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PRAGUE – ALAC: Policy Discussion – Part I  
Tuesday, June 26, 2012 – 11:00 to 12:30  
ICANN - Prague, Czech Republic

Olivier Crépin-Leblond: ...but we had a bit of a timing issue a little bit earlier on and it's just going to continue – the domino effect as one calls it. Is the recording on? Okay, fantastic, thank you very much.

Right, well good morning, everybody. Welcome to this ALAC Policy Discussion Part I which was supposed to start about a half hour ago. It's 11:35 here local time. With us we have Brian Peck, Policy Director who is going to speak to us about the RC and IOC issues. And I think I should just... There are no issues of course, but he's just going to speak to us about this imaginary thing. Anyway, Brian, welcome and the floor is yours.

Brian Peck: Thank you very much, Olivier. Good morning, everyone, and for those participating remotely. I'm going to give an abbreviated version of the slide presentation basically providing a current status or update of where we are right now. And yes... I'm sorry, thank you. Thank you very much.

I'm going to give an abbreviated version of the slide presentation mainly focusing on the current status of the issue and a brief overview of the preliminary issue report which was published earlier this month; and I'd like to leave some time left open for questions that you may have. And

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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so if we could maybe move to I believe it's the third or fourth slide, "Current Status?" Thanks, Matt.

So where we are now, as you may know that the ICANN Board last year in Singapore adopted a motion which placed a moratorium or temporary moratorium on the registration of International Olympic Committee and Red Cross names in terms of applying for registration at the top level of new gTLDs. Since that time, the GAC had submitted a formal proposal to extend permanent protection for these names both at the top level and the second level. In response to that, the GNSO Council formed a Drafting Team last year that came up with some recommendations to implement permanent protection at least at the top level. Those recommendations were adopted by the GNSO Council earlier this year and submitted to the Board for adoption.

The Board's New gTLD Committee declined to accept those recommendations basically due to timing concerns at that time at the late stage of the application process. Currently where we are right now is that that temporary moratorium at the top level of course has expired with the end of the application process for the first round of new gTLDs. There are no protections at the second level for names for the IOC and Red Cross, and the GNSO Council called for a preliminary issues report on whether protections should be granted for the IOC, the Red Cross, international government organizations – IGOs – and other international organizations. That preliminary issues report was published on June 4<sup>th</sup> of this year and is open for public comment, and the Drafting Team from the GNSO is still working on coming up with recommendations or proposals for protections of the IOC and Red Cross names at the second level.

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Matt, next slide. As I mentioned, the preliminary issue report was published on June 4<sup>th</sup> and currently the reply period opened up today as a matter of fact. There were some public comments submitted by the deadline yesterday; the reply period is open until the 16<sup>th</sup> of July, 23:59 UTC. The scope of the preliminary issues report is not just, as I mentioned, the IOC and Red Cross names but also IGOs and other international organizations; and the scope is to whether protection should be granted at both the top level of new gTLDs and/or at the second level of new gTLDs. Next slide.

The report looks at current protections that are available both at the top level and second level – those are listed down the slide right there. Next slide: issues that have been identified that if a PDP is to be issued or initiated by the GNSO Council based on the final report would be including such issues as quantifying and qualifying the type of organizations that could be eligible for such protections, the scope of the protections that are currently available for both the IOC and Red Cross as well as other IGOs; delineating the differences between the Red Cross and the IOC compared to other international organizations; and establishing an objective set of criteria so that instead of getting case-by-case requests by other international organizations of having as I say a set of criteria that could then be used by one organization to see if they could qualify for such protection, and too, for ICANN to be able to determine what such organization could qualify for such protection. Next slide.

The basic staff recommendation for this preliminary issue report is that the GNSO Council should consider whether or not to initiate a PDP as an approach for developing any further policy advice on this issue. The

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other is if a PDP is to be initiated determining whether to limit the scope of types of international organizations that could qualify for such protections and also to take into account if a PDP were to be initiated the amount of additional resources and workload that may be available, given the time constraints with the planned designation of new gTLD strings sometime early next year, especially if it is to be deemed appropriate to recommend protections at the second level.

So that's where we currently are and we'd be happy to answer any questions you may have about the issue report or the broader issue about the IOC/Red Cross names. Thank you.

Olivier Crépin-Leblond:

Thank you very much, Brian. So now we have the floor open for questions, and first in the queue is Alan Greenberg.

Alan Greenberg:

Brian, thank you. Two comments or questions – one comment, one question: usually there's a staff advice whether the GNSO should initiate a PDP or not. This time the staff advice was the GNSO should decide whether to do one or not, which is a rather no-brainer conclusion as far as I'm concerned – the GNSO obviously has to do that. So you are not issuing any advice as it stands right now as to whether this is something which a PDP should ensue or not. I'm just noting that.

The second, more substantive: again, I've only read the preliminary issue report quickly but one issue did not hit home as being emphasized which I think should have, and it may be buried there and I missed it; and that is most of these organizations currently have no protection –

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that is, both the URS, the planned URS should it ever come to be and the UDRP focus very explicitly on trademarks. And most IGOs I suspect have not attempted to trademark their initials or their name throughout the world, and therefore to use Red Cross as an example which I don't think should have been the focus of this issue report but nevertheless it was heavily in it, it does use the UDRP because the American Red Cross happened to have trademarked the name. But it's not protected under those mechanisms by nature of their other qualifications.

And as the paper does note, there was an effort several years ago – 2007, I think, 2008 – from the IGOs to ask for protection of course complementary to the UDRP but for those who do not have such protection, and often from organizations who do not have the ability to file lawsuits as in the normal sense. And the GNSO decided not to follow that one up so we're basically still left with nothing there. And I think the issue report should have highlighted that because it really is crucial.

Brian Peck:

Thank you very much, Alan, and as I'm sure most of you know already, Alan has diligently served on the Drafting Team that has worked on the recommendations for the IOC and Red Cross and is very familiar with these issues. So we appreciate your comments on that, and this being a preliminary issue report we can certainly address those before the final.

If I could just respond to a couple of points you made: as you noted, it is a little bit of a different recommendation if you will in terms of the PDP. The background behind that is that you actually have several outstanding kind of elements, if you will, leading up to the issue report.

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You have the original Board request from its motion last year in Singapore when it placed the temporary moratorium that it was awaiting further policy advice on this issue from the GNSO. You also have a request from the Board that was issued on March 11<sup>th</sup> of this year asking for policy advice from the GNSO Council on whether to extend protections to IGOs.

In response to that, the GNSO Council wrote a letter back to the Board saying it felt it was appropriate this time for IGOs to work with the GAC first. If the GAC were to develop any policy advice and submit it to the Board the GNSO would then consider acting upon that. And so with that kind of sensitivity of the Board specifically mentioned that it was not going to take any action at this time, we thought it wasn't the staff's position to say "You should recommend a PDP." It's more should you decide, you should decide whether to utilize a PDP as an approach for developing policy advice. So I think it's a little bit nuanced but I think that's the sensitivity behind that particular recommendation.

In terms of the issue as you mentioned, because of a lack of a trademark for several IGOs in particular it makes that not available them for them to use some of the new or existing mechanisms. That is something that we'll try to... It is kind of buried in the report right now and the question of whether existing protections are adequate or not but we can certainly highlight that more in the final report.

Alan Greenberg:

I'll point out that there's actually a third initiative going on parallel, and that is the Board has asked the GNSO should there be better protections

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period, for trademarks presumably at the second level. And that's yet another all-encompassing one.

Brian Peck: And that's correct, and in response to that there was a Board motion in April asking for staff to provide a briefing paper on the perceived need for defensive registrations in response to that question of indeed whether the current protections provided for trademarks is adequate or not. So that, as Alan has pointed out, that's kind of the third element that is kind of being wrapped into or is related to this issue.

Olivier Crépin-Leblond: Thank you. We have a queue in operation. Currently in the queue we have Yaovi, Beau, and Salanieta. So Yaovi Atohoun first.

Yaovi Atohoun: Yaovi speaking. My understanding is that the results of this work will have the new gTLD evolution panel. So you are in the process now; I want to know if you think the result, before you complete the process, if we can have something that the panel will use? If I understand correctly...

Brian Peck: I'm not quite sure that I understand... I mean as you say there is an evaluation panel which has a set of criteria under which they will evaluate the current strings that have been applied for and have been revealed. In terms of the IOC and Red Cross names again, under the Board motion adopted in Singapore there was a complete moratorium

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on the application or use of their related names for top levels in the first round of applications. So that's been completed. There are no, I mean beyond what is already provided in the Applicant Guidebook in terms of guidance for evaluation of other strings for IGOs, those are already established.

Olivier Crépin-Leblond: Okay, thank you. Next is, and I didn't see Jean-Jacques hand in the Adobe room, so Beau, I hope you don't mind if Jean-Jacques jumps ahead of you? Jean-Jacques Subrenat.

Jean-Jacques Subrenat: Thank you; sorry, Beau. This is Jean-Jacques Subrenat speaking. I have a general remark: I attended part of the end of the GAC meeting and there were people from the IOC, Red Cross, etc. speaking in a very forceful way actually. And I found that some of the arguments really had merit. Is it really up to them, meaning up to your taxpayer money and my taxpayer money, to be used with engaging British or American lawyers just to make sure that a public body like the IOC will not get [a draw] or be abused?

So this brings me to the notion of default settings, and in various areas of ICANN work I have noticed that there is a tendency, a propensity to adopt default settings which are perhaps more favorable to the domain name business than to end users. I wondered whether you would care to perhaps bring this comment up to David Olive, Akram Atallah, and [Fadi Shehedi] because maybe this is the time when there should be a crucial look again at some of the default settings within ICANN, not only



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in the business you're covering of policy but in many other areas as well; and certainly in this business.

I'm a former government official, a former Ambassador of France and I can see that this comment or this objection by the states assembled in the GAC, and also the international organizations will not just evaporate – you have to address it. What I'm saying is that try to have a hard look at the default settings which would allow more entitlement to states and organizations, to have their right without having to prove their right with lawyers who are paid for that and generally very expensive. Thanks.

Brian Peck: Thank you very much. Duly noted and we'll certainly convey that, thank you.

Olivier Crépin-Leblond: Thank you. Beau Brendler.

Beau Brendler: Hi, this is Beau Brendler. About four years ago a young man came up to me, very agitated and upset at an ICANN meeting – maybe it was a little longer than four years ago – and he was from the Red Cross. He was in their IT Department and he showed up at the ICANN meeting to try to find some way to get some assistance from the At-Large because a number of the Red Cross sites had been hijacked in Africa and were being used for all manner of evil doings or whatever you want to call it.

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There was at that point no way to really help him, so we tried a bit to figure out what processes were open and there was nothing. And the bottom line of that is that now all of these years later the Red Cross apparently took this issue so seriously that they've now been instrumental in creating NPOC and doing all of these sorts of things that distract them and cost money from doing good work.

So what I want to say is that I think that the At-Large came down on the wrong side of this issue, and to echo the practical nature of what Jean-Jacques said I believe it should issue a statement of support that certain organizations that have merit in this way should be given special consideration, especially in light of what has now happened with the release of the New gTLD applications. I think it looks very bad for this organization for nonprofits to go away with a sense that they're being gamed into making purchases or possibly protecting trademarks – they should not have to be worrying about that.

Olivier Crépin-Leblond: Okay, thank you. Next is Salanieta.

Salanieta Tamanikawaiwaimaro: Hi, Brian – Salanieta Tamanikawaiwaimaro for the record; you can call me Sala. Just a quick scenario: imagine in international criminal court and someone applies for a string and fraudulently dupes people to enforce warrants and that sort of thing – it extracts information and data, that sort of thing, just from a public interest perspective. And now for my question... Sorry, sorry. Okay. Imagine the international criminal court; someone applies other than the international criminal court,

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fraudulently pretends... Anyway, applies for a string and fraudulently tries to serve warrants on unsuspecting consumers or unsuspecting individuals, citizens, whatever they may be.

Okay, so the first question I have in relation to that is a question that was also raised by the GAC, or perhaps I shouldn't go into that... Well basically in terms of the reservation of names, what would it mean from a policy perspective, from an ICANN policy perspective in terms of ICANN reserving names of IGOs, names and acronyms and what are the potential implications? The other thing also is in relation to the intellectual property international conventions such as the Vienna and the Niece and that sort of thing, is there any legal analysis so far in relation to how this is going to be treated in terms of prioritization?

Or would you take the approach, I posed a similar question yesterday in another work group where we were told that a string is not a mark. So I'm very curious to see the legal analysis and when it's going to be made public if there's already one that's been done? I presume there is legal analysis that's been done already because of certain decisions and positions that have been taken already. So from an At-Large point of view we would be very curious, and I would like to invoke the Affirmation of Commitments particularly 9.1.2 in relation to accountability and transparency to make that document public. Thank you.

Brian Peck:

Thank you very much, Sala. There has been some really legal analysis performed by the IOC and the Red Cross in particular to support their case or their position if you will, to provide permanent protection for

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their names. There's not been, and in fact that's one of the issues that we've identified in the preliminary issues report, is that if a PDP is indeed initiated one of the things to look at is the one to look at the legal analysis or arguments as has been provided by those two particular organizations, but also to conduct a legal analysis under what other types of international frameworks or treaties could be established to either support the case for protecting IGOs or not to protect them.

And as you point out, certain jurisdictions do allow for considering domain names to be trademark while others do not, including the United States. So certainly if a PDP were to be issued one of the suggestions or recommendations is that such type of legal analysis does be conducted in course so it will be published in a sort of final report.

Olivier Crépin-Leblond: Thank you very much, Brian, and thank you for these very extensive explanations. Unfortunately we're running out of time and I see a lot more hands who wish to speak and ask questions. Would it be possible to submit them to you in writing or also to establish communication to follow up on this?

Brian Peck: Sure, we can establish some sort of method of communication to respond to that.

Olivier Crépin-Leblond: Okay, thanks so much.

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Brian Peck: Thank you very much. Thank you.

[Applause]

Alan Greenberg: I'll point out we are having a session on this later this afternoon without Brian perhaps, but there will be further discussion.

Olivier Crépin-Leblond: Okay, next in our lineup... Next in our lineup is Filiz Yilmaz, Senior Director of Participation and Engagement. Hello, Filiz.

Filiz Yilmaz: Hi all, hello.

Olivier Crépin-Leblond: As usual we are late, and I apologize.

Filiz Yilmaz: That's okay.

Olivier Crépin-Leblond: But it's great that you can come and see us and we do have... Well, we have had a dialog with you for a while, ever since the last meeting in Costa Rica and so we're here to continue on that dialog. Unfortunately we haven't got very much time but we'll try and see how it goes on a compressed schedule. So the floor's over to you, Filiz.

Filiz Yilmaz:

Thank you, Olivier. I don't have slides and that will hopefully quicken things up a little. Yay, finally right? So just a few updates on our regular stuff so you get a heads up as usual on what's going on and you get a brief from me. I just want to talk to you about the Newcomers' activities that we started recently based on the feedback coming from this group. It is getting very, very popular now and we've been receiving really good feedback since San Francisco – that makes five meetings I think, or four meetings since we've been running it. And this meeting on Sunday, we had sessions again and we had 80 people in the room and about 7 to 10 came in throughout the day – obviously there are ins and outs from remote participation. And the Lounge is also buzzing. Only on Sunday and Monday, and a couple of hours on Saturday we had 141 visits. So it's really good.

And from ICANN 43 just to get a bit more feedback, and I understand there's a lot that sometimes you give a service but people are not aware that that service exists. So in the direction of PRing this effort we had a little interview with the participants at ICANN 43 and I passed the URL to Matt. If you have time, when you have time you can have a look or we can run it a bit at the beginning now – would you like to see that? Yeah, please...

Olivier Crépin-Leblond:

Are we going to have the equivalent of *The Artist*? In full Technicolor, fantastic.

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[background conversation]

Olivier Crépin-Leblond: I think we can just see that it's a fantastic video with lots of colors and beautiful people on there, and very exciting. And I ask everyone in their own time, not now – pay attention – to watch it later on I guess when they have any spare time, which means probably in about six or seven days' time.

[background conversation]

Olivier Crépin-Leblond: Anyway, back to you, Filiz.

Filiz Yilmaz: Alright, you know where the video is if you want to watch it later on in your spare time, probably in two weeks' time. Okay, alright. So the next thing is the remote participation services are still going on, and we have 112 sessions broadcasted from this meeting – everything public goes out on the internet as well. And we have translations; so far I believe it's working well. And those are the highlights of this meeting.

The other highlight I want to make you aware of, and I'm sure you are aware but just to give another highlight from me: the public comment processes that you have been finding difficult to provide your feedback, that was already mentioned before. But now in this meeting as usual we will have the Public Participation Committee's consultation with the

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community, and in that session we have only two agenda points this time. One is public comment processes, so we want to show you some results of what's happened in the last five months, what is the status; what are the thoughts maybe to remedy this situation – interim fix together with a long-term fix.

I also want to talk about what the community actually expects from ICANN public comment processes, because that's another thing – I think that is a broader question where we need to also start some dialog on. Is it a process that people or groups put some statement on for the Board to review? Or is it some kind of fora where the community wants to discuss things in a more interactive way among each other as well? Or maybe is it what? But we need to find a medium way because I think within the community, different parts of the community, there are different views in what ICANN's public comment process should be doing; and this is also part of the problem, or not so much a problem but we need to clarify it so that we can provide a better structured mapping out of that understanding.

The other agenda point will be the Language Services in this session, and I know you are very interested about that, about that policy. There is a public comment process about that. Christina is on your list to talk about this I believe, I'll leave that to her but she will be part of that session, too. So that is that at 9:00 AM on Thursday.

There will be the ATRT recommendations which will be covering these two subjects as well; the session on ATRT recommendations. It's going to be the same but yeah, that has to be reported within that session as well – those two things. And there is an outreach session at 8:00 AM on



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Thursday just before the PPC consultation session. So those are my updates, Olivier.

Olivier Crépin-Leblond: Fantastic, Filiz. And I note it is 12:04 and you had until 12:05, so thanks for all this. And well, I think you just deserve a round of applause for all your work. Thanks.

[Applause]

Olivier Crépin-Leblond: And now we're going to have a quick dancing chairs routine where... Well, I think we have one minute for questions if you want, but I know that here questions go on for more than one minute, especially with Cheryl. Cheryl Langdon-Orr, make it quick please.

Cheryl Langdon-Orr: Thank you very much, Mr. Chairman – Cheryl Langdon-Orr for the transcript record. I'm sorry?

Male: [For the Chair to serve] these powers it lasts as long as the Chair lasts.  
[laughter]

Cheryl Langdon-Orr: Back to you, Mr. Chairman.

Olivier Crépin-Leblond: Go on, Cheryl, please.

Cheryl Langdon-Orr: Thank you; Cheryl Langdon-Orr for the transcript record. It's not actually question; it was a little bit of information that I wanted to share with Filiz because as you know, I served on the ATRT and the comment/reply comment came out of those recommendations. We as an unofficial group, the alumni – those of us who were the ATRT – have had several meetings and discussions on this. We are aware of some opinion from Denise; we know that Denise will be talking to you. But we're also keen to see, and I suspect the community will be keen to see what happens next. We recognize that it does need more than fine tuning but the ATRT itself is aware.

Now that said, it means that we're not going to get completion of those recommendations so there's a little bit of time pressure on that as well. But just to say we recognize the work that's been done and we look forward to an early intervention on that. Thank you.

Olivier Crépin-Leblond: Thank you, Cheryl. Tijani and Jean-Jacques, and the queue will be closed after that.

Tijani Ben Jemaa: It's a comment; it's not a question. You raised a very important point about the public comment, and I do think that there is something to do; and I think that we have to separate the public comment from the

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statements that we sent to the Board. It will be better for us and less stress on us, and also our community can comment and we can send those statements, so it is double [emphasis].

Olivier Crépin-Leblond: Thank you, Tijani. Jean-Jacques Subrenat?

Jean-Jacques Subrenat: Thanks, a quick comment: I think this is really a sign of where we are today. We have evolved. This is a comment both for staff and for the ALAC. Thanks to the gradual implementation and improvement of all these instruments for better participation, remote or otherwise but also linguistic services, I have the feeling that now ALAC is in the forefront of ICANN for participation. And I just wanted to make that remark in passing.

Olivier Crépin-Leblond: Thank you, Jean-Jacques. And so thank you very much, Filiz, for coming to speak with us.

[Applause]

Olivier Crépin-Leblond: Joining us now we have Christina Rodriguez from Language Services and we also have David Closson, Director of IT Services joining us. So here we go; the name cards go flying. Christina, would you like to start? I'm not sure you have a presentation or just a quick update? Fantastic.

Christina Rodriguez: This is Christina Rodriguez from ICANN staff for the record. Mostly I think I'm here to answer some questions that you may have in order to be able to post or send a comment to the public comment period that Language Services has open with regards to the document that was prepared, which is ICANN Language Services Policy and Procedures. However, let me let you know that on Thursday if you'd like to you can attend the two sessions where the subject will be discussed as well; and in one of them there's going to be a really good, extensive presentation in thirty minutes to interact with the questions and answers. And that will be in the ICANN Public Participation Committee community consultation from 9:00 to 10:30, and also we'll discuss the same subject but just for a bit on the Accountability and Transparency Review Team's community consultation from 12:00 to 1:30. Other than that I'm open to any questions that you may have regarding the document that was posted for public comment.

Olivier Crépin-Leblond: Thank you very much, Christina; we have a queue. Cheryl Langdon-Orr and then Sergio Salinas Porto, and Yaovi Atohou as well. And I think we'll close the queue after that because we have just very little time. So Cheryl, please.

Cheryl Langdon-Orr: Thank you, Mr. Chairman – Cheryl Langdon-Orr for the transcript record. Christina, I held the pen on the draft which if Matt scrolls down we are doing a little bit of adjustment because we do our own public

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comment for our community, so yesterday we met; we had I think a very productive meeting. We had members from all the regions including those regions which make most use of your services. There is some text adjustment that we will be doing before this goes to the ALAC and we do expect the ALAC to probably have it passed on in the public comments in a timely manner.

As you can imagine it was a document that we've gone over very, very closely, and in the main – both from the regional work, and LACRALO has done a specific regional response which will be attached. It is standalone LACRALO but it will form part of what is put in our public comments so they can be read jointly and separately because there are some divergent points. One of the things that I think is fairly uniform across is our general pleasure and thanks to all the work that we know and we've seen has gone on.

There is some tweaking in some of what is proposed that we would like you to consider and they will be in our comments, and in the main I think you'll find them far more easy to live with than some of what we've discussed in the past. So it's things like removal of some specific languages and just talking about "the UN languages." So it's getting less specific on some things, and for something like a policy we think giving it a little more longevity and lifeline. If you have any particular clarifications or questions when this comment comes through to you we do have a small ad-hoc team with a whole bunch of people who can respond very quickly, so if you want to close that loop.

This is so important to our community as you know, and yet again we are wanting to make sure that we've had very clear definition and

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difference in policy, and we mean paragraphed apart where we talk about interpretation and where we talk about translation because our needs are very, very different. And we certainly want to see strengthening in one of those areas perhaps far more than the other. I think that's my review, and unless there's anything that I missed and no one's waving at me... Thanks, and it's in the mail.

Olivier Crépin-Leblond:

Thanks very much, Cheryl. Next is Sergio Salinas Porto.

Sergio Salinas Porto:

Thank you, Chair. For the records this is Sergio Salinas Porto. I think that Cheryl has said quite a lot of what I was planning to express. I want to congratulate you once again, Christina. Every time we meet you we commend your job, and also I will slow down for the sake of our interpreters.

And secondly, as Cheryl very well said LACRALO has published a statement that will be published together with ALAC's statement. Naturally we emphasize some issues over others against ALAC's document. This is what we are going to post. There are some objections regarding automatic email translation; we are having some issues in our region and that makes communication almost impossible – communication between English- and Spanish-speakers and that has created some issues. So we need to see how we go about it. There is a proposal I think and I will accommodate my schedule to be there with you tomorrow. Thank you.

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[background conversation]

Olivier Crépin-Leblond: Thank you, Christina, and thank you very much, Sergio. I'm getting all the names wrong and I see you're getting the days wrong. Okay, next is Yaovi Atohoun and we'll have to move on.

Yaovi Atohoun: Yaovi speaking. I would like to add my voice to what people have already said: congratulations for what you are doing. My concern is about the website. I think it is very important for us at ICANN – there is a lot of progress but there is a lot of information that needs to be translated into other languages. Like in the past, the people were talking about compliance, TLD acceptance – all these concepts, you have them in English on the ICANN website. So my request is that if you can try to make the ICANN website multilingual. All these types of documents it would be good when I click the same document in French. I have it in English, I have it in other languages.

It is not the case for now. If you go to the website and you click on French you see just some documents that are translated. But the structure of the website, we should have the same thing also in other languages. I know that is not easy, I know you are trying but I'm just hoping that you move fast. Thank you.

Christina Rodriguez: To be honest, unfortunately the project of the website is not under my commission. If it was rest assured that it would actually be a mirror site

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of what the English website is. I believe that is the optimal way to do it, the best way to do it. My understanding is that what we will be working on in regards to the website is actually the most important stuff or the most relevant things will be provided. Right now there is a lot of material translated but I believe it's very hard to navigate on the website and find it; it's not properly set. We are working on that to make it more accessible while we decide which way to go in regards to the overall website in the different languages. But we are definitely working on it by all means.

Olivier Crépin-Leblond:

Thank you, Christina, and one more question I've noticed from Sandra Hoferichter so that it balances out all of our multilingual regions. Sandra?

Sandra Hoferichter:

Thank you, Olivier – Sandra Hoferichter for the transcript record. I just want to explain to you a little bit the European view because as Yaovi mentioned, we agree that there's too little material translated or too hard to find. And I'm not talking about the six UN languages but more languages than the six UN languages. This would be helpful for many of us to save time, to go through documents, to understand them; to have the right linguistics, the right words in their own language and also to spread it to our community in the respective language.

Given that the budget is not endlessly available, the European view is that as it is settled down in the ICANN bylaws the community language should be English. And for us it would be a long-term aim to have less



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interpretation but more translation because there are a lot of materials accessible for ALS structures but on an ALAC level, English communication skills should be a key issue. We understand we cannot change the system from one day to another but we see it as a long-term aim. Thank you very much.

Christina Rodriguez:

I have to speak my mind, and I hope it comes across with all due respect. I believe we are reaching a point in Language Services, in ICANN Language Services and all the efforts that we put into growing the Language Services Department – we’re reaching a point where we are being able starting from Toronto and on to provide interpretation in all the five non-English UN languages. This was actually something that was...

[Applause]

Christina Rodriguez:

This was actually something that came to happen after listening to the community and trying to make everybody happy; and now it’s hard to hear that you want less interpretation to be honest with you. It’s like you’re never happy. [laughter] You know, I have to speak my mind. It’s frustrating because it’s four years of work for me to reach this point. I feel very accomplished and very happy because I know that we’ll be reaching a great part of the community that will be able to interact and speak in their own language, listen in their own language. But yet you now say that less interpretation. It is I have to say very frustrating.

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Nevertheless we need to actually somewhat restrain, or not restrain but make sure that we can set ourselves to something that we can deliver. So taking the UN as let's say an example sort of thing in regards to what languages reach the most people or the most language that is in the world is what we are trying to follow. The UN is certainly an organization that works with the whole world and the languages that they choose or that they have in their agendas at all times are the same ones that we are going to provide for everybody.

The interpretation that is being added from Toronto and on to all the ICANN meetings coming after that one will be added on main sessions on Monday, Tuesday; all Board sessions with ACs and SOs; and all the public sessions on Thursday and the closing as well and in [other] sessions as well. Hopefully and slowly but surely we'll be able to add those sessions to your sessions maybe. It's a lot of work and it requires, everyone needs to understand that it requires the space, physical space because two booths takes that space; five booths takes a much bigger space. And as is we are running out of space with places and big enough spaces for us to conduct ICANN meetings, so we need to carefully hold the growth and accompany the growth of what we are trying to accomplish and what we are trying to deliver for the better of the community.

Olivier Crépin-Leblond:

Thank you very much, Christina. I see a dozen hands going up in the room. I see a lot of smiles as well so perhaps you should quit while you're ahead. [laughter] It brings some positivity into our whole community because obviously languages are very important and we are

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very diverse, and all speak like the Tower of Babel at sometimes. But at ICANN at least we're able to express ourselves. Anyway, thanks very much and we're going to move quickly to the next person and that's David Closson, Director of IT Services. In fact, David was here when we spoke about the translation tools on the Wiki and on the mailing lists which don't work out that well, which make it a bit strange. David, you're on.

David Closson:

David Closson, IT Operations at ICANN. I'm in a bit of a hot seat here I take it. So I only have two minutes so I'm going to keep this brief and to the point. There were three main issues which were brought up with the existing tool which I understand the translation content itself is not so good; it is the best we can do at this time. And I'm referring to the LACRALO English-to-Spanish, Spanish-to-English back and forth – many of you are probably on that list or both lists.

So the first issue regarding attachments not being translated or not being carried through the translation process is an explicit design limitation of the tool we're using; it simply does not do that. Getting it to do that would be a significant development effort, and at this time that wasn't put on the prioritization for the IT Operations or the IT Development who I'm speaking on behalf of – the Development Department.

The item #2 was subject line translations going from Spanish to English and English to Spanish can become garbled. I was apprised that most email is encoded in US ASCII, and so in the event that any client is UTF 8 because it's international it would convert it to and fro. Now, if

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messages are sent pre-encoded the actual subject line would be reversed correctly but in some cases there's odd things that the mail clients are doing such as using ISO encoding in the subjects or none at all and just using whatever the default is of that system which could vary.

So that's something that we actually think we can fix. We feel that we can catch 80% to 90% of those by trying to figure out what encoding the mail client had actually sent and attempt to fix it. So that's something that we're going to work on this trimester which would be between now and Toronto.

And the last item which is regarding the missing subject lines for the LACRALO lists, that is a simple code change that we feel we can fix. It shouldn't be a problem at all to get done before Toronto.

Olivier Crépin-Leblond: Okay, thank you very much. We already have a queue in operation. First Evan, then Sergio, and then I believe Jean-Jacques. So Evan Leibovitch.

Evan Leibovitch: Hi, this is Evan. As somebody who's had the circumstance of having to create quite a few pages on the Confluence site I need to ask you about the way of setting permissions, of being able to set read/write permissions. I've been driving Matt crazy with requests to be able to add participants merely for the ability to read pages. Having a situation in which the person that creates a page can't be in charge of its sharing permissions is really a problem. Is there a way to set that so that you

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don't have one master admin through which all permission changes have to change? If not I'm really starting to see that as a deal breaker because a lot of Wikis don't have that restriction and I really need to look into this whole issue of permissions. Having people that can't get into Wiki pages that we make is now becoming a serious impediment to collaboration.

Olivier Crépin-Leblond: Thank you, Evan. I gather that's noted? Okay.

David Closson: David Closson, IT Operations. That sounds like a configuration error on our side; it doesn't sound like a limitation of the Wiki software itself. It sounds like something that could be remedied there so I apologize for that inconvenience.

Olivier Crépin-Leblond: Thank you. So the queue is closed. Currently in the queue is Sergio, Jean-Jacques and Tijani. I can see smiles. Sergio?

Sergio Salinas Porto: Thank you, Mr. Chair. I am Sergio Salinas Porto for the record. First I would like to make the same comment as Evan regarding the issue of Confluence. I would also like to congratulate you for the fact that we have a translator inside Confluence allowing us to translate our messages instantly. This helps us a lot in our participation and in user participation when it comes to policy discussions within ICANN.

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And on the other hand, regarding the electronic means or tools, the problem might be that it is not that when someone sends an email with an attachment the attachment is not translated, although we would like to have the attachment translated. The problem is that sometimes we do not receive the attachment; that is the main problem. And on the other hand the translation is almost unintelligible. We do not understand what we are reading really. So this makes our work very difficult. Sometimes we'd rather go to the original document, copy the original document and try to see word-by-word or use another translation machine so as to have a clear idea of what the document is reading.

The other problem that we have is that we are not receiving the emails or the emails do not get to the recipient. So we sent an email; there is a group of people who do not receive that email and some others do. So this makes or creates a delay in our responses and processes. Those are the main problems that we have and I would like you to take note; and if you need help please let me know. Thank you very much.

Olivier Crépin-Leblond:

Thank you very much, Jose... Oh Sergio, here we go, I'm getting all the names wrong again. It's been the whole day like this; sorry about this, Sergio. We are in Tuesday, aren't we? Jean-Jacques.

Jean-Jacques Subrenat:

Yes, Jean-Jacques speaking on Tuesday. [laughter] So David, thanks for the presentation. I have a question from a layman to a specialist, not directly about this but it is somewhat linked. I think that the progress

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performed in ICANN overall for the ICANN meetings such as this one, the improvements have been terrific. I still feel there is a problem when we convene as separate units for instance, as ALAC. We have an ALAC teleconference once a month and there I feel that the tools we're using are not up to scratch.

For instance, we can have a voice, we can have text but not image. So it's a question of broadband. So my quick question to you is, for the general user which all of us are, what is the platform you would advise as being the most complete and the easiest to use? Is it Adobe Connect? Is it Skype? Is it, well what is it – something else?

David Closson:

Well, I think you're talking about for the collaboration obviously, but what you'd like to see is perhaps an integration so you'd have something like Adobe Connect with integrated audio so you didn't have to use two tools, and maybe even three in some cases, right? Adobe does have integrated audio and it could be used in some cases. It either can be used directly with telephony or you can use the built-in features which are relatively new, actually – two-way audio which before didn't work very well but in the last year has improved vastly, so it can actually be done directly from Adobe.

Jean-Jacques Subrenat:

If I may then, a follow-up question not to you but to our Chair: would you mind trying to get staff to organize such a thing as a trial whenever you think that can be achieved? Because I think we really deserve a better tool. Thank you.

Olivier Crépin-Leblond: Thank you, Jean-Jacques. Yes, I think we will be – let’s do this as an action item and I’ll let Heidi it out with staff. Okay, last question – Tijani Ben Jemaa.

Tijani Ben Jemaa: It’s...

Olivier Crépin-Leblond: I think you should speak in French, actually.

Tijani Ben Jemaa: As you want, yes. Okay. Hello, I am Tijani Ben Jemaa and I wanted to speak mostly about the same issue because I wanted to mention Adobe Connect which is a tool which I find wonderful, and it has evolved very much. And we used to have simply a chat and now the fact of raising one’s hand and getting the floor is interesting. And actually I don’t care about video but I would like to have more sound, more sound channels that is because we have several languages and for teleconferences half the people have to use the telephone; and it would be wonderful if we could have more than one audio channel on the Adobe Connect or by means of another tool.

But I think Adobe Connect or whatever tools it is are essential to our teleconferences because now we have some people who could not hear at all because their telephone did not work at home, and now we can hear those people even better than if they were next to us. So it’s a tool which I find wonderful and we have to go on developing it if possible.



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Olivier Crépin-Leblond: Thank you very much, Tijani. I'd like to thank Christina and David very much.

[Applause]

Olivier Crépin-Leblond: And seeing the improvements let's hope that we have even more improvements in the next ICANN meeting. Joining us next is Margie Milam, Senior Policy Counselor. You have the dancing chairs rotating again... And Samantha Eisner as well. It's all do-it-yourself here.

[background conversation]

Olivier Crépin-Leblond: Yes, don't lose your power supplies. We usually end up with a room full of power supplies by the end of the day.

[background conversation]

Olivier Crépin-Leblond: Welcome, and so I look forward to hearing a bit of what you have to say about the RAA negotiations? I feel that's an interesting subject.

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Margie Milam: That's a topic you're all interested in. Hi, I'm Margie. I know I've greeted for you before; I always love talking to you guys and answering all your questions. Yeah, there's obviously a lot of interesting developments on the RAA. Sam Eisner is on the Legal Team and she's on the negotiating team as well so that's why I brought her to answer any of these questions if you have them as well. I'm sure you will, right. Who has my presentation, somebody?

Olivier Crépin-Leblond: That's Matt. That's the person here with the fruit-based computer, if you will, to deal with your presentation.

[background conversation]

Margie Milam: Okay, well I can begin talking while you find it... Okay. So just to refresh your memory on this project, it's basically two projects on parallel tracks that stem from the Dakar Board resolution, that basically directed that negotiations begin on the RAA to try to pick up on the law enforcement recommendations that were submitted by certain law enforcement representatives as well as recommendations from the Joint GNSO-ALAC Drafting Team – oh, there you go – that many of you were participating in and really did contribute a lot to the discussion.

And as you may recall, that report had high priority and medium priority and then topics, and those are topics that have been under consideration in the negotiations themselves. So since Costa Rica

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there's been a lot of activity. There's a community Wiki that's been published that gives you a lot of information on where we are in the negotiations, and since Costa Rica there's been actually updated recommendations from the law enforcement community specifically on WHOIS validation and data retention. And so they provide clarification on their prior requests to help us understand what we're looking for as we go through the negotiations. And just prior to Prague we published a series of documents that we thought would be helpful for the community to look at, and they're very detailed but they give you a snapshot of where we are in the negotiations.

The other part of the project is the issue report request because the Board anticipated that it may not be that all of the amendment topics addressed in the negotiations, and now the community may still want to explore some of these amendment topics. So they asked for an issues report that would be the first step in starting a PDP with the GNSO on amendment topics that perhaps don't get incorporated into the new RAA. And so that issues report was published and finalized, and the PDP is basically on hold at the moment because we're trying to identify what the final RAA is going to look like and then what topics haven't been addressed. And once those remaining topics, as it's called, are identified then there would be a PDP that could be started on those issues. So at the moment on the GNSO Council level there's no activity on the PDP because we still don't know yet what topics should be explored.

So on the next slide I've mentioned the documents that were published. What I want to clarify is that the documents that are published are just a draft and it's not a negotiated or agreed document. And so, if many of

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you attended the session on the RAA on Monday you heard the registrar view on some of these documents; and they've also published documents separately which identify their areas of disagreement with some of the documents that have been published. But we thought it was useful to provide this draft RAA which is the entire agreement redlined or with changes so that you can see what we're talking about; and also you can appreciate the complexity of the issues that we're dealing with.

It's really, as being a part of the negotiating team we've had eighteen plus meetings; some of them are full-day meetings, telephone conferences for hours and hours. I mean these are issues that we've explored in-depth with the registrar negotiating team to try to get to a workable solution on the RAA. And so on this slide I've identified some of the key amendment topics that are addressed and are being addressed, including obviously the big ones: verification and validation of WHOIS information and registrant data; a lot of additional information on collection of data related to registrants; obligations related to resellers, and proxy and privacy accreditation is now something that is being explored; and then a lot of the law enforcement ones related to abuse point of contact which was a key law enforcement request – we've made a lot progress in that regard because we're trying to make an easier communication channel between registrars and law enforcement when it comes to these kinds of requests; and then also some of these other ones that were related to things recommended by the Drafting Team such as prohibition of cybersquatting on the part of registrars and their affiliates.

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So these are all big topics that show you that the agreement is really being enhanced in many ways to address these community concerns. And now on the next slide, this is the ICANN documents posted for Prague; this is what I was referring to earlier. There's about 70 pages of information here that try to give you a snapshot of where we are in the negotiations, referencing back, for example, the law enforcement recommendations and where they are. And then there's also a lot of specifications and addendums that will be attached to the RAA, kind of taking the approach similar to what's in the registry agreements for new gTLDs where there's an appendix that deals with certain specifications such as WHOIS, SLA; and additional information that registrars would need to be providing to ICANN related to their officers and directors and affiliate structures, and whether or not they offer a privacy service.

So there's a lot more information that ICANN is seeking and that's referenced in some of the specifications that you see published in the documents. Next slide, please. And then as I mentioned, just right at the start of the Prague meeting we did receive documents from the Registrar Stakeholder Group where they provide basically a scorecard and highlight some of the issues that are still of concern to them – and so you can really see the registrar point of view if you review these documents that they've published. They're fairly detailed as well, and so you know, again I just want to emphasize that these negotiations are really going in-depth on these issues to try to come up with a workable solution that can be agreed to by the parties.

And so as I mentioned there was a session on Monday where we were seeking community consultation, and this is an area where we would like to hear from ALAC as well: what is the ALAC view on some of these

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questions? I know you all are really good about writing statements and your position papers; we always appreciate the work that you all do because you add so much to the policy discussions. And you're one of the only groups that does it consistently so we very much appreciate it on the Policy side. But these are the areas where we've really struggled to find the compromise position; and to the extent that you have your positions on what you think would be appropriate for some of these issues – we did talk about them in depth at the Monday session and we certainly value your input. And I just provided a link on this slide to where you can find those questions, but these are things that relate to when verification should occur, whether it should occur before resolution or after resolution; should phone verification be required; if there is verification is annually too much? These are the sorts of questions, and if you read the information you can see what we'd like to get input from you all on to try to inform the conclusion of the negotiations. Next slide, please.

And so the next steps, as I mentioned we're doing consultations and at the GNSO Council meeting there's also going to be some time allocated for stakeholder groups and constituencies to provide any further information if they'd like on the topic of the RAA. Alan can certainly make statements during the GNSO Council meeting if there's anything that ALAC would like the Council to hear about, and you know, the negotiations are going to continue.

And I think with that the last slide is just where you can get information on all of this: the status, where the Wiki's located, the final issues report that I mentioned earlier, and then the information for the Prague

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session. There's a recording there and a transcript if you missed the session on Monday. And with that I think we'll open up for questions.

Olivier Crépin-Leblond: Thank you very much, Margie. I see two questions already; one from Cheryl and one from Beau. So Cheryl Langdon-Orr. Please to everyone, we are running out of time so please keep them short and also, Margie, please keep the answers short... And Evan, okay. Cheryl?

Cheryl Langdon-Orr: Go, right. Thank you – Cheryl Langdon-Orr for the transcript record. Matt, if you could roll back to Slide #7 please? I wasn't there on Monday and I apologize if what I'm going to say was brought up and you're about to yawn and that's okay. With these questions, and I'll also say I have skimmed some of the material – I have not read it in depth; I actually fell asleep on the plane! Whoops, sorry. I'm happy with that list but the one that gives me pause and the one that may be the most difficult to get consensus out of this group is data retention. And I'll go a little bit further than data retention – the type of data that law enforcement are asking to be collected and maintained.

Certainly I must say, and I'll declare an interest: I was involved in the National Privacy Principles developed in my country. They need reviewing. It's a hot topic in many places and spaces. It is different in many places and spaces but also there are mechanisms of payment which are used quite reasonably to deliberately obscure the credit card details and payment details of people, and that's a right that I would think many of us would want to fight for quite vehemently. So looking

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down the list my feeling is that's the one interestingly enough we might have a lot more to talk about; and I think this would be a good forum perhaps in Toronto again to come back and focus on some of those specific ones. I hope I wasn't too long, Mr. Chairman. Thank you.

Olivier Crépin-Leblond: Thank you very much, Cheryl. Do you wish to have a brief answer?

Samantha Eisner: So we agree. We think that data retention portion has a lot of potential hotbeds in it. And so we want to be clear that the draft that was put up is an ICANN proposal but it's not necessarily ICANN's position. What we were doing, you're right – exactly, a straw man because we were provided with proposals from law enforcement. So what we attempted to do was put that into contractual language to see what that would look like, but then put it out because that's what a baseline for conversation can be. And so we don't want to express a position that ICANN is advocating for all of this data, right? We want to have the discussion happen.

And so we are in conversation with data protection authorities; we're having some discussions today to figure out how we can continue to bring data protection authorities to the table. And data protection authorities have actually been involved in the conversation to date but we haven't gotten people from all the jurisdictions that we need and we haven't had their focus on it until this went out. And so this conversation will continue with a focus on exactly what you said.



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Olivier Crépin-Leblond: Thank you, and for the transcript record this was Samantha Eisner answering. Next is Beau Brendler.

Beau Brendler: Hi, it's Beau Brendler. Can you go back maybe to the Slide #3 I think? Go forward one – "Current Status." Yeah, down towards the bottom, the penultimate item there: it says "Enhanced Compliance-related obligations." I was wondering if you could just briefly elaborate on the details of what that is because I haven't heard about it.

Samantha Eisner: This is Samantha Eisner for the record. Without having the reams of paper that we produced for this directly in front of me I can give you a little bit of a highlight of what those are. One of the items that we have proposed in there is a requirement for registrar self-assessment. I know in your conversations with Maguy one of the really effective tools is getting some preventative measures in, so helping registrars give the metrics of what they would actually look at and then report to us on. So it's not always waiting for a complaint basis and we're not always being reactionary.

And so that type of registrar self-assessment is in there. We've also increased the termination provisions and our ability to terminate, but also inserted a bit more substance around the suspension clause to use it as a useful tool to bring registrars into compliance, because it's not always the case that you just need to stop, terminate a registrar, deal with the change of domain names and everything. If we can really work

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through and get a registrar back into compliance through suspension tools and continue monitoring them, we would do that.

We don't have a lot of teeth to do that now so we're trying to figure out how to make it more effective. Those are some examples. I think there are a couple more but it's not on the top of my head right now.

Olivier Crépin-Leblond:

Thank you very much. Next is Evan Leibovitch, the next question.

Evan Leibovitch:

Sorry, hi. I guess you're getting tired of us; this is what – the third time this week so far? I actually wanted to follow up on a little bit. You were both at our meeting with the Board – or you were and you weren't, okay. Part of this had to do with, I want to follow-up on something that Jean-Jacques brought up at the meeting we had with the Board, and that was even about the use of the term "negotiation." And just so at least from my feeling of what we've had in our meetings within ALAC and so on is that there's a concern that thus not be a situation where there must be something that's mutually agreeable with the registrars or if there's an impasse it can't happen.

This is a regulatory environment. You are asserting the public interest on our behalf in dealing with the registrars and so both on issues of regulatory policy and in issues of accountability and transparency, and making things open. There's even an issue with calling this a negotiation; that this is something where you're dealing with them and maybe there's some middle ground in the middle. There may be some times where the public interest needs to be asserted in a way, and if the

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registrars don't like it the registrars don't like it. This is a regulatory environment.

And so have there been situations where there's been an impasse and you just have to go ahead and say "This is what we're going to do?" That's at a general level. At a specific level, and I'll reiterate again, 3.7.8 has been a sticking point with us which has sort of been the "or else" clause. It's if everything doesn't work and things are in breach what's the "or else?" And when we had the meeting with Maguy on Sunday and we started hearing terms of "Well, if things are in breach and there's problems then things become candidates for termination," as opposed to "Things get terminated"; and there's these sort of gaps and things like this that almost enable things to fall through the cracks.

And I'm wondering if you could sort of elaborate. Garth has put forward nine very specific cases of instances that have gone into dead ends, and this is a concern even with the existing regime. And as we're coming into gTLD expansion by manifold, there's got to be a certain level of confidence that if things are falling through the cracks right now even with the small number of TLDs that we have, you know, there's a concern about that especially when it comes time to scale it. And so that's why this part is critical, and in fact if you're interested we even have some proposed wording for 2.7.8 that would strengthen the existing wording that you have in there that I think would help address our most serious concerns. Thanks.

Samantha Eisner:

Samantha Eisner again for the record. There are multiple points laid out, Evan, but I'll respond to two and hopefully cover the rest of it. In

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terms of candidates for termination and not immediately proceeding to termination, etc., and this doesn't necessarily have to deal with the RAA negotiations themselves but I think a general Compliance conversation that we're having, right – because one of the goals of updating the RAA is to achieve a better tool for Compliance, right?

And so I think that it might be helpful to really chart out the lifecycle of Compliance, because it's important to realize that when a breach occurs termination does not occur immediately. That is not the right under the contract. And so understanding what happens between the points, you've seen the flowcharts, right? But understanding what happens between those points and giving a little bit more process might actually be helpful for future conversations. So I think that I'll talk to Maguy about how we can bring that to you later, because I think it would give us all tools to discuss this a little bit more on some of the parts that we're hitting.

I cannot let the statement that "ICANN is a regulatory body" go unaddressed. We are a private company. We do not have regulatory authority. Our authority to take action is based on the contracts that we have. We understand the import of the RAA to the internet community. We understand the import of what happens through it. We are not regulators. And I'm not sure how to address the concept of negotiation because that's what you do when you have to negotiate a contract. It doesn't mean that we don't take in inputs from other people to assist in it; and there will be a point where contractual terms will be put up for public comment and we invite your input into there.

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Olivier Crépin-Leblond: Thank you very much, Sam, and I think we are opening up a brand new discussion here from what you've just told us. And we'll have it as an action item to discuss this in Toronto, but I have Jean-Jacques Subrenat who absolutely insists to follow up on this. We need very short statements please, bearing in mind we will be addressing this in Toronto because this certainly is a statement.

Jean-Jacques Subrenat: An immediate statement in direction of Sam is this: your constant use of the word "negotiation" is misleading to those who are not involved in the process. So as I requested already in other fora this morning I would suggest that you go back to something more neutral, which would be the "accreditation process." Think about it. I don't require an answer now, but I would suggest that you suggest to the leaders of the organization something like that which would not antagonize one party or the other. Thanks.

Olivier Crépin-Leblond: Thank you, Jean-Jacques. Carlton and close.

Carlton Samuels: Let's put it on the record. It's good to hear that said straight out – "We're not a regulator" – so we can begin discussion. And the first thing I would want to know is if you do not believe that you are regulating the DNS environment what exactly do you think you do? That will help me certainly fix my head as to how I answer that question, and it's good, Sam. I'm really very pleased to hear that said outright from a Counsel in the ICANN Counsel's Office. We are not a regulatory

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environment. So is there an environment you're supposed to be doing some things in the public interest, you're supposed to be the person there taking directions, running the lights, making the trains run on time? How do you get to that stage if you're not doing any kind of regulation? Thanks.

Olivier Crépin-Leblond: Thank you, Carlton, and I think we will bring this debate to a close certainly with one action item to continue this in Toronto, and that will probably take us the most of several hours. But on top of that there's a second action item which I'd like to have read to the record, and Silvia Vivanco, could you please read this?

Silvia Vivanco: Yes, the action item is to invite Margie Milam to talk about the issue of data retention in the ICANN Toronto meeting.

Olivier Crépin-Leblond: Okay, so Margie, Samantha, thank you very much for joining us and it sounds like an "au revoir" because we'll see you again in Toronto.

[background conversation]

Olivier Crépin-Leblond: And with this, before we bring this to a close we have Kathy Kleiman who is going to join us briefly. And I'm really sorry to have made her wait for so long but obviously we had tons of things to discuss and of

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course we started a little bit late. Kathy? Welcome, Kathy. It's absolutely fine.

Kathy Kleiman: My 10<sup>th</sup> Anniversary [bunny] just fell off.

Olivier Crépin-Leblond: So Rule #1, use a microphone. And Rule #2, don't break it.

Kathy Kleiman: I don't know if I can promise that. Can everybody hear me? Great, thank you. I'm Kathy Kleiman and I'm so pleased to be with you today, thank you; and I'm going to try to talk slowly which is not my forte. I'm an ICANN old-timer but I'm newly back with my old law firm of Fletcher, Heald and Hildreth which is in Arlington, Virginia, just over the river from Washington, D.C. It's the oldest telecommunications law firm in the United States.

And I'm here to share with you a special project that I'm working on with Google, and I couldn't imagine not coming to tell you about it. I'll take about five minutes but first I wanted to congratulate you on your 10<sup>th</sup> Anniversary. It's a wonderful milestone and ALAC has made an *enormous* contribution to ICANN. So I've come to congratulate you and also to thank you for what you've done, and wish you luck in the great debates ahead.

So as you probably know there's a vibrant discussion and debate going on over the future of internet governance. Countries are talking about whether and how much the ITU – the International Telecommunications

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Union – should govern the internet. But many of us think the internet is well run through our multi-stakeholder models including ICANN and the IETF. So a few weeks ago I was doing the Washington thing – I was listening to discussions about the ITU versus the multi-stakeholder model in Washington. I was at hearings in Congress, I was at lunches, I was at numerous conferences and it occurred to me that the discussion was too high-level. We were talking about the ITU, we were talking about multi-stakeholder models, but no one who was talking really knew anything about what we did, what we do here at ICANN.

And I thought if I were someone who was listening to this debate I wouldn't understand it because there weren't any details. And I wrote to Vint; I wrote to Vint Cerf, father of the internet, and I said "Vint, what about..." I said "The meeting of ICANN in Prague is coming up in a few weeks. What if we try to capture people telling some of their own stories about what they do at ICANN, why they participate, what's exciting – people we know, people from different countries and stakeholder groups and advisory committees?" I said "Why don't we bring a videographer and see if we can capture some of this?"

And what you probably don't know in a different life, in a different hat I'm actually a documentary producer, too. So this is kind of joining two parts of my life which is fascinating. So Vint said yes and he introduced me to Patrick Ryan at Google, and Patrick's wandering the hallways. But he introduced me to Patrick Ryan at Google and we're working together, and tomorrow for twelve hours we have a videographer here in Prague. We'll be in the Dublin room and we're going to be doing exactly what we talked about – capturing stories and capturing us telling our stories and why we're passionate. Short stories, three to ten



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minutes, pick your language and we would love to include you. And again, I couldn't imagine not coming to invite you personally.

Just to let you know there is a limited number of slots so we're planning to continue the project via webcams and other ways of collecting stories. So we have a limited number of slots left, a few for every group that we're coming to today. But again, it's the larger project I also wanted to introduce you to and we're going to keep going. And this will be uploaded of course to YouTube and available for everyone.

Olivier Crépin-Leblond: Thank you very much, Kathy.

[Applause]

Olivier Crépin-Leblond: A few comments. Alejandro Pisanty?

Alejandro Pisanty: Alejandro Pisanty. It would be very useful for you and everybody participating to make reference to the project run by [Jana Anderson from LM University] under the title "Imagining the Internet" – it's really easy to find online. They have been doing this for several years mostly around the IGF and there's an immense repository of valuable video with all the main participants and key messages. It has been supported by journalism students so the documentation is of a very, very high

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quality and it will certainly provide a very useful framework for what you are doing.

Olivier Crépin-Leblond: Thank you very much, Alejandro, and certainly I've seen it on University Interview, and it's certainly a great video archive. Any other comments or questions? Kathy, when you mentioned the three- to ten-minute mark, judging by how late we are I think you'll probably have the ten- to fifteen- or more. Well, you'll probably have to cut people off because the three-minute, well, I've never seen anyone here speak for only three minutes myself included.

Anyway, I think it's the end of this session. Thank you very much to all of you for attending.

[Applause]

Olivier Crépin-Leblond: Thanks very much of course to the interpreters for bearing with us...

[Applause]

Olivier Crépin-Leblond: We think that equating being short with speaking fast, but in fact no, it's being concise about things. And I think sometimes we need to think a little bit more before we open our mouths, myself included of course.

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And of course thanks to the sound people and the technical staff for having brought this meeting to work, and of course thank you to our amazing staff here.

[Applause]

Olivier Crépin-Leblond: This meeting is now closed.

[End of Transcript]