
SINGAPORE – ccNSO Members Meeting Day 2
Wednesday, February 11, 2015 – 09:00 to 15:30
ICANN – Singapore, Singapore

UNIDENTIFIED MALE: This is the ccNSO Members Meeting Day 2 9:00 to 15:30 on 02/11/2015 in Olivia.

UNIDENTIFIED MALE: Must've been a good ccNSO cocktail party, I guess. We'll give it a couple more minutes before we get going with the legal session, and Becky's going to kick us off with the session around .ir, which I'd like more people to hear, so a couple more minutes.

STEPHAN WELZEL: So good morning, everyone. I'm Stephan Welzel. I'm with .DE and I've been asked to chair the session and I happily agreed because chairing is caring. This is early in the morning, which is a good time for a very interesting session, an interesting legal session, which is basically a [inaudible] because all legal sessions are interesting.

This panel doesn't need much introduction. We have Becky Burr. She's with .US, as you know. She's on the ccNSO Council, as you know. And we have Bertrand de la Chapelle, whom you all know, as well. He used to be on the ICANN board and he's now the director of the Internet & Jurisdiction Project. And as the agenda suggests, we will start with Becky, who will tell us something about an interesting case that might or might not have an impact on ccTLDs. Becky?

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BECKY BURR:

Thank you very much. I think an interesting legal session could be a contradiction in terms, but this is highly relevant to the ccTLD community. I'm just going to give you an update on the case that in American lawyer speak is Rubin et al. versus Islamic Republic of Iran, et al. This case stemmed from a lawsuit brought on behalf of a number of Americans who were injured in a bombing in Jerusalem that took place in 1997, so it is already by now quite old.

The injured Americans brought a case. Hamas claimed responsibility for the bombing. They brought a case against Iran claiming that Iran had materially supported Hamas in the bombing. Iran did not show up in court, did not respond to the complaint, so they got a default judgment which did not examine the merits of the claim at all but essentially said because the defendant didn't show up, the plaintiffs will win. And they got a \$109 million judgment against the government of Iran.

So after this happened and since the judgment came out in something like 2000, they've been seeking to enforce the \$109 million judgment and they have been seeking to enforce that by attaching Iranian government property in the United States.

The first effort to do that was to attach a large collection of valuable Persian artifacts on loan from the Iranian government to the University of Chicago, and they were unsuccessful in doing that. The government objected to the attempt to attach the artifacts that the University of Chicago held on the grounds of the Foreign Sovereign Immunities Act, which basically says foreign sovereigns, their property is protected. It's presumed to be immune from judgment.



So when that failed and they were not able to essentially take over and sell off the Persian artifacts, they started looking around for other things that they could attach to essentially collect the value of the judgment.

So they sought to attach the ccTLD .IR. For some reason at some point in this case, they also sought to attach the ccTLD for Syria and the ccTLD for North Korea. That sort of has come and gone, and nobody really understands on what basis those two things were drawn into it, but they essentially went after .IR.

Last summer, ICANN was served with a writ of attachment, which basically says, “Deliver the property to us,” and ICANN filed what is called a motion to quash, although Bernie likes to refer to this as “a motion to squash,” and that’s probably a more descriptive term, which is basically to say, “Make this go away.”

ICANN made five different arguments, but the one that was of some concern to the cc community and frankly to the G community, as well, is that they argued that domain names, ccTLDs, were not property and they were not owned or possessed by anybody. That argument was a matter of significant concern to this community.

In November, the federal district court that was hearing the motion to quash basically issued a very short opinion that said essentially ccTLDs may certainly be property, but they are not property that is attachable because they’re inextricably bound up with the registration services that are provided, so the value includes the registration services as well as the property, and under applicable law, you can’t attach that kind of property because you can’t essentially take over somebody’s contract rights when you are trying to do this.



And the argument is basically ccTLDs cannot be conceptualized apart from the services provided by ccTLD managers, so the motion to attach failed and it failed on grounds that I think we can all be quite comfortable with. The court did not address three of the five arguments that ICANN made. It specifically suggested that it rejected the argument that they're not property. There's a footnote that says they may well be property. They're just not attachable property.

Since then, the cases against Syria and North Korea have mysteriously disappeared and again, no explanation for why they were there or why they disappeared, but some of the plaintiffs have appealed the case with respect to .IR. Nothing has happened since then. The judge who issued the ruling in November's very senior federal court on the DC circuit – it's not clear how or when this would go forward and there's very little case law [in point]. The reasoning that the court used was based on sort of analogizing to similar situations, but there's some case law that essentially says creditors cannot attach domain names, and so that was used as an analogy.

I have seen some reports including by folks in the ICANN community saying that the reasoning that the court used was shaky because they were applying DC law as opposed to California law. I frankly think that those concerns are just wrong and that it hasn't been expressed by members, legal folks, but by some reporters. This case arises under the Foreign Sovereign Immunities Act. They brought the case in the District of Columbia. The plaintiffs decided to do that. It's quite clear under the Foreign Sovereign Immunities Act that you apply the law of the



jurisdiction in which the case is brought, so if they wanted to make an argument under California law, they would actually have to file a new case and proceed from there.

So I think that the grounds on which the judge ruled are solid and they appear to address the concerns that this community had with respect to the property-related arguments. We will be watching [the space], obviously, for developments. Just to be clear, the other thing I wanted to point out, because I actually didn't realize it until I went back to research the background, was that the United States government had affirmatively opposed the attempts to attach Iranian property, so even in a case like this, the US government was being responsible about how it was proceeding.

So that's the update. I'm happy to take any kind of questions or anything, and just let me say that if I get up and leave, it's not because I'm tired of you all but because the Cross Community Working Group on Accountability has an engagement session at 9:45. So, Steven?

STEVEN DEERHAKE:

Steven Deerhake, .AS. Becky, thanks for the update on this. I've been watching this myself. I think for the interest of completion, it should also be noted that besides trying to attach .IR, plaintiffs also sought all the IP addresses associated with Iran, which is another interesting little question in its own right.

I have a slightly different spin on the opinion written by the judge. I thought that he basically said in footnote 2, I think it was, to go West to the plaintiffs, to the Ninth Circuit as there appears to be a larger body of



case law involving domain names out there. I don't think we've seen the end of this yet. As you pointed out, it's been dragging on since 1997, I think it is. I was very concerned about the quality of the lawyering that Jones Day did in their original motion to quash. It vastly improved, as they realized, that this wasn't going to go quietly into the night. I think we have good cause to be concerned about this going forward because I don't think we've seen the last of it yet.

BECKY BURR:

These plaintiffs seem to be extremely determined. The judge does recognize that there's some case law in California. I don't see how she could send this particular case to a California court given the fact that the case itself was brought in the District of Columbia, and that was the plaintiff's choice. Now, the plaintiffs can always and may well refile in California and the California law is less clear than DC law is, so you may well be right that we haven't seen the last of it.

I'm sure we haven't since they filed an appeal, but with respect to the advocacy on behalf of ICANN, the opinion did not embrace the troubling parts of that advocacy, so that's important for us to take note of. And we have had conversations with ICANN about the community's concerns, so I think that advocacy will be less troublesome in the future. Yes?

GIHAN DIAS:

Gihan Dias from .LK. So am I take it that .IR was registered directly by the government of Iran or some agency of the government?



BECKY BURR: That it was what?

GIHAN DIAS: It was registered to an agency of the government of Iran?

BECKY BURR: I believe it is. I don't think that that actually – that's another part of the case that is – I don't think that they actually spent much time thinking about whether it was government property or not. They sort of assumed it was government property.

GIHAN DIAS: Right. So would, for example, .LK – so we are not a government organization, and I believe many of us here are not, would that have changed the case in your opinion?

BECKY BURR: So it would have made the Foreign Sovereign Immunities Act claims – they wouldn't be involved if it was property that was not owned by the government. However, the attachment here, the reason that the judge rejected the attempts by the plaintiffs here actually had nothing to do with the Foreign Sovereign Immunities Act.

They said under DC law relating to attachment, you can't attach contracts that involve property and services that are inextricably bound up for technical reasons relating to the – you can't force somebody to accept another party to step in the shoes of contracting party and you can't value the services until the contract is concluded, and those things



would continue to apply in this case in the event that it wasn't government property.

GIHAN DIAS: But if it was not government property, the original judgment would not apply, right?

BECKY BURR: Pardon me?

GIHAN DIAS: If it was not the property or whatever of the government of Iran, the original judgment would not apply since that was against government of Iran?

BECKY BURR: Correct. That's correct. They can't just attach any property that they like. They have to attach property that is owned by the—

GIHAN DIAS: But that was never established in any court, the actual ownership. I'm not sure I'd want to even use the word ownership, but whatever it is of.IR?

BECKY BURR: No, and the original holding has no particular precedential value since it was a default judgment.

STEPHAN WELZEL: Any more questions? If that's not the case, I have a question. It's kind of a follow-up to what has been said. Personally, I agree that it's not property, at least under German law. It has not been decided by a German supreme court and other courts. Nevertheless, if a court came to the conclusion that it was property, then indeed there's the possibly even more important question remaining, which is, "Whose property?"

And at least theoretically, there are three alternatives. It could be the property of the country, the government; it could be the property of the registry; or it could even be the property of ICANN, possibly. Do you have a view on that?

BECKY BURR: So the court did not hold that a domain name is property or that a ccTLD is property. It just simply said it may be property, but if it is, it's not attachable property. But the court holding does not establish that it is in fact property. It just leaves that question unanswered.

STEPHAN WELZEL: But it's always interesting to speculate about what another court could say or could have said, and as we also realize this probably was not the last word on it. So if a court determined it is property or it can be attached or both, or even regardless of this, then still the question would be whose property or whose asset it is. And do you have a view on that? Because that really has an impact on us. It also is related to the whole discussion on delegation and revocation, for example.



BECKY BURR:

So courts in the US will not reach conclusions that they don't have to make to find a holding like courts everywhere, so it's possible that that question even in this case will not be squarely addressed. It could be, in which case I think that you have to think about this is in a range of possibilities. Is the name itself property? Do you have property interests in any contract, whether it's RFC 1591 as the contract or some other thing. There are a bunch of questions along the way that we would need to think of.

I think it would be interesting for us to discuss sort of what the various opinions in the ccTLD community are. I know that there are a number of managers who feel very strongly that it's property, but it certainly might be something that we might want to kind of exchange thoughts and ideas on to better inform ICANN in advance of their filing any other response.

The difficulty is it's fine for us to provide input to ICANN, but we don't want to go on record as saying their analysis is wrong once they submit it to the court until it's acted on because that would give the plaintiffs more arguments against what we think is the right outcome, whether it's property or not, which is you shouldn't be able to attach it in a judgment situation.

[NEIL]:

Hi, my name is [Neil] from .ID. Is there any consensus on the definition of the domain name itself, like especially for the ccTLDs, whether it's



property or not? Or any other generic top-level domain across ICANN, whether it is property or not property?

Because I believe some of us even in Indonesia, we are start thinking of ccTLD as cyber territory of our country. So because we thought that all the laws are applicable are the laws of our country and the domain name, so if I can get your views on that? I appreciate it. Thank you.

BECKY BURR:

So the court included a description of how ccTLDs work and are assigned. Some of it was we had some problems with, but it didn't say, "It is property," or, "It's not property." It just said, "We don't really have to decide, but we are not deciding now that it's not property." To the extent that you wanted to argue that it was sovereign territory of the relevant government, then no matter who the manager was, whether it was a governmental entity or not, the protections of the Foreign Sovereign Immunities Act would apply.

And so the presumption – just like every embassy in Washington is considered sovereignty territory of the government, so it would have that kind of protection. But again, that was not something that the court considered at all in this case. Hi.

UNIDENTIFIED FEMALE:

Hi. My name is [inaudible]. I'm a lawyer from Finland and I just have to comment on this also because this very interesting question and I find that the courts are quite reluctant to make the decision on whether it's property or not. And if I'm looking at the Finnish legal environment, I can see that in my opinion it's kind of a semi-property because it has



economic value. And if you, for example, are running a business and you have a domain name, at least in Finland, when you are filing bankruptcy, the domain name belongs to the estate. So in that case, that's how the Finnish system goes.

And also if you want to borrow money from the bank, you can have it also has an asset that has value because it can have a lot of value. And I'm just wondering, I'm not sure if the Pirate Bay case in Sweden has also something to do with this, the idea of domain name being the property of the Swedish ccTLD?

BECKY BURR:

To the extent that US courts have addressed this question, it's been with respect to second-level registrations and gTLDs, and in those cases – although there are very, very few of them – what the court had held is that they're intangible property. That would make it like intellectual property in a sense.

The court cases have really not gotten to the underlying data ownership issues, which are very interesting, as well. And I'm not familiar with what courts in other countries have done. Certainly with respect to a second-level domain in a bankruptcy proceeding, it is certainly possible that a second-level registration could be considered part of the estate of the bankrupt entity, but you'd have to value it based on the fact that registrars and registries allow you to register names, allow themselves – reserve the right to cancel registrations and those kinds of things at will.



UNIDENTIFIED FEMALE: Thank you. Anyway, this is very interesting question, and I really believe that it's going to go on and on in many countries, as well, but it's not very comfortable as a ccTLD to think that American laws could actually end up in the situation where you would have this case where your ccTLD would be under the American law in that [sense]. Like Steven said, whose property would it be then?

BECKY BARR: Yeah. I mean, this is new territory and we have to watch very carefully. It would be helpful for us to exchange views and have some ideas about how we would each respond to this. As I said, the underlying case was a default judgment, so it's hard to generalize from that and I would imagine that a US court would have to look at the sort of specific aspects of a ccTLD. If the manager was in the United States, that might be a really different things than if the manager was outside the US.

UNIDENTIFIED FEMALE: Thank you.

STEPHAN WELZEL: Okay, thank you very much. Thank you very much to you, Becky. I think you're absolutely right when you just said this is something we have to watch closely, and at least the lawyers among us will want to watch it closely because it is fascinating. So thanks again.

BECKY BARR: Sure.



STEPHAN WELZEL: And that brings us to the next presentation, and that leads us back to more familiar grounds because this is more about how you can get a grip on second-level domains names. Bertrand?

BERTRAND DE LA CHAPELLE: Thank you very much, and while the presentation is being loaded, let me first thank the ccNSO, particularly Byron and yourself for the opportunity of making this presentation. I'm the director of the Internet & Jurisdiction Project and Paul Fehlinger is there working with me. The theme that I want to address is, so what is there is actually transborder request for domain seizures.

STEPHAN WELZEL: We can make this a quiz. We have the audience guess which word is missing on each slide.

BERTRAND DE LA CHAPELLE: Yeah, actually it's one of those games where you have to . . .

So fundamentally what I want to address here is this question that I will detail a little bit more, which is the growth of requests for domain seizures that come actually from one jurisdiction to another. And what I want to do is to describe a little bit the challenge, the method that we have developed in the Internet & Jurisdiction Project to address this, the draft transborder framework that has emerged from those discussions that might be of interest for your community, and some elements regarding the moving forward.



So two elements on the context and the challenge. The diversity of the ccTLD community is something that I'm reminded all the time when I discuss things in the ICANN environment and this is a particularly important thing here because you have very different policies. Some of you have registration policies that are relatively restrictive that are limited to people who are living in the territory or an attachment the territory, whereas some others are actually opening up their registration very broadly almost in the same way as a gTLD would do.

But irrespective of the breadths of your registration policy at the second level, the reality is that anybody who has one of those domain is actually making the content that is under the domains available worldwide. That's what the Internet is about, fundamentally. And the problem is that this content may be legal in one country and not legal in another one, which raises very interesting questions of jurisdiction regarding the content that theoretically has nothing to do with what you are doing.

However, this is not what the trend is at the moment. Because there is no international framework, especially on speech-related issues, which is a very sensitive issue at the moment. There's no international framework regarding how to deal with things that is legal somewhere and not legal somewhere else. This is a problem that major platforms like Facebook and YouTube and others have, but this is a problem in general for any content on the web. The problem is that in the absence of an appropriate framework, what is emerging as a huge trend towards platforms, and I'm convinced towards the DNS layer, as well, is direct requests coming from law enforcement judgments in one country that



require either content takedown for platforms like Facebook, others, or domain seizures.

And I'm talking here mainly about transborder requests, like not request that are coming from your own, the government or the country you are in, but from another country.

And the challenge is that, let's be frank, I sometimes joke that a certain number of government or law enforcement in the last five, six years have discovered the DNS as if they had opened a big closet with a lot of switches that allow to solve any problem related to content, like, "Wow, isn't that great? You don't like this content, you just have to switch the domain name or ask for it to be deleted," and so on.

The problem is that this is not exactly the way it should work, as you know, because fundamentally there's an element of neutrality of the DNS layer and that it is not intended to be a content-control panel. From most of the discussions that I've had with people in the ccTLD community, my understanding – and correct me if I'm wrong, that's one of the objectives of this discussion – is that the line of defense in most cases for responding or not responding to those requests is to say, "We are located in country x, therefore it's the law of country x that applies and of course our terms of service, and unless we have a judgment by the courts in the country we're in, you're out of luck. We don't accept your request."

This is well and nice, and it is working, but the point I want to raise here is that you probably have lessons to draw from what has happened to the main content-hosting platforms because they were actually using the exact same kind of logic in past. Twitter, Facebook, YouTube, all the

other platforms were saying, “We’re located in the US, and therefore the rules that apply to the content that we host on these platforms is irrespective of where the servers are under US law.”

And little by little, one after another, they had to accept the pressure of a certain number of countries, and not necessarily radical or repressive countries. It can be European ones on issues like hate speech, for instance, and they had to accept that the content that they were hosting potentially could be illegal in some jurisdiction, and that therefore they should have to implement elements of filtering or partial filtering for access.

By the way, it is very interesting, as the gentleman from Indonesia was mentioning, one of the solutions that those platforms have adopted, and we can discuss that later, is either Geo-IP filtering, but another solution is what they call [local lenses], which is to use for Twitter or for other platforms addresses under the ccTLD and filtering the content targeted at a particular country in the address that is accessible in the cc, whereas the .com address is remaining full in terms of content.

So the point I want to make is that the defense line that says, “We are based in this country. Only the law of this country applies,” is valid. It will continue, but it may have a problem of sustainability, and there's a benefit in exploring, I would say, a higher level defense line or protection line that is more related to the substantive nature of the DNS layer and its somewhat intangibility regarding the content issues.

And so what I want to highlight is to address this problem and basically the topics that are at hand are requests for domain seizures, requests



for content takedown for platforms, and requests for related access to subscriber data.

The method that we've adopted is we launched in 2012 a program that's called the Internet & Jurisdiction Project, which is basically intended to develop – obviously there's a problem with transborder or transnational – to develop a transnational due process framework for those requests regarding domain seizures, content takedown, and access to user data. And the methodology is based on a dialogue process in an observatory and the initiative is a not-for-profit activity that is supported by diversity [elector].

When I say there is a multi-stakeholder dialogue process and observatory, very quickly in the last three years, we have organized a series of workshops and sessions, multi-stakeholder-based, that have engaged about 70 different entities that include platforms, DNS operators, international organizations like OECD, Council of Europe and others, Civil Society Group, and governments including law enforcement.

We have organized meetings or participated in large number of meetings, and you see spots here that represent in particular the workshops that we organized in 2013 and 2014 in Brazil, in India, in Europe, in the US, and also the presentations we made at the IGFs in Istanbul and before in Bali.

The dialogue process is built on series of closed discussions and the Chatham House rules and public presentations to update the larger community on where the discussion is going. The observatory, without getting into details, they are more than 30 international experts that



come from different institutions: from Harvard, from the University of Law in New Delhi, from Brazil and other places, Stanford or Oxford. And there is every month a newsletter called “Retrospect” that is presenting 20 cases of jurisdictional tensions regarding the Internet, and not necessarily legal cases per se, but it can be newspaper articles on a new law that is being adopted in one country or that sort of thing.

So that's the methodology basically, and what I wanted to highlight here briefly, and we can discuss that further afterwards, is the outcome of those discussions in the last three years are the documentation of a certain number of emerging norms regarding the transborder impact of national decisions, which is extremely important because in some cases, US ccTLD will be subject to requests from your own government that may actually impact actors who are located in another country, so it's an important element.

But most importantly, although it is technically not showing completely, there is a huge message that we see emerging from the discussion, and which is a fundamental basis of the position regarding domain seizures, which is that the DNS as a matter of principle is not a content-control panel. There is an element of neutrality in the infrastructure that needs to be mentioned, explicitly documented, and highlighted, and in particular there are some elements regarding proportionality that forbid as a matter of principle the seizure of an entire domain name at the second level because some piece of content is deemed illegal in one country underneath. The principle of proportionality needs to go to the actual sublevel.



In addition, as a corollary, there is a need to document a little bit more the criteria and the situations under which domain seizures are appropriate. And I think I'm not overstating the criteria in saying that there is a certain element of convergence regarding seizure of domain names when there is harm to the infrastructure, when there is malware, phishing, botnets, and things like that, but that in whatever regards content, it is more a matter of exception. And the way we hear the formulation – and it's good to check it with you – is that fundamentally domain seizures are an acceptable tool if and only if the entirety of the activity on the domain is deemed sufficiently illegal in a sufficiently large and broad representation of countries, which is a relatively restrictive thing.

Anyway, what I want to highlight here is one of the objectives of the Project is to document and in discussions with your community, those criteria so that it becomes a more agreed and a more explicit – I wouldn't say line of defense, but position as a matter of principle. More generally speaking, one of the things that has emerged is that those requests are being sent various forms, no structure, no particular documentation, in a consistent manner.

And so the outcome of the discussion for the domain seizures – but let's be honest, more appropriately for content takedown requests towards platforms and others – is a regime that is built on two pillars. One is the request submission system, i.e. the request format with a certain number of markup tags to structure the information that needs to be provided; and a set of mutual wise databases that are providing statistics on transparency, the number of requests from where to whom; and information, a mutualized database on legal reference.



What is the applicable law in the different countries regarding contents or regarding intermediate liability, for instance?

And the second part, the second pillar, is more on the procedural aspects like the request-handling procedures. The first part is basically a sort of elaborate plumbing system, and the second part is more what kind of norms and criteria are being adopted by the different actors? Is there a possibility to synthesize the guidelines or best practices on predictability of the process, and also is it possible to develop dispute management mechanism to alleviate the tensions that sometimes result from requests that are not answered or that are remaining unsatisfied?

So I don't get into too much detail. I am open and available for further discussion, and in particular, we just published a progress report that you can find on the InternetJurisdiction.net site that basically describes in more detail the two pillars, the request submission format, the authentication mechanisms for law enforcement in particular, the transparency database, legal reference database, etc.

So I don't want to belabor, just finishing to indicate some elements moving forward. During 2015, we will continue our work on the two tracks, the technical specification of the request submission system, and something that is probably important and useful for you is documenting the kind of norms and principles that I was highlighting before, and identifying key actors to do testing in 2016.

I want to take the opportunity to extend a great thank you to some of the ccTLD community, particularly AFNIC, auDA, CIRA, and NICBR who are participating in the funding pool of the initiative from the onset and whose support has been extremely valuable to us, not only the financial



support but also the input, which is the final slide that I want to highlight. One of the objectives, and again I'm very grateful for the opportunity for this presentation, is to also activate and deepen the discussion.

There are some questions that I'd like to have feedback on, like does the framing of this issue and the trend regarding the neutrality of the DNS layer as opposed to a content-control panel match your experience? What are the general reactions you have to the notion that it is worth defending the neutrality of the DNS layer as opposed to using it at a sort of point of pressure? Some concrete questions regarding what are the criteria that you use beyond the applicable national law to accept some requests or not? Do you require a local court decision always at this moment? And more generally how to strengthen the interaction and the interface?

I've had personal relations and discussions with a certain number of you, but I'm and we are very interested in deepening the interaction and getting feedback from the ccTLD community in the project.

You get a few links. The site is InternetJurisdiction.net. I encourage you to subscribe to the mailing list and the newsletter every month, and you can contact me at this address for or Paul Fehlinger for additional questions. Thank you.

STEPHAN WELZEL:

Thank you, Bertrand. I think we have about 3 minutes left, so if there are any questions or any answers to your questions, then we have Byron with a question or an answer.



BYRON HOLLAND:

Probably a bit of both. I think maybe I could just quickly go through what you have right there. Question number one: does the framing match the experience? I would say yes. To a great degree, I think, the approach is probably generally speaking the right approach. The criteria that we use, I would say it's somewhat ad hoc depending on the request. We certainly experience inbound requests from foreign jurisdictions. It probably doesn't take much imagination to think about where we in Canada get most of our inbound requests from, and generally speaking, we deny them all unless it comes through a court in our jurisdiction.

And actually, let me rephrase that: we do deny them all unless it comes through a court in our local jurisdiction, which means generally speaking, we just say no to everybody who's making a request because they generally don't bother to come and take us on court, which isn't necessarily a sustainable or predictable or consistent way of handling it, and it does essentially mean at some point there's a grenade that may come our way that we have to deal with. And obviously we support this. I personally think it's an issue very relevant to us right now that as a community, certainly from our perspective, it's probably a little more on the horizon than it is right an issue for today, but it's something I think we need to be thinking about because it's out there and it's coming our way.

And I've felt that there's a certain hypocrisy to my own stance, which is being a strong advocate of a global interoperable Internet. And then I say, "Whoa, whoa, whoa, when you come to my border? I'm not



interested in your issue,” or, “I’m not going to deal with your issue,” and there's just an inherent hypocrisy about a global tension. It's not hypocrisy – a tension between the way I act and what I believe, and I think you're getting at the heart of that.

My question for you, though, was really around in your conversations, have you started to get a sense of what a general policy might look like? And I think your questions were around how many countries are enough to justify a takedown, or what does that look like in a way – enough content behind the domain name to justify it and in enough jurisdictions to make it reasonable? Have you done much work on packing those questions?

BERTRAND DE LACHAPELLE: Actually, this is a matter of progress in the discussion. At this stage, what we're doing is to document the two first elements that I've mentioned and to make those accepted, highlighting the notion that there's a neutrality of this DNS and that is not a content-controlled panel, and that for content, there needs to be criteria or thresholds. And it's only in the course of this here hopefully that the acceptance of those two elements will lead to determining a range of criteria which will obviously not be a precise number, but will be a principal of sufficiently large, sufficiently recognized, etc. So finding the right formulation will be the key point, but at that stage, we're on the two first criteria.



BYRON HOLLAND: Okay. Well, obviously I'm biased because I'm supporting this project already and I'm sure Bertrand is far too dignified to ask, but I think this is a very relevant issue for our community and I'm sure he wouldn't say no to even more support than he receives from our community.

BERTRAND DE LACHAPELLE: I couldn't say it better myself.

UNIDENTIFIED MALE: Okay, two more quick questions and quick answers.

[NEIL]: Again, I guess we have to share our experience. For .ID, domain seizures are protected by the law, so it's not easy for someone to seize a domain name under .ID. The problem is the non-ccTLDs. Sometimes it gets through us to ask the registry to contact other providers in other countries, and I believe we need some kind of international framework to deal with this, and I agree with you. We support you in doing so. It's just that probably you need to take into account all the local jurisdictions that exist in each countries, especially with regard to ccTLDs. And again, if that can be extended into the gTLDs, that would be a great help for us, yeah. Thank you.

BERTRAND DE LACHAPELLE: Just very quickly, one thing that is very important is to take into account the pressure that can be exercised on registrars and not only the registries. And the second element is in this diagram, you can notice on the right there is a legal reference database, and this legal reference

database is intended precisely to document in a neutralized manner what are the applicable laws in the different countries.

ANNABETH LANGE:

Annabeth Lange, .NO, Norwegian registry. For your questions, we usually ask for a court decision, but the police, in criminal cases, they have a special legislation allowing them to at least freeze them while the court case is going on.

But what I really wanted to tell you now just since there are no one from Sweden here today, I was in contact with Elizabeth [inaudible], the lawyer of .SE last night because it was a lot of media in Norway and Sweden about the Pirate Bay case going on in Sweden. That is really an interesting case because it's taken out a lawsuit against .SE on taking down domain names, and it's going in the courts in Sweden in the 27th and 28th of April. And for those interested, it's a possibility to be there and follow the case.

UNIDENTIFIED MALE:

Interesting.

ANNABETH LANGE:

But of course it will be in Swedish, so it will be a little bit difficult, but Elizabeth will write the blog after the case has been [there] and tell you, and it's already a blog about this case on the .SE website. So for those interested, read it.

STEPHAN WELZEL: Okay, actually we are out of time already and I think we soon need to make room for less interesting issues, but we'll take two more questions.

UNIDENTIFIED MALE: Just a comment. In addition content, there could be issues with the domain name itself. I'm not talking about trademark issues. Simply like the name itself could be offensive, so we've had some issues with that. And that's, I think, a different problem because for content, we can say, "It's not our problem." But when somebody says the domain itself is offensive in some way, it's not trademark. That's a different issue. So I think that's another issue we need to deal with.

JOHN CRAIN: John Crain with ICANN doing security stuff. So I've read your report. It's very interesting, looking forward to hearing more. This really talks on seizures and seems to focus on where there's existing content etc. And a lot of the things that I see are also around interrupting criminal activity that might be in the future around botnets and stuff. Is this framework going to help with that kind of situation as well? Because the problem base is very similar. Have you looked at that theory?

BERTRAND DE LA CHAPELLE: Fundamentally in a nutshell, the framework and the approach is dealing mostly with content-related issues, so the two carving outs basically are although it's content, we don't cover basically copyright issues because there are regimes that deal with that and we do not cover things that are criminal investigation that are related to a physical criminal

investigation issues. Do you see what I mean? But only things that are potentially related speech or things like botnets, malware, and sort of, the answer is no.

Just a final point. I think I haven't emphasized it enough, but one of the things that we would be very interested to discuss with the cc community is the fact that I was mentioning briefly that a certain number of platforms are debating when they have to filter the accessibility of content in certain regions versus others between two options: Geo-IP filtering and [local lenses] using the ccTLDs. Geo-IP has a lot of problems and major platforms have a tendency to think that [local lenses] is the way to go.

It is actually going if that is the case to bring to ccTLDs very interesting different issues because your terms of service will be directly connected to the kind of content that they accept or not accept to put on the [local lens].

So I think it is one track that I would be happy to discuss further with the ccTLD community, just like we're discussing the issue of Geo-IP filtering with the IRRs in parallel. So thank you, again, for the opportunity. It was great, and don't hesitate to follow and contact us if you have additional questions.

STEPHAN WELZEL:

Well, thank you, again, for this presentation, and you can all find Bertrand around if you want to answer more of his questions. That concludes the legal session. Now we move on with other issues.



BYRON HOLLAND: Okay, we're running a couple of minutes late, but we'll move on to our next session, which is our opportunity to speak with our board members. He's on his way, okay.

STEPHAN WELZEL: The late Mike Silber, yes.

BYRON HOLLAND: Welcome Chris, however. What hat are you wearing here?

CHRIS DISSPAIN: What was that?

BYRON HOLLAND: What hat are you wearing here?

CHRIS DISSPAIN: Thank you Byron. So I was going to go out actually buy a couple of hats this morning so that they could be a physical demonstration of my hat. I will wear my board hat this morning, unless somebody wants to ask me a question as a ccTLD manager, in which case I'll take my board hat off and happily answer it.

Mike texted me a little while ago to say that he was on his way now. That could mean a couple of things, one of which means he has to try and find the room, which may be a challenge, but I am told he's on his way.



It's a busy time on the board, and it's quite a complicated time on the board. And I think we've had some demonstrations over the last few days about how complicated it is because some people hold the view that because you're on the board, you should not involve yourself in the debates. Others hold the view that provided you're clear that you're not talking on behalf of the board it ought to be possible to involve yourself in the debates. Part of the argument is that if your community has graciously – hi, Mike, we just started – if your community has graciously elected you to the board, they've presumably done so because they think you're able to have a voice on behalf of them.

And whilst we hear a lot of legal mumbo-jumbo about the fact that you once you get on the board, you're supposed to be a board member and you're not supposed to represent your community, frankly whilst in pure legal terms, that may be true, in essence it's crap. Of course you represent your community. Of course you talk on behalf of, in my case and in Mike's case, the ccTLDs. Of course you provide expertise to the board in that area, and therefore of course providing you make it clear that you're talking as an individual and not as a board member, you should be able to say stuff.

But that's been a very interesting part of this transition process and what it's done is focused the mind of the board, of board members, on getting some clarity around what actually are our roles and responsibilities and what we should or shouldn't be doing.

Do you want to just say hi, Mike?



MICHAEL SILBER: Greetings, everybody. My name is Mike Silber.

CHRIS DISSPAIN: And I'm an alcoholic.

MICHAEL SILBER: Maybe I'm an ICANN-oholic. I have no intention of going into recovery just anytime soon. Having way too much fun. This is way too interesting.

BYRON HOLLAND: Welcome, Mike. Thanks for joining us. I thought the best thing to do would be just to engage in some conversation around what are obviously some of the hot topics, and it is a conversation. These are your board members, so feel free to get up and question them. Hopefully this can be a conversation, not a monologue. But maybe I'll just kick it off with a question about timing of the proposals.

Over the period since the last meeting, the conversations about timing and end dates have varied quite a bit. And the signals we've received from NTIA and ICANN and board and senior management have varied anywhere from "Must be done by the drop-dead date; US politics dictates that," to "Take all the time you need; the right decision is far more important than a timely decision," etc. etc., so there's been significant conflicting signals around timing. Could I get each of your sense of what the community really should deliver just from a timing perspective? Is there a drop-dead date? What happens by December when the US political machinery kicks into high gear? And what's your view?



MICHAEL SILBER:

Byron, thank you. So my opinion, the accountability work needs to be done. There is no drop-dead date. The work has to be done. We've had problems. We've had problems for years. We've got an issue of trust in the community – sorry I've said it – and the accountability work needs to be done.

In terms of the transition, we have a window of opportunity to then take the accountability work and to use that as the basis to actually change some of the way that IANA does. So in my opinion, if we want transition to happen, then we actually need to work on an accelerated timeframe because I think the end of the year is pretty much “it” for everything. All the pieces need to be in place so we can move forward.

If, however, we can't do that on the transition side, then we may not be able to get to circle around to that for months or years thereafter. That may not be an issue, certainly not for us as CCs, but the accountability work still needs to be done. So then it's a question of, “How much compromise are we willing to make in order to meet the dates?” And in my opinion, it would be a good thing.

And if we can, we should, but don't be upset if we don't meet the dates that the transition of the IANA function away from NTIA doesn't come around, the window's closed and doesn't reopen for several years. Take it. Accept the responsibility. We are all big boys and girls in this room. Accept the responsibility that we're partly responsible for not meeting the dates, and carry on the work of accountability because that bottle has been opened. The genie is out. Let's get the improvements through irrespective of what the dates look like around IANA transition.



CHRIS DISSPAIN:

So I think Mike's right that the accountability stuff needs to happen anyway, whatever shape that takes. As long as it's reasonable, it needs to happen. There's an apparent desire for a proportion of that accountability work to be in place before the transition. Perfectly understandable because if I favor a particular model, I'm quite entitled to favor that model on the proviso that there is a piece in the accountability piece that supports that model.

So if you go back to Byron's point yesterday about the Siren song of simplicity or some other poetic thing that you came up with, that's valid, the point being, but it depends where you put your simplicity. If you have complexity in the accountability mechanisms, that may help you be simple in the IANA piece, so I get the juxtaposition is important. I think that I am going to answer the question about timing because this is all relevant, I think.

So I think the skill for the accountability folks, CCWG folks, will be to not overfill the bucket of what needs to be done at transition or before transition. And part of the issue in that group, I think, is that there are a group within that group that believe that the transition is leverage. It's a perfect legitimate view. I don't subscribe to it, but it's a perfect legitimate view. And because they think it's leverage, they want to get as much into the bucket as possible.

[Matthew] and Thomas and Leon, who are chairing that group, are being very wise in saying, "Well, hold on. Let's just get down to what the essentials are." So if you assume that that has to be done, then that's one timeline that needs to be sorted. Then over at the CWG, there's another thing that needs to be done, which is the model etc. And let's



not forget that it's not just about the CWG coming up with a model. It then has to go out to the SOs and ACs, and that model has to be endorsed by the SOs and ACs.

And let's not forget that that means the GAC has to endorse it. And let's not forget that one government objecting in the GAC means the GAC can't endorse. So we have a significant number of hurdles to get over, and even with the best will in the world, even if the GAC is operating with 100% concern for the future of ICANN, they still operate quite slowly, so they may well not be ready at the same time as anybody else, so that brings me now to the “deadline,” and the question is what that means.

[Ira] said in the opening ceremony, “Do it right, but do it quickly.” And that's fine provided that we are all coalescing around a group of ideas that we're all comfortable with. For what it's worth, we've heard a lot of stuff about deadlines. Larry has consistently set us on a deadline. Other people have said it's a deadline. I think, and the problem is, that being definitive about it has tactical and strategic effects.

If you tell people it doesn't matter as a deadline, they'll slow down. If you tell them it's cast in stone as a deadline, they might give up because they know they can't meet it, so one has to be very careful. My view is that pretty much what Mike has said, there's a window. I think that window is probably slightly longer than September. I don't think there's any reason why the USG couldn't move later than that, but there will come a time pretty early in 2016 where they won't be able to because of the election cycle.



If the Democrats win the election, then I think that window is likely to remain open. If they don't, I think that window is likely to close. But I can't be any more specific – but it will reopen at some other time.

[MIKE SILBER]:

The other thing, just to remind people, we've been told very clearly that the two pieces of work need to be delivered. There need two proposals and that a single proposal is not adequate. And I don't agree with Chris. I think people will definitely leverage it; that to get a laundry list of all the things that have irked them in the past, resolved, no matter how minor or pity or irrelevant they are. And even if there is no consensus, even rough consensus, even a general feeling that those issues need to be addressed.

People are bringing up their personal baggage from the last ten years and trying to push it in there, and that's why I'm looking at Lise because she's in the room, but I think all of us need to be as rational as possible in this to say if we've opened the door around and particularly accountability, which is work, which is ongoing, and which separated into work to achieve transition and work beyond transition, put the laundry list which needs to be debated and which needs to be discussed and which requires consensus-building, or dismissal if you can't achieve it. Put that on the second track. Get done what needs to be done now, and yes there's a lot that needs to be done, but everything doesn't have to get done.



BYRON HOLLAND: We'll move onto something else, but just in terms of timing because it is a big issue for the groups, so I just want to paraphrase what I think I heard that essentially we have a window, that window is likely open until the end of this year, at which point we go into US elections cycle for the following year, where nothing will get done. And then the year after that, a new administration will be seated, Republican, Democrat. Even if it's friendly to this issue, it's probably a year before they get ramped up and we get back to this. So we're talking about a two-year cycle where the window closes, even if the ensuing administration is friendly to this. Okay. Thank you.

Any questions or comments on this, or anything else? Sure, Peter, I guess we'll go to the standup mic here.

PETER VAN ROSTE: Good morning, everyone.

BYRON HOLLAND: Stand up, Mike, yes. That's some lateral thinking.

PETER VAN ROSTE: Good morning, everyone. My name is Peter Van Rose from CENTR. Just to make sure that I heard you well, if one government objects, the GAC cannot support proposal, and there is no proposal?

MICHAEL SILBER: Well, let me make it very clear. They could change this, right? But the way they currently work is that if I read the charter correctly, the

charter says that the proposal must be endorsed by each of the sponsoring SOs and ACs, [at] which the GAC is one. My understanding is that in order for the GAC to endorse it, then if one government objects, they cannot endorse it.

What they can do is they could say most of them are fine with it, but some are not, or one is not, or whatever, but they actually cannot endorse it.

Now to be fair, I do know that there is work going on in the GAC to see if they can persuade themselves to switch that around and say, what they should be able to do is say nothing unless they object. But that's not what the charter says, so we might have to fiddle with that. But I want to be very clear. Yes, my belief is that if 1, 2, 3, 4 governments in the GAC say, "We object," the GAC would not be able to endorse the proposal.

UNIDENTIFIED MALE: Okay, thank you. Another question another issue? Has the board been discussing the NETmundial initiative, and what is the board's view on the way forward on that?

UNIDENTIFIED MALE: Yes, we have. We are seriously concerned. We have a raft of questions. While we think that some of the principles of taking the fantastic work that came out of NETmundial forward in some or other body, the notion that an entity which deals with some issues that are way outside of ICANN's remit help relieve the pressure on us as ICANN to deal with those issues is very positive.

[Where] having a concern is then the role of ICANN in seeding and incubating that initiative. My personal preference is that ICANN has little or no role whatsoever other than being generally supportive and maybe helping out financially a little bit. There are others who disagree. At the moment, management has pulled back significantly because we've indicated that we need a more comprehensive discussion before we can allow management to actually take an active role.

That is a tension at the moment between board and management, and even on the board itself. Personally I think it's a lovely idea. I also enjoy sitting on the beach playing guitar, campfire, singing "Kumbaya." That doesn't necessarily mean it's going to get anywhere and personally I think ICANN has no place in that initiative whatsoever. Others disagree, and I think some of them have valid points.

BYRON HOLLAND: Any...? Feel free to step up.

JAY DALEY: Thanks. Jay Daley from .NZ. I have two things. First, if you could just put a little rumor to bed for me, that'd be very nice. There are suggestions that ICANN is planning after the IANA transition to move to Switzerland. Could you just comment on that please?

CHRIS DISSPAIN: I can confirm that that's a rumor. Jay, I can tell you that there has been absolutely no discussion whatsoever about – well, sorry. Some people might have talked about it, but in the board, zero discussion whatsoever

about moving anything anywhere. Now, if you guys come to us with a model that involves that solution, but since the president's strategy thingamajig that was years ago when there was talk of that, I'm not aware of any discussion.

MICHAEL SILBER:

Sorry, let me disagree slightly with Chris. Firstly, Jay, that's not the sort of rumor that personally I'd like to take to bed, but there has been because of various suggestions, comments made, counsel has looked at options for ICANN incorporation in other territories, primarily the work was done around hubs and the legal implications of the hubs. But at the same time, there was work done in terms of what would be inappropriate and what are the options. So some lawyers got paid way too much for doing an opinion that's sitting in the bottom of a drawer somewhere.

CHRIS DISSPAIN:

And any linkage with that to the transition is incorrect because that happened months before the transition.

MICHAEL SILBER:

That happened months if not years before the transition came up, so it's in a drawer and we've always said as a board, "Yes, when the time is right and when there are other options, it's something that we should consider," and, "Wow, that's really interesting that you decided to go and spend all this money on a legal opinion that is not going to be acted upon for years, if ever."



UNIDENTIFIED MALE: Thank you.

MICHAEL SILBER: [inaudible] [Have got a good gig].

JAY DALEY: So the second point then, you may have read the blog post from Danny Danny Aerts of .SE about ICANN's money. I think there are a number of us who feel that ICANN is sitting on a bucket load of money and one of the things that it ought to be a part of working on how to get rid of it.

CHRIS DISSPAIN: Yes, so agreed. So let me tell you where we are with that. So there were two discussions. One is what about money left over from the gTLD process, which is one thing. And the second one is, what about money that comes from the auctions, and I actually view those two things as different because they're from different reasons.

We have been well aware for some considerable time that the community wanted to know about what we would do with auction process, and we've made very clear statements about we don't know [if there will be a] public common thingy, blah, blah, blah, blah, blah. And we also thought we had heard that the community was overburdened and very, very busy, and given that the money is sitting there and isn't going anywhere and given that it's invested in the best way that it could be invested etc., maybe that's something we should leave until we get through the transition etc.



So at this meeting, we've actually asked and said, "We thought we heard you say this, but maybe we didn't." And the number of sections of the community have said, "Yes, we are overburdened, but we still want to do this."

MICHAEL SILBER: I think if we were to get a 36-page straw man proposal about the money, then we're telling you where you should put it. But if there's a gentle discussion starting about the principles . . .

CHRIS DISSPAIN: Exactly, so I think where we are, and I'm not 100% sure, but I think where we are is that we're going to start a chat.

MICHAEL SILBER: Right, okay.

CHRIS DISSPAIN: The other side of the coin, if you'll excuse the money pun, is that there is a lump of [inaudible] – in that case, I withdraw the pun. There may be a lump of money left over in respect to the new gTLDs. That's a much more complicated issue in the sense that whereas the auction proceeds are discrete fund, unspent money from the new gTLD process is corralled to some extent for the legal risk fund and so on. So figuring out whether there is actually is any surplus or not is entirely dependent to some extent on how much you put into a legal fund, etc. But from the auction side of things . . .



MICHAEL SILBER: [inaudible] legal fund. It's just a risk fund.

CHRIS DISSPAIN: Legal risk, sorry.

MICHAEL SILBER: No, it's not legal risk. It's just risk.

CHRIS DISSPAIN: Okay, whatever.

MICHAEL SILBER: We've done the measurement.

CHRIS DISSPAIN: Okay. So does that answer your question?

JAY DALEY: Yes, it does. The reason I ask that is that we are at a position now where it is clear that as new roles and responsibilities emerge, people will have to make a choice as to whether they create a separate organization to do those, or did they merge into a broadening scope of ICANN? And I'm very much in favor of the former of those, and the money I think should be used to do that with, and that's what makes the timing important to me.



CHRIS DISSPAIN: I think that's a really interesting idea. My immediate response to that is I wonder how our gTLD colleagues will feel about the ccTLD suggesting that the funds received from what they would call their side of the fence, so to speak, should be used and what would our contribution to that be, I wonder?

UNIDENTIFIED MALE: I think that when you've got the money, the people it came from don't really have much of a say so much about it. It is now a community decision.

MICHAEL SILBER: And more than that is while there are a number of ccTLDs who applied, and therefore sit in the GNSO in their capacity as applicant or registry – possibly even registrar – they still remain, I hope, loyal in the ccNSOs. So I think the point is well taken, Jay. It's a pity that we got involved in unrelated issues and we wasted time on doing roll call in the meeting yesterday instead of raising some of these issues with the board, because as Chris said, we had the opportunity to ask this question of some of the other parts of the community, and we got a very mixed message. And the truth of mixed messages is they start getting clearer as you bring more voices into the conversation.

UNIDENTIFIED MALE: Thank you.



BYRON HOLLAND:

Thanks. Roelof, did you have a question? For the technology folks at the back of the room, hello, hello. The sound up here when we are talking is very washed out and hard to hear. When people are talking from the mic, I can hear it on the speakers behind us. When they're talking, there's no sound coming, so very difficult to moderate this. The two speakers back here seem to be connected to the mic, but we don't seem to be – it needs a fix, please. If there aren't any other questions from the floor, maybe I could ask something around the process for decision-making vis-à-vis the proposals.

MICHAEL SILBER:

Byron, sorry. I know we were talking about hot topics, but seeing [Dusan] come in and having looked at his Facebook post about his name tag, and I don't know if you've still got that name tag. Roelof is looking at me like I'm nuts. [Dusan] entered his name in Cyrillic. When it came to printing out his name tag, it came out as question marks and it raises the question of universal acceptance.

For those of you who are interested in universal acceptance, and universal acceptance is a very broad church, it includes universal acceptance of new TLDs, so making sure that people actually recognize that new TLDs are TLDs and they're not a technical mistake, but also universal acceptance in terms of IDNs and languages, which is where I think this community's more interested. There's been a lot of concern raised over a number of years and not a lot being done.

Universal acceptance is being looked at. We've created a working group. Don Hollander is going to be assisting ICANN in terms of moving that working group forward and coordinating that working group. We're



looking at initiatives. For those of you who either have or are interested in other scripts, please get involved. I think it's a very useful initiative, but the one thing that's very clear about this initiative to me is that it can't be top-down under no circumstance.

Firstly, it's ccTLD operators, but also it involves bringing in the software folks, it involves bringing in ISPs. There's a lot of outreach involved, so I'd really encourage you, if you have an interest, to follow the work of the universal acceptance group and see how you want to get involved.

BYRON HOLLAND:

Thanks, Mike. A question I had for the both of you from a board perspective is around the decision-making process for this community and how to accept the draft proposals, however they show up to us. Obviously, the ccNSO has been tasked with doing this work, and at a certain point, accepting or rejecting a proposal that gets surfaced out of the CWG. And somehow we have to come to a reasonable decision that takes into account ccNSO membership, but we have also been tasked with facilitating this process for the broader ccTLD community, who may or may not ever respond to all of our outreach. Do you have any sense of the board's thoughts on how much outreach is enough, how does the ccTLD or At-Large factor into this versus ccNSO membership?

CHRIS DISSPAIN:

Thank you, Byron. That's actually a really interesting question. I think from a board perspective, I don't think the board has actually turned its mind specifically to what the ccNSO is doing, but I think I can say that the boards certainly understands that the ccNSO is going wider, that its



membership understands that there are a number of mailing lists, understands for example that there are non-ccNSO members involved in the committees and so on and so forth.

So I think we accept that and we think that that's excellent. We were in the GAC a little while ago, and Olga Cavalli from Argentina raised a similar question, not in respect of voting as such, but in respect to getting the message out outside of ICANN and our response was, "Yes, and what are you doing?" Each of these governments should actually also be getting word out in their own countries, and so why don't we all join together to do that? So I think that's [going to be] the board's position.

When it comes to the way of dealing with the CWG recommendations, I have a personal view, and it's just a personal view in the sense of you ask the question and this is what springs to mind. It seems to me that the ccNSO itself has processes for voting that have high barriers that effectively show consensus. I forget now, 66% or two-thirds? I can't remember. It may be even higher; I can't remember.

So I think if you were just talking about the ccNSO, then it seems to me obviously you'd use that process. So if you take that and you then lay on top of that the fact that there are ex-ccTLDs who are outside of that process, if you reach out to them and give them an opportunity to vote, to express their opinion, and you use the same calculations, so you increase the pool, and it's obviously only 66% of those who vote, right? That would give you as much legitimacy as I think you could probably hope for in respect to the wider – I think accountability stuff is different because I think that's ICANN. But I think you have to allow Paul Kane to



vote for his four or five CCs, etc., and same way that if Nigel had not joined, I'd be – no, I wouldn't, actually. I'd be saying that he should be able to vote. But that's just my personal view, and I don't think the board has remotely put its mind to, nor should it. It's your [problem].

MICHAEL SILBER:

Sorry, can I counter that question from a totally different answer? If you look at the board resolution last year in terms of our options, in terms of taking the proposals through to the NTIA, the options are seems through with the endorsement, seems through unaltered but with reservations. NTIA came back to us and said, “We're not interested.” It either comes rule endorsed, or don't ask us to now try and mediate your pity conflicts and your reservations, and don't ask us to make a decision. Make the decision and send us unanimity.

So right now as a board, our options are send through pretty much other resolutions or has that language, but the instruction from NTIA is, “Send through or don't send through, but don't send through 10 pages of reservations as to why this can't work or why we'd prefer something else.” Sort it out inside the classroom, or on the playground, or wherever analogy you want to use.

So I would suggest that the role of the ccNSO in terms of building the proposals should be very similar: work it out, do your level best to get consensus, get your views included because if you're sending through comments to the board saying, “Hey, board, this proposal is good, but we've got a 10-page list of reservations and we'd prefer it this way or that way,” we're going to be in the role of trying to mediate and make a decision, and we're going to get flack from the community for doing it.



So my suggestion is do your work in the respective groups because we want as far as possible as a board to send it through unaltered, and we're trying to up our up our engagements so we don't get a proposal dumped on our desk, we look at it, and then we go, "Oh, Lord, but we can't do X, or Y, or Z," and then we've got to go back and disagree. We're trying to get into the process so that we can help shape it, and I think that's the role of the ccNSO is get into the renches and help shape it.

BYRON HOLLAND: Thanks. Roelof?

ROLOFF MEIJER: I don't want to be disrespectful, but I'm getting a bit too much of preaching from the board representatives, and I also have a suggestion: maybe we should go back to written questions before this session so that we get a solid answer and we don't get too different answers because I find that confusing. And I can imagine that it must be confusing for your fellow board members as well, if they get feedback from the ccTLD community for those board members coming from there and have completely different responses to the same question.

CHRIS DISSPAIN: So Roelof, thanks. If you feel that I'm preaching at you, I'm sorry because that's not my intention. I actually, I think I was talking about something completely different to what I was talking about. I was talking about what I thought Byron asked, did we have any input on how you would deal with the recommendation from the CWG as a



group. And I think that's what you asked from a process point: did we have any input on how the ccNSO could deal with the fact that some of the people are not members of the ccNSO and how would you – is that what you asked?

BYRON HOLLAND: That was really what I was trying to get to is CCs are broader than us.

CHRIS DISSPAIN: I don't think that's what Mike was talking about it all.

MICHAEL SILBER: I misunderstood the question. Roelof, in terms of preaching, point taken. In terms of different views, I'm sorry. That's what you got. If you wanted two of Chris or two of me, then you should just slice us more thinly. But you're going to get some divergence of view.

ROELOF MEIJER: My point is that I'm not sure, but we don't want two of you, two of Chris. But we don't want two different personal opinions. Maybe that's the point.

MICHAEL SILBER: Well then, Roelof, my suggestion for what it's worth is start telling us what you as a community believe, and we can then represent that to the board with our own personal views and opinions added on, but we're getting very little input from the ccNSO. We get input on some discrete issues, but we're not getting a lot of input as to the feeling of



the ccNSO, and I suspect sometimes because the ccNSO hasn't reached consensus on some issues. But if it has, it would be really useful in this session for you guys to let up and say, Chris, Mike, this is the view of the ccNSO. We would appreciate you taking that forward to the board.

BYRON HOLLAND:

Since our time is up, are there any final questions or comments? With that, join me in saying thank you to our board members, and then we'll go to coffee for 15 minutes and back at 11:00, please. Thank you.

DEBBIE MONAHAN:

All right, morning all. I think we'll get started after your refreshment break. I'm Debbie Monahan from .NZ and I must admit that one of the most interesting sessions I find at cc meetings is the update on what different CCs are doing their initiatives they've had and what they've put in place, and today's session is no different with five very interesting and diverse presentations.

So first up we have Liyun Han from China. CN. Liyun is the international policy advisor and global strategic partnership manager in CNNIC. She's been doing research into the projects relevant to the IG, including capacity building, international cooperation, and cyber security. She's also going to share some CNNIC experience over different ccTLD interaction and corporation. So Liyun, thank you.

LIYUN HAN:

Okay, good morning, everyone, and many thanks to Debbie and many thanks to ccNSO [staff]. I'm very glad to be here working with so many



excellent ccNSO colleagues. And today, I would love to introduce our recent work and share some experience of CNNIC's inter-ccTLD corporation. And thank you.

My presentation consists of the three parts, and firstly, let's move into the part one: introduction of our work. CNNIC as the registry of .CN domain name, has been responsible for the operation, administration, and the service organization national network fundamental resources, and we have other research development and consulting services and the cooperation and the technical exchange. And with the rapid development of the IG and a new G era and we have evolved and expand our functionality including the secure and reliable platform for gTLD and new gTLD registries, especially for IDN development and national policy and for the industry and community.

And the international cooperation, we dive deeper and deeper in sphere of the international cooperation, which I would like to present in part two.

Last month in January, we just launched the 35th statistical report on Internet development in China. And shall I have your attention to this page, we can see the rapid development of Internet in China and incubating the growing market of China. Our [inaudible] members goes up to the 649 million, and we have the 20.16 million domain names in total in China's market, of which the .CN domain names occupied more than 50%.

Based on the efforts what we have made and based on the growing market, CNNIC expands its responsibility and make a new brand [inaudible] of the Internet development. As a registry of .CN, we will



maintain the stability and security of the domain name and new G domain names. And as a platform of [corporation], we are seeking for more cooperation of more ccTLD partners.

And most importantly, last year we just established the institution of Internet governance research. It's a kind of think tank, and we have been doing the research of the hot issues of Internet governance including the IANA transition, NETmundial initiative, and the cyber security and the new gTLD development, and so on.

Next, we will go to the part two: promoting inter-ccTLD cooperation. Yes, as we know, the ccTLDs, the essential component of the Internet infrastructure, the registries of ccTLDs share common interests in Internet construction, operation, and administration. That's why CNNIC constantly attaches great importance to the cooperation and the implementation with other ccTLD operators so as to enhance the interregional connectivity. And the connectivity is the most effective approach to make the Internet users all over the world benefited from the Internet, which is our common [inaudible].

What we have made, the cooperation has the following six aspects, such as we establish there is other ccTLD operators and strategic partnership, and we share the facility and the fundamental resources, and we set up the joint labs and exchanged the researchers and cohosted the event and doing the [inaudible].

Specifically speaking and objectives of our cooperation with other ccTLD operators is to develop the Internet address technologies and to promote a new Internet address service, and to ensure stability and the



safety of the ccTLD operators, and to enhance the relationship between the parties.

And here I would like to express our most sincere appreciation for our excellent partners in the past few years, and we can see our excellent partners in this page. We have the anycasting [inaudible] exchange with .IU ccTLD KRNIC and [DNIC]. And from 2012 and 2013, we have hosted twice a Southeast [inaudible] program with most the southeastern countries including PANDI, Yemen Net, ZADN A, Jordan NICT, LAONIC. And in terms of the IDN development promoting, we worked with [inaudible] and TWNIC and we cohosted the training program with Nominet.

Most importantly and the most worth to mention that at our 10th anniversary, we invited all of the partners to be present and we signed a kind of agreement to conduct the ccTLD cooperation and opened a new chapter to the cooperation of the fundamental resources and to enhance the connectivity of the regions.

Next I would like to show around the [path] what we have taken and you can see the timeline of the events. The first China southeastern capacity building cooperation and the second one was held respectively in Kunming and Beijing of China. And the first event, we just invited four countries, but we have made the great outcomes in that event, so that's why we was encouraged to get further on this cooperation.

So the second one was held in Beijing in 2014. And last year, we got the award of [APEC] program on these programs, and we expanded the coverage of the regions and countries, so we are going to hold the third capacity-building cooperation program in 2015. Yes, this year. So



welcome to join us of this program. We have established the strategic partnership with KRNIC and [.IU] ccTLD. We signed the MOU. And according to the MoU, we hold the research and technology seminars in turns. For example, we held the seminars in [Hunan] of China, and the secondly in Seoul in Korea, and we are going to host the first cooperation seminar in Moscow in this April. Yes, this April.

And next one in terms of the workshops and international conference and the forums, we can see WSIS+1-. We have the workshop of the new concept of capacity building and we also held the IGF workshop improving the [IG] architecture to drive consumer trust. And then we invited many professional experts from ITU, ISOC, and ICANN, and the Technology and Education Ministry of [inaudible] and APNIC and .RU ccTLD, blah, blah, and so on.

And the most importantly is in last November is the first time for China to host the first World Internet Conference, Wuzhen Summit. It's a kind of Eastern [inaudible] forum. And during the three days of the summit, we invited over 1,000 participants to join us and covered over 60 countries. The topics on the summit is quite broad, including the Internet economics and Internet infrastructures and O2O market and things of Internet, of course, includes the Internet governance.

So we invited many outstanding experts from all over the world to talk about the hot issues in sphere of the Internet development and the governance. And this year, maybe in late October, we will host the second Wuzhen Summit. So here on behalf of CNNIC, on behalf of the meeting committee, I will invite you to join us to participate in our second summit.



Okay, next on. Here are some pictures of the aforementioned corporation and programs, and you can see everything here. And the last part is building future partnership. Yes. The steps [will not stop] forever, so we will get further in this [views]. The cooperation aspects includes, I think, four aspects.

The first one is technology research. Actually, CNNIC has some integrated DNS tools with both softwares and hardwares, and we have our own Internet security tools and DNSSEC, IPv6, and DANE. We have been doing the IDN program and promote the IDN standards improvement. And we exchange the anycasting [nodes].

The second one is marketing, and China has a very good market of the domain names and we have a large amount of the registrars, so we can give you some consulting and some introduction of the potential registrars to make some domain name registries overseas. And we have also the market of the universal acceptance of IDNs [inaudible] the marketing events with some registrars, with many registrars.

And the third one is Internet governance. As I mentioned in the first part, we have the think tank called the IGR (Institute of Internet Governance Research), so we are doing the research on the international conferences, Chinese policy, compliance, collaboration, and international research, and we are seeking for more and more inter-ccTLD cooperation and keep on doing our capacity building program.

And the last one product and facility exchange. Yes, the infrastructure is the very important things to all of the ccTLD operators, so we should pay our attention and keep our close eyes on the infrastructures



developing. And talented training [inaudible] is very important and necessary to already developing countries and to shrink the gap of the content and digital divide.

The last one is we are figuring out some creative ways to build the inclusive ecosystem and harmonization sphere of Internet governance.

Okay, that's all. For partnership opportunities and conference participations and MoU signing, please contact us. We are the following e-mail. Thank you very much. Thank you for listening.

DEBBIE MONAHAN: Okay, are there any questions for Liyun? No? I actually have one. Can I just ask what the uptake of DNSSEC and .CN is? Do you have a good uptake of people signing their domain names in .CN?

LIYUN HAN: Pardon?

DEBBIE MONAHAN: DNSSEC. So China is signed. Do you have many domain names in .CN that are signed?

LIYUN HAN: You mean DNSSEC? Yes, we make some signs, but not all of the domain names. Yeah.

DEBBIE MONAHAN:

Thank you very much. So our next speaker's going to be Gihan Dias from.LK. Gihan is the domain registrar and CO of the .LK domain registry, and a professor in computer science and engineering at the University of Moratuwa in Sri Lanka. Gihan's also [inaudible] on the APTLD board and is a trustee of the Internet Society and president of the Sri Lanka chapter. So Gihan is going to talk about how websites in .LK can now have their identity and security verified by the .LK domain registry.

GIHAN DIAS:

Thank you. Thank you, Debbie. So let me stand since I prefer to stand. So here's a small product that we put out last year, so I thought we'd talk about it. It's called Verified Web by .LK domain registry. So let me first briefly explain about .LK domain registry. We register domains in .LK. That's in Sri Lanka and two other IDNs. And we work in a fairly competitive environment because we find that many people in Sri Lanka do register in gTLDs, so we want to enhance the value of .LK and say, "Okay, .LK can give you something which dot-whatever it is, does not.

So we decided that we will position .LK as a safe place, so we want the general public, the general Internet-using public, to get the message that you can trust a .LK website or e-mail address. So this is what the message we want to send out: that by going to a .LK site, you are I would say less likely to get harmed. Obviously we cannot guarantee that.

And our current registration procedures are fairly strict. We have open registration. Anyone can register, but we do have a fairly fair procedure which means that, for example, people who register malware domains



automatically, they sometimes ask questions or we just try to verify who is this person, especially if it's a foreign registrant. And we found that most of these guys who just registered domain for malware are strictly of .LK, so we've been fairly successful that way.

So we decided to come up with this product called Verified Web, and we have three things in that product. One is we verify the domain registrant's identity, and I think more and more registries and registrars are moving towards that so people cannot put some random name and a random address, so we want to make that whatever contact information they have put is correct.

We also decided to run a [inaudible] scan on the main website within that domain, www.domain, just to see if there are any well-known or obvious problems with that. Obviously, we cannot be 100% sure. And then we have defined a set of requirements for the website to say, "Okay, if you want to be verified, you need to follow these requirements."

For example, your contact information should be on the site. So we've had one fairly well-known issue, our well-known website in Sri Lanka where the contact information is not there, and in fact that causes problems for us since then people call us and complain about that website, since it's in .LK and the only place they can get information is from us.

And there should be no illegal content, obviously. If something is illegal in Sri Lanka, then it should not be on that website, so basically not that we are going to police them. We simply ask them to follow these guidelines. And of course no malware, no scams. So these are things

because we want people to feel that “Okay, if I get into this site, they will be safe,” so we request [inaudible]. If they want to join this program and have this logo, that they ensure that these are not there.

So we have several products. The Verified Web Basic is free, so basically for the cost of the domain name you can get this logo, which will be on your website, which can then use to show that you are a verified site, and we do a basic check of the contact information and annual site scan. And we do not charge anything, so that's sort of included in the domain registration fee.

And we have another product called Superior, which costs around \$100 per annum where we do a more comprehensive check of the identity and we have regular scans of the site to make sure that it doesn't have any malware or whatever in it. And then we have a couple of other more advanced products, which I will not talk about right now.

And our experience, we launched it late last year. We had a fairly good response from [inaudible]. We don't have like hundreds or thousands of domains, but although the number is still fairly in the single or double digits, I think we have enough response. We are not marketing it in a huge way right now. We are simply talking to our resellers and our resellers have been happy and we're getting a certain amount of verified websites online before we start marketing it. And so maybe in another few months, we will start a marketing program for more awareness by registrants and Internet users. So that's where we are. Thank you.

DEBBIE MONAHAN: Thanks, Gihan. So any questions or similar experiences from anyone in the room? Byron?

BYRON HOLLAND: I'm just curious. I think one of the things you said is that you have no malicious domains?

GIHAN DIAS: Yes.

BYRON HOLLAND: I'm curious as to how you pull that off, not having any, and how do you measure that?

GIHAN DIAS: Right, exactly. So this is not [inaudible] with this particular product. It's really more due to our procedures, so these guys will go around registering all these malicious domains and typically what they do is they have automated scripts which go out and register lots of domains, and often they are sort of just strange, random characters or something like that.

So since we do have a manual process and each domain request is manually checked, we found that the guys who do this tend to just stay clear of us because it's too much hassle for them. They just want an automated system. So it's not that we guarantee that there are no malicious domains. It's simply that our procedures deter the type of people who register such domains.



UNIDENTIFIED FEMALE: Hello, this is [inaudible] from Finland. I'm thinking about the question of the illegal content. How do you handle that? Do you contact the customers, and what is this illegal? I mean sounds it's like very complicated job to do.

GIHAN DIAS: These are guidelines, so basically our position is if you want to be verified, we publish a set of guidelines and say, "Okay, we have two things. One is if you have a .LK website, so one condition for setting up a website in .LK is that whatever you see there should not be illegal in Sri Lanka, which doesn't mean we go and check everything. It does mean that if there is a complaint, if there is a court order or something like that, we have grounds because we say one of the conditions for registering a .LK domain is that it should not be illegal, so therefore if you have violated that by having illegal content, then we could easily [deregister] the domain. So that's a general case.

In addition to that, for the Verified Web we have a guideline, or maybe a bit more than a guideline; I would say it's a requirement. But its implementation is up to the person who registers it saying that you undertake that you shall not put any illegal content. Again, we do not monitor that. We cannot in real-time monitor and figure out if something's legal or not. It's simply that when someone complains, we could get back to the registrant and say, "Oh, by the way, this type of content is illegal in Sri Lanka, so therefore please either remove it or we will be forced to [reregister] it."



So it's just a way for us to tell that registrant that this type of thing is illegal. Again, if they dispute that and say, "No, it's legal," there's nothing much we could do. Basically it would be up to someone else to follow that up in court. We would technically not – I don't think it's feasible for us to take our own registrants to court, unless they take us to court obviously.

DEBBIE MONAHAN:

Excellent. Well, thanks, Gihan. Very interesting. Next up, continuing the move down the table, is Alireza Saleh from .IR And at a time when a number of registries are looking at reduced growth or concerned about people wanting domain names in their country code and looking at the risk of new gTLDs etc., I think .IR is in the position of having one of the fastest growth rates in the ccTLD, and they've looked at a range of different things that contributed, so over to you, Alireza.

ALIREZA SALEH:

Thank you, Debbie. This is Alireza from .IR. Actually first of all, I think that there was a presentation at the beginning of the session regarding the .IR case, so I think that probably I missed the show. So if there's any question regarding that, I'm happy to take it.

Actually my presentation has two sections. One of them is regarding the Arabic script generation panel, which is we worked as a party of ICANN to define the character table for Arabics that can be used as the TLD.

The name of the group is Task Force on Arabic Script IDNs, and we actually worked on defining the character tables that can be used for the root table. Actually, the community driven [inaudible] and we just



started some tasks and we finished that, and we actually finished the first phase of our work and we delivered the corresponding documents to the IP members of ICANN to evaluate and give their feedbacks.

Actually, the group has 33 members for now from 17 different countries and also 9 languages has been covered. The problem is actually there are some small communities that talk in languages that using Arabic script, and we cannot actually outreach to them and bring them on the table, so I would really like to. We as a group wanted them to contribute to the work we are because we don't want to miss any languages and any communities that requires TLD to be ignored, but it's very hard for us to actually get outreach to them because there are some specific characters that requires their knowledge.

These are the websites and these are the links that you can access to the community. The process is completely transparent and we have [inaudible] everything, so actually if you want to join, just go to the page and join to the mailing list if you're interested in contributing to the Arabic LGR. Because we finished the first phase, but the next phase, which is the global acceptance of the Arabic script, because Arabic script is one of the scripts that actually is written right to left. It's different and they have some complexities in there, and we need to resolve that because we wanted to see these domain names actually on the Internet.

So this is the progress work that [we've completed]. We analyzed the code [which defines] the variance, which look identical and similar. And after that, actually there is another rule which is called whole label evaluation that after we identify that and finish the evaluation character



by character each, after that we wanted to see the whole label evolution to see which characters actually can [inaudible] at the same time [at the label]. And after that, we document the work in XML format, which is required by ICANN.

Just to give you an example, this is a chart that actually we finished after our work. The white ones is the one that actually been excluded by the IDNA 2008 standard [inaudible]; and the pink one excluded by the MSR; and the yellow one, which has a mark on them, are actually excluded by the Arabic GP because one of the principles in the LGR guideline book was to be conservative regarding the root TLDs.

So actually I finished the first part of my presentation that I was talking about the Arabic script, and I just want to move to the IRNIC progress report. Just to inform you that .IR is operating as the academic body Iran and actually it's inside the University, and that University actually works under the [auspices] of the Ministry of Science and Technology.

We have more than 30% growth rate for the recent years, for the last three years at least. And according to CENTR report, we've achieved the highest growth rate in 2013 with more than 47% growth. So currently we have more than 600,000 domains. I don't know that was the current numbers because it grows very fast, so maybe it's now 610,000 domains for now. So technically we have more than 600,000 domains and it's growing too fast. And it is very hard because actually each domain registration has to be checked manually by the staff of the IRNIC.

If I just want to, I'm going to summarize the reasons behind this growth, and the first would be liberalized regulation and bringing the DRP because at the beginning, .IR used to be registered by [dispositive]

documents and you need to submit lots of documents to register .IR, but in 2001, we just revised the regulation and now everybody can register .IR and we just have some DRP providers that do the things for us.

We've also started to [drag] the private sector to the .IR selling, and the resellers was actively involved in that, and actually because we give them some kind of the accumulative discount, which is the discount based on the amount that actually they sell, so we somehow protected and support this SMEs that the small businesses to actively involve. And actually everyone, even if they have less amount of money to invest can contribute to .IR. So for now more than 90% of the domain registrations are going to the resellers, not directly to .IR. Of course, we are selling the .IR domains in our website.

One of the reasons of the growth is also the very robust registry services technical operation, and right protection because those are very important. And finally, people in Iran understand that .IR product is working reliably and also very robust, and they can trust the .IR domains.

The other reasons would be because of lots of traffic, it's very hard to actually – there are many reasons that e-commerce is growing too fast in a country, so that's why we also see very high growth rates and domain registration. And one of the other reasons was that the de-evaluation of the Iranian currency to the foreign currency, so actually the Iranian currency rate drops three times, so the de-evaluation rate drops three times, so actually that's one of the reason that the gTLD domains or foreign domains gets very expensive, so that's why people



move towards the .IR name. This is also one of the reasons that we have this kind of the high growth rate.

But currently according to the WebHosting.info website, we have about 100,000 domain names in the gTLD, we've been ranked between 35 and 40 in that list. So actually we've been one of the pioneers of the IDN in the region. We've formed many groups regarding the Arabic scripts IDNs and characters, so actually we started a test bed in 2005 to just make sure that everything works perfectly. And at that time, the registration was under .Iran.ir and currently we have about 2,000 domain names under that TLD.

In about a year ago, in 2010 actually, ICANN accepted the IDN string for Iran and after year and a half, the IDN delegated that string to IRNIC so now the IDN TLD has been delegated and you can access our website to the address that I mentioned at the bottom of my slide.

We have also a variance character for our TLD, which is the [inaudible] character that has two versions: one is Persian and one is Arabic. This one has been blocked by the fast-track process, but we have to wait for the LGR Working Group work to be completed and then maybe we can get the [inaudible] Arabic as well. Because for now, you cannot access this from the Arabic keyboard and you have to install the standard Persian keyboard.

Everything is ready and we are ready to launch. We are in the process of choosing a date to actually officially launch this TLD and make it available, but I think it's going to happen within two weeks' time.

We've also been very involved in some kind of community project recently. We've formed the Persian IGF, and we also formed a session during the past IGF in Istanbul that talks about fibers and Internet connectivity within the continents.

We've also formed a technical community working group that we wanted to bring all the technical parties in the country together that they can talk. And because we wanted to have some meetings in Tehran and [Iran] and we just wanted people to come and see the country first, we've managed according to the IPM to have the first RIPE regional meeting in Tehran, which was a very successful meeting and we had more than 400 participants at that meeting, and we are willing to see other events happening to Tehran, maybe the APTLD or CENTR meeting at first or some ICANN regional meetings.

The upcoming project of .IR is the DNSSEC. So actually it's been tested. It's been tested about a year ago and we are ready to launch that, but we are waiting for .IRAN to be launched and then we move towards the DNSSEC. So everything has been ready and just we need to finish .IRAN and then we can launch .IR, so currently this information is not [inaudible], but later, very soon, you will see .IR signed for the root zone.

Thank you so much, and if there's any questions, I'm happy to take it. Thanks.

DEBBIE MONAHAN:

Thanks, Alireza. Any questions? Gihan?



GIHAN DIAS: Yes, you're talking about the [allowed] tables. Now recently there was a message from the IAB about I think composed Arabic characters. What is your groups? We want that because there was a lot of discussion, but we didn't see anything from your group on what the IETF or the IAB said is reasonable or whether you feel that it is not correct?

ALIREZA SALEH: Okay, thank you. Actually the IAB recently raised a recommendation because Unicode 7.0 has been recently published and there is a specific character that by using that character, you may raise some kind of the confusion issues. Regarding that, because actually I can say that the group think about it and there are two things regarding that.

First of all is that our work is based on Unicode 6.3, which this character was not included in that version, and the other one is that because as you see the table, we've excluded all the combining marks, and this character is actually [especially the] combining marks, so it doesn't raise any security and stability issues for the table because as you see, all the combining marks which are here, if you can see, these all combining marks, and they've been excluded from table.

GIHAN DIAS: So what you say is you have no problem with IAB's version, that it should be excluded, because there are many people who said "Oh, we are going to break the usage of Arabic script [inaudible] many languages," and your position is that as far as IDNs –this is not only the root, any IDN, that all combining marks can be avoided? Obviously



that's true for Arabic, but would it be also be true for Persian and any other language which uses the Arabic script?

ALIREZA SEHA:

Yes, it is true, although if you use the combining marks, the normalization form of the Unicode would take care of that. So if you for example use this aleph with this hamza and you type it on your computer, then there is a canonical form of that character that actually combine this character and gives you this character instead, so actually there is some kind of a normalization. But the problem is the new character hasn't been taken care of by the normalization form. That's the problem under the new characters, so actually if you use that combining mark with any base characters, then the normalization form doesn't give you the composed form.

GIHAN DIAS:

[The sharp thing is] you feel as your Arabic working group that that should not impact IDNs.

ALIREZA SEHA:

It doesn't impact IDN problem because actually the [inaudible] has been excluded before that.

DEBBIE MONAHAN:

Excellent, Alireza. Any more questions? I think it would be fair to say with both an IDN cc to implement in DNSSEC, you're in for a busy few months, as well, and let's hope the growth rate stays up there, too. Thank you.



ALIREZA SEHA: Thank you.

DEBBIE MONAHAN: So our next speaker is Lise Fuhr. Now, Lise is the COO of .DK, and as if that's not enough for her to do, she then likes to test her sanity by doing things like taking on the co-chair role of the CWG and is also a board member of CENTR. And now in 2014, Denmark introduced a new piece of legislation which actually impacts on domain name registrations and I think, Lise, it's about to come into effect and this impacts on people registering, so I'll just pass it over to you.

LISE FUHR: Thank you, Debbie. The presentation is about who is responsible for correct data. Is it the registrant or is it the registry? Well, the .DK registry, .DK host master, is heavily regulated. We have a Domain Name Act and we do have a permission to administer .DK that runs for six years. And every six years, there's going to be a public consultation if we comply with what's in the regulation and if the Danish Internet community is happy with our services.

So this is the context within we operate. Apart from that, let's see. Well, this is about the data validation of registrant data, and why are we implementing a new procedure for this? Well, this is because it's an obligation that enters into force the 1st of March, 2015. And generally every registrant has to be visible in the WHOIS database and it's a requirement that we show their name, their telephone number, and



their actual address. So this is stated within the actual law that we have to show these things.

But from 1st of March, we're also responsible for ensuring anonymity if the registrant is entitled to be anonymous according to other regulation, and other regulation is the Data Protection Act in Denmark or it could be if foreigners is protected by law has the right to be anonymous, they can also be so. I'll tell you more about this later.

Well, today the registrant has to tell us if they're entitled to be anonymous in the WHOIS, but they always forget, and this create a lot of problems because you can have registered domain names several years ago and you don't think when you don't remember that you're public in the WHOIS database, so suddenly they realize, "Oh, my name and address and everything is out there, even though I'm anonymous in every other database."

So this has become an issue in Denmark. We've had people who are very angry of being shown in the WHOIS database even though we clearly state in our terms and conditions, you have to remember to tell us if you're anonymous.

So well, now we have a new obligation that we shall ensure this anonymity that when the registrant is anonymous in the Danish Civil Registration System, and this is a system that contains all the Danish citizens and all residents in Denmark, and this is also a system that has a personal number. The personal number is very secret in Denmark because with this, you can do all kinds of things, so we're not going to check that one, but you can get access to this system and look at all the other [data] registry.

So how shall we ensure this anonymity that they become anonymous? Well, you can run a check of the Danish Civil Registration System every day for all your database. It's going to be pretty heavy. Or you can subscribe to any change of your registrant's data in the Danish Civil Registration System. But how do you subscribe? We have a big existing database and we have new registrants coming. Well, we have to match every registrant that's residing in Denmark to the Danish Civil Registration System and subscribe to the data, so you kind of lock the data to your data.

So what is needed in order to comply with this new obligation? Well, we have to go through our existing database and we have to contact all the registrants that we can't match.

Well, how do we do this? We'll contact them by sending them an e-mail of those we have the e-mail on, because it's not all registrants that have an e-mail. Because we have very old data, and at that time, we didn't require e-mail, so we have a part of the database that's without e-mail. So those will get a letter, but the others will get an e-mail with a token and then they can correct the data to certain extents because we think the data that's in there is sacred, you can't just change a whole name because that would be an actual transfer of the domain name. So they can change small bits and if it's not possible to match with the registration system, well, they'll have to contact us by phone or e-mail or in another way.

What if they don't want to correct their data? What if they don't respond to us? Well, we don't know what to do because you can suspend them, you can delete it, you can do several things, but as a



registry, we find that this has been pushed upon us. It's not our choice. We don't think it's fair for those registrants who will not comply with this. So if we need to suspend those registrants, we want the Danish Business Authority that are our public authority to tell us to do so because it could be messy if you suspend a lot of domain names because we can't match them to what's in the database.

Well, what are the numbers of this? Well, we have 1.3 million domain names. We have 750,000 unique user IDs. Some of them might be the same person, but they have a unique user ID, and you see we have 7,700 public authorities. We have unions; that's 31,000. Companies is 223,000, persons is 375,000, and not given is 100,000.

So we're going to clean up this and these kind of categorizations, we're not sure that they're correct. Because when they did this, we didn't check it towards any database. So we might have more companies, less companies. We don't know, but hopefully we'll find out.

Another problem is actually when you check as a company, you might have your company number on another address, so we need to imply the postal addresses, too, which is attached to the actual company number, and this is a very complex procedure.

What are we going to do with new registrations? Well, the registrar is going to send in an application. First we introduce that the registrar would be responsible for doing the data validation, and I'm going to show you later why they actually responded very forcefully against this and we had to change it, so now they just send in the application. We compare the data. We try and do it first, and we compare it for



companies towards the Danish Business Registry, or for a private persons, towards the Danish Civil Registration System.

We try and match only on name and address first, but if we can't do a match, we have to make a reservation of the actual domain name so it doesn't get taken in the process while we do the valISEtion, and we send the applicant an e-mail with a request to correct their data. If it's a company or a person that we know, they don't have to go through this check. We'll just match them and if we match them with something in our own database, they'll just go along with getting a domain name.

Well, when a registrant has to correct their data, they can try three times as a private person by using their name and address, and companies can use their CVR. That's their business registration number. If they're not able to match on these parameters, they'll have you use a Social Security number as a private person, and this number, as I told you, it's a secret number in Denmark, but it's not very difficult to guess because it's your birthday, birth year, and then it's four numbers, and women are even numbers and men are uneven.

So we have had a lot of people guessing other person's Social Security number, so now we have a procedure where you have to use a digital signature in order to actually use your personal number, your Social Security number, and that's called a [name ID. It's Easy ID translated.] It's not very liked within Denmark because there's a lot of people who don't like this procedure, but it's a requirement by law, so if you want to use your personal number in a procedure like ours, they have to use a name ID.



And the applicant has a month to correct their data or their reservation will be canceled. Of course, we'll send them e-mails during this process. After two weeks, they'll get an e-mail, "You haven't corrected your data; remember to do so," and we'll send them one when we'll delete their reservation. This is complicated. I'll show you the procedure on this, and it's not completely accurate, as I said, because in this one that was the first one we introduced to the registrars where this was going to be their acceptance in the end. Now it's just all within the registry, but it's still, as you see, a lot of communication can go wrong on this slide, and if it does, if any of those databases are down, they can't do the check. So I think we're going to be very popular.

Well, what are the implications? Well, we might lose some registrants because it's too cumbersome to do this, but we'll get a lot better data quality in our database. But this only applies to registrants residing in Denmark. We have no possibility of checking foreign registrants, so those are just going to be sent a letter, as we do today. When you register a new domain name in Denmark, we send a letter to the registrant. And if this letter gets back, we contact the registrants, says, "We got your letter back. Something is wrong with your address," and that's the only validation we can do on the foreign registrants.

And I see [Jovan] is laughing at this because it seems so last century, but actually we get a lot of letters back, and in that way we kind of contact the registrants, say, "Your contact details is not correct. We have a problem and you have to sort this out." And if they don't do this, we actually suspend their domain name. Well, my first question was, who's responsible for correct data? The registrant or the registry?



Well, according to the new Domain Name Act, the registry is responsible. We've become responsible and because of this, we have to become a lot more strict of what we accept of data from the registrants, and we have to be more strict on our own registrants, the ones residing in Denmark. And we're going to survey or we have to look at if this is going to change the weight of foreign applications. Because you might have someone who will try and fake that they live in [inaudible] or China or wherever because for every registration, of course we send an e-mail and we send a letter, so they can get all the details in an e-mail, too. So we'll see how this is going to shift our numbers of foreign applications and Danish applications. Thank you.

DEBBIE MONAHAN:

I'm still in shock at the thought, Lise.

GIHAN DIAS:

Okay, so it looks like you have two data points to vaLISEte: a name and a postal address. So it appears that in Denmark, you have a database which you can query with a name and address and it says yes or no, that's it?

LISE FUHR:

We have a database that will, yeah, vaLISEte. So we can ask the Danish Civil Registration System, "Is this person living at this address?" And if it says yes, it's fine. They might've misspelled or have a middle name or something they've forgotten, then we might have a problem. So it is a tricky system. We're trying to make the tolerance bigger on what's



getting rejected and we're going to have just to try and see how many get rejected from the initial valISEtion.

GIHAN DIAS: But so you do not look at phone numbers, e-mail addresses, all of those not relevant for this particular thing? You just need a name and an address, is that all that [inaudible]?

LISE FUHR: Yes, just a name and address, yeah.

GIHAN DIAS: Because what we've often found is from .LK, especially actresses keep changing, especially small companies. They keep moving, and so the address may be valid when it was registered, but it is no longer valid and even an individual might move several times.

LISE FUHR: But we will get told if they move because we then subscribe on any changes for any person or any company that's registered in Denmark, so they would tell us.

GIHAN DIAS: You mean they actually send you alerts?

LISE FUHR: Yes, they would give us updates. They would push updates for us every day, so you can . . .



GIHAN DIAS: So that means in Denmark someone is keeping track of you in real time, almost?

LISE FUHR: Yes.

DEBBIE MONAHAN: So can I just ask, does any other registry have any similar requirements or anything coming close to those similar requirements? Looks like you're on your own, Lise. Can I just ask, what consultation did the government do with yourselves and the public to bring about a change like this?

LISE FUHR: Well, we saw the obligation when they had the public consultation of the Domain Name Act and we strongly opposed to it, but we didn't get through, so they kind of felt that – and this is only like 10,000 anonymous registrants that we're taking care of. Might be a little more in the future, but it's a very small percentage of the database, but it's just the protection of the actual registrant was weighed in more than getting a very complicated system.

DEBBIE MONAHAN: I think I'll just finish by saying good luck.



LISE FUHR: Thank you. We need luck.

UNIDENTIFIED MALE: It's actually a question: do you do anything with the address data. So if I know your address, I know your name . . . ?

LISE FUHR: Yeah.

UNIDENTIFIED MALE: So can I register domain name in your name on your address, or do you send the mail to yourself in that case and say, "Hey, somebody registered the domain name in your name?" Is that correct?

LISE FUHR: No, actually what you can do is you could register a domain name in my name by using my name and address because you know it and you can find it, and you would get the e-mail, but I would still get a letter saying, "Lise, you have a new domain name," and I would have a look at it and say, "No, I have not."

UNIDENTIFIED MALE: You get a letter?

LISE FUHR: You get the letter still, so even though you live in Denmark. And the only time you will not get a letter if you checked by your Social Security



number and name ID the digital signature because then we believe that much that you are who you are.

UNIDENTIFIED MALE: Yeah, okay, so make sure that they know when you're on hoLISEys.

LISE FUHR: And at the moment, we actually see people using real person's names and addresses, and they react when they get the letter and contact us and say, "I didn't register this domain name. It's not me." And then we suspend it right away.

UNIDENTIFIED MALE: Hello, I'm [inaudible] from .RS registry. You know checking all the databases or the business registrar database and the civil registrar database – I mean, and collecting all the data and duplicating it and crosschecking it, it seems so complicated. So if you have to check all of this and ensure like 100% conformity of data, why don't you just drop everything and just guess from the users to provide like a company ID or citizen ID, and just keep that as an information and displaying in WHOIS the information which is already registered at the business registry or the civil registry?

LISE FUHR: We don't want to use people's security numbers because then they have to use ID all of them and the digital signature, and that's a very political issue in Denmark, so we're asking all the companies for their



business registration numbers, so that's not a problem because that's public anyway.

But the others, we'll just do it on the name and address first not to upset people too much. And then if we can't do the match, we need to ask them for that. Even though people use their business registration number, they fill in the address wrong, so we have to check this all the time. And then some checks we can do ourselves. Others, they have to correct themselves. I know it's a complicated process, but it's in order to ensure the anonymity of the persons that are anonymous in the—

UNIDENTIFIED MALE:

Yeah, like privacy. Okay, and just two really short questions. What was the rationale on behalf of government for putting forward the regulation like this? Like, what purpose does it serve? This is the first one; and the second one is, you have registrars, right?

LISE FUHR:

Yes, we have registrars but we're a sole registry, so they only register the domain name and then we handle all the rest: the invoice, the transfers, directly with the registrants. But the rationale was that when you're entitled to be anonymous in one database, you become it in others, too, automatically, so you shouldn't need to remember to tell it yourself. And then we have to subscribe on each registrant that's private, so we need to know where everyone is in Denmark.



UNIDENTIFIED MALE: Okay, thank you. So was there any like initiative on behalf of the community to change this, perhaps?

LISE FUHR: No. Well, there has been some complaint from anonymous registrants, and I think these actually initiated this change.

UNIDENTIFIED MALE: Thank you.

NIGEL ROBERTS: I can see why you've had to do this, that particularly given your relationship with government and so on and why the government thinks that this is the way to go even though maybe it's a little complicated and so on. But there's some interesting and unexpected effects that I can see.

First of all, if the government is sure that this is the way to go – and you've quite rightly pointed out the impracticalities of this – then first of all it's providing a competitive advantage for your competitors, the new gTLDs and the old gTLDs, over which the government is choosing to allow to compete with you in Denmark without being required to follow the same regulations. And we live in a borderless world. We live in a European community where you have the right of free movement businesses and so on, so it's putting Danish businesses at a disadvantage compared with foreign ones.

On the other hand, you could say if this is the right interpretation of the rights and privacy to people, and we all know the various reasons that



people are legally required to be anonymous – there's many different ones but you can think of a couple instantly – then that should apply to domain names that are registered for use in Denmark in new and old gTLDs by, for example, Danish registrars and other European registrars. So they're picking on you unfairly, in a way.

LISE FUHR:

Well, I must say I'm not too worried about that kind of competition because I think we still have a strong advantage in being the country ccTLD.

UNIDENTIFIED FEMALE:

[inaudible] I find it very interesting how the privacy regulation in European Union is seen since the Finnish data ombudsman has clearly stated, and this is the law at the moment and it will be in the future as well, in the new information society code that is coming 2016.

But the thing is if that you want a domain name, you have to state your name, but all the other information would be secret. That would be like the basic idea when you register a domain name and you're an individual person, your other information is not shown on WHOIS.

So the data protection ombudsman says this is just fine, but we need to be able to know who is the holder that is for the public and the police and everybody because of the problems of the Internet. But anyway, some people need to be anonymous also in Finland, but then that anonymity basically actually means only the rest of the information, not just the name. Very interesting.



LISE FUHR: Yeah, I know there are different rules, but the Domain Name Act is very specific on what we have to show, so this is carved in stone, so okay?

[NEIL]: Neil, .ID. I just want to know how the government enforce this regulation in [terms] that the registry is responsible for the correct data, and how does it affect the end costs for the customer?

LISE FUHR: Well, we have a permission to administer .DK and in this, it's just given that we have to comply with the Danish Domain Name Act, so there's no way we cannot. Well, to enforce it, they can actually give us fines if we don't comply with this, but it's called another word in English. I don't know, but they can make us pay for every day we don't comply with the Domain Name Act, so that would be a way of enforcing it. And your other question was?

[NEIL]: The costs.

LISE FUHR: The costs for us, or..? We're going to implement this without raising any extra cost on the fees for the domain name, so that's going to be – it's 45 Danish kroner. That's about eight Singapore dollars per domain name.



NEIL: Okay. Thank you.

DEBBIE MONAHAN: That's great. Thanks, Lise. As I said, good luck. Now the final speaker for this session is Simon McCalla, the chief technology officer at Nominet. Like many of us here, he's been around for a few years, largely technically focused with DNSSEC and other working groups, but he also as well as looking after and running the systems behind .UK, he's also kind of looking into the R&D and how to, if you like, turn around and turn research on emerging technologies into assisting the registry. So Simon, all yours.

SIMON MCCALLA: Thanks, Debbie. Good afternoon, everybody. I'll change the topic a little bit, actually. I'm not going to talk about domain names. I'm not going to talk about the DNS, actually, much. So I thought we'll take a bit of a departure and talk about what we're getting up to in our innovation labs at Nominet and looking at some of the emerging technologies that are happening in the Internet of Things, and what I do want to do, though, is bring this presentation and make it relevant for what does it mean for us as registries and also registrars as well, those who act in a registrar capacity. So hopefully have a look at some of those issues.

So just briefly, I'm sure many of you have heard the term Internet of Things and I suspect many of you here know what it is, but for those who don't, the Internet of Things is really about connecting devices, services, products, data together in such a way that it can enhance either our social well-being, commercial attractiveness for a business,



and in fact the infrastructure of a nation. It is a hugely fast-growing area at the moment for just about every company that we speak to. And I know just for everyone I've spoken to here this week has said, "We're looking into stuff on the Internet of Things." So it's a really hot topic at the moment.

A little cartoon here. This is a refrigerator. This is probably our future, slightly scary that is: our devices in our home being connected to the Internet. Trying to be helpful, this one here saying as the person leaves the door, "Don't forget to buy milk. You're running low on milk." Actually, it's a slightly strange cartoon because it really ought to say, "Oops, I think I defrosted myself," if you look at the floor there. But there we go.

Actually, where the IT is really taking hold at the moment certainly in the UK is how it can enable cities and how it can work with the various systems around our cities, whether it's transport, air quality, electricity, buses, trains; how you can connect those services together and start to provide useful data and metrics and services for the inhabitants of a city or visitors to a city.

And here's a cartoon I think from one of the UK newspapers last week, just with kind of some of the things going on in a typical city. You've got sensors telling the bus company that there's a traffic jam, so send the bus a different way. You've got waste bins saying, "I'm full. I need emptying." You've got trains reporting on their positions. You've got traffic being rerouted and actually telling the police where they need to go, as well. So you can see how bringing these technologies together starts to make a city really quite smart.



This is a really interesting graph. This was published by Cisco only a few weeks ago, and it talks about the number of devices that we have connected to the Internet. According to this, at this point in time, we have an average of nearly 3.5 devices per human being on the planet connected to the Internet, which I find quite astonishing if you bear in mind how many people aren't yet on the Internet, that number is obviously higher, particularly in developed countries.

Last year, Leslie and I had a bit of a competition to see who had the most devices connected to the Internet, and she claimed to have 14. I had 18. These are devices in the home that you probably don't even think about. Actually, if you've got Smart TV box or a PVR, it's probably connected to the Internet to pull data down and programming. There's a good chance that many of you've got some kind of wearable or iPhone or all sorts of things that are busy talking to the Internet quite often without you even realizing they're doing it.

But scarily by 2020 – and that's only five years away – that number will have doubled to nearly seven devices per person. See, we hear a lot about these connected devices, and of course everybody's getting excited. If you're a techie, everyone's getting excited about the iWatch coming along.

But actually what's really interesting is this: this graph is published literally three days ago by a company called BI Intelligence, and what they've been looking at is the kind of growth in the number of devices being connected, but also roughly where they're going to sit. And what's interesting in this, I was surprised that firstly, we have in peak growth



right now – 2015 is the fastest rate of growth of new connected devices on the Internet.

But if you look here, and I think this is really interesting for us as registries, is actually where the real action's going to be in the next five years is in infrastructure and enterprise, so while all the talk is about the kind of the sexy watches and everything else, actually helping to enable a country's infrastructure and big business infrastructure is really where the growth is going to be, and I think that has an interesting impact on us as registries, particularly ccTLD registries.

This is my one slide that does talk about DNS. What's going on with the standards here? Well, probably no great surprise, there's a whole raft of competing standards out there. Google is doing something called the Physical Web, which will allow all sorts of devices to be accessed straight from your browser. CNNIC and Dyn are working on DNS for the Internet of Things. VeriSign is working on something called ONS, and that's a name-system-centric approach, so very similar to DNS.

Now on the other side of the box, you've got people at Microsoft and Qualcomm also working on device-to-device, kind of peer-to-peer networks. As we know, that's not scary if you're a registry and you treat yourself as the central body of authority and trust, peer-to-peer networks [inaudible] that. So there's interesting activity going on on the peer-to-peer front. As you can see on the right-hand side, a lot of big-name companies getting involved on peer-to-peer or device-to-device [inaudible].

So why should we care as registries? Well, I've been thinking about this and when we've been looking at Nominet about how we spend our R&D



money, I actually think this is really critical for us as a registry, and the reason is we as ccTLDs tend to be regarded by our governments as a critical part of our country's infrastructure. I know in the UK, our own government says, “You might actually be classified as critical national infrastructure. We're not quite sure, but you're certainly really, really important to this country.”

Now I think we want to stay a part of that future. I think we want to stay a part of the nation's infrastructure regardless of where that technology goes, so I think as registries we have a really important role to play in the Internet of Things and these developing technologies. Exactly what that role is, that still remains a little less hazy, but I think our desire to stay as part of our nation's infrastructure I think is really strong and I suspect many of you here would feel that.

So how do we respond to this? Well, I think the first thing to do is understand what our role is. And I know we talk a lot at Nominet about that infrastructure piece. We also talk about trust, about managing our identity. We've heard just now from Lise now about validating people's identity and making sure we've got the correct data. Those challenges are going to be just as important in the Internet of Things, the device-to-device, as they are now from website to registrant and registrant to consumer. That trust layer is going to be really important, and we are experts at doing that, so I think this is really interesting for us.

So how are Nominet responding? Well, how many of you can recognize that piece of ancient technology that's on the screen there? How many of you have still got one of these on the roof of your house? That is a TV aerial. It was invented in 1916. It's called the Yagi aerial and it was used



for getting analog TV signals down into your television. And actually, this is at the cutting edge of research right now and the reason is in the UK, our government, like many governments around the world, have switched off the analog television network, and that's left a whole bunch of free spectrum that can be used.

Now in the past, our government has sold that off to mobile operators and made a huge sum of money, but in the UK they decided to do something differently with their what they call TV white space. They decided to allow anybody to use that space. And what they've done is they've created a special database system to allow devices to register on the network and say, "Hello, I'd like to talk to another device over there," whether it's a road sign to your car or whether it's a road sign to a central database somewhere. "I want to use a bit of frequency." And they can register on a database and they can go and get the little piece of frequency to use and for 20 minutes or so, they can broadcast [merrily] chirping away sending the data. At the end of that 20 minutes, they're going to need to reregister again and so it goes on.

What's really clever about this system is it allows an infinite number of devices to be connected to a network at an incredibly low cost without the need for a very burdensome process of doing this. And if you've got electric doorbells and bits and bobs, you've probably noticed that sometimes if you're using a TV booster in your house, you'll notice if you turn your microwave on, you'll get radio interference. Well, actually TV white space gets around that completely.

So Nominet's chosen to get quite heavily involved in this, and we've become accredited as a TV white space provider, which has raised some



eyebrows. And we're the first accredited database provider, so if you want to connect two devices together using TV white space, you can log onto Nominet's database, grab a bit of frequency, and your two devices can chat away.

We've taken that a bit further, though. We've been around Oxford and we've been putting these things up on masts and we have been enabling a true TV white space network in Oxford. I'll talk a bit more about that in a second.

This here is Shanghai, one of the fastest developing modern cities on the planet. Pretty much over the last 25 years, they have removed all the old buildings and built new ones, new roads, new infrastructure. It also has a very, very aggressive Smart City plan, as well, around the Internet of Things, really leading the way.

So let's take a look at our home city, Oxford. It's a little less techie. Oxford is full of old buildings. It's full of creaky old roads. It has traffic jams. It's got a lot of rivers, and more on that in a minute. And we don't have a Smart City network in Oxford. And this is where our hometown is at Nominet, so we thought, "What can we do?" Actually what we can do is we can go talk to Oxford and say, "Would you be interested in becoming a Smart City? We think we might be able to help." Remember, we had our TV aerials a second ago.

Oxford's biggest problem at the moment is flooding. The River Thames, which flows in [inaudible] Oxford into London, has a number of [inaudible] coming into it, and pretty much every year it floods. This is a photograph taken of Oxford two years ago. And when it floods, boy does Oxford get wet. What happens then is not only is there a huge



amount of damage to property, but also the road network clogs up. You can't get in and out of the town. We have a huge traffic problem.

So we started to think about how we could address this problem as a use case Oxford. What we did is we got involved with a company called Love Hz, which is quite a clever little name for those of you who are scientific, and we've built this thing called Oxford Flood Network. And what we wanted to do is try and find a way of taking some of those ideas, TV white space, Internet of Things, all these connected devices, and do something useful with it and tangible.

Now in the UK, there are lots and lots of Smart City projects, and a lot of them are being run by big blue-chip companies like IBM, Intel, folk like that. But what they're all busy doing at the moment is writing lots of theoretical papers and white papers and trying to say how we're going to make [inaudible] smarter and all that stuff. Meanwhile, we got our soldering irons out, we climbed on top of roofs, and we stuck up aerials in Oxford.

What you see here is one of the many, many flooded roads in Oxford from last year. The little middle picture is a sensor, and that sensor Arduino board. You can buy it from RadioShack or Maplin for a few pounds, connect it together with a little ultrasonic sensor, put a battery in there, stick a little aerial on there, and a magnet on the bottom stick on the bottom of your local bridge. So we've been going around Oxford sticking these things on bridges.

All they do is they send a little ultrasonic ping, like a submarine, bounce the river surface, and measure the time it takes to come back, and that instantly gives us a height of the river. They do no more than that.



They're not clever. They're not connected to anything. They just simply do that. Once they've got that reading, they then log onto the TV white space network and send the data back to a central place. Talk about that in a minute.

And so this is now what we're doing, and so this is Oxford. This is sort of a [inaudible] from Google Maps of Oxford, and these are the segments of our TV white space network that we're building. Now the whole circle isn't complete yet; only the left-hand side of that circle is. We have been sticking those TV aerials on posts and we've been asking people for permission to pop an aerial up here and there, putting a little box on it, and we've managed to complete sort of half of that circle.

And here you can see within that, the left-hand side, is the large majority of Oxford rivers, so you can see these are where our sensors are sitting underneath bridges on that network and they're busy chirping away and talking. And if I wanted to know, we could log on live, we could see what the river levels were in Oxford just from that simple technology.

And here, this is the screen that we've developed and we've been working with Oxford, so this is a live map of Oxford rivers. Not only can you see the currents there, the rivers – and actually this screenshot I took just before I came away. So you can see here that actually the Thames coming into Oxford is orange, so it's looking like it's getting a little high. We've also connected up sensors on the [Loches] on the river and so forth, as well. And it's building this nice interactive map. You can click on it and you can understand what level of river it is.



You can also see the history as well, so you could start to look at trends. So if you're seeing a rising line, you're thinking, "Maybe I need to be thinking about putting some flood protection up around my house." So this is live. It's now working, so we've gone from sort of a proof of concept, if you like, through to a working network. We've managed to do that in about five months, so this is not been a huge great three-, four-year infrastructure project. It's been a very fun, actually relatively cheap piece of R&D to do.

Where we're going next with this? Well, as I mentioned, we're pretty much getting there with the rivers. We've got the flood sensors. The UK government's taken quite a bit of interest in this, mainly because it's happening and it's working, unlike a lot of other projects, and they're quite interested in the fact that it's happening very cheaply and using kind of citizen signs. So people are building those sensors themselves and plugging them in.

So we've applied to the government to run a much bigger project with Oxford now, which is to tie in that flood data with traffic sensors. So Oxford's got quite a lot of traffic sensors around it, and we're going to be developing some more of our own, tying that in with traffic sensors. We're also now tying it in with the air quality sensing network in Oxford, and the idea is to bring all of those three things together and look at the traffic patterns. What happens when you get flooding in Oxford? Where does the traffic move? Where are the hotspots of traffic? And then what happens to the air quality? Because Oxford's got lots of narrow little streets, you get pockets of very bad air.



So you can see how this might work in terms of helping out people in Oxford. They can have an app on their phone. If you're walking your kids to school, you can look at the app on your phone and be able to say, "We're not going to walk our usual route because the air quality's really poor down that road. Actually, we're going to go the back way this time and avoid the air quality." So you can see how this stuff has real tangible effects. This isn't some sort of some engineer's dream. Actually, we're trying to solve real social challenges for Oxford with this, but with a sneaky purpose.

These are the outcomes we're trying to find. Ultimately, we don't see Nominet as being a provider of infrastructure like this. We don't see ourselves sticking more aeriols around the country. We don't see ourselves making sensors. What this is telling us and allowing us to do by getting involved and rolling up our sleeves, we're starting to understand the various layers of the Internet of Things and where the various roles might be. And actually what we're looking to find is what is it going to mean for a registry?

So of course, not surprisingly, our sensors use the DNS and we can talk to them and address them through the DNS. And is that going to become a standard for the UK? Is it going to be the actually every device will be addressable through the DNS? And if so, what does that mean for domain names? Will every device have a domain name? Quite possibly. Of course, domain names for devices are going to look very different from the domain names we're familiar with because devices don't need to have memorable domain names. They can be junky collections of letters and numbers, but we still believe that domain names will be involved.



Remember that figure of 50 billion? I'm sure all of us would like to see our registries grow to 50 billion domain names. And you can see how this has a real tangible impact on us as registries. It also points, I think, to the future of where DNS is going to go, as well. I think it's going to require some interesting trust relationships. We see a lot of that with the DNSSEC and DANE, but what does that mean if every device can be talked to via the DNS? How are we going to be facilitating that? What does the technology need to do to adapt to having to all these new devices in the DNS?

We also really believe we're a public purpose company at Nominet. What are the social opportunities in the [IT]? We really think this could be the next big steps in evolution of Internet, and we want to be part of enabling that in the UK. But we're also got our eye to the fact that there may well be strong commercial opportunities in this, too, and we're already seeing a huge amount of interest. There's a lot of money in the UK being invested by cities in trying to get their infrastructures to be Smart, so we say, "Actually, we can help with that. We've got great engineers, we've got some great technology, and we've got some great experience in providing trust services." Actually we can help, and actually there can be a commercial relationship there, too, so we've got two eyes on that particular board.

But ultimately, we believe, "How do we maintain that central role as a registry? How do we be that provider of trust and technology in our country, and globally for that matter? So how do we do that?" I haven't got answers for any of these questions yet, but what I do have is I'm starting to get a much better understanding as we do this research as to where some of these technologies might lead.



So what I've got to do is come back to you in a few meetings' time and give you an update and tell you what we've been finding out because we're very lucky and very fortunate to have a strong R&D team, and we definitely want to share this. And we think there will be huge opportunities for everybody in this room to take part in some of these technology challenges that are coming up with the [IoT].

So I'll leave you with this last slide. For those of you who can't read it, it's two chaps talking to each other. One says, "My coffee machine has unfollowed me." So there's the scary, terrifying future of the Internet of Things for you on the screen. Thank you.

DEBBIE MONAHAN:

Thanks, Simon. Any questions for Simon on that?

UNIDENTIFIED MALE:

Thank you, Simon. That has been a very interesting presentation. I have a couple of questions. The first one is that maybe you said that, but I did not catch it, are you offering that data as open data with the right format in a given server, or not yet there? That's the first question. The second one is about have you heard about the platform that's called Sentilo, in which you can upload data, raw data, so then all the parties can access with an APA to that platform and then use that data to provide new services?

SIMON MCCALLA:

Okay, I'll try and address both of those. At that moment, the data isn't open, and that's simply because we are still in pilot at the moment.



What we don't want to do is provide confusing – actually we've learned some really interesting things about radio and how it behaves in storms. We've learned some really interesting things about how rivers behave, so we're kind of learning as we go about how this stuff works. What we want to make sure is that our data is accurate and reliable, because certainly in some respects when you look at river levels, people's lives rely on the accuracy of that data. And so we want to make sure that's right.

We absolutely see a lot of this as being open data, but we also see there being a commercial benefit to it as well for us, so we'll need to make a decision about what we will publish and which data will be commercially available. I can certainly see a future where there's basic data available to everybody [inaudible] mapping agencies in the UK, if you want detailed mapping data, you have to pay for it, but the basic mapping data's open, so I imagine there'll be a model like that. We've looked at quite a few platforms for where we would put that data, but we're not quite there yet in terms of uploading it.

UNIDENTIFIED MALE: Okay. Thank you very much.

UNIDENTIFIED MALE: Simon, could you please elaborate a little more on why do you think that domain names are still going to be involved with the Internet of Things? Well, basically one might argue that it's just IP addresses that are needed, so I would be very interested to see your visions because



your visions might end up in – what did you say, 40 billion domain names?

SIMON MCCALLA: 50 billion, yes.

UNIDENTIFIED MALE: So please elaborate why domain names are still involved. That would be one question. The other one is that, at least as far as I know, there are already quite a number of protocols around, so there's object-naming systems and stuff like that. So how do we, like the domain name industry, fit in, and are we too late because somebody else invented the [inaudible] already?

SIMON MCCALLA: Okay, so I don't have an easy answer to that first question. I mean, IP version 6. A lot of people are saying IP version 6 absolutely is the answer to the Internet of Things, and of course every device having its own unique IP address, and I think that's a very credible [future], actually.

One of the reasons we think the DNS still has a very key part to play is actually one of the challenges of IP version 6, if one of your sensors dies on your network, you have to replace it with another one, you have to have some system where you reregister that new IP address. If the sensor's got the number 12345, for example, I have to replace it. Okay, I've got [to retell the system that that sensors here etc. etc.], whereas the sensor's got a name that just says it's the bridge by the whatever it is, then actually I can just keep using that, and that's what DNS is great



for It's about redirection. It allows you to swap devices and things in and out, and without needing change all your configuration.

There's the device level, but there's all the various services and levels that go within that system, so we have nodes that we can address as well as the individual endpoint devices, so we have collection nodes where that data is coming in and then being fed on, and we have application layers which have services within them when we talk to them. They all need domain names, as well.

So I think it's quite likely to be a hybrid feature where there's a bit of both, but we still think there's a role to play. And if there isn't a role to play for DNS, then we need to be understanding that sooner rather than later and understanding what our reaction is to that, how we'll react as registries.

Very aware of some of the other standards and very aware of the object-naming system. One of the challenges here is that there's lots and lots of possible or potential standards coming down the pipeline. Some of them have been around for a long, long time, like LED and [ONS], but the reality is this is a bit like the video market for players, actually, where the Betamax was the technically superior player, but actually VHS made it to market first, and I think this is a question of actually who's going to get the most traction with their set of standards first.

And when I showed you that slide back with the five boxes, lots of people are trying to be the standard. That's not what Nominet's trying to do, actually. What we're trying to do is discover what's the most



workable and to get something up and running quickly, if that makes sense.

DEBBIE MONAHAN:

Excellent. Thank you. If there's no further questions, I'll thank all my speakers for the most interesting range of topics and discussions. It really demonstrates that we can all sit in a room and be ccTLDs. We all operate in quite different ways, have a range of different initiatives we're looking at, and I thank you all for sharing. And if everyone would join me, thank you. [applause]

KATRINA SATAKI:

So good afternoon. Now I would like to invite representatives of our regional organizations to join me here in front of the room. So this is our traditional update from regional organizations, and I think I would start with Carolina.

CAROLINA AGUERRE:

Hi, good morning. We will be very brief, as usual. This is our update session. So what has LACTLD been up to recently? Since our last ICANN meeting, LACTLD held its last meeting of the year, and we also had a GA. It was a fortunate timing because we could discuss some of the issues that we wanted to raise to the comments to the CWG proposal as well as engage our communities.

We must say also that we in 2014, LACTLD organized five webinars for its members on the IANA stewardship transition issues since the month of April. So in terms of the meetings and attendance in 2014, we had



138 participants from 20 ccTLDs in our region coming to our meetings and we offered 36 travel grants. This is something that is sort of something that we customarily do in LACTLD to promote travel to our meetings in a region that is huge and very costly.

So, current issues. We as with our regional organization fellows, we are trying to promote as much as possible the participation of our members in this debate, and this is something that will keep us very busy in the coming months. We are also part of the LAC IGF board currently, and we are working with the technical community in promoting a change within the governance structure of our regional IGF where we will have a sort of a more multilayered committee, so we are very much working in regional initiatives in Internet governance.

We are also working on a membership. We have established a membership working group where we are defining sort of what are the rules of our current members and observers, and particularly what is the ecosystem demanding of our regional ccTLD organization, so we are up to that analysis.

We are also extremely busy. We are working in finishing the first projects of ICANN LAC Strategy and for its first financial year, it will run next year as well, but there are so many projects involving ccTLDs and it's quite a bit of a large strategy, over ambitious, and there aren't that very many resources, as well, but we're trying to be as accountable and as helpful to the community in general and to our ccTLD colleagues to make things happen for them that are useful.

And we made progress on our regional [anycast] project. Technically it's ready. We've finished our legal terms these past days. We will have a

website launch before the end of this month, and we have already a list of ccTLDs that want to join, so I hope that maybe for next ccNSO meeting in Buenos Aires, we will be able to sort of update you particularly on this initiative, which as was mentioned earlier, it's a non-commercial, best-effort initiative with the objective of generating another networking type within our members, but it's not competing with other providers that already working in the environment and offering excellent services. It's just another way of adding value to our members.

And this is the calendar of our meetings for this coming 2015. Thank you all, and if you have any questions, please don't hesitate to contact us.

KATRINA SATAKI:

Thank you very much, Carolina. So are there any questions? If not, thank you. Then we will move to the region where actually we're holding the meeting at the moment, and I would like to ask Hiro, there are some changes in your organization, correct? So would you be so kind as to inform us?

HIRO HOTTA:

Okay, that's great.

KATRINA SATAKI:

We're very eager to know. Thank you.



HIRO HOTTA:

So my name is Hiro Hotta, a board member of APTLD. I briefly update you about APTLD. As Katrina said, our new GM was just appointed after three months vacant seat and we are, of course, very excited. And we will hold AGM on the 26th and 27th this month in Fukuoka, Japan, and our current forecast is on how to empower the APTLD organization. We will have greater outreach to economies in that region who are yet to become members, such as Middle East, [inaudible] countries, and Pacific islands. And how we should accommodate gTLD-related organizations such as registries into APTLD arena?

And other topics are security marketing and of course, IANA stewardship transition. So now let me introduce our new GM, Leonid.

KATRINA SATAKI:

Welcome, Leonid.

LEONID TODOROV:

Thank you. Well, my name is Leonid Todorov. For many of you who have come to know me recently, I've been associated with .RU/.RF and I'm very excited to join this very specific, I would say, team and this very specific region because you just come to appreciate that the region probably covers one-third of the globe and is populated by more three-fourth, I believe, of the mankind.

So to give you some idea of the magnitude of my challenge, let me just say that it takes four ICANN VPs to cover this region, so I believe this is quite a challenge to be engaged in a region which covers the territory between Kaliningrad, which is the most Western point of Russia, to Melbourne. So this is a great challenge. I'm really excited about this and

I believe that in doing my job, well my first immediate task would be to carry on and implement consistently and successfully, hopefully, the strategists which would be set up for me by the board.

And there are some other things, of course, very important which Hiro just mentioned, and this is to cement these very diverse community, unbelievably diverse. If compared to Europe or even late in America, we can see so many ethnic groups, so many different, let's say, cultural, civilization, and religious and any other codes there, so it's really a huge challenge.

And also, it's very important to ensure that best practices are spread all over the region and capacity-building, as Hiro just mentioned, is one of the greatest challenges, especially if we talk about those small island registries.

I believe that the ultimate objective would be, of course, to ensure the existence of very sustainable and very dynamic domain names industry in the region of course for the benefit of the local economies and the peoples there.

So the Russian saying roughly translated to English goes that, “He who is lonely is no warrior on the battlefield,” and I believe that in implementing my job and carrying all these multiple and very challenging tasks, I would very much hope, first of all for the board’s support, which I already have, actually, and I also hope for whatever guidance and advice I can get from the community, which is also important because this is probably the critical knowledge pipeline which has been for long within ICANN community.



I've got a lot of congratulatory messages, but most importantly in those messages were those calls for cooperation, which I do appreciate. So as our former general secretary [long in the past] the crucial ones famously said, "The objectives are clear, the tasks have been established, so get down to work, comrades." And I attribute it to myself, first of all. Thank you. [applause]

KATRINA SATAKI:

Thank you, Leonid. And again, welcome to the community, at least to these updates of regional organizations because you're part of the community for some time now, and I certainly hope there will be no battlefield but they're still all together. So, Abibu]?

ABIBU NTAHIGIYE:

My name is Abibu Natahigye. I'm the ExCom member of FTLD and also the admin contact of .TZ. I will give you a briefing of what happened during the three months of 2014, but also what has happened in the past two months.

First of all, we had a webinar on IANA stewardship transition in November, and this mainly dealt with the issues of delegation and re-delegation. And again, we had a capacity-building session for registrar operations. This was in [inaudible]. And we also have a project going on in collaboration with the ISOC ICANN , and this is on the African ccTLD assessment study. And the agreement with the consultant was signed in January, and the study has just started this February.

Also FTLD has been fully engaged in African strategy and we have the representatives in the review of the strategy during the last AfriNIC



meeting which was last held in Mauritius, so this is what happened in brief during the period. But again in terms of DNS forum, we had a second DNS forum in Abuja, Nigeria in July, and the plans are underway to have the third DNS forum in Nairobi. This will be from July 6th to 8th, and you are all welcome. Thank you. [applause]

KATRINA SATAKI:

Thank you very much. Any questions? No? Then we'll move to European region, CENTR update. Peter?

PETER VON ROSTE:

Thank you. My name is Peter Von Roste from CENTR. Okay, so here's a quick update from CENTR. Two highlights. We have two new team members since I spoke last time to this audience, which was in London last year. Nina Elzer joins us as our policy advisor. Nina's here in the room, has been working from the GAC room mainly during this week at ICANN. Nina will be covering European policy for us. She will be our Internet governance go-to person, and she will also take the lead on CENTR working group reforms to make sure that we move from successful exchanges of information to efficient platforms for collaboration and exchanges of ideas.

As I already mentioned, Nina will be covering the GAC [forum] for CENTR, so you can always rely on her if you have any questions or things that are happening in the GAC or contacts that you need in the GAC, etc.

The second highlight is we hired Alexandrine Gauvin, who also goes by the name of Alex and who's also here in the room. This is Alex's first



ICANN meeting, so she has been in about every single meeting room including this. In the future together with Patrick Myles, who will still be covering large chunks of the GNSO for us, Alex will be covering GNSO and new TLDs.

From our office, Alex will be mainly working on education and outreach, and she's obviously as our communications manager in charge of all our communication channels and you'll see her revamp Twitter and LinkedIn accounts and everything else that helps us connect better, not just to our members, but also to our target audience, which is quite important.

Looking briefly at the past, because I still think it's highly relevant, there are two documents that we published [inaudible] that I would recommend that you have a look at. The first one is the paper on new gTLDs that we wrote, making distinction between myths and facts and a few too early to tell. But there are couple of things in there that are still highly relevant today and I could definitely help you in setting up your strategy going forward.

The second one is the CENTR Board of Directors paper comments on the CWG IANA Stewardship Transition draft proposal. Why is it so relevant? Because most of questions that today we are facing have already been answered in that paper, so it's one of the documents I think that the CENTR community has published which are extremely helpful; probably one of the most helpful in the course of the many years that we've been doing this.

There are plenty of answers in there. I recommend that you have a look at it. If you don't agree, let us know. If you agree, let us know as well.



But they could be helpful in getting us away from a situation where we're looking at the outcome before everybody seems to agree on what we actually want and need. The paper does cover things like the independent appeals panel and gives some suggestions in moving forward on that issue, for instance.

The future very briefly, and on any of those if you are interested, let me know or Nina or Alex. We're running the CENTR stats survey. It's the largest survey that we do every year. The raw data and the specific analysis is for full members only, but we also publish on a yearly basis a report derived from that which I'm sure that even non-members will find extremely useful.

Second thing: we're starting our training courses for the European institutions, and I'm still very interested to hear from any of you who has been doing training course for [governance]. There's still plenty that we can learn from that. As a result of those training courses, obviously we hope that we have better educated European officials, but also there will be course material that members and non-members would be able to use for their [governments] should you wish to do so.

Third point: CENTR Jamboree. More and more discussions within the CENTR working groups are pleading to break the Jamboree format and the working group format open to non-members as well, observers of CENTR in particular – and all the regional organizations are observers. So if you're interested in joining three days where you'll get an overview of every single aspect of the business, feel free to get in touch with me.



CENTR Awards I think is something we don't do often enough, but the success and the innovation and the cooperation within this community under the spotlight. We do it once every two years. This is second the edition of the CENTR Awards. Nominations will start early, and in particular for CENTR members. Of course, I would recommend to engage in this.

Last point: last year we had our first registrar day. The day before our GA, we finally opened our doors to registrars after many years of many people asking to do so. I had some doubts, I'll be honest about that. I had a bit of doubts on [would it have been a] good idea. It clearly turned out to be a very good idea, and not just for registrars but for many of the CENTR members were very pleased to be able to have one-on-one conversations with registrars that otherwise they never met because, for instance, they don't show up at ICANN meetings. So we're having another registrar day on the 7th of October, the day before our GA at the end of the year. And that's it for me. Thank you so much.

KATRINA SATAKI:

Thank you very much, Peter, and I would like to welcome Alex to our community, as well. Your first ICANN meeting, you have my sympathy, but I think in couple of meetings you'll be professional.

I know that we have run past our time allocated for our session, but still there's one question I want to ask. I know that regional organizations are very involved in all this IANA stewardship transition, [this person] trying to reach out to those ccTLDs that are not very active in the ccNSO, even not in regional organization. So just short comment, how

are things? How do you feel about the process and how do you see it?
Really, really short version. Thank you.

LEONIC TODOROV:

So the bottom line is that for me, the process exposed a certain institutional drawback and challenges, which both ICANN and the community face at the moment. So it's too premature to discuss that in details, but I believe that this focus on the technical side of the transition or whenever deprives of some broader insights as what is the institutional framework for such very innovative and very experimental things. Thank you.

UNIDENTIFIED MALE:

All I can say that within the region, there is not much participation with some of the ccTLDs and simply because the maybe because of operational relationship that they have with ICANN. But still there are so many different models, whereby some registries may be under the government, some under the private sector, some under the academia, so the inclusion of both entities with different views is somehow challenging.

CAROLINA AGUERRE:

Yes, there's a challenge in participation and getting views and of course ccTLDs want in general this running business and the stability and security as a paramount issue, so trying to be a bit more altruistic and getting more time to devote to understand the different models and projects that are currently at stake is one of the purposes of LACTLD at the moment and trying to make things very easily digestible in order to



see whether we can get more meaningful comments and participation to a process that will in the shorter or longer term affect them. Thank you.

PETER VON ROSTE:

In terms of process, reaching out to non-ccNSO members that are not affiliated with regional organizations is an enormous challenge, because frankly even getting a confirmation receipt of messages that we're sending is a problem, with exception of one. CENTR members that are not members to ccNSO, I think we're definitely doing much better there and we got from them feedback and participation and surveys that were good.

What I see as the enormous challenge is to keep people's attention. We've seen a significant drop in readership in the documents that we send out. Our briefings used to have 80 readers. Now they have 15. If this continues, it will be just the five people that are actually involved in the working groups that are still reading the documents, I hope. So it's taking some resources. We need to convince people that it's absolutely crucial that they keep on putting in those resources. We probably need to convince them that they need to put in some more.

I keep on hearing people that ask us as region organizations to make things more simple: "Give is a simple, brief presentation of what's happening." We can't make it much more simple than this because it isn't simple, and giving people the impression that it is simple and that with a very simple solution all these problems can be solved would be misleading them, so we need to convince people to put in the time, and we will keep on doing our outreach efforts and hopefully we'll get to a



solution where people choose for the best option and not those that they find the easiest to understand. Thanks.

KATRINA SATAKI: Thank you very much. With this, I would like to conclude the session and remind you that in 45 minutes, we'll have another very interesting and hopefully heated discussion where your input is very, very, very needed. So reconvene at 2:00 PM, this same room. Thank you.
[applause]

[Break]

UNIDENTIFIED MALE: Keith, you have just been volunteered to introduce the panel.

KEITH DAVIDSON: Becky's doing it.

BECKY BURR: I'm the moderator. And Christina, you guys can give us questions from anybody who's participating? Okay, wonderful. Greetings, everyone. I know we had a quick lunch, but we're going to get started on the next panel, which is a panel that deals with the work on ICANN accountability. There are five cc members who are members of the CCWG including Mathieu Weill, who is our co-chair, Roelof Meijer, Eberhard Lisse, Jordan Carter, and Giovanni Sepia.

In addition, I believe Tomas mentioned that there are at least six other CC managers participating in the work of the Cross Community Working Group as participants. Those participants have full participation rights. The only distinction between a member and a participant would only come up if there was actual voting to be had, which our co-chairs are striving to avoid and so far, so good.

The participation is open to anybody. It's free. There's an ICANN wiki on it, so we would certainly encourage anybody who's interested to get involved. There's a lot of work to do and it's quite interesting work. I'm going to start by turning this over to Mathieu for an update on the current status of the CCWG and the charter.

MATHIEU WEILL:

Thank you very much, Becky. I think I would pick a card out of Lise's game. She did that yesterday. Anyone in the room already attended an update on the CCWG during this week? 1, 2, 3, 4, 5, 6, 7. Okay, so we need to get into this seriously. Do you have the slides ready?

Yes, we can go to the next slide. So just while we are putting this up – so the Accountability Cross Community Working Group is the late starter in the transition process. This was introduced after significant discussion to place about how to introduce it, and we started our work only in December, so quite a significant amount of time after the announcement from the US government. Yet we are operating within the overall goal of ensuring that the transition can happen to the satisfaction of all stakeholders across the globe, including a certain one in a country in Northern America which has always been at the center of this.



So within this, what we are going to introduce here is our interim work results, not conclusions. This is pretty much work in progress, and I want to stress upfront that basic the spirit behind this is that ICANN has to grow into maturity in terms of accountability, and so the group really very much wants to be in an improvement kind of spirit rather than pointing fingers at anything in the past, so we are looking at the future of ICANN and not looking at problems that we're facing. It's not always easy to grasp, so that's why I'm stressing this.

And finally, we know there will be a need to be as simple as possible because the timeframe is short, because simple is just better, and that's certainly something we'll be discussing.

So what are we chartered to do? The charter was approved by five SO and ACs, including the ccNSO. We're chartered because it appeared after the US government's announcement that not everyone was sufficiently satisfied with ICANN's accountability, and at least sufficiently satisfied so that the transition could happen.

So the goal we have is to ensure that ICANN enhances its existing accountability to a level that could be satisfying when the NTIA disappears. So there's a perception that the NTIA is the ultimate backstop so far, and that by disappearing, we need to enhance ICANN's accountability. So we need to deliver proposals in that regard.

Of course, there's a lot to do to improve accountability. We all are ccTLD managers. We run organizations. Not one single organization is perfect in terms of accountability, so there's always a lot to do. And we have two work streams for that. One is work stream one: what must be in



place or committed to before the transition can happen, and work stream two is the rest of it.

Who's behind this? We have five chartering organizations: the GNSO, the GAC, the ALAC, the ASO, and of course, the ccNSO. So each of these has 5 members, so 25 members. There are three co-chairs because SO and ACs can appoint co-chairs, so I'm the co-chair for the ccNSO. Thomas Rickert for the GNSO, and Leon Felipe Sanchez for ALAC.

And you see the statistics over here. It's a very large group with modest ccTLD participation, which can be understood by the very strong focus that we have as a community on the other groups, which are of more direct interest to us in a day-to-day basis, but still this is quite important.

So I will turn to Roelof now for a quick introduction of the definitions, and we'll skip the different presentation and then go to the debate. Thank you.

ROELOF MEIJER:

Okay, thank you much. Well like my chair said, we started late as a working group. And much to my frustration, after we started, we soon started doing definitions, and I think we even started with the definition of public interest. Peter is in the room. I think you once said in a public forum that there's no such thing as a single public interest. We discovered that, and I think we [left] that definition.

Why am I saying this? Because during that process, I found out that it was a very good way to start. And why? Because further down the road, it enabled us to really focus on differences in vision and opinion, and it



prevented us from doing discussions based on different understandings of certain terms.

So somebody, a country member who was I'm sure [inaudible] gave us the questions, why accountability? And what is accountability, and to whom should ICANN then be accountable?

I think those are the first questions that we answered, and why accountability is on the slide behind me now. And I'm not going to run you through all the text, but in my own words, it is something like, "Why should we have it?" Well, we should have accountability to make sure that ICANN does what it says, says what it does, and does what it's supposed to do well. So you need mechanisms to ensure that. Can I have the next slide?

And then if you go into what is accountability, what I did is I make a difference between a kind of behavior or conduct of an organization and mechanisms. So transparency, consulting, and being independent and running independent processes. That's the kind of position you take. Behavior. Something that shows in the organization, and the things that you have to make Certain mechanisms like checks and balances, and review, and redress.

Now to whom should ICANN be accountable? And of course the easy answer is, "To all the stakeholders." We came up with the meaning "affected parties," and we made the distinction between affected parties, so parties that are affected by what ICANN does, and parties that affect what ICANN does. And we made another distinction between directly and indirectly effected. And in the beginning I think we thought that ccTLDs were not in many ways directly affected by ICANN's



decisions, and we thought it would be limited mainly to decisions concerning the IANA.

I think it was me that made the point, but again, and I can give you two examples from real practice of, for instance, .NL. If ICANN decides to sign the root this will cause pressure on CCs to sign their zone. If a CC wants to sign its zone, and ICANN doesn't sign the roots, this has effect on how effective the implementation of DNSSEC in a particular ccTLD is. That's one.

Then there's the other one of ICANN deciding to introduce over 1,000 new gTLDs. We can think these gTLDs has nothing to do with us, but look what happens in your market. If you get a ccTLD in your country run by another registry, for instance. So also CCs are directly affected by quite a few decisions of ICANN that we might not think are not directly aimed towards us.

Now indirectly affected parties I mentioned here, so I won't spend too much time on that one. Can I have the next slide?

Then there are the parties that affect ICANN, and of course this is a two-way street, so most of the stakeholders are directly affected and most of those stakeholders also affect ICANN because we have this multi-stakeholder process where together we determine policy that afterwards ICANN has to implement.

So you have this whole list if you want to go through it. I suggest that you go through the slides. Just bear in mind that we came up with these definitions because we wanted to make sure that we start from the same point and that we do not, let me say, pollute discussions with the



fact that we don't mean the same thing or we don't interpret a word or an understanding in the same way. I think that was the last one for me.

[MATHEIU WEILL]:

Thanks. One other thing we started doing, and it's still in progress and it's something we're actually making nice progress on right now in the sessions we're having this week, is the contingencies. It was stressed very early on that the proposals coming out for the transition would have to be stress-tested, so we went on and listed within the CCWG the worst-case scenarios, the contingencies, the risks that we thought we would stress-test our proposals against, and that's what we're trying to do right now.

And if you come to the session we have on Thursday morning, 7:00 AM, breakfast included, then you'll see how we work on that. And we have 25 contingencies identified at this point, so it's a [inaudible], an event, and a consequence on ICANN.

And they're grouped into five categories: the ones that relate to financial crisis or insolvency of ICANN; the ones that relate to ICANN failing to meet their operational obligations; the ones that relate to legal actions or legislative actions taken against ICANN that would reset the policy-setting, for instance, for WHOIS – that's the kind of actions we're looking at; failures of accountability, so actions within ICANN that would be against established principles such as the bylaws, such as standards of behaviors from the CEO, and I don't know, a corrupted CEO would be an option; and a failure of accountability towards external stakeholders where ICANN would somehow try to avoid its own responsibilities by, for instance, [inaudible] changing a contract or things like this.



So that's the type of contingencies we are speaking about. Eberhard?

EBERHARD LISSE: Can I just make a lighthearted intervention? What would a lying board member mean? A lying board member.

UNIDENTIFIED MALE: Oh, a lying. Well, it would have to be established whether it's a criminal offense or not, I guess; whether it's within applicable law . . .

UNIDENTIFIED MALE: It depends what [inaudible] said.

[MATHIEU WEILL]: And whether it's within the expected standards of behavior at ICANN. But that could be a contingency. It would have to explain exactly the consequences. So that's one thing we're working on because we want to stress test anything that comes out of the proposals. So that's one strong building block, and will come in the participation section towards a discussion regarding those contingencies with very specific questions to you, which is, what's your worst nightmare about ICANN?

Because that's one thing we expect from this session, is do we have it all covered? Is there something in your mind that we need to be careful about that is currently not being taken into account? That's the kind of thing we are looking for from you in this room today. And now if you move to the next slide. Thank you, Eberhard Jordan is going to introduce the requirements we've set up to move forward. Jordan?



JORDAN CARTER:

Thank you. Just before I go through these two working parties, I will make the point that the suggestions that we're going to look at on the next couple of slides have come from the community. We didn't invent them by ourselves. There was a big inventory pulled together of input from the two consultations that ICANN did last year on accountability processes and a range of other things have been pulled together, so these are not our bright ideas.

The second thing is that this list isn't meant to indicate that the working group thinks that all of these suggestions should be implemented right now, or even necessarily at all. The filtering process has yet to go on. So I just think those two preliminary comments are important ones to make.

The working group, the CCWG, met in Frankfurt in January and decided to pursue the substantive work on things that we should be able to do to hold ICANN accountable into two working parties. The first one is about enabling community empowerment of [a] board decisions, so that's the working party that I'm the rapporteur for.

We're thinking about this in terms of the powers that the community should have of the ICANN board and the mechanisms that it might use to exercise those powers. And the second working party, which Becky is the [rapporteur] for, is mainly focused on enhancing the review and reject processes in ICANN.

There are, of course, some areas of overlap, and as things get discussed in each working party, it might become clear that we need to transfer



them between working parties, and so Becky and I are in very constant liaison.

So if we could go to the next slide about some of the suggestions on the table for working party one, do you want me to run through them? Yeah?

So one of the powers that has been proposed is that the community should be able to be involved in the approval of the strategic plan and the business operating plan and the ICANN budget. I'm not going to go into any detail about any of these mechanisms because generally the concept speaks for itself.

Another power that's been proposed is that the community rather than the board should be having the final say on any changes to ICANN's bylaws, and related to that is an importance of saying that the bylaws set out ICANN's scope of activity and the community has somehow to be able to hold the company to account and not strain beyond its scope. We don't want ICANN to start manufacturing pet food or to start building ISPs to compete with existing ones, for examples.

The third one is to have a procedure where when a particular action is contrary to the bylaws, the community can force it to be reconsidered by the ICANN board.

And the fourth is doing that with a board or staff decision, so rather than an action. Those two look quite similar, actually, on the list.

But anyhow, the fifth one is to fully invalidate a decision of the ICANN board. So rather than saying, "You need a reconsideration," saying, "No, you can't make that; the community doesn't accept that decision."

And the final one, which I think was mentioned briefly yesterday, as well, is the community having the power to remove one or more members of the ICANN board from the board, and causing a new election for an individual board member or some group of them, or all of them.

So those are some of the suggestions that are floating around in the community empowerment working party.

And if we could go to the next slide, the review and redress working party is focused on looking at the current accountability mechanisms that are already part of the ICANN process, the ICANN world, including sort of the suggestion of an independent binding review.

And the other bit that's in this area is how to incorporate the Affirmation of Commitments, reviews, and the kind of spirit of community-driven review of ICANN accountability that embodies, and working on how that can be more permanently and reliably included in what the corporation is obliged to do. And Becky, do you want to add something to that?

BECKY BURR:

No, I think that's a summary of where we are. Jordan and I are working very closely together. As Jordan mentioned, these suggestions are very much suggestions that were collected from the community. They're not all agreed upon. No detail is agreed upon. And there's still very much discussion items, but there seems to be more or less consensus over some ideas such as the ability to [spill] the board, for example.



Now I'm going to turn to Dr. Lisse because he's participating in this and I think it's important to hear your perspective on the work that's going on.

EBERHARD LISSE:

And as you're obviously waiting for, I have a totally different perspective on things. The first thing is about these chartering organizations. One of them is the GAC, and I must say my experience from the Framework of Interpretation Working Group, which I was at the board interactions and the GAC interaction of the ccNSO is that we have several members who fly around all over the place, probably business class, get lots of per diems, and input to us is . . . For me, I can't assess. Is it their private opinion? Is their government's opinion? Is it the GAC's opinion? At the FOI, there are five members of the GAC? The chair senior person from the AOC?

When you talk to them, they've got five different, six different opinions. Some of them have no clue what the debate was that they participated in. The report goes to the GAC once every ICANN meeting and they are totally – as a whole not but many, [country] representatives are totally surprised and confused and have no idea what's going on.

That tells me that though I understand that it's difficult for the GAC members to come to a quick and conclusive opinion from the GAC because it's consensus-based and they don't meet all the time, but there's absolutely no feedback whatsoever that I can see in any of the cross constituency working groups that I have participated in in the recent six, seven years where the GAC representatives have been able

to go back to the GAC and come back within any time and say, “This is what the current consensus-building process is like.”

We know that, for example, the US government has one member, [Benita Harris], who in detail followed our discussions, listened to every tape, read every transcript, and was fully aware of what's going on. But the GAC as a whole, not so much.

So for me, I wonder what's the value of having such a constituency charter, put five members on there? That money can be used much better to, for example, appoint ALAC members.

BECKY BURR: Thank you.

EBERHARD LISSE: I'm just getting started.

BECKY BURR: Okay, well keep it short because we want to make sure we have time for questions.

EBERHARD LISSE: Yeah, that's another thing. Often our discussions get cut off very short, especially the interventions from the floor because we have got time constraints. I personally find that a lot of the mailing list has a huge number of lists and many of them are content-free. I try my best to make this entertaining, but it's not often succeeding.



The other thing is what I am getting to think about now, is that we're going about this from the wrong way. We are at the moment doing small, small, little administrative bureaucrat [inaudible] proposing this, adding another layer, revoke the board, revoke members, redo something. We are basically proposing small, retroactive measures or discussing at the moment, not proposing anything, small retroactive measures, and I don't think that's [inaudible].

I think we have to look at proactive things. My impression is – and Steve Crocker recently said so clearly, “The board is not unwilling to change.” If they have a problem with the way the board is making decisions, we must fix the board. We must not put 1, 2, 3, 4, 5 more layers in which can revoke each other which we can get upset if you're not happy with that. And as far as I'm concerned, we need to stop what we're doing and start right from the beginning.

BECKY BURR:

Thank you. One of the beginning of your comments suggests that notwithstanding the fact that the board sometimes thinks that we are picking on them when it comes to accountability issues, that there's a more global accountability issue in terms of the SOs and ACs being accountable to the organization, as well. Yes?

EBERHARD LISSE:

Quickly follow-up. Most of what I perceive as the debate going on is that we're basically at the moment predominately picking on the board. What can we do to the board? That's my impression.



BECKY BURR:

Okay. Roelof, you sort of got at the question of why do ccTLDs care about accountability? Why should they care about accountability? I'm just wondering if any of the panelists sort of have additional sort of issues that they can point to with respect to why accountability matters and sort of nightmare scenarios about what could really go wrong if we didn't have accountability provision mechanisms in place? So we'll start with – go ahead.

[crosstalk]

EBERHARD ESSE:

Why are you still bickering? Can I make some more [inaudible]?

UNIDENTIFIED MALE:

I think there are some areas of ICANN actions that impact quite significantly the life of a ccTLD, and therefore, there should be mechanism in place to make sure that ICANN is accountable for what ICANN decides on certain policies. And I'm giving you a very specific example, which are the policies that ICANN has set in the area of IDN ccTLDs. So whenever an IDN ccTLD is delegated, there are some specific policies and procedures that the IDN ccTLD manager is requested to follow, and those policies and procedures are fully decided by ICANN.

Let's say with the contribution of the community, but at some point, are also dictated by ICANN to the ccTLD IDN manager, and therefore there should be some mechanism to make ICANN more accountable for what has been decided and imposed on the ccTLD IDN manager.



And again, I was giving a very specific example, but this is one case that we went through personally and we believe that at some point, there was a lock in the process for us to appeal to what was decided and appeal in a fast way, because, okay, you can go through a PDP process, but PDP process can take [up to two years].

And in the meanwhile, you have to implement what ICANN decisions have been, and therefore, again, there is a sort of chain reaction because we implemented – our registrars are impacted. Our registrants are also impacted, and so that's, again, a mechanism that has quite a sort of three-layer impact that needs to be fixed, again, especially regarding how ICANN should be made more accountable to make sure that if something is decided in the wrong way, it is fixed in a fast way.

BECKY BURR:

Thanks. I think it's very important for you all to start thinking about sort of specific issues and accountability for those things. There tends to be some assumption either that CCs are just like Gs, or that CCs don't have to follow ICANN policies, for example.

Policies adopted by ICANN are not affected by ICANN, so all of us who are working on it want you to get involved, and I don't care what cartoon character you have when you get involved, but we need to hear from you.

Just before we go to open the floor, Giovanni, could you talk a bit about the accountability framework issues?

GIOVANNI SEPPIA:

Yeah. Thank you, Becky. Just to refresh our memory as we're speaking about accountability, there was a time in the ICANN family when "accountability" was very much a trendy word to be used against the ccTLD community.

Between 2005 and 2007, ICANN started this exercise to "invite" ccTLD managers to sign accountability frameworks, and the very first frameworks we were proposed as the ccTLD managers were incredibly structured and complex, the frameworks, implying a series of obligations at both ends, and there was quite a huge discussion in this community regarding the appropriateness of ICANN asking the ccTLD community to sign those frameworks agreements.

And at some point in between the end of 2006 and 2007, what happened is that there was a compromise between the ccTLD community and ICANN, and the compromise was to have two different kinds of accountability frameworks: the first one being an exchange of letters, and the second one was to have a real agreement.

For some lucky registries, the process ended with an exchange of letters. For some others, especially those with a government or an organization behind, they were somehow forced or pushed to enter into the more structured agreement. And the negotiation processes were quite long for some of these agreements.

Again, ICANN didn't force anybody. It was voluntary, but at some point, there was a sort of obligation environment to enter in one of the two kinds of agreements. And so far, to the best of my knowledge, there are around 80 accountability frameworks that have been signed.



One of the latest is the one that was signed between [EURid] registry manager and ICANN. There's a recent one in the form of exchange of letter signed by Montenegro, the registry manager of Montenegro. All the accountability frameworks are public, so there is a repository for those accountability frameworks, which is very good because you can see the level of obligations, again, of the two parties because their obligations at the registry level and obligations at ICANN level that are included in each of these accountability frameworks agreements.

So I think that this should be taken into account when thinking about ICANN accountability process, and also in the IANA Stewardship Transition process because part of the obligation contained in some of the accountability frameworks signed by ccTLD registries are relating to the services of IANA provided by ICANN, so that's also an important element to take into account for the future of the IANA transition. Because, again, should the scenario change completely, in that case several of these agreements will have to be amended or fixed because, again, they're referring to a specific set at present, which is ICANN managing the IANA function.

So that was my, let's say, umbrella introduction for the accountability frameworks agreements. Thank you.

BECKY BURR:

Thank you. It's important to note, and we had pointed this out on several occasions, that not all ccTLDs actually would be permitted to sign contracts with ICANN or accountability frameworks with ICANN.



For example, I would need the permission of the US government to sign one of the things, so the G registries tend to think of solutions being sort of simple to embody in a contract, but we are mindful that that is not a solution for all ccTLDs. So questions from the floor, please go to the microphone.

EBERHARD LISSE:

As usual, I totally have a different opinion. I think the only way out is, especially when there's talk about [inaudible] and the contract between ICANN and a new company, there's just no other way that ICANN will have to have [contracts] with each ccTLD whether they want it or not, because what's the legal structure? Where are they thinking they will interfere with a third party or a fourth party unless they get into an agreement with each ccTLD?

BECKY BURR:

Thanks, Eberhard. Nigel?

NIGEL HICKSON:

This probably won't sound too unfamiliar because I've said similar things in different fora before, but the Gs say to themselves, "Why can't you just have a contract?" Okay, the contract has to be two parties; one gives something in return for the other.

I don't see that ICANN has the legal authority to appoint somebody as a ccTLD manager. They certainly don't at the moment. They derive that authority from an apparent authority that the US government may or may not have. So when the US government transfers it – and we're



talking CWG rather than CCWG, and these acronyms are still going around in my head. I'm awfully sorry about this. But how can you make ICANN accountable for something that at the moment I don't believe it has?

UNIDENTIFIED MALE: Sorry, Nigel, you say that ICANN doesn't have the authority to appoint a ccTLD manager, and is this is [inaudible]?

NIGEL HICKSON: Let's say I wasn't quite so strong in expressing it that way, but if you think ICANN has a legal authority, please point me to it.

UNIDENTIFIED MALE: I'm just referring, again, to the IDN ccTLD process. In that case, at the end, there is a decision made by ICANN. I mean, I'm not a lawyer, so is that something that you can say that's a sort of legal authority to do so?

NIGEL HICKSON: No, that's not my point. My point is this just because somebody does something doesn't mean that they necessarily have the authority to do it. I'm just looking right down to the fundamentals: where derives the powers? Where derives the legal authority? At the moment, it seems or it's claimed it derives from the US government.

BECKY BURR: Roelof, do you have a response? You look like you have a response.



ROELOF MEIJER: No, I'm just looking puzzled because I don't know where this is supposed to go. I don't understand what you mean that it looks as if ICANN has derived – the present situation has an authority over ccTLDs that is derived from the position of the US.

BECKY BURR: So I think that's . . .

EBERHARD LISSE: At the moment, if it's a hostile re-delegation, what is the legal authority to say, "I tell company X in country Z that take it away; give it to somebody else." Where does it come from? The ICANN is not subject to that national law. Where does it come from?

BECKY BURR: So just to be clear, I think that the work of the Framework of Interpretation working group has answered a lot of these questions and RFC 1591 does not give any government, including the United States government, the authority to select a ccTLD manager or to – and it doesn't give ICANN the right to undertake a hostile re-delegation absent some technical and very narrowly defined purposes, so I don't think that the US government, just saying, thinks that actually the authority to appoint ccTLD managers derives through the [USG]. Keith?



KEITH DAVIDSON:

Just if I could follow on a comment on that, I think it would be fair to note that it is rare, if at all, an occasion where IANA have done a re-delegation while the existing manager is hostile and unprepared to hand over data, so it may be a purely academic argument rather than a practical thing that may happen.

However, the issue I think for the process for this working group going forward is how you might encapsulate what exists currently into the body of work that will go into the IANA transition to ensure that the threat of a re-delegation and deletion of a zone file, which would really adversely affect the security and stability of the Internet, can't happen, so there are accountability mechanisms that you probably need to consider around that. Thank you.

BECKY BURR:

Thank you. One of the things is that many ccTLD managers have to be accountable to their Internet community. And one important discussion is for us to understand the variety of accountability mechanisms that exist within the ccTLD community, so I'm going to start with members of the panel in terms of accountability mechanisms that they may have set up for operating the ccTLD and invite members of the community to offer their experiences with respect to accountability best practices.

UNIDENTIFIED MALE:

Can I start with that one?

BECKY BURR:

Yeah, absolutely.



UNIDENTIFIED MALE: So starting with AFNIC, I think for instance at AFNIC we have very strong accountability mechanisms towards the French community. The biggest stick that exists is that our contract with .FR is being rebid every five years. I mean, I don't think you can make a bigger stick than that.

And the second one – and so we have a contract with commitments. We are held accountable, too, whether it's being accountable on the level of security and service levels, or delivering new features, etc., etc. We also have in place a structural cost separation so that costs and profits from .FR are clearly isolated and transparent.

And if you look internally, our board is obviously accountable to general assembly members considerate of the various stakeholders: the public or government, academic, and user registrars who appoint them, but also can remove them at the next elections, or can refuse to approve the accounts, or approve any bylaw changes, etc. So that's the kind of accountability mechanisms we have within AFNIC, and there is a lot of similarities with what is being proposed here.

BECKY BURR: Thank you. Jordan, can I ask you that same question in terms of .NZ?

JORDAN CARTER: You could if I hadn't been writing an e-mail. Just restate me the question.



BECKY BARR: Just tell us how accountability is managed at .NZ. Who are you accountable to? What processes and best practices do you have in place?

JORDAN CARTER: I'm looking at my colleague Debbie Monahan and wondering if she wants to answer that question instead.

BECKY BARR: Debbie is the accountability mechanism is what you're saying?

JORDAN CARTER: We've got a structure that's a bit different, I think, to a lot. The delegation holder is InternetNZ, the organization I'm the CEO of. It's a membership-based nonprofit society, has organizational and individual members who approve its budget, can elect its counselors, can remove them if it chooses to, and so on. So there's 400 or 500 of those members at the moment in the local Internet community.

And we have two subsidiary companies that operate domain for us. The domain name commission of which Debbie Monahan is the CEO is responsible for the management of the domain and day-to-day oversight, the policy framework, dispute resolution, and so on, and representation with ccNSO, for example, generally speaking. And then our subsidiary registry company, NZRS, of which Jay Daley is the CEO, operates the register and the DNS.

So InternetNZ Incorporated that the membership-based society, is the main accountability link in the sense that the Internet community can



get involved and can shape the overall structure, so if we needed a different company setup, if we wanted to privatize the registry function and use an external agency, if there was a desire to not make a DRS [available], I guess, so the structure of the system is in InternetNZ's hands.

And in terms of the details policies that govern the use of .NZ domain name, [inaudible] domain name commission through Debbie's organization, regularly consults the public on reviews of policies. If the company decides that a new area of policy is needed, there'll be discussions with the Internet community that they manage. So I think that gives a bit of the picture of the accountability framework. And if I've missed anything, [other Kiwis], let me know.

BECKY BURR: Thanks, Jordan. Roelof?

ROELOF MEIJER: We've got several mechanisms. One of them is that quite some years ago, we signed what we call a confidant with our Ministry of Economic Affairs. It's not a contract, so if it ends, that doesn't mean that we are no longer the registry for .NL, but the confidant is mainly about how do we make policy, how do we ensure stability and continued use/availability of the domain, how we assure our independence.

Then there's another mechanism that is how we decide on the most important parts of our domain name policy, and we've had several presentations about this, also, within the ccNSO. We have what we call

domain name debates where with our stakeholders, we make a proposal, we discuss with them, we decide on rough consensus.

SIDN has a supervisory board that holds the executive board accountable. It is not a completely independent structure, but it is not responsible for the execution of the work, so it's quite a distance from the executive responsibilities.

We have an association of registrars that is embedded in our bylaws by one of those [subject now a golden bylaw], so we cannot change that unless they agree that we change it, which of course will never happen with 1,500 registrars.

Well, we have an exchange of letters with ICANN, but I'm not sure if that adds really anything significant to our accountability. I think that's about it, yeah.

BECKY BURR:

Thanks. Eberhard?

EBERHARD LISSE:

I'm unaware of any ICANN policy of any RFC of any other document that requires a ccTLD manager to be accountable to anybody. I'm unaware of any of this. That said, I own the intellectual property outright in .NA. I have a trademark, I have a copyright, I am the managing director of the ccTLD manager, which has the delegation. We have policies in place that have been unchanged for almost 20 years.

I kind of like the Dutch model. We are busy talking to our government, and the plan seems to be and both sides seem to agree at the moment

that we should sort of get into an agreement that solves the public policy issues and then sort of, when that's done, agree on legislation, and that's where this suggestion from the Indian government at the GAC committee where you work is very helpful [maybe to have some] model legislation that puts principles in place such as the GAC principles with due safeguards for the incumbents, and then basically [inaudible] in agreement that like the Netherlands have it, which then has [inaudible] the force of law if it's sort of framed around from a government.

That said, I don't think there is any requirement that I'm aware of for ccTLD manager to be accountable to anyone here; only as to do a reasonable job, he has to register this and he has not substantially to misbehave.

BECKY BURR:

Thank you. So there obviously are quite a range of models here. Roelof, you had a response?

ROELOF MEIJER:

Yeah, I have a reaction to what Eberhard says that he isn't aware of anything, any RFC, that makes him accountable. If you look at 1591, I don't think the word "accountable" is actually being used, but it contains phrases like "these designated authorities" or "trustees" for the delegated domain and have the duty to serve the community. I think they already have one. How do you know to serve the community if you don't consult them? And consulting is part of being accountable.



The designated manager is the trustee of the top-level domain for both the nations, in case of a country code and the global Internet community and concerns about rights and ownership of domains are inappropriate. It's appropriate to be concerned about responsibilities and service to the community.

I think all that implicates accountability because you can't do that properly if you don't hold yourself accountable to the community. Because if you don't, they will be one thing to tell you to do something else or to do it better or do it in a different way, and you will not be listening. And even if you're listening, you won't be changing it. And if you are listening *and* changing, that's being accountable.

BECKY BURR: So 1591 . . .

EBERHARD LISSE: Sorry, I think [inaudible] accountability must have [these]. Accountability, if you cannot enforce this, must have [these], and that's not there. My accountability framework with ICANN clearly states that RFC 1591 applies. I abide by this voluntarily because it was created after I took the delegation or after I registered .NA.

I'm not saying that I'm unaccountable. I'm not saying that we have no policy development process. I'm just saying that there is no policy that requires me to be accountable in particular to any local Internet community.



I must do it on behalf of the local community. I must do a reasonable job. I must register everybody. I must not require certain software. That kind of things is clear, but to say that the local community has authority to enforce policy over me is not documented by ICANN.

BECKY BURR: Okay, so . . .

EBERHARD LISSE: We are working in countries, we are subject to national law, and we're doing it primarily for the users in this country, but not totally, and not necessarily.

BECKY BURR: Thank you. Giovanni, .EU is a relatively new ccTLD, and you may have some different arrangements.

GIOVANNI SEPPIA: Yeah, we are quite a relatively new ccTLD with an incredibly complex accountability mechanism in place. First of all, like .FR, we have this five-year contract. In our case, it's with European commission. In our case, the contract is not basically with one single government, but with 28 governments.

As the contract renewal or the contract appointment is subject to a call for expression of public interest for basically call for [tender], to which anybody can apply as far as they believe they have the necessary



requirements to fulfill all the obligations and all the tasks that are part of the call for expression of interest.

And once you got that – so once you are appointed as the registry, in our case there is quite a structured contract which is called Service Concession Contract between us and the European Union, and the Service Concession Contract is quite a complex contract and there is even an element in the contract that says that for instance we need to have an agreement with ICANN, so that's part not only of the contract, but it's also part of the original regulation of 2002, which established the .EU top-level domain at the European Union level.

In terms of accountability to all our stakeholders, we always intend to have the highest level possible transparency, which means that we do publish quarterly reports, administrative and financial, not only for the European Commission, but also we make them public for via our site to all those who are interested in consulting what we do and the way we spend the money, the way we allocate the budget. And in the case of the European Commission, of course those reports are quite detailed.

At the same time, part of our obligation is to conduct regular consultation with our stakeholders in case we like to, for instance, propose an amendment to the public policy rules, which in our case are contained in another European Union regulation, and in case there is an amendment to the public policy rules. The amendment has to be proposed by us, or eventually proposed by European Commission, and then there's a consultation process at all levels which includes registrants, registrars, and also the representatives of the European Union member states.



So it's an incredibly complex, let's say, framework. I must say that despite – you may think it's mission impossible. No, we manage to live with it.

BECKY BURR:

That's good. So I'm going to invite you on behalf of the CCWG to submit ideas to us about accountability mechanisms that you all are administering and that you think might be useful for us to consider.

Mathieu, I wonder if you could talk a little bit about the relationship between the work of the CCWG with the CWG and the IANA transition?

MATHIEU WEILL:

Yes, I can do that. So obviously the two tracks are – I think the official words are interdependent and interrelated, and that has translated into intensive cooperation at co-chair level on the one side. We have weekly calls between co-chairs of the CCWG and the co-chairs of the CWG IANA [inaudible], I don't remember exactly the name, with Lise and Jonathan. And we've exchanged quite a bit of correspondence already about how we are planning and synchronizing timelines, exchanging information.

We have received initial input from the CWG regarding potential accountability needs we would need to integrate into our work. We have responded and we are still in this process of back-and-forth to ensure we are in sync.

Overall, the difference in scope is that the CWG, [namely] Lise and Jonathan and group, have the role of coming up with accountability mechanisms that are related directly to the IANA function, while we, the



CCWG, need to be looking at the overall ICANN accountability. But of course there is a relationship.

There might be an escalation path from the initial IANA appeals processes towards a last resort kind of process that would be within our scope as the CCWG. I'm going to try and stay away from the acronyms. When the naming function for IANA speaks about an independent appeals panel, that has some relationship somewhere with the work party we were describing earlier, which could be an independent last resort appeal within our group of accountability.

And when we're talking about community empowerment in the accountability group, that's one of the options to sort of a cross-community working group, a multi-stakeholder group, a body, a process – that might have some relationship with the multi-stakeholder review team that is currently being discussed in the group focused on IANA. So those are two examples.

Another example where we can fit is the contingencies. The proposals from the naming IANA group have to be stress-tested, as well. Maybe they could have an input into the contingency list we're having in the accountability group, or they can use their own contingency list to stress test.

So there's a lot of relationship that's being currently defined. That's also a work in progress, and there are dependencies that are now, I think, better identified. And of course, depending on the various models that are being considered, the overall ICANN accountability mechanisms play a greater or a smaller role in the IANA process, so that's part of the options right now.



So right after this session, there's a work session of the IANA naming function group, which I and Thomas Rickert will attend and will engage, and Lise and Jonathan were in our accountability session on Monday, so there's a lot of exchanges between the two groups. And I'm happy to answer questions regarding this.

BECKY BURR: Lise, do you have anything to add, or did he do it perfectly?

LISE FUHR: He did it perfectly.

BECKY BURR: Perfectly, okay. That's really good. He rests his case now, he says. Just to reiterate, the interdependence – I almost said codependence, but that doesn't sound good – of the two work streams. The US government has made pretty clear that we need to come to them collectively as a community with a complete package that addresses both the IANA transition issues and the accountability issues, so there's an important need to work deliberately enough to get this right, but work with some urgency to get it done in a timely fashion, and I think the CCWG is increasingly aware of the ways in which our work can contribute to the CWG work. Do we have other – Lise, go ahead.

It was you that did it perfectly, not me.



LISE FUHR: No, I was just going to give the remark that there's been a lot of talk at this ICANN meeting about overlapping between the CWG and the CCWG, and I think actually Mathieu perfectly worded that we're in close contact. We're writing a lot of questions and issues to each other, so I'm not as worried as the board has expressed some concerns about being overlapping issues, and I know Larry Strickling did too, so I really find that we're in close collaboration and, well, we're participating in each other's meetings. Thank you.

BECKY BURR: Great. I think Larry may not appreciate the fact that we're all too busy to reinvent the wheel in several different places at the same time. Again, I'd like to open it up to the floor for questions, input, statements? Go ahead.

JÖRG SCHWEIGER: Jörg Schweiger with DNNIC, .DE. I want to express at the least in part some sympathy for the statements Eberhard has made with respect to, are we about to add additional layers and building up more complexity?

And referring to the accountability rules or requirements you've been stating, they sound reasonably fair, but I presume that evil lies in detail. Like for example, if you do want an invalidation of decisions, I think that was the term, well then we need to ask, who is in charge of invalidation or correcting certain decision? With what kind of majority? Who can start it? What other decisions that could be invalidated? Is it each and every decision?



So I would like to caution us or I would like to caution the working group that we form kind of a bureaucracy where decisions and decision-makers are being questioned all the time and we do not get anywhere, at least not in a timely manner. And we have to be very cautioned about that risk. Thank you.

MATHIEU WEILL:

Thanks, Jörg. First of all, that risk is well on our list, and I think that one of the key stress tests that we need to undertake is are we not creating the conditions for ICANN to be even more paralyzed than it is already? Yet, abuse of accountability mechanisms within ICANN exist today. Some people are gaming the rules of the new gTLD process, for instance, to delay other projects and so on. That's something that happens, whether for valid or invalid reasons.

So we will be very careful about this, but we're not coming from a point where ICANN is a perfectly efficient organization, either. So the stress test is here and I think this concern is extremely valid and it's good to have it voiced so we can take it one of the input of this week, something we need to be careful about.

And then you mentioned rightfully that we need to be very careful about who can initiate an action under what conditions, how the decisions are made, with what threshold and everything, so that's exactly what we are about to set now.

Tomorrow in our session, we are going to discuss how we are going to describe this, and certainly about each of our proposition is going to have a sort of a template with these questions set out: who can stand?



What's the standard of review? Is it just a process, is it just due process, or if there's substance? What are the underlying rules and principles that we need to assess the decision against? Etc., etc. And how much does it cost? Is it accessible to anyone or a group of persons? Do you need 10% the community? This kind of thing.

We are going to have to set this right because as you say, it's the details that will determine whether the overall architecture is resilient, efficient, and accessible and simple. And I think that's very important, so thank you.

BECKY BURR:

Other questions or comments from the floor? Peter?

PETER DENGATE THRUSH:

Good afternoon. Peter Dengage Thrush speaking as an individual, although as a long-time representative of a ccTLD. It's good to be back in this room. It doesn't seem to me that the CCs have yet grappled, unless I've missed it, with the quintessential accountability issue facing ccTLDs.

The whole issue for our appearance and presence at ICANN was the existence of the entry of the IANA database that lists ccTLD manager, and there's an existential dispute about the control and ownership of that file. Is it our file that we allow the IANA to run? Is it their file that we give instructions as to what goes in it? Or is it entirely someone else's file, and we have to live with the consequences, although we might exercise political debate around the sides?



So to resolve that dispute, we created the ccNSO. It's the ccNSO's job under the bylaws to make policy rules as to what goes into the IANA database in relation to ccTLDs. It's a matter in which as chairman of the board, I occasionally chastise the ccTLDs for not getting on and developing that policy. But it hasn't yet been done, so the ccTLDs are at the mercy of the current process, which is not too bad. It's a combination of RFC 1591 and ICP-1 has amended and Newsletter 1 and so on, so we've got to practice. That actually seems to work, although I've been disappointed in some of the ways the delegations have been done.

But the safeguard that the ccTLDs have at the moment is that before any change is made as a result of that, under the statement of work in the IANA contract that ICANN operates under, ICANN has to be sure and certify that its policies have been followed, and whoever is the IANA operator is obliged to follow ICANN policies.

Now, the quintessential question, and I'm sorry it's taken me so long to get there for the ccTLDs, is under the change when the NTIA is not making that final check to ensure that a delegation or re-delegation has been made according to ICANN policies, what are you going to do? What is your check if the ICANN board or the IANA staff suddenly decide to allocate .AUSTRALIA to me because I've always wanted it, or some other equally outrageous delegation?

At the moment, the accountability check for you is, how are you going to ensure that policies, which should be your own policies when they come along, followed in this delegation/re-delegation process, and I

haven't heard, I haven't seen that, and I may have missed it actually being addressed. Thanks.

BECKY BURR:

Okay, I'm just going to address this as not as – I'm stepping out of my moderator role for one moment. First of all, I think I heard Lise yesterday say that was something that the ccTLD community had to do. Am I getting that right? That the CWG is looking to the ccTLD to set that?

The Framework of Interpretation work that has been going on for a number of years has been designed specifically to address and interpret RFC 1591. And then the other thing is that there is clearly a need – well, there are some areas where there's not policy that maybe need to be subjective policy development. It's a kind of complicated balance, but I think you're right that the notion is, what is that – let me just put this another way, and maybe Keith can address this if he's here.

There is a question about sort of what that certification is worth if the policies change over time because IANA uses different words with different meanings, and the like, so I think it goes beyond just the certification. It goes beyond having the safeguards in place to understand what that means. You're next.

[MATHIEU WEILL]:

So I think there's going to be a lot of attention being given to this particular issue within the CWG with Lise, but even apart from that, what I'd just like to highlight is part of what the accountability group is currently considering is the ability for the community or a part of the



community to challenge a decision by the board. So it could be an individual decision by the board to reallocate .AU to you – or even worse, to Jordan. That would be even worse. So that's one aspect.

Second one would be that the ICANN board would certainly decide without the ccNSO's approval to change the policy that guides how IANA assesses the re-delegations, or the relocations, to take the FOI vocabulary, and that could be challenged as well.

So that's where we see the interaction and interdependence between the two working groups. But I can reassure you that this is part of the concerns and challenges and contingencies we are addressing because the Gs, they have the same concerns, as well, that ICANN would remove a gTLD without following the GNSO policy, for instance, or allocate a gTLD without following policy.

So we are very much everyone online about making sure we keep the board in check, even if they have good reasons. For instance, fear of litigations to go against policy that the community can come together and say, "No, no. Policy first." And that's what you need to do.

EBERHARD LISSE:

That doesn't answer Peter's very proper question. This is, again, retroactive. It just follows what's being done. The ccNSO is very reluctant to make new policy. The last policy development process was as far as I recall in Luxembourg, and I remember it's as funny as watching paint dry.

But I have been saying during the FOI deliberations for repeatedly, I think we should not have gone this way. We should not be going that

way when we were deliberating. We should have gone for a policy-development process.

Now, I don't want to preempt the ccNSO. We should wait the outcome of the deliberations of the GAC, but I think if that doesn't go the way that we want it, it takes only ten ccNSO members to request an issue report, the council can request an issue report, and the regional organization can request an issue report.

I'm not so much concerned of enforcing existing policy. If we have a policy that is fairly detailed, the board will attend to it. I'm not really convinced that the board will violate policy because they then violate the bylaws and they become, if it's even [inaudible], even become liable.

I'm not saying we don't need institutions, but we need to be proactive. We are only responding. We are reaction. We are not really making a bold move in developing something that we don't have to go and to check the small little things. In Germany we have a saying: ["Climb, climb; small small."]. I'm not happy with the way that this – we are not really going in the right way. It must be a bit more bolder.

ROLOFF MEYER:

Yeah, it's a bit dangerous to say maybe, but I consider this and the whole process to be a kind of a detail, decisions about delegations and re-delegations. And why do I say that? Because I think in the present situation, the NTIA has the power to revoke all kinds of decisions that ICANN takes, and they don't do it publicly, but I'm sure they have done it, and possibly decisions about re-delegations or revocations, but I'm



sure also other policy decisions that do not affect CCs or Gs specifically probably or even generally.

And that was exactly why I was puzzled yesterday when we had this question about do we need a special review process for delegations and re-delegations? Because it is my hope that the final proposal that we come up with, and don't ask me if I say "we" if I mean the CWG or the CCWG, should contain something that gives the community the power to stop ICANN from taking or implementing certain decisions.

And if all goes well, those will include that kind of specific decision on the delegation or re-delegation of a CC or gTLD. I would really be disappointed if we have to introduce a separate process for that because it would be my opinion that we haven't done the work well.

BECKY BURR:

Thanks. Are there any final questions? We're coming up to the end of our time here. Any other questions or comments? Okay, Mathieu, can I turn to you for closing words?

MATHIEU WEILL:

You still can. So just to close this, I think that's the best session I've had so far in terms of feedback because we've addressed, actually, some of the concerns for ccTLDs and that puts me in a place where I can collect this and convey this to the group with substance, like the concerns we would have about the respect of the delegation/re-delegation policy, the possibility to have contracts as a mean of accountability, also for ccTLDs and ICANN, which Eberhard did express, the fear that we would add additional layers that would lead to a bureaucracy and completely



paralyzing ICANN. I mean, those are completely valid concerns that we need to take on board within our group, and we certainly will.

You have been able to witness the kind of debate we've been facing within the ccNSO members as well, and I'm pretty happy that we can have that in a transparent manner in front of the community.

I want to thank all the panelists and Becky as the moderator, but also especially Eberhard for voicing these diverging views so honestly and candidly, and I think that's valuable and definitely something that we need to take on board.

And I, to finish, really would invite you to come to our session tomorrow. Well, you don't have to be there at 7:00, but if you're here at 7:15, you won't miss the party, and we're also planning a couple of surprises. It might be a little bit of fun, so come over. You'll see how it works. It's going to be substantial.

BECKY BURR:

Well, on that note, we all await the surprises. Thank you very much, panel, and thanks to all of you.

[END OF TRANSCRIPTION]