on the upcoming (NetMNGL) conference in San Paulo. We had about 150 people in attendance and they stayed for the entire day which was quite remarkable. We had quite I think good panels and robust conversation when there was enough time for Q & A's. Some of the panels went a little long on the presentations.

But overall it was very well received and was very good as a cross-community outreach effort to connect with various parts of the ICANN sphere and I think that it will be useful in our relations going forward.

On Saturday NCUC had a retreat for its new Executive Committee to plan for the year and to get to know each other and so on. As well as held a formal Executive Committee meeting and then today we had our (permission to do LSA) which featured (Interalia) images from Larry Strickling the Secretary of Commerce from the U.S. Government and Fiona Alexander, the head of the office of International Affairs to talk about the (restarting) and other changes and to exchange ideas about how civil society might support them going forward.

More generally I would say the NCUC since its election in December and which put in place the new Executive Committee has also I think grown quite substantially and brought in many new members, particularly from the developing world. And many people who've been long involved in internet-governance issues outside of ICASS and bringing them into this space which is I think a really good development.

And we've been trying to get (hatches) on organizing in a number of different types of initiatives going forward, both of an internal managerial nature which I won't bore you with as well as trying to look to where we can more effectively promote policy engagements and serve as a platform for our members; and participating in GNSO activities and other iconic pictures beyond that.

And for the rest of the week basically our activities consisted of participating in NCSG activities and other related and as well as things where some of us are active like the Cross Community Working Group and Internet Governance; which has met once and will meet again tomorrow. And the One-Net Steering Committee which will be meeting on Friday; which I'm a member of and Rafik is also a member of.

I think that's the basics of what we've gone through.

Rafik Dammak: Thanks Bill that was quick. Any questions for Bill?

Okay. That's all.

Rafik Dammak: So (Justice Baker) so will we be there for the topic of the meeting with ICANN board to be at 3:30 and so we - I probably do with that time six topics and then become the NTIA announcement. So I made some updates, I've got some comments. But I fix this too much for one hour with the board so I think we should stick maybe to three topics and have one kind of any other business just to ask the ICANN to follow up with that.

Like for example the issue for the (No Policy for Impulse) which is to ask what kind of action that will take. And also - yes (Marylou) did you want to comment on this?

Bill Drake: Can I make a...

Rafik Dammak: Yes Bill.

Bill Drake: Because I'm old can I make a request?

Rafik Dammak: To make it much bigger?

Bill Drake: To make it bigger. And it's just a little hard to read from back here.

Rafik Dammak: You're not that old Bill, but okay Marilyn, yes?

Marilyn Cade: I'm not sure I understood what we discussed before. The...

((Crosstalk))

Marilyn Cade: ...but now I'm not sure you're sharing the same thing.

Rafik Dammak: I said that you will ask the Board at the end about the problem of the long conflict for (Impac). Just a quick question I mean by...

Marilyn Cade: Okay perfect. More - open your question with a statement. Very quick statements, is that correct?

Rafik Dammak: Yes. Good. That's why I figure strike three topics so that's why we try to maybe remove or try to combine some of them and just kind of any other business so like for the NomCom, NomCom fees for (Impac) and also the follow up with (eConsideration) process. So it's quite asking for your question and so.

Marilyn Cade: Yes it will be nice if we see I mean like is a few minutes so when they have the opportunity to (pencil) back to the statements. I mean obviously we don't have - we need control of the time.

Rafik Dammak: You'll observe that's why I tried to make much more I mean - yes it's to have five minutes hopefully so if it's managed well.

Marilyn Cade: It's not just us speaking, but hearing at least one quick answer from the...

((Crosstalk))

Rafik Dammak: Yes, we're asking you a kind of question to your question and follow up so not just be kind of we complain but continued PR (unintelligible) from the bottom. And the same like I think for the big (comfy, cozy consideration) process. Do you agree with that Robin? (Unintelligible) Robin?

Robin Gross: Yes.

Rafik Dammak: Yes. So the first topic was IANA Globalization - think that's the major topic of this meeting. I think for each topic...

Marilyn Cade: (lanus) - I'm sorry Rafik could you ask me what you were asking me again, because I didn't understand what you were asking me.

Rafik Dammak: Okay. So if you did not pay attention, okay. So I'm trying to say that at the end of the meeting with the Board some kind of maybe half extended other business and any issue that NCSG and just we ask I mean the Board to hear questions and try to follow up. You want a concrete (unintelligible). So for example for the (Non-Confital L Block) when you ask them they may make statement and then we expect to hear also from the Board.

We think for the consideration process, for the trademark clearing house, (class 15). I think it's not that we don't have so much time I mean to discuss again over in the end, but we need key observing. So that's what I suggested so. So okay so Marilyn will handle from (E S everything).

Marilyn Cade: Just a quick question. Is your predicating with this most quickly because we're going to get a clear answer? I'm just wondering how do we assure that.

Rafik Dammak: I can rank them and maybe you underestimated my interrogation skills, but I was clearly asking - we want concrete answers. I mean we are not discussing - we've discussed this same topic many times. We need concrete answers - date and time. So I mean that's it. Okay.

So we do - yes?

(Tom): I'm sorry if I missed this but we're still keeping the IANA Globalization on top of the list of items we...

Rafik Dammak: Yes.

(Tom): Okay, can I ask why? I wonder do we expect to hear something from the Board that we haven't heard from other people - is there a reason why we need to ask them...

Rafik Dammak: Okay, let's explain. It's the time to the Board to listen to us; I mean it's not that we are going to listen to the Board. They come to listen to us, to ask them a question. To interrogate them is the term that was created to give hard time to the Board.

(Tom): I don't know I'm just guessing that whatever we have to say to them we can say by sending them a statement. I'm guessing there are other people in this...

((Crosstalk))

Rafik Dammak: Yes, Tom, but we send this tape so many times and the recording...

(Tom): My point is that there are other items on the agenda that are very, very specific to use like the (Trademarks Plus 50) issue. This is something no one will bring up with them except for us.

Rafik Dammak: Yes since we serve that we have been ongoing process for that. And it is discussed many times. So what you would expect on that - so what you would expect - so that's why we may need to mention for them.

So we have Avri?

Avri Doria: Yes. I'm Avri.

Marilyn Cade: I'm actually - when we get to asking them about IANA Globalization one question I do have is what role do they have in all of this. Because I've kept hearing ICANN staff is doing, but I have never really once gotten an idea of what the Board's part in all this is. So I'm kind of curious about that. So I don't know if that's something that anybody wants to ask. But if we bring up the topic asking them what their role in this whole process is, it might be an interesting thing to do.

Rafik Dammak: Okay the other question - who wants to take the lead on this topic? The question I was asking is who wants to take the lead in this topic. And then asking going to (Ben and this Foldman Comment Tuna) (unintelligible).

Bill Drake: I was the one who suggested asking them amount the globalization advisory groups and I would be willing to take the lead in asking the questions.

Raffik Dammak: I'm glad if you want - so you want to be chief of globalization (unintelligible).

Bill Drake: I think it's important. I think we don't know what they're doing and I think it's an important new initiative of the Board of Directors. It's received very little public vetting whatsoever and it fits in very much with the whole larger set of questions - I think it ties in IANA and everything else. And it's their whole program that they're cooking up the Fadi for how they're going to start to explore local patience and its petty dimensions and I think that's highly relevant to (Net Mantial), the IANA - to everything else. Why would we not want to know about it?

That's something we're (unintelligible) to actually provide new information, going through topics that we've already talked with them about a number of times before where they've stonewalled - I don't see the value as much. But this is something new.

Raffik Dammak: Okay. (Nathan)?

(Nathan): I'm sorry I agree with Bill on what he said and if he wants to lead that - I still think we want to also ask them about the process that they intend to use for the IANA Globalization. The morning session yesterday in which they were talking about processes was a complete bust.

So we - no we had to establish some very basic things like you guys have a vested interest in the income, you should not foreclose certain options. You should consider all reasonable options, but in terms of how they're actually going to do this - nobody proposed anything specific. They didn't propose anything specific and I don't want to it just burdened on us. So I would like...

Raffik Dammak: Deal with it?

(Nathan): ...you know, deal with that, yes frankly.

Raffik Dammak: You are underestimating my interrogation skills. For sure we doing this to make up for your lack of official (unintelligible).

(Nathan): So you rolled me into the snow.

((Crosstalk))

Raffik Dammak: So first IANA Globalization that we have a late (unintelligible) so asking about the process. No wait. IANA Globalization that's going to be helped by and the globalization advisory group that's by (Ben) - he will (unintelligible) for that. So we have also the (unintelligible) kind of that I can roll that the community over like we have the (unintelligible) input. Also about NCSG member so like we have several members in the (unintelligible) committee or high level committee.

Man: (Unintelligible).

Raffik Dammak: I think I can support parts of this (Net Mantial) but we don't know what they are doing as a Board.

Man: Who cares?

Man: Yes.

Man: I believe you will get an abstract answer of not much value.

Raffik Dammak: Okay but we can ask them like for example the support for the community to (unintelligible).

Man: Yes. But what kind of an answer do you expect to get to a question like that?

Man: Pure rhetoric. Always avoid the multi-stakeholder process. Brazil is trade blah, blah, blah and then help. Let's get it. I really don't care how I can support the (Net Mantial) process.

Raffik Dammak: That's okay; I'm not talking about the (Net Mantial) process per se. About ask as community there. (Unintelligible).

Man: Well when they say they are in a multi-takeover process they are lying to me. Because we just got the refusing that they are covering our multi-stake holding group being present at the meeting. So that's not multi-stakeholder if you just don't do any effort to take up volunteers that are spending their time for free to help the community and to help ICANN to get them to the routes. And say that they are a multi-stakeholder and they just refuse to cover cost to let them be present at the meeting. That's not multi-stakeholder, I'm very sorry.

Klaus Stoll: Could I just quickly add something to that - Klaus Stoll for the record. It's just that you get the background. I know some of you already have had something to go to the (Net Mantial). I think going to the (Net Mantial) as long as you think it's perfect punishment you can receive because basically you've spent two days on the plane, spent two days in San Paulo and spent two days going back.

But I'm really concerned because it looks like there will be no travel funding whatsoever available for to go there.

Woman: (Unintelligible).

Klaus Stoll: Okay there are rumors that they are \$1 million will be donated or whatever. I don't know where these rumors come from. All I'm trying to say is I think we have to make sure that as many as multi-stakeholder promoters are there in the corridors attend the meetings that's actually to get the word out. Because this in what's going on in San Paulo is not an ICANN meeting and we will be actually in the minority. And I think every voice we can get there helps.

Raffik Dammak: Okay - Bill you want to comment or?

Bill Drake: Oh no. I mean I'm not disagreeing as much as I'm saying it's too early to be completely negative. I spoke last night with the Brazilian organizers about this. They have been having some problems with financial commitments. It seems that a lot of the private sector players are not willing to step forward. Apparently Brazilian firms are not kind of contributing much.

Basically thought what I got from them was that they're asking a bunch of American companies to provide - nobody else is offering. And CISCO was - sorry - CISCO had offered to provide remote health service - I'm only saying what I was told last night. CISCO has offered to - (Chad) offered to provide remote registration hubs in 26 places and has pulled out. And has told them and also (Chip Shack) who had been on the One-Net Steering Committee

from CISCO and I believe had been on the (High Level Committee) for the conference - dropped out of both.

So something's gone on within CISCO where they've decided that they don't want to engage. And there was speculation as to why that might be which could involve internal ICANN politics.

Be that as it may at present they are going now to a new set of donors and making an additional request. And ICANN has not seriously sat down and worked through this yet as far as I can tell. And I will see Fadi in a few hours and will ask him about that again.

So I mean - Thomas - it's not over yet.

Raffik Dammak: Well they will because it has (unintelligible).

Bill Drake: Yes. I agree with Klaus. There's reason to be concerned. It's silly to hold the meeting like this and not provide support. It's just that we don't know for sure the level of support.

Klaus Stoll: Are we short on German and practical? My tickets last Friday was \$869, my ticket since last night is \$1800 and something and we are throwing money out this window. And you kicked it over.

((Crosstalk))

Raffik Dammak: Okay we have Stephane, I think Maria and Michele?

Man: No.

Raffik Dammak: And then Carlos. Okay we have Maria already so if Stephane was to go?

Stephane Hankins: Stephane Hankins for the record. If it's as bad as Klaus says and Klaus says he's German, he's done the best tax. I'm a former bureaucrat that had to look after budgets. I found it appalling myself. I don't blame the organizers. It's, you know, it's not their fault. It's, you know, ICANN could help get this organized.

I tried for a month to find out how we were going to get organized to the (unintelligible) there. And I know Milton's going, "who cares" about this but I think we're not an effective multi-stakeholder organization if we don't handle our financial reserves. And if we have to go manhandling and threatening to have a cake sale to raise money to send people, this is immature in my view.

And I'm very grateful to the Brazilian organizers who found me the money to get my ticket booked before it doubled yet again to get to Brazil. But if ICANN is serious about this then the first thing you put in place are some financial wizards who start figuring out how we can make this cost effective. And how we can coordinate - not policy positions - nobody's here to tell us what to do, but let's at least know who's going to be there.

I've been running around working the room figuring out who's going to be there you know? So - and let the record show it was Robin Gross who talked me into this, just in case it's as bad as Klaus says.

And I sat through the (gack) listening to the minute - might very well be as bad as Klaus says it's going to be but I'm looking forward to it. And to me the important thing is to vacuum up everybody's view of what a multi-stakeholder organization ought to be and start the working teams for (pop) forward to how ICANN is actually going to get there. Because it's not there now.

Maria Farrell: Thank you Raffik. This is Maria speaking. It's very important that we have a decision regarding the funding for participants right away because participants are supposed to confirm their registration. They're in preregistration now and they can't confirm if they don't have an answer about

the funding. And many of them are confirming but they don't know if they will be able to come. And they are taking the place of other people who are waiting in line to participate. So this is something that is very, very urgent to decide.

We have brought this many times on the list of the Executive Committee and on the face to face meetings that we are having here but it's usually - it's really a difficult situation because as far - the information that I just have - the logistical committee has stage four funding from (ISA). And the first answer was no we don't have any funding - they are repeating. So if anybody has some leverage or can talk to (ISA) folks at least for them to participate.

Okay. So please send me the message and they talked to ICANN, ICANN committed some resources but they did not say how much or when they're going to put these resources. So I think it's a good opportunity now at the meeting with the board to raise this issue and to show the importance. And also I think to ask the Board how they are going to participate and act politically. The Board and the CEO hardly are going to intervene as they are on the other side of the plans and strategy. It's important.

Carlos Souza: Yes the question is decided by whom? There could be possible grants and so on. The logistics, the funding for the meeting itself is being in large part covered by (Phishiair.Pierre). There is no more funds from our (past) to fund travel when participation with people. Including we had the difficulty finding funding for the Brazilians to come. Brazilians are last country and sometimes are tickets more expensive within Brazil than say from Miami to Brazil.

And so these are all limitations organizers a Stephane will. An item in the internet society booth at the beginning promised committee funding for bringing people from the developing world as they say. There is no word at all about how is Jesus going to proceed. So one recommendation that I would personally do is that everybody that received an invitation should confirm independently of having no funding. Because maybe this comes but on the

other hand if we have ways to pressure ICANN and (Izork) and any other potential funder, we should do it as soon as possible as Maria says.

But otherwise there is not much we can do from the local organizing group, you know.

Raffik Dammak: That (unintelligible) will really focusing on the kind of support that I can meet to commit, and also about the rules. Okay. We will push them. And also about the role of the Board in terms of stretching politically appointment.

I think also we have Board member of (Izork) want to respond.

Man: Yes, I am indeed a member of the Board of Trustees but I'm not going to answer or making any comment in that position. I know that from information I have that (Izork) is indeed already investing in that meeting. Not just by providing money but also providing a lot of people to work on the agenda, to work out a lot of stuff. So there is an investment already done by (Izork). I know the requests that has been sent out were not clear at all and that's the beginning of the problem.

If you don't have a clear definition of what you are looking for as a budget how can you just beg for money? Everybody begs for money, everybody. So if you want to get financial support for an event you at least have to define what is the value you are looking at and that was not clear. And it looks like today it's even worse. Nobody knows the money they need.

If I hear I have subscribed, I have confirmation , I'm allowed to participate but when I hear that CISCO pulls out, removed participation then you should call for another (unintelligible) for that need. Because then it's pushing it all the way - there will be no multi-stakeholder discussions. It will be of course community discussion.

((Crosstalk))

Man: I think that (Marisa) is about the support and also the role of the Board and (unintelligible) to take the lead on this topic? Klaus?

Klaus Stoll: No not - only on the financial crisis. I think the obligation source somebody else should...

((Crosstalk))

Klaus Stoll: Sorry. Klaus for the record. I think we should split it out into two topics and one is the Board engagement and (Net Mantial) and the other question should be about available funding. And I'm happy to do the available funding, but not happy to do the Board engagement.

Man: It's not clear - so...

(Laurie Schoman): Maybe I - it's a new topic maybe it would appropriate if I took the lead? I mean I wouldn't mind because it's a question that everyone's asking. And so I'm prepared to ask the question.

Man: Which one?

(Laurie Schoman): How the Board is going to engage. I can tack on the funding part too because in a way it is the same - if funding is the - this is (Laurie Schoman) for the record - I apologize.

Here's the thing - I mean is the Board willing to make the funding commitment to all of the constituents here that need funding but deny especially the NomComercial constituency that originally we have released funding. So I think there's a strong argument to be made for that.

And secondly as the Board as the Board. You know - what is the Board's strategy here? I think it's a completely fair question.

Raffik Dammak: So you are pleased to do with those questions and do use your best interrogation tactic. Okay we talk about interrogation looks like (unintelligible). Okay so we have (Laurie) for this topic.

There are the other property laws made by defunding?

Woman: Right.

Raffik Dammak: Defunding about the (unintelligible) working and fine because I think you say just what kind of the compliance that ICANN complies with - they don't actually sustain this if I capture it correctly or (unintelligible).

Woman: Right. Basically as we said and I don't want to repeat what we said earlier with respect to the (EWZ)'s draft report. There is a recommendation for some sort of variance defining corporate rules. It has been my observation of the past year at the (EWG) that really the level of knowledge of data protection at ICANN is pretty low, not to say pathetic.

And I think we're finally getting some traction in recognizing in that they have a fiduciary responsibility. It is ICANN that sets the plan and the what data will be collected under the registrars agreement. What data will be retained under the registrar's agreement. What the accreditation of the privacy proxy services will involve and what take down and what kind of reveal provisions will be in there. That's another separate thing.

All of these have impacts on personal data that is being released. Therefore they are in the (pallah) of the European Union they are data controllers. Not data processors because they don't collect the data themselves. They control it. They set the parameters under which everybody in the ecosystem manages the data. Therefore it's high time they had at least a policy, preferably funding corporate rules.

The (Eco Eugene's Remit) is only with respect to the who is. And if you construe it narrowly as the GNSO will probably ask them to construe it narrowly when it lands there, when we finally wind up. They'll say oh well we'll do something for the actual (IBS) the actual data repository but not for all the other components; which of course doesn't make sense in data protection terms. But because of the low level of understanding of data protection throughout the ICANN community, nobody's going to care and they're going to go with the partial solution.

So my proposal - which is on the agenda here - as is how do we start pushing towards getting competent (surprise) to protection put through as a policy - hopefully minding company rules, but at least a policy would be better than nothing. They don't even have a (jar) privacy policy so we're now (grovelizing) into areas where there's data protection.

There's data protection on Singapore so nine people that work for ICANN have a right to HR policies that match the data protection law. I mean that puts it at a mere minimum. We won't even talk about Brussels, you know?

So I think it's boggling how long this has gone on and I accept that ICANN changes in the, you know, geographic terms - tectonic plates and all of that but we'd better start. You know? Plus added to this there is a lot of pressure at (Net Mantial) for privacy. We are seeing in the submissions there's a call for privacy. If ICANN is serious about a global policy leadership in the Internet space, in the ecosystem - then it should be doing something for privacy.

So I think now is a good time. So that's - is that enough?

Raffik Dammak: So does anyone have questions?

Woman: Does anybody got any questions? Now how we do it I have no idea.

Raffik Dammak: (All right there is nothing on subject.)\

Woman: Hi, mine is (unintelligible) Internet in (arena) but speaking for myself. I'd also like to add a comment to what you just said which is perfectly fine and correct and accurate.

I think ICANN by not having a very firm position on this actually sets a very, very disturbing message. Particularly in respect with the data protection - data retention (serious); which is very, very high. Two years now and European regulations say it should be no longer than six months. So this is a clear message. Basically someone could understand that this is actually, you know, in the house of surveillance mechanisms which is obviously not something that I can or would like to, you know, enforce or facilitate in any case.

And second while we are discussing fundamental rights for which is universally accepted the right for data protection. And I think ICANN should have a really stable and firm position in this respect. And not just as you said rely on a partial agreement or a partial solution to this topic - which is very sensitive.

Raffik Dammak: Okay any other questions on this (define)?

Woman: I have a question. What are we going to do?

Raffik Dammak: Okay.

Woman: So if we recognize that the issue is an issue then what happens next? How do we - do we propose a working group?

Group: Yes.

(Almer): Yes, this is (Almer). I completely agree and no the problem isn't that ICANN is just knowingly violating data protection and privacy laws but they don't

even want to look into it. They don't want to explore in detail because then they would have a documented work saying okay we looked into it, this is what we found and yes all our (worse) policies are in violation of these laws. And that is what we should be doing. And that's something I would think is something we should talk to the Board about.

We tried to get this through on the (thickowhiz) and we couldn't. We're moving forward - or ICANN is moving forward with the (X) but working groups they are the (S-model); whichever one of the two. But I think it's really important to tell them that they need to take a position on this right now and if we can't get this through a GNSO (PT) working group as a recommendation then the Board itself should ask for an issue report on this and start a Board-initiated (PP tracking).

This is something we should ask them to do in our meeting with them today.

Raffik Dammak: Okay. I guess we have a (PR) action plan. So...

Woman: Raffik can I...?

Raffik Dammak: Yes (unintelligible).

Woman: It sounds like there's broad agreement with what Stephane and (Almer) have said. Just want to add an information point before we think this is totally adversarial as much as we love adversarial.

Certainly the GNSO has been very reluctant to recognize data protection. But for those of you that were in the opening session - or I think was the opening session - Fadi actually put up a bullet point that says data protection. It's something he's going to be working towards. And I've asked several Board members and off the record no one has a clue. So I think we should ask them. This is the opening. Let's offer to really go in and help and we have our ideas of where we'd like to see us. But let's be positive on this one. That's it.

Raffik Dammak: Quickly.

Woman: Yes. (Unintelligible). Just when you talk about data protection I think the first mistake is not to go to local jurisdiction and ask for data protection enforcement. Because sometimes some countries do not have data protection laws and even if they do have data protection laws they do not enforce them. Or they are not effective.

So I do think that if you want to go there, go there, but I don't think it's good for many countries to depend on the local jurisdiction.

Woman: If I could respond, I totally agree. This is why I'd far rather have binding corporate rules. Because unfortunately the rules engine that we talked about that would apply local data protection law - all the registries' have been in in the United States would then have nothing, including no protection for small business. And jurisdictions that don't enforce potentially including some of my colleagues. You know, it's very difficult. Most data protection law is based on complaints. You complain. And a lot of people haven't complained about the (who is) records.

So, you know, enforcement is for the iffy. Also it's fundamentally unfair, particularly to developing countries, to expose them then to surveillance because there jurisdictions have not passed law. So that would be the argument - it's unfair from a policy perspective to not have a high standard that meets (unintelligible).

Raffik Dammak: Okay thanks. So let's just kind of just to be sure that we covered everything. So first topic will be about IANA Globalization led by Officer Royal. Second one I think we'll have Bill talk about the ICANN Board rules and support for the committees so that we (buy lolly). And the globalization advisory group that's by Bill Drake. Then about privacy / data protection that's Stephane van Gelder. Yes you don't have to show Stefano.

Stephane Van Gelder: And (Almer). Okay (Almer) leads, I follow - how about that?

Raffik Dammak: I don't follow the assumption?

(Almer): I think a combination of our styles would be the right way to go.

Stephane Van Gelder: Perfect.

Raffik Dammak: Okay we two brain for this topic and that's okay. And then as we said the other topic just be ask PR question, (unintelligible) question to the Board.

Okay I think we covered these items.

Okay so the next item and we have the chair of the NCSG Policy Committee. So (George) you can kind of quick report from the meeting, yes.

Maria Farrell: Hi everyone. My name is Maria Farrell and I am an NCSG counselor and also the chair of the NCSG Policy Committee. We met on Sunday evening and we covered four topics.

The first two of those topics was basically was what was our response going to be to the NTIA announcement of 10 or 11 days ago. Under that we came up with two things. First we agreed on an NCSG statement on what our response was. And secondly we also agreed to provide the NCSG input on across stakeholder group and supporting organization and advisory committee - basically across ICANN response to the entire announcement.

And on that one we had a lot of discussion because we felt that the cross-community - a kind of broad ICANN statement had been drafted by ICANN staff and we felt it was perhaps a bit more self-congratulatory that we were comfortable with saying in terms of ICANN's history and role during the IANA function.

So we have agreed to - as the NCSG - put across a suggestion to the other (SO) NCA leadership thing - we're fine with the statement supporting the NTIA and the Board direction, but we don't want to have so much of the sort of self-congratulatory ICANN rhetoric in there.

So those are the first two items we discussed. The third item was - I'm trying to think. Did we go straight to...

The third item actually was the Board (C14) basically all and for everyone who is kind of new to this process - all of the Board seats have numbers of them. And number 14 is a seat that is elected by the non-contracted (party size) of the GNSO. In fact (unintelligible) on the GNSO cancelled to be quite accurate. So that's basically up in the NCSG on the commercial stakeholder group which includes business constituency, the Internet Service Provider constituency and also the Intellectual Property constituency.

And around that we had - that really took up the bulk of our discussions because we needed to make a I suppose a tactical - well essentially a tactical decision. Because of the way the voting structure is set up within the non-contracted (party size) it really means the NCSG is mathematically unlikely if not impossible actually ever to appoint and elect, successfully elect our own Board member.

So what we needed to do was decide a number of things. One, whether we were happy with the existing Board member which is Bill Graham. We didn't dwell too much on that because there was a difference of opinion and some people think he was a pretty effective Board member and largely the difference of opinion - well largely the difficulty we had with Bill Graham who is the current occupant of Board C14 has nothing to do with Bill or his performance really so much as the mode of his election; which we felt was somewhat unfair last time around.

We really didn't get a look in because of this mathematical impossibility of us having a determining vote. So what we actually came up with is we decided we had two excellent candidates for - who had been nominated within the NCSG and they were Avri Doria - oh I think she just stepped out. Where is she? No I think she just popped out. And (Ansandro) and (unintelligible) thank you.

And so what we came to as a consensus decision - we didn't require a vote on this - was that we would nominate Avri Doria to be our NCSG appoint - sorry nominee for the Board election within the non-contracted (party size). And in the thoroughly likely event that Avri doesn't get through and it goes through a second round and discussions are required we decided that we would try and proactively create the opportunity to propose (Salmon Franko) as a compromise candidate because we think (Salmon) has a lot of also many qualities that would make him an effective board member.

And the other thing we did which is something the NCSG has never - to my knowledge - well the NCSG has never done before was that we passed a motion binding the votes of all of the NCSG counselors on the GNSO council to say that we will vote for Avri in the first round and that we will proactively propose (Salmon) as another compromised candidate should that opportunity arise.

And that's quite a new thing for us in the NCSG because going back to this mathematical impossibility of us ever getting our candidate onto the Board - what it comes down to is that we are a group of people who are - I guess have less of that - I think often times in politics you find - it's simply an observation that's been made of a lot of western democracies politics anyway has been not too further to the right of the political spectrum in the group is the greater political distances they seem to have. And certainly you see it within the ICANN community. Maybe that's an unfair comparison.

But the...

Woman: I'm sorry but there's news from the schedule to the (unintelligible).

Maria Farrell: Okay, thank you very much we're finishing up.

((Crosstalk))

Raffik Dammak: Okay they're starting to complain.

Maria Ferrell: Okay well that was very polite. So anyway in brief basically because we're the NCSG and we allow the people to vote by their conscience we tend to be somewhat structurally disadvantaged. So that is the two great candidates - we're very happy with them and I think that's going to be it for the Policy Committee.

Raffik Dammak: Thanks. It's really bad that it's such terrible ICANN from (unintelligible).

So the next meeting at 3:30 with the ICANN Board at Madam, Madam, whatever room so see you there.

Woman: And then there's a party tonight. There's a GNSO party in Sophie a7:00 is that right?

Raffik Dammak: Yes, 7:00 PM - a cocktail - 7:00 PM.

((Crosstalk))

Raffik Dammak: It's good you're all sitting by the door.

Woman: Seven PM - Sophia.

Raffik Dammak: I think so - 7:00 PM.

Woman: And (Almbridston) party around the same time in the Atrium, 5:30 to 7:00 in the atrium.

((Crosstalk))

END