
BUENOS AIRES – NCUC Community Outreach Event
Saturday, June 20, 2015 – 16:00 to 18:00
ICANN – Buenos Aires, Argentina

BILL DRAKE:

Oh, I better turn my speaker down.

Welcome to everyone. I teach at the University of Zurich and I am the Chair of the Non-Commercial Users Constituency, the NCUC, which is a part of ICANN and is the Civil Society Coalition that has been working within ICANN since 1999 to promote human rights and a variety of related concerns within the ICANN policy process around generic Top-Level Domains.

NCUC is an organization or a network that has about 420 members from 98 countries, about half of them in the Global South, including 106 non-commercial organizations and 314 individuals.

We are a growing and vibrant part of the ICANN community and one of the most globalized parts of the ICANN community as well. However, we don't have a strong presence as I would like or we would like in Latin-America and the Caribbean.

We certainly are always looking for new opportunities to reach out to people and get them interested in what we're doing or at least to understand what our issues are and what our involvements are and see if there are some commonalities of interest.

This meeting was put together with that purpose in mind. The idea was that we in the NCUC would have a few of our members overview

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some of the topics that we work on and give you some idea about what we do in ICANN and why it matters from the standpoint of Global Civil Society, and particularly within the Latin America and Caribbean region and then hear from people here about what their concerns are with regard to ICANN-related issues and Internet governance, of which there are great many, and then just have open discussion and then afterwards we drink.

That is more or less our game plan. We have a reception at 6:00.

This is what we're doing and we're really pleased that people are able to join us. Hello there. We will go around and introduce ourselves in a second.

First, I want to introduce my friend Jean-Jacques Sahel. Jean-Jacques is a member of the ICANN staff, Vice President for Engagement in Europe, and he's a big supporter of Civil Society participation in ICANN. He was instrumental in making this meeting happen, so I thank you for that.

Jean-Jacques Sahel.

JEAN-JACQUES SAHEL: So we will try to speak very slowly in English.

BILL DRAKE: Oh?

JEAN-JACQUES SAHEL: Okay, I'm just saying for everyone, we will all try, I think, to make an effort to speak here slowly if that's okay. There was a mistake. We should have had translation but we couldn't in the end. Sorry about this.

BILL DRAKE: But we do have a nice room.

JEAN-JACQUES SAHEL: We do have a nice room and we will have drinks afterwards.

I will just pass on, as Bill said, at ICANN we have a Multistakeholder Model where we try to have all voices heard from all parts of the world and all parts of society, including Civil Society, including individual end users of the Internet.

What we are keen to do is to reach out to Civil Society communities across regions, including in Latin America. We hope to do this more and more and better and better and in your own languages.

But with that, I will pass on to others.

BILL DRAKE: Yes. Why don't we go around the table and introduce ourselves? So just briefly tell us your name, what organization you're with, and any other quick point you'd like to make with regard to your interest in being here.

Why don't we start with the young lady in pink down at the end? Oh, alright, why don't we start with the young man who's sitting down next to the young lady in pink?

SIVASUBRAMANIAN MUTHUSAMY: Yeah. I'm from Internet Society India Chennai.

ROBIN GROSS: Hello. I'm with IP Justice.

KONSTANTINOS KOMAITIS: Konstantinos Komaitis with the Internet Society.

MILTON MUELLER: I'm a professor in the United States at Georgia Tech University, and I'm a member of the Non-Commercial Users Constituency and our representative on the IANA Stewardship Coordination Group.

JAVIER PALLERO: Hi, I am the Latin American Policy Analyst for Access, and it's the first time that I am here and my organization is here as well.

HARTMUT GLASER: I work for CGI.br domain names in Brazil, a not-for-profit entity who take care of all domains in Brazil.

ALEXANDRE GONZALES: I am a student in the Federal University of Rio Grande do Sul, Brazil, and this is my first time here in the ICANN meeting.

PETER GREEN: Hello, ladies and gentlemen. I'm from China, and I'm working on the Executive Committee of NCUC working with Bill. Thank you.

GRACE GITHAIGA: Hello, I'm from Kenya ICT Action Network from Nairobi and I am in NCUC.

BILL DRAKE: And you've already heard Jean-Jacques and myself, so we turn to Maria.

MARIA FARRELL: Hi, I work for InterConnect Communications, which is a consulting company in the U.K. I'm an Irish citizen and I am on the board of directors and policy group of the Open Rights Group, which is a civil rights Internet organization in the U.K.

RENATA AQUINO RIBEIRO: Hi, I am a teacher at Federal University of Ceara Brazil in the IT Campus in Quixada City. I'm also a part of the OpenCon Community. It's a community for Open Education, Open Data, and Open Educational Resources.

IGOR MKRTUMYAN: Hello to everybody. I'm from ISOC Armenia. Thank you.

ROMINA FLORENCIA CABRERA: Hello. I am academic in human right [inaudible]. I participate in ICANN with my cousin, [Antonia Martina] of ICANN.

JANIA LOPEZ: Hi, I'm from ALS Nicaragua.

UNIDENTIFIED MALE: Hello, my name is [inaudible]. I'm Brazilian and I'm a lawyer. I'm a newcomer here, so this is my first time.

DAVID THORNTON: Hello, I'm from Name Account, Inc. It's a domain investment company. I'm also a newly elected Non-Executive Director of Nominet in the U.K., the U.K. Registry, and this is my second ICANN event.

CARLOS AFONSO: I am a member of CGI.br and the Director of the Instituto NUPEF in Rio de Janeiro, Brazil.

MATT SHEARS: I'm with the Center for Democracy & Technology. I am also a participant in the CWG Stewardship and CCWG ICANN Accountability. Thanks.

BILL DRAKE: And if you don't know what those acronyms mean, we will get to that.

ARUN SUKUMAR: Hi, I teach at the National Law University in New Delhi, India. Thank you.

BILL DRAKE: And we had a young lady come and sit down here, Valeria, who will first of all manage the invitation process for this meeting, so I want to thank you very much, Valeria. Please introduce yourself.

VALERIA BETANCOURT: Hello, everyone. Sorry I'm late. I'm from the Association for Progressive Communications. I coordinated the Internet policy program in the APC, which is an international organization of Civil Society groups working for Internet for social justice and development, and I live in Ecuador. It is my first ICANN meeting, so I'm very excited to learn from you all and to participate in the debate. Yes, amazingly.

BILL DRAKE: Believe it or not. Thank you, Valeria.

Other people have joined behind me. I don't have a roaming mic, so can I just hand – do we have a roaming mic?

UNIDENTIFIED FEMALE: No.

BILL DRAKE: Can I just ask you to step up and speak into the mic and say who you are unless there is a mic coming?

UNIDENTIFIED MALE: There's a mic.

BILL DRAKE: There is a mic coming, okay, because we have remote people.

[THELMA RODRIGUEZ]: Hello, I come from Uruguay. I am a Director in [inaudible] Latin America, [Europa], and Uruguay. I am exploring this space. It's my first time.

BILL DRAKE: Fantastic.

ROXANA BASSI: Hello everybody, I work with Valeria in APC and this is my third ICANN.

ALAN FINLAY: Hi, I work for APC too and I'm interested in the human rights and the ICANN dimension.

FLAVIA FASCENDINI: Hello, I work for APC too with Alan, Roxana, and Valeria. It's my first time here too, and I work for the Communications Team and the Women's Rights Program Team in APC.

UNIDENTIFIED MALE: Hi, I'm working in [inaudible] knowledge, disability technology. We are starting to develop the tools we designed in the investigation of 14 years. Later, I can say more.

JIA HE: Hello, I'm from China Academy of ICT, and that's my second time. It's my pleasure to be here.

FARZANEH BADI: Hi, I'm a poor Ph.D. student at Hamburg University. I am an NCUC member, and I work on various stuff.

VALERIA MILANES: Okay, I'm from Asociacion por los Derechos Civiles ADC, and I'm in charge of the areas of Privacy, Freedom of Speech, and Access to Information.

BILL DRAKE: The young lady over here?

MARY UDUMA: Young lady, indeed. I'm from Nigeria. Our West African idea of this year was the Internet freedom for all. We are looking at human rights as well, so I'm interested in what this group is doing. As we do our national ideas, maybe we'll talk about that. Thank you.

BILL DRAKE: Welcome, Mary. Yes?

NIELS TEN OEVER: Hi, I'm with Article 19 and I'm facilitating the Cross-Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights.

BILL DRAKE: Fantastic. Okay. I think we've got everybody. Now, can I just see from those of you who are not in NCUC, a show of hands? How many people it's their first time at an ICANN meeting just so I know?

Oh, okay.

UNIDENTIFIED FEMALE: Two ICANN meetings.

BILL DRAKE: Two ICANN meetings, okay.

We will do our best then to try to explain the terms and other things that we'll be talking about here. I recognize that for many people, they may be very expert in Internet issues and yet ICANN can be a little bit hard to understand from the outside, and there's a lot of terminology and process and institutional aspects that have to be explained. Of course, it's very difficult to do so very quickly, but we will make an attempt to try to make these things a little bit clearer to people.

I think the important point to start off with is that even if you are not necessarily in your day-to-day work concerned with domain names and IP addresses and other things that have historically been within the mandate of ICANN, that in point of fact ICANN's work is affecting the Internet and all of us more and more.

It ties very directly to the kinds of concerns that progressive Civil Society activists have pursued in a variety of different contexts, whether it's privacy, freedom of expression, human rights more generally, access to knowledge, global equity and balance in Internet governance arrangements. The whole range of issues that are often of concern to people in Civil Society are touched on by much of what ICANN does.

Even though some of the activities seem a little bit complex and take a little while to get your head around all of the processes, I think that it becomes very clear once one starts to dig into this just a little bit that in fact ICANN's activities are more and more important to all of us irrespective of our daily activities.

I want to acknowledge also sitting down now, Marilia. Could you introduce yourself?

MARILIA MACIEL: Hello, everybody. Good afternoon. I'm sorry, I was at the GNSO meeting. That's why I'm late. I am from the Center for Technology and Society of FGV in Brazil, a member of NCUC and representing NCSG and the GNSO. Thank you.

BILL DRAKE: Okay. I emphasize again that there are still a few seats at the table, if anybody would like to sit down. We are in an open process. Have more people come in, in the back? I don't think you were introduced. Do you like to just say who you are?

UNIDENTIFIED FEMALE: In English?

BILL DRAKE: In English, yes, I'm sorry.

UNIDENTIFIED FEMALE: You can do it in Spanish.

BILL DRAKE: We don't have translation. Okay, you can do it in Spanish, okay.

UNIDENTIFIED FEMALE: Okay. I work at the Data Protection Authority of the Ombudsman Office in the city of Buenos Aires.

BILL DRAKE: Fantastic. And you?

UNIDENTIFIED FEMALE: Hi, everybody. I'm currently studying law at the University of Buenos Aires. I did some research over there on technology law, and I'm currently also honorary fellow of the ICANN program, so.

BILL DRAKE: Fantastic. Glad you're here. Welcome.

Okay, and we have more people coming in, too. Of course, being late, they're from NCUC.

WALID AL-SAQAF: Actually, I'm a fellow right now.

BILL DRAKE: Aha. Okay, so which hat you wear depends on what's convenient. Just introduce yourself briefly.

WALID AL-SAQAF: At the NCUC, I've been assigned as the Coordinator of the Membership Affairs Team. But now currently, I'm in the ICANN Fellowship Program through which I am coaching new fellows.

BILL DRAKE: Thank you.

JOAO CARLOS CARIBE: And me?

BILL DRAKE: Yes, Joao.

JOAO CARLOS CARIBE: Hello, I'm from Brazil. I'm a member for NCUC since Beijing. I'm a member for Executive Committee. I'm sorry to arrive late, but I'm coach for fellowship too. Me and Walid just come fast for the meeting to get in here. Nice to see you. Nice to see there are some people here in this room. Alright.

BILL DRAKE: Okay. Fantastic.

Again, ICANN for those who are new to it, is an increasingly central global governance mechanism and one that is going through very significant changes, or facing the prospect of significant changes, especially at this meeting.

We have been working as a community, and there will be a couple thousand people probably at this meeting, to try to do a number of fairly important things. One of which is to transition the role of the

United States government vis-à-vis the management of some core functions of the Internet from the U.S. government to the global community and to try to establish mechanisms to ensure that a newly independent ICANN that is no longer tied to the U.S. government remain sufficiently accountable to the whole global community.

This is an overarching issue that is being debated in many different sessions during the course of this week. But there are a number of other things that are going on at this meeting as well that are quite significant.

Our group for example has been instrumental in pushing the whole discussion of human rights at ICANN and we'll be holding several meetings about that later in the week.

And there's a new report that's been put together by one of our member organizations, Article 19, of which Niels will say something a little bit later. So that's going on and there will be other sessions on Internet governance and a wide variety of other issues.

If you have not registered to participate in the ICANN meeting, I would encourage you to do so. It's free and you can come to as much of it as you want, and all of the information about the meeting is online. ICANN has very good remote participation as well so that if one is able to come to some meetings but not other meetings, you can still become very much engaged on an ongoing basis in the work of the community.

ICANN is a very open process. Everybody can join. Everybody can contribute. Everybody can participate.

I think that's something that will be evident to you as we go.

Jean-Jacques, would you like to add something?

JEAN-JACQUES SAHEL: Just very quickly, we normally translate and interpret in six languages, plus, in many cases, in Portuguese. And it's not just that the ICANN meetings that we do our work. A lot of the work is done in Working Groups during the whole year by e-mail, conference calls. We have a number of webinars. So you can continue to enjoy the work for the whole yearlong, almost day and night if you really want to.

BILL DRAKE: Yes.

JEAN-JACQUES SAHEL: That's importantly in many languages. I want to stress that. This is an unfortunate exception today, but it's logistical issues.

BILL DRAKE: Yes.

JEAN-JACQUES SAHEL: Thank you.

BILL DRAKE:

Yes. I am sorry that we don't have translation and I will try to speak slower, more slowly.

Okay. Against that background, we would like to start out with a little survey of some of the hot issues that NCUC has been working on over the past 15 years and that are in particularly on the table today at this meeting.

And to do so, I thought I would ask a few of our colleagues who are here who are particularly involved in some of these issues to just briefly introduce the issue and say what NCUC has been doing in that space.

I should point out, because I did not, NCUC is also part of a larger grouping within ICANN called the Non-Commercial Stakeholder Group. The architecture of all of this gets a little bit confusing. We don't have to go and tell the details right now.

But the important point is that NCUC or this larger grouping, NCSG, either way, these has been the champions of many progressive Civil Society interests and positions for a long time and we continue to work on these things, and we certainly want to engage with people who are new to the space.

Let us start then with – oh, we have brochures by the way. Let me pass this around. I have them in Spanish and English. I'll just pass this around and then anybody who wants to know more.

UNIDENTIFIED MALE: [Inaudible] online [inaudible]?

BILL DRAKE: The online, yes. Actually, online, if you'd go to our website, ncuc.org, our brochure has been translated into I think about ten languages by various colleagues. We do everything very much on a bottom-up basis by the community volunteers and a number of our volunteers have translated our brochure into Chinese, in Turkish, in Portuguese, in Spanish, in French and everything. It's all online, ncuc.org, if you would like to take a look.

Okay. With all of that said, let us start then with IANA Transition. I'm going to ask Dr. Milton Mueller, who has been very involved in advocating around this issue for a long time, if he could perhaps introduce the topic and give people some sense of what's going on at this meeting. You want to use the roaming mic, Milton?

MILTON MUELLER: Yeah.

BILL DRAKE: Sure.

MILTON MUELLER: Alright. For the next 45 minutes, I'm going to be explaining the IANA Transition. No. This is a very simple issue in some ways, a very fundamental issue about ICANN. It has to do with what kind of a global

governance institution it is. The interesting thing about the Internet is that it is transnational and global. Its standards are global. Its usage is global. The packets flow anywhere. The packets don't have little headers on them that say, "I'm from Argentina," "I'm from the United States," although they do have addresses. You need a global coordination and governance regime to handle these problems on the Internet.

Because the Internet started in the United States, a lot of the control of these basic coordination and governance functions was held by the United States through contracts with the U.S. government.

One of the most fundamental contracts was what's called the IANA functions contract. IANA stands for the Internet Assigned Numbers Authority and it's basically a listing of – it's a set of registries basically that tries to coordinate unique names and numbers that keeps them unique on a global basis.

Now, that sounds very technical and very boring but the problem is if this registry is in the wrong hands, then people can disconnect you from the Internet. They can throw you out of cyberspace. What you want to have is an IANA that is run in a neutral fashion and reflects the policies that are made by the community.

What we've had for the first 17 years of ICANN is that the contract for the IANA has been controlled by the U.S. government and the U.S. government has then contracted with ICANN to run these functions.

The inconsistency between this and the so-called Multistakeholder Model was increasingly evident. Why is it that we say we don't want governments, we don't want the United Nations running the Internet, but here is the United States government in a position of special control of a unique function?

After the Edward Snowden revelations, there was another phase of realization that the U.S. government was in a special position and the U.S. government finally recognize the inconsistency despite the fact that some of us in NCUC including especially myself had been telling them this since 1999.

But they finally basically said, "Oh yeah, we meant to do this all along. We're going to finish the transition. We're going to get ourselves out of the picture and we're going to turn this over to the Multistakeholder Regime and get ourselves out of it."

And that's a good thing. What they said was, "Okay everybody, you tell us how to do this in a way that is developed by the bottom-up fashion by the multistakeholder community."

So there are three parts of these IANA functions. There's the domain name part, which is what this meeting is fundamentally about. There's the numbers' part, the IP addresses, and there's the protocol registries, which is the Internet Engineering Task Force, a bunch of highly technical standards registries.

Basically, the three communities have developed proposals for how to do this and they hand these proposals to the IANA Coordination

Group. And that group then puts them together and tries to reconcile any problems and review them and then sends it to the NTIA.

In some ways, ICANN is not in direct control of this process because ICANN is an interested party. That is to say ICANN the corporation, not ICANN the community.

We have some members of the ICG here including Mary. Is there anybody else here from ICG? Yes, yes. So we have people from different communities. I think, Hartmut, you were put there by the address community?

HARTMUT GLASER: Yes, I was.

MILTON MUELLER: And you were put there by the GAC?

UNIDENTIFIED FEMALE: The ccNSO.

MILTON MUELLER: The ccNSO, the Country Code Top-Level Domains. I was put there by the Generic Names Supporting Organization. You can see we have a Multistakeholder Committee that's trying to coordinate the development of these proposals.

We originally had a goal of having this all done by the expiration of the IANA contract on September 30, 2015. It looks like that is not going to be a target that we meet, and so they will have to extend the contract. There are a lot of interesting political issues about that that we could talk about but we will not unless you want to ask questions about them.

But there is a sense of urgency about getting this work done before the American election happens because it can become a political football.

Unless somebody thinks I forgot something really important, I will turn over the microphone to the next person on the list. That's the Fundamentals of the IANA Transition. It was hard to explain in two or three minutes so I probably went on for five.

BILL DRAKE: That's okay, Milton.

MILTON MUELLER: Bill is being very patient with me. He is smiling.

BILL DRAKE: I've been patient with you for 25 years.

I just want to point out a really important aspect to what Milton is saying if this is not clear to everybody. One of the distinctive things about ICANN as a global governance mechanism relative to what we are used to from international intergovernmental organizations is that

a lot of the governance that's taking place is done through private contracts. This is a contractual relationship between the U.S. government and the ICANN organization, which we're now trying to change over. It's very unique and it raises a lot of very interesting and complex special questions.

MILTON MUELLER:

And as a segue to our next speaker, if the U.S. government is no longer contracting with ICANN and holding it accountable, if ICANN is actually running the IANA functions itself, then who is keeping ICANN accountable?

BILL DRAKE:

Alright. Which leads us then to the broader question of accountability, and Matt Shears from the Center for Democracy and Technology can tell us what's been going on there.

MATT SHEARS:

I think Milton had the easy part of this because it's actually two parts. Milton covered the IANA Transition and the Stewardship aspect. But as he said, there is this whole other part of accountability.

Because one of the problems that I think it's fair to say has bedeviled ICANN over time is that its accountability mechanisms have never been felt to be adequate to the global multistakeholder community.

This issue of accountability became very clear when the transition was announced and people were considering, "Well, what do we need to

do at ICANN to ensure that once the U.S. government steps away, it is accountable to the community? What processes need to be in place? What safeguards need to be in place?” And so on.

The work of the Cross-Community Working Group on accountability has been ongoing for six or seven months now. Our representative is the young lady across the way in the pink top who will correct me when I get something wrong.

But the challenge for that group has really been twofold. First is that it is an incredibly complex matter. And secondly, we started a little late. So what Milton didn't mention was that the proposal for the IANA Transition on the proposal side is actually ahead of the work that we're doing on the accountability side. And we're catching up but it does pose problems for meeting the target dates and things like that.

So we've been working for six or seven months now. We've had face-to-face meetings. We've had endless e-mails. Whoever has been involved in this knows that one's mailbox is flooded. We've had tons of calls. Yesterday, we had a full day on this issue.

The challenges are many fold. What the group did was it said, “Okay, we have to look at ICANN's accountability mechanisms and see whether or not they are actually fit for purpose before we think about new mechanisms.”

We reviewed the entirety of the mechanisms, we reviewed whether or not they were adequate for this post-transition environment and beyond. Because we're not only talking about the transition when it

happens whether it's in six months or nine months' time. We're actually talking about an institution that needs to have accountability mechanisms in place for 5, 10 or 20 years' time. We're really trying to anticipate how the organization may evolve and what accountability needs to be in place.

We went through a whole process of understanding what the accountability measures are in place at the moment. Then we developed a whole set of tests that we could test any proposals or enhancements or improve the accountability measures against. And then we started to work on what do we need to see in place that we can – measures that we can put in place before the transition and what measures do we put in place after the transition.

What became very clear was that in order for ICANN to be accountable pre- and post-transition, in other words, what needs to be placed in place to make ICANN more accountable before the transition, we needed to have some very strong community powers.

And so those powers are now the ones that are under discussion and the mechanism for putting those powers in place and how long it will take to get them implemented so that they're actually effective.

These mechanisms include for example the community being able to recall Board members, because at the moment, that doesn't happen, or to recall the entire Board for example or to have a say on budgets and strategy issues, which it really doesn't have at the moment.

These are just some examples of some of the measures that the community thinks need to be in place before the transition occurs.

Now, one of the challenges of this is that this is a multistakeholder public-benefit corporation. And the challenge about empowering the community is that it has to have some kind of mechanism for doing so. It has to have some kind of legal entity in a manner of speaking.

So one of the big challenges: how do we empower the community to be able to use these powers? How do we put them in the position to be able to recall the Board? That is the biggest challenge we are having at the moment.

As a community in this Working Group, we have agreed on the powers. We all agree we need to be able to recall the Board. We all agree we need to have a say over the budgets and the strategy. But what we are having difficulty at the moment doing is figuring out what the mechanism is to actually do that. How do we actually use those powers?

So we put out the first proposal, which went out for consultation I guess it's about a month ago now, and that just closed. And we had many comments back. I think we had some 50+ comments back from individuals and organizations. And what was clear from this consultation was that everybody agreed that the community needed to be empowered, but there were many questions about the model that was being proposed to empower the community.

So yesterday, which is the first time we came together as a Working Group to, again, look at accountability issues. Yesterday, we had a pretty substantial discussion about the mechanisms for empowering the community. What does the community need as a tool to actually be able to use those powers? And we're still debating that.

What is good is that we know in this process, we know what powers we want as a community but we haven't quite figured out how we're going to exercise those powers.

The reason why this is so important is because on the IANA transition side, the IANA transition proposal at the moment anticipates much of the stewardship that NTIA, that Milton was talking about, actually now comes back into ICANN and comes back to the community.

So the more that the oversight comes into ICANN, the more the ICANN community need powers to ensure that the IANA functions are done correctly, done in a neutral manner and that the stability of the DNS remains. So getting these powers, these accountability powers in place and agreeing on them is really essential to the IANA Transition.

Maybe I'll stop there. I'm sure there'll be loads of questions. I'm happy to take them, and I'm sure Robin will jump in. Thanks.

BILL DRAKE:

Thank you, Matt. That was excellent.

I think what he has underscored is that in order to have ICANN sever its links with the United States government and be fully standing on its

own as a body opens to the global multistakeholder community, we have to ensure that the leadership of ICANN the organization is subject to proper sorts of constraints with respect to accountability to ensure that there are means to challenge decisions and actions that people think do not meet the criteria of transparency and accountability that we would want to see in a multistakeholder process.

It's a very intense and complex operation that we're going through, and something that I think we've never really seen in global governance of information and communication technologies before. When you have governments involved in running things, it's a lot different.

But here, we are as a community trying to sort out how to govern ourselves collectively and do so in an accountable way. It's a very challenging question and it's something that has a lot of implications I think in Latin America as well.

Turning then from these two big issues – I'm sorry?

UNIDENTIFIED MALE: [Inaudible] just get to it [inaudible].

BILL DRAKE: Are there any immediate questions or clarifications that people would like to ask now about what these two people have said? Or, we can come back later in the integrated discussion. But just I want to make sure that nobody has any questions.

Alright, then, let's turn next to the quest of human rights, which again like accountability and global – oh, you do have a question. Okay, please go ahead. Say your name again.

UNIDENTIFIED FEMALE: Hello, I have one little question. In the process of transition of IANA, they are contrary in ICANN and the Civil Society, and [speaking in Spanish].

UNIDENTIFIED MALE: Yeah, I will translate. She's asking if the accountability responsibilities can come back to the Civil Society as a way of guaranteeing that the accountability is not going to be in some other stakeholder that does not inspire so much confidence.

BILL DRAKE: It will be a shared responsibility. Civil Society will be very much a part of the process. But this is a multistakeholder community where we have to negotiate with different business factions and there's also input from the governments involved.

It's a process of building consensus among all those actors. But we have been advocates of this transition for a very long time and we have been very active in the dialog around shaping it. So I feel like we are making good progress in ensuring Civil Society concerns around the table.

Jean-Jacques, would you like to add something?

JEAN-JACQUES SAHEL: More than that, the transition is from the U.S. government to all stakeholders. The idea of avoiding capture by any particular interest whether it's a government or any of the stakeholder groups is a key element of this transition.

Going forward the accountability and the stewardship of the IANA functions will be by the whole of the stakeholder community. This is of prime importance in this transition.

UNIDENTIFIED FEMALE: Thank you very much.

BILL DRAKE: Sure. Valeria, did you want to add something real quick?

VALERIA BETANCOURT: I think that her comments is really to the need to have information perhaps for the newcomers as well on what the options are. Because I understand there are some proposals on the table, so perhaps just to point people for the sake of information what their options are so far and what are the next steps from this meeting onwards in relation to the transition process.

BILL DRAKE: Okay.

VALERIA BETANCOURT: Thank you.

BILL DRAKE: Well, we were going to just go through a bunch of issues quickly and then open it up, but if people would like to – we can do it either way. If anybody – Milton, would you like to add something quickly? Just speaking Valeria’s point so that –

MILTON MUELLER: The big debate about the IANA transition has been the fact that IANA is integrated into ICANN. We’re trying to get it out into a separate entity because we believe that policy-making should be in one entity and the technical implementation should be in a neutral independent entity.

ICANN itself as an organization, a corporation, the directors were very much against losing this. And indeed, there’s a tendency for people to try to control IANA because they think it will give them the power to circumvent or make policy and ignore what the multistakeholder process did.

So I would say that the model that has been accepted has partially succeeded in separating it. We’ve created a separate affiliate, but this affiliate will be controlled by ICANN. But there will be a potential separation process where if the community feels that we need to get a different IANA operator, they can further separate it from ICANN.

Although I personally believe that these mechanisms are a bit weak or a little bit difficult. The hurdles are very high.

Now, the only issue we're fighting about now is the trademarks and the domains associated with IANA. Should those be put in an independent and neutral entity, or should they be controlled by ICANN? We think it's an essential part of this change that they be put in this independent and neutral entity and not controlled by one of the IANA functions operators.

I don't know if you have number portability in your telephone system, but if the telephone company controls the number that you use and you want to switch providers, then it's very difficult.

So it's the same thing. If one IANA functions operator controls the IANA trademark and the IANA domain name, and then you decide you want to change, then it's very difficult. You're locked in to that particular provider.

So there's more interesting options to discuss in the less well-formed accountability process. So I'll let Matt take over that.

MATT SHEARS:

Yeah, I think the challenge in terms of the process is really, how do we sync up the two and how do we make sure that the accountability measures give the community the powers they need in this new model? Because in this new model, as I mentioned a little bit before, effectively the powers that ICANN has over the IANA functions are quite considerable.

So the accountability measures that we're working on are important to ensure that the community, the stakeholders in the ICANN, also have some control over the IANA functions going forward. And it's that balance. It's that fine balance of achieving what the community can do, what the Board does with regards to this new model.

So you really have to see the two as very much interlinked, in fact, almost inseparable parts – two halves of the same coin in many ways.

BILL DRAKE:

Thank you very much.

The bottom-line here is nobody is arguing that ICANN has not performed the IANA functions well. But we want to ensure, because we're doing a unique institutional design opportunity here, that we build in safeguards that if there are problems down the line, there's the possibility for the global community to say, "You know what, because you have not met the criteria of performance that we think is necessary, we have the option to move to another provider for this function."

And designing exactly how you would do that and so on has been very, very difficult but it's a very important thing because it's one way of simply ensuring that the organization maintains its commitment to rigorous standards of behavior and so on.

Now, I'd like to move to the next bit. And again, we can take a little discussion after each chunk. Perhaps we do it that way. At NCUC, we've been very involved with these discussions for a very long time.

And obviously, the issues around the transition of U.S. authority and the accountability of ICANN are very complex.

There are people here at the table who are spending 20 or 30 hours a week in meetings about this and they could talk to you for hours but we were not going to do that. We're going to turn to some other topics that NCUC has been very heavily involved in for a long time as well.

One, of course, is human rights. We have always been the primary champion within ICANN I think of a human rights orientation and bringing human rights into ICANN, which has always been challenging because many people of the ICANN community in the private sector have not quite understood exactly what human rights would really mean in terms of our operations.

So we started last year a process and created a Working Group and so on. Niels has been very instrumental in driving this forward and I would like him to tell you a little bit about where we are now with this.

Niels?

NIELS TEN OEVER: Gracias, Bill. [speaking in Spanish], Bill.

BILL DRAKE: He's Dutch but he is showing off his linguistic skills.

NIELS TEN OEVER: Gracias, Bill.

BILL DRAKE: And he is not Monika. Monika, alas, could not come at the last second, so Niels is substituting for Monika.

NIELS TEN OEVER: Yes. I'm very sorry. Monika could not be here at the last moment. I'll try to cover for the best I can.

These issues are difficult so I would like to start-off with a short quiz to also try to understand what who we're talking to here.

Who of you have been to three ICANN meetings or less? Can you show hands?

UNIDENTIFIED MALE: Three or less?

NIELS TEN OEVER: Three or less. Okay, I will be talking to these people so that other people...

UNIDENTIFIED MALE: Oh, we could leave.

NIELS TEN OEVER: Can you raise your hand if you self-identify as technologists? Technologists. Who does self-identify as lawyer? Okay. And who self-identifies as more general Civil Society or activists? Excellent.

We are here at ICANN as people who care about human rights, right?
Okay, so what impact can ICANN have on human rights? What do you think?

UNIDENTIFIED FEMALE: What's the human rights?

NIELS TEN OEVER: Huh?

UNIDENTIFIED FEMALE: What's the human rights?

NIELS TEN OEVER: Let's take the human rights as they are put in the universal declaration of human rights.

UNIDENTIFIED FEMALE: [Inaudible] to their declaration [inaudible].

NIELS TEN OEVER: Okay, Bill gave me two minutes. I'd be very happy to...

UNIDENTIFIED FEMALE: [Inaudible] human rights [inaudible] on, on human rights, what? What have you [inaudible]?

NIELS TEN OEVER: Okay. So which points of ICANN's work can impact which human rights? What do you think?

UNIDENTIFIED FEMALE: Then, a big process, a big process for the global political in the future with Internet for a global [inaudible] global [inaudible].

NIELS TEN OEVER: And then specifically? What specific issues? Would it be freedom of expression?

UNIDENTIFIED FEMALE: Yes, yes.

NIELS TEN OEVER: Yes. What are other issues that ICANN might impact?

UNIDENTIFIED MALE: Privacy.

NIELS TEN OEVER: Privacy. Okay, perfect, I've got two winners here already. What are other human rights that ICANN might impact?

UNIDENTIFIED FEMALE: Cultural rights.

NIELS TEN OEVER: Cultural rights, boom.

UNIDENTIFIED FEMALE: Diversity.

NIELS TEN OEVER: Diversity, boom.

UNIDENTIFIED FEMALE: Access to scientific research online.

NIELS TEN OEVER: Boom, access to Information? There was more access there. Who was that? Perfect.

UNIDENTIFIED MALE: Can we just clarify what ICANN does?

NIELS TEN OEVER: Yes. Freedom of information, so.

UNIDENTIFIED MALE: Niels, can you clarify what ICANN does specifically in relation to all of this?

NIELS TEN OEVER:

I'm coming to that. We've established that ICANN impacts a lot of different human rights. But these human rights and these issues are scattered over many different processes. And these processes and operations are often discussed on case-by-case basis. And this makes it very difficult for activists and human rights people who do not spend full-time hours to follow ICANN to see how it's relevant for that.

That is what we're trying to work on in the Cross-Community Working Party on ICANN and Human Rights. Because we think that, according to the U.N. Guiding Principles on Business and Human Rights, that ICANN should weigh its impact on human rights structurally for everything so that human rights do not only come as an afterthought on policies operations but it becomes a standardized part of every policy operation.

So for that, we're trying to define standards and policies to [be complex]. And if you would like to be part of that discussion, please join our mailing list or come to our session on Wednesday from 9:30 to 11:00 in Room Retiro B.

BILL DRAKE:

That was both amusing and enlightening. I want to emphasize again that Niels' organization did a study mapping out some of these questions, which is online and which we will be discussing at the meeting on Wednesday.

But the general point that he's making, bringing a human rights standard into the ICANN's operations. Many of the things that ICANN

does may not affect human rights obviously. A lot of ICANN's work is technical and so on and does not directly affect it.

But there will be cases where perhaps there are questions and the challenge is to put the standards in place so that the questions are asked as a starting point and we can begin to evaluate ICANN's work in terms of its conformity with international standards, whether it's of the civil political liberties or economic and social liberties of U.N. and other international instruments.

Okay. Why don't we talk a little bit more specifically about one human right that NCUC has been very strongly engaged in advocating for the past 15 years, and that is privacy?

For this, we turn to James Gannon who's here with us, who is a relatively new member of NCUC. We're growing all the time and we bring in new people, and here's one who has jumped right in.

James, perhaps you could talk a little bit about some of the issues that are in play right now with regard to privacy and what we've been doing.

JAMES GANNON:

In my day job, I work in cyber security. Within NCUC, one of the things that I focus on is on ICANN's approach to privacy on a wide variety of topics.

Privacy within ICANN is a very complex piece. There are many different ways in which the work of ICANN does impact on privacy in this area.

So this is one of the human rights where ICANN's work goals overlap with the human rights in many, many ways.

As Bill said, privacy is a core part of the NCUC platform within ICANN and we're very, very lucky to have some renowned privacy experts within NCUC. I've been very happy to work with some of those over the last few years, since I've joined the world of ICANN.

Personally, two of the things that I focused on, which I think would be of interest to the group are the privacy and proxy services accreditation issues.

When you register a domain name, you have a thing called the WHOIS. I suppose an analogy would be the WHOIS is like phonebook. When you have a domain name, so if I have a jamesgannon.com, up in the WHOIS directory will be my name, my phone number, my home address, and possibly some other details depending on what type of domain I've registered.

But these services that some people use, and I personally believe in privacy as a default right for everybody, to allow you to not hide but to obfuscate some of those pieces of private information.

So what it will be instead of my phone number and my address, it will be the phone number of a company that is providing me with a privacy service, so that if a company needs to contact me to do something to do with my domain name, they contact the company who then gets in touch with me.

Over the last approximately a year, there has been a group looking at how this privacy and proxy services are run and how they interact with ICANN the company, and what rule should be applied to these companies.

The group has been working on a number of different points. There seems to be a broad agreement both within the Civil Society and within a lot of the business interests as well, which is great to hear obviously, that privacy and proxy services are an essential part of the Internet now and that their running and their functioning needs to be maintained.

There are a number of points that are still being debated within the group, so the group's work is still ongoing. We haven't reached the end yet. There are things like if you run a business on a website, should you be able to avail of the privacy services or should it only be for an individual person?

These are things that the group is – I am currently soliciting input for. We have a public comment up on icann.org at the moment. We have a draft report on how the group feels this thing should be approached and also some questions that we like to ask people. We would love input on that and it would be great to be able to see that.

There's another part of ICANN that we've been working in – particularly myself and Stephanie Perrin, who unfortunately can't make it; she's down at the GNSO Council – which is when the WHOIS policy conflicts with the national law.

Argentina, I went off and I checked. You're actually one of the first Latin American countries to enact privacy laws back in 2000, and really started off wave across Latin America, Uruguay, Mexico, Costa Rica, Peru, Trinidad, Nicaragua. Brazil is doing one at the moment.

What happens when ICANN's policies around the private information that's in the WHOIS conflicts with your national laws?

At the moment, obviously, Europe has had privacy laws for quite a long time and many of the companies that run services and many of the registrars who manage the domain names have found it very, very difficult to approach ICANN to get an exemption to say, "I'm sorry. I can't comply with this policy because my national laws may say different."

The group has been working on how to come up with a compromise that suits both parties and that allows both the individuals that are being affected but also the companies that are running these services, that are providing it to you and to me and to everybody else, to allow us to manage that conflict between the two. I think that's an important thing.

Particularly because over the last few years, there's been a lot of discussion around privacy in Latin America and also discussions around new laws that are being brought in. Brazil is writing one at the moment. They are drafting their data protection legislation.

So I think particularly on points around privacy, people like yourselves who made the effort to come here, it's really important that you get

involved in this. Because while NCUC is without a doubt I would say one of the most diverse organizations within ICANN, we can always take in new people and there is always going to be a need for a Latin American voice in there or an Asian voice or an African voice or the more underrepresented communities.

Topics like this are really current for Latin America. It's a discussion that's ongoing in your own parliaments and in your own newspapers. So it's a great way to get involved in ICANN and to come in and see what NCUC is doing in this space, and to say, "This is something that I can make a difference on how we treat this within Latin America," and really start-off your journey within ICANN within that.

Speaking about the WHOIS, the WHOIS has been around for a very, very long time. It goes right back to essentially the start of the Internet.

Another thing which is coming along the lines – it hasn't particularly started yet; there have been initial discussions – is on a replacement system for the WHOIS. A more modern approach to this very contentious piece of technology and this very contentious set of policies that impacts all of us as registrants and as users of the Internet.

So over the next I would say two or three years, there will be a lot of discussions around what do we replace WHOIS with, what the new technologies that are available, and how do we implement those technologies.

Because having a technology is great but how you implement it is very important. So yet again, it's another thing that if you got involved in NCUC, you could actually make a serious difference to how the Internet is ran.

BILL DRAKE:

Thank you, James. That was excellent.

Bottom-line here is you have a sort of a tension that we've always had between, on the one hand, the people from the intellectual property world and the law enforcement world who like to have a WHOIS database that allows them to look up who has these websites for various purposes, whether it's protecting intellectual property as they see it or a consumer protection whatever, and the rights of privacy on the other hand.

And we have gone back and forth over how you strike that balance for a very long time. It's a big ongoing issue and it's one that we've been very much involved in.

One other thing I should mention, he mentioned public comment periods. One of the things that's very unique about how ICANN does global governance is that all of the processes are very open to the public and anybody can go online within a defined period and write their own comments, submit their own views and the staff has to write a summary of all of those opinions that have been expressed in trying to justify the next step or the next initial policy action that ICANN is

contemplating. So there are lots of ways in which people can participate.

Let's turn to another rights-related issue, and that is Access to Knowledge. Trademark policy has always been a big focus of concern on the part of NCUC. Robin Gross from IP Justice has been very centrally involved in those issues for years.

Robin, would you like to say a few words about this?

ROBIN GROSS:

Thank you. Let me just go to a very baseline level to start off with when it comes to trademarks and how they impact freedom of expression rights in particular.

So first, let me just explain very quickly what trademarks actually are. What they are is a very specific right to restrict the use of a mark in commerce in a certain geographic region with respect to certain classes of goods and services only. So those are what trademark rights give you.

This must be balanced against freedom of expression rights because freedom of expression rights say that you have a right to speak freely. You can criticize a product. You can compare a company with somebody else. You can discuss companies. You can discuss trademarks, products.

So there's this tension that exists in between freedom of expression and trademark rights. On the one hand, you're not allowed to use

these words. On the other hand, you've got freedom of expression to use these words. So there's always this tension and this balance.

Then, when we take this problem to the Internet, it gets even a little bit more complicated, particularly with respect to domain names because there are people who want to register what somebody else would consider to be their trademark in a domain name.

But maybe they don't want to use it for any commercial purpose. They've got rights of their own. It's an entirely different geographic region. It has nothing to do with the specific classes of goods and services that a trademark holder may have rights to. The law would probably let many people register domain names that use trademarks in many, many, many, many situations.

Well, when ICANN first got created, you can imagine how the Intellectual Property community was really up in arms about people now being able to criticize and comment on and "use their marks" as they will call them on the Internet in domain names.

Back when NCUC was first founded, one of our cofounders in fact, Kathy Kleiman said, "Hey, wait a minute. We need to come up with some policies that are going to balance the rights between trademark holders and freedom of expression on the Internet. We need to come up with some kind of policy that can take into consideration that people have freedom of expression rights to use marks for commentary, for criticism, for comparison, for all sorts of non-commercial uses."

Kathy was actually one of the initial drafters of what they call the Uniform Domain-Name Resolution Process, UDRP. That's what was created in the early days to try to resolve these disputes and make sure that certain legitimate rights can go through but legitimate restrictions would also be upheld.

That has been a constant battle and tension at ICANN, always trying to renegotiate that line between what you can do and what you can't do on the Internet with respect to what others would consider to be their trademark or intellectual property.

So then a few years ago when ICANN decided that it was going to have new Top-Level Domains, new gTLDs, again, the Intellectual Property Constituency got all up in arms and was afraid that people would be registering marks that they have trademarks in somewhere.

They said, "We need new policies. We have to have new policies that create even greater restrictions and give us more rights than consumers have."

As part of the new gTLD policy, we had very little choice but to come up with some new policies. For example, the URS, the Uniform Rapid Suspension Policy, and a few others that would very quickly try to deal with some of these disputes, concerns, conflicts, if you will, between the balance between free expression and trademark.

This is something that was actually one of the reasons why NCUC was founded to begin with was trying to protect these freedom of

expression rights against overly restrictive and frankly not even legally correct trademark assertions.

It continues to be a battle that we always have to look at. There are Working Groups that are set up to try to create new rights that don't exist in law.

Last year, ICANN's CEO decided he was going to invent some new rights, Trademark PLUS-50, where he was going to give trademark holders in addition to their trademark, 50 new words that you pick out of the air. And we're going to let you have exclusive worldwide rights to those that don't take into consideration whether or not the use is commercial, whether or not it is restricted to certain classes of goods and services, whether or not it is violating a trademark in a particular geographic region.

As you can see, this battle continues and it is only getting stronger because now we've got the Intellectual Property industry who's going to ICANN and wanting to use the DNS, the Domain Name System, in order to enforce copyrights and trademarks and other sorts of Intellectual Property rights.

So this really big battle is coming in the next year or two. If anyone is concerned about freedom of expression and being able to criticize and comment on used trademarks in perfectly legitimate ways, please join. Please get involved in NCUC and here at ICANN because we really need a lot more help working on these issues in the Working Groups, directing comments.

We are outnumbered by the Intellectual Property Constituency as you can imagine, and we rely exclusively upon volunteers and people who just are passionate about the Internet and care about free expression and online freedom. That's who we're really trying to reach to come join us and work with us to try to come up with fair and balanced policies that respect the rights on both sides of this tension.

That's all for me. Thank you.

BILL DRAKE:

Thank you, Robin. That was excellent.

It just makes me remember that I completely neglected to say something rather important, which is that on Tuesday, we have a meeting for three and a half hours, NCUC does, from 9:30 to 1:00. And then, in the afternoon, there's a meeting of the NCSG, of which we're a part, for a couple more hours which is open and which anybody can come to.

One of the things we're going to talk about for an hour is this whole controversy you may have heard of around the so-called Dot Sucks Domain Name, which is being rolled out. We're going to have two of the primary movers, the CEO of the Registry that's creating Dot Sucks and the Head of the Intellectual Property Constituency who complained about Dot Sucks to the U.S. government and ICANN and everybody else. It should be very lively and controversial.

These issues, the interplay between trademark and freedom of expression, are really, really central and getting the balance right is

really important. And as you can see, some of us are very passionate about that.

Speaking of passionate about rights and so on, I now turn to another Irish voice to tell us a little bit more about freedom of expression and some of the activities that we've been involved in. And then, we'll take a few questions on this cluster of issues.

Maria.

MARIA FARRELL:

Thanks. Yes, the Irish are taking over. We're taking over the NCUC from here and after that, ICANN. In fact, the next ICANN meeting after this one is going to be in Dublin. I hope to see lots of new faces at that one, too.

HARTMUT GLASER:

Be very careful.

MARIA FARRELL:

Yeah, "Be very careful," Hartmut says.

I want to just tell you a little bit about freedom of expression at ICANN and particularly the work we do here in the non-commercial side.

I am going to ask. Does anybody here have a Twitter account or do you blog or do you write generally things on the Internet? I have one hand up. Oh, quite a few. Excellent.

BILL DRAKE: People behind me, too.

MARIA FARRELL: Superb. Okay. Now, I am a person who is regularly committing the offense of having an opinion on the Internet whilst being a woman. You might think that's not a particularly unusual thing to do. Of course, it's not.

But, I'll tell you the reason I bring it up is because when you write opinions and blogs and all this stuff on the Internet, oftentimes, you get subject to a lot of abuse, some of it mere verbal abuse, threats, all of this kind of thing.

What we are interested in at NCUC is looking at how the issues of freedom of expression and privacy are actually very, very linked and how they play out in the Domain Name System.

A really good example is WHOIS, as James Gannon has just been describing. If I have to publish on the Internet my personal address and contact details, number one as a woman and number two as a blogger and number three as a human, I really don't want to do that and I could be putting myself at some risk.

When we talk about freedom of expression, we're actually looking at – it's actually two sides of the same coin and that if you don't have certain forms of data privacy, you actually can't really express your opinion. You'll constantly be censoring your opinion.

How does this tie into domain names? Well, a couple of different ways.

The NCUC has looked at or actually had some real success in ICANN and not just in the privacy aspect but also in freedom of expression of how we ensure that we don't just make the Internet the Domain Name System a place for people to protect trademarks, but we also make it a place where people who can register names and host websites that are to do with things that they're interested in, be it a place name, a geographic name, be it a trademark if they want to talk about a trademark, or that trademark just happens to be a word that they use. Sometimes even generic words like .gay, things to do with sex, basically, topics that people are uncomfortable about.

NCUC has had some real impact on making ICANN a bit more of a place where speech is protected and not just the rights of governments to limit speech and not just the rights of private sector to protect trademarks.

We managed to do that. And Robin Gross and other people can take all of the credit for that, which is by – and when the new Top-Level Domains were being created, we made sure that at least there was some form of human rights mechanism in that process.

Now, we could go a lot further and we plan to go a lot further. But that's just one example of how we've been able to have an impact around here.

How do we do it? Well, we do it as James and other people have said by really slogging away constantly in Working Groups, by doing public comments, and by making allies.

Article 19 have done fantastic work over the last couple of years and have also helped to make the bridge between ICANN and the Council of Europe, which is an organization much broader than Europe, and has really joined the dots on hand how privacy impacts freedom of expression and how we really make both of those things play out in a much stronger way in the Domain Name System here at ICANN.

Just to wrap up, because I don't want to get too much into the details, but just to say that the details actually are the important part here.

Getting an overall statement saying human rights are important is absolutely critical. As Niels Ten Oever said, we want to make more progress on that this week. But really, where we make the big impacts are, as James is saying, where you're slogging it out in the Working Group week after week on conference calls and responding to public comments.

I am going to pick on James. I've never seen him in person before, although we've been in contact for many, many months. James, you've been involved in ICANN I think for less than a year, maybe six to nine months. James is representing NCUC on Working Groups. He's speaking at meetings. He has within really short time assumed a leadership position because he's willing to put the work in and he's really having a big impact.

I would just say, have a look at him. Ask him afterwards to give you the real story on how many hours and maybe the challenges. But I think NCUC really is a place where you can have a big impact on the detail, the implementation detail of taking all of these broad human rights issues and then bringing them down to have some real, real concrete impact.

I really, really encourage you to get involved. I hope it's NCUC and certainly in ICANN more broadly. Thank you.

BILL DRAKE:

Thanks, Maria.

Actually, just to emphasize your last point, as I look around the room, we have a lot of people now who are actively engaged in representing us and taking a leadership role who weren't here just a couple years ago.

Arun down at the end has been doing a lot of heavy-duty work on accountability and he's only been a member for a few months. Matt is relatively new. Niels is relatively new. Marilia is relatively new. I could go all the way around the table. A lot of our people who are very actively engaged have not been long time members. It's a very open space and it's very easy to engage.

Why don't we stop just for a moment here and take this cluster of issues around rights and so on that we've been talking about and see, does anybody have any questions or comments? I'd particularly I love to hear from the local people, the regional people if you have

anything. But anything we can clarify or anything you would like to share?

There was one comment, Grace, in the Adobe Connect if you could maybe read it.

GRACE GITHAIGA: It was from [Brendon] and he say that Matt and Milton already handled it.

UNIDENTIFIED MALE: What was the previous one? From Renata?

UNIDENTIFIED MALE: And that's Renata.

GRACE GITHAIGA: Okay, this one from Renata. She says, "It's great to hear what Robin Gross has just said because what generally newcomers here is Intellectual Property is not in the scope of discussion in the ICANN meetings. Change the subjects. So nice to know it isn't."

BILL DRAKE: I'd like to hear from – yes. Alan?

ALAN FINLAY: I would like to hear from – Maria maybe could answer that. To what extent are the clashes between trademark holders and what you're

trying to create, the freer spaces, representative of cultures, etc.? Are there clashes between people wanting to own those domains that you would say belong to the cultures? Does it make sense, the question?

BILL DRAKE: Do you want to take a couple of questions together and then answer them or take them sequentially?

Your question was to Maria?

ALAN FINLAY: Yup, Maria will [inaudible].

BILL DRAKE: Maria, you want to answer?

Okay. Go ahead.

UNIDENTIFIED MALE: I think that the experts on the matter didn't correctly hear your question. Perhaps, you could repeat it.

BILL DRAKE: I think Alan was asking something directed in your...

ALAN FINLAY: Yeah. Sorry.

Maria is looking at creating more culturally community owned spaces if I understand correctly in terms of domains, etc. In terms of Robin's presentation around copyright or trademark holders and freedom of expression, I'm wondering to what extent they're in conflict to trademark holders who also want to own the spaces that you're trying to create and are there tensions between?

BILL DRAKE:

Yeah.

MARIA FARRELL:

My apologies, Alan. It's rude to turn my back on you. Oh, thank you. Cheers.

I'm just going to say something very brief because there are people here who are much more involved in this issue than me.

I would say two things. One, there is a clash because there are many terms and words, place names that we consider that are simply part of normal usage. But to people and to governments or companies that have identity or capital tied up in those words and they feel an ownership in them, and so they want to have more control over them than we perhaps would like them to.

Then, I think there's a secondary issue, which is also that you see with the Internet or with the Domain Name System, owners of trademarks particularly also see the DNS as a series of chokepoints as a place

where it is possible to exert control in order to police their brands basically.

From the Civil Society point of view, we think, “Sure, okay, police your brands. But don’t make us have to pay for it in terms of losing our privacy or losing our freedom of expression.” In some respect you could say, an economist might even say, “It’s externalizing the costs of a private policing action onto a public good.”

But in terms of the real detail about these issues, I would absolutely refer to Robin or, indeed, to Niels.

BILL DRAKE: We have a question.

UNIDENTIFIED FEMALE: [Inaudible].

BILL DRAKE: You’ve got a microphone?

UNIDENTIFIED FEMALE: Oh, yeah, it’s okay. [inaudible]. Thank you. Now, I feel commentary [inaudible]. I don’t like a web, blog [inaudible]. It is undemocratic [inaudible].

BILL DRAKE: Okay. Alright. Is the mic coming back? Go ahead. And I don’t.

IGNACIO ESTRADA: Oh, sorry, I'm not [inaudible]. I thought you know. I'm Ignacio Estrada. I wanted to ask you a question. I was searching for your group on the ICANN website and you're under the GNSO.

You are supposed to speak on behalf – not on behalf – just in Internet domain matters but you are speaking a little louder I think in other ways. Why are you under the GNSO and what [inaudible]?

BILL DRAKE: Who would like to take that question? Anyone? Milton?

MILTON MUELLER: Well, actually, I haven't heard a whole lot here other than the IANA Transition stuff, which doesn't deal with domains. In other words, when we talked about freedom of expression, we are talking about domain name issues.

When we talked about trademark, we're talking primarily about domain name issues and the attempt by various interests to use the Domain Name System as a leverage or chokepoint for controlling content or other things.

However, it would not be bad I think for us to have a broader set of concerns. Of course, we all do. APC has a very broad set of policy concerns. IP Justice would look into issues that are not related to domain names. I do a lot of work on routing and various forms of governance that don't relate to the Domain Name System.

So of course, not all of us will fit into the box but when we are acting as NCUC, we really have to try to stay focused on domain name policy issues but we also can serve as a congregation point for broader Civil Society concerns about Internet governance.

IGNACIO ESTRADA: But do you work with similar groups from other – for example, I don't know, not the CCNSO but another group that holds like public interest groups?

MILTON MUELLER: Yeah, of course.

IGNACIO ESTRADA: You work together with them?

MILTON MUELLER: Yeah.

BILL DRAKE: Perhaps I can emphasize – explain also that as part of the GNSO, we are actually part of the Policy Development Process.

So we have different parts of ICANN. There is, for example, the At-Large Community and they provide – they have an advisory role around the whole range of ICANN issues, right? But they are not directly voting on policy.

As part of the larger group, the NCSG, we elect six members of the GNSO Council who vote alongside the different business groupings to actually create policy.

What's interesting in a way is if you compare the opportunities for Civil Society in ICANN versus a lot of other spaces. In a lot of other areas – I live in Geneva. I spent a lot of time around the United Nations. Civil Society groups come into intergovernmental bodies with pleadings and say, "Please, change this little piece of language in your text," or something like that.

But here, we're actually contributing directly in writing the policy and negotiating with our counterparts on that, and that's a very unique role, very specific role. That's why it's advantageous for us to be housed in that manner. But we do have interests that go to broader issues around ICANN as well sometimes.

IGNACIO ESTRADA:

I think your role really important. That's why I'm asking why are you under the...

BILL DRAKE:

Because it's the policy process and that's where we are born. Would you like to add something Jean-Jacques?

JEAN-JACQUES SAHEL:

Yeah, I just want to build on that, on a couple of the points that you just made. One is you've heard, for instance, Niels talk about the

human rights Cross-Community Working Party and we're seeing more and more groups being formed which are composed of the different constituencies within ICANN.

So you have Civil Society coming in, governments, etc. on subjects which are crosscutting which relate to the whole of ICANN, not just gTLDs for instance. And I suspect that we will see more and more of that as our Multistakeholder Model develops.

I think a really important point that Bill makes is in relation to the unique chance that we have here in ICANN where – and it's also an obligation or “with great power comes great responsibility.” We can talk about human rights and we can make suggestions. But the fact is, when we make recommendations, it's for you guys to actually work on them afterwards.

That's also why it's really important that you come in and you become directly involved in all this work. Because if you make recommendations, a lot of the time, it's not going to be me as staff that's going to do it. It's going to be you as stakeholders that are going to ensure for instance that we do rights assessment for new policies.

You can contribute directly and, in fact, you should contribute directly. It's a great opportunity but it comes with work, and I think it will be fantastic if many of you can come and join this work. Take this opportunity and contribute directly to making policy and even contributing to doing it on a day-to-day basis. Thanks.

BILL DRAKE:

I do want to emphasize one point, and then I'll come to Mary.

People can calibrate – sorry, this is probably not a good word for translation. People can design their level of engagements to what suits their interests. Sometimes when we talk to people from outside ICANN, they think, “Oh, my god, if I get involved in ICANN, I have to commit to 30 hours a week on telephone calls.” That’s not necessarily the case.

We have 420 members. We have many members who simply want to participate in discussions online and hear what’s going on and follow the thing. Then some, maybe they’ll choose to get involved in a particular working group, and some will get more deeply involved. It depends on the person how they want to engage and how much they want to commit to it.

It’s not an overwhelming thing. But for those who really do want to dive in and try to shape policy, this provides an avenue to do that.

Mary.

MARY UDUMA:

Thank you very much.

There are things that I’m trying to reconcile in my brain, and let me say them out then. This group is again the Intellectual Property Group. And just like the last intervention made by the young man there, why are you not on the ALAC? Because those are the users, where the users

are. If it is Non-Commercial Users Group, right, that's what this group.
Am I right?

BILL DRAKE: No, not really.

MARY UDUMA: Oh, okay, I'm wrong. Okay, thank you, so that I can reconcile. And there's a disclaimer by ICANN today or I've just started seeing it. ICANN is not the police of the Internet content and the human rights complaints, some will be about content.

And why are you housed with the businesspeople instead of the users?
Okay. So those are things I'm trying to reconcile in my head.

BILL DRAKE: Okay, thank you. Well, that's fine, Mary. And then, a lot of this, you could probably get from our website and so on. But just briefly, first, we are not against the Intellectual Property Constituency.

We simply have different views on a number of issues and their colleagues, and we debate those issues back and forth and we try to strike the appropriate balance that we think is better reflective of all the different interests in the Internet community rather than one particular interest.

The difference between being part of the GNSO and being a part of At-Large: At-Large is an advisory group; we are a policy group. At-Large is

a user-oriented group – and I am involved in At-Large as well – but it includes both business and Civil Society people. At-Large is a multistakeholder space and it has regional groups, and you can be a businessperson or a Civil Society person here.

We are completely Civil Society, non-commercial. We are about non-commercial users and non-commercial uses of the Internet. So we have a different orientation. Sometimes we agree with At-Large on some issues and sometimes we do not, and that's in a collegial manner and it's simply a reflection of our different compositions and roles in the ICANN structure.

Lastly, with regard to the business groups, we are housed within the GNSO alongside three different business groups as part of a Non-Contracted House. These are the parties that do not have contracts with ICANN. So this would be the Business Constituency, the Intellectual Property Constituency, and the Internet Service Providers Constituency. We are half of this Non-Contracted House. They are the other half.

Then you have another house, which is the contracted parties: the registries, the registrars. So we are one-quarter of the GNSO and we negotiate with the different business groups around policy-shaping domain names. Okay.

UNIDENTIFIED MALE: If you're worried about all this, for the newcomers, tomorrow, you've got a whole day of newcomers' session where this will be explained at length and very well.

BILL DRAKE: You're right, yes.

MARY UDUMA: I'm not a newcomer. I'm not a newcomer here.

BILL DRAKE: No. She's not even a newcomer.

MARY UDUMA: He does say that I'm a newcomer. As I said, [would we work] in part on content, only touch content?

BILL DRAKE: Okay, this is a fair point. Robin, I'd like to wake you up. I know you're in the middle of conversation. Mary is raising an interesting question. To the extent that we argue about human rights with regard to strings, are we engaging in content issues? Because we generally as a community have not wanted ICANN to get into content matters. She's asking, aren't you then asking ICANN to get involved in content?

ROBIN GROSS: Absolutely, positively, domain names are content. When you look at a domain name, it is very often something that somebody uses to

identify themselves, an idea, an expression, an idea that they want to express at the top level. That absolutely is content.

ICANN is very much involved in content regulation, but they will tell you that they aren't because they don't want you to pay attention and get involved and start trying to put some freedom of expression concerns in here. So absolutely, this is content regulation in domain names. Thank you.

UNIDENTIFIED MALE:

Just to be clear, it's content at the domain name level. It's different from content that's on the website, which is really important when then you're considering for instance trademark enforcement. When we cannot enforce trademarks except at the domain name level, we're not going to be in charge of trademark of what is inside or copyright infringement of what is inside of the website, right? This is just an important clarification.

ROBIN GROSS:

They're both content. They're both content. Yeah, there's content in the string, and there's content on the website itself.

NIELS TEN OEVER:

Okay.

BILL DRAKE:

Yes, okay, go ahead. I didn't mean to cut you off, Niels.

NIELS TEN OEVER: Why does a URL, a domain, need to be content to express an idea? I did not completely understand that argument.

ROBIN GROSS: That's what content is. It's the expression of an idea.

BILL DRAKE: Can I ask who's stolen the mic, the roaming mic?

UNIDENTIFIED MALE: Staff.

BILL DRAKE: Staff. Staff criminals.

ROBIN GROSS: For example, my own domain name, IP Justice, that's content. That is an idea. That is an expression of an idea that I'm trying to put out into the world. And if somebody doesn't like that idea, they could try to stop my domain name.

UNIDENTIFIED MALE: You can generate random content, which doesn't express ideas.

ROBIN GROSS: Pardon me.

UNIDENTIFIED MALE: Content can be generated randomly.

ROBIN GROSS: It can be, sure, but very often, it is not.

BILL DRAKE: Alright, let's not get too contentious.

ROBIN GROSS: It is an intentional expression of an idea.

BILL DRAKE: Marilia has disappeared. Oh, Marilia is on a call.

MILTON MUELLER: I just want to intervene here.

BILL DRAKE: Okay. Alright, let's just...

MILTON MUELLER: We may not be understanding the extent to which ICANN is also prepped to intervene in the content that is not in the domain. Because there are new contractual provisions that were kind of imposed upon registrars as part of the latest contractual revision which was requiring

them to basically disable domains in which there is some kind of illegal content on the website.

BILL DRAKE: Mm-hmm.

MILTON MUELLER: The example would be copyright holders say, “Oh, there’s a copyright infringement going on here,” or the pharmaceuticals would say, “They’re selling illegal drugs at this website and we’re complaining about it, and we want the registrar to take action.” So it’s a kind of intermediary responsibility.

And that’s very significant. In the current debate on the accountability process, some of us are trying to have a mission statement for ICANN that says it will not do this and that this would be enforceable.

That would be an example of something we’re trying to achieve through the accountability process, which is to have a very clear and narrow focus for ICANN’s mission which could be enforced through the membership.

BILL DRAKE: Thank you, Milton.

We are 20 minutes from the alcohol. But we still have a few things we want to talk about. We have a comment from behind me.

UNIDENTIFIED MALE: I would like to know if ICANN have a work group about disability people: 15% of humanity have a disability. This mean half of humanity is part of a community of people with disability – father, mother, son, wife – any family.

I will like to know if there are a specific work. If not, I will be happy to start working in ICANN with this then.

BILL DRAKE: Okay. We have another staff member who would like to say something. Chris Mondini, welcome.

CHRISTOPHER MONDINI: Hi, I work with Jean-Jacques on the ICANN Staff and Stakeholder Engagement. I'm delighted to meet many of you.

We were just having a discussion about this group called At-Large, the At-Large Community at ICANN. They do have within their organization a working group on accessibility for disabled and differently-abled people. They're exploring that overlap between the work of ICANN and where these populations are able to have access, and they're also looking at things like is ICANN as a policy-making body accessible and open to their participation.

The meeting that they're holding is tomorrow, Sunday at 5:30. It's a one-hour meeting to review progress. I think they've been working for about six months now to establish a scope for their work. So this issue is of importance to some in the user committee and others across

ICANN, and they're beginning the discussion there. I'd be happy to help you get there.

BILL DRAKE:

Ask and you shall receive the answer. Okay, great.

Let's just take one more little piece that we haven't talked about yet and that is NCUC's work around development issues. We have Marilia Maciel here from Brazil. NCUC, like with human rights, has over the years encouraged the policy process to take development considerations more centrally into account in various respects. And we just thought that perhaps Marilia can say a word or two about some of those activities.

MARILIA MACIEL:

Thank you, Bill.

I will be very brief. Actually, I am substituting Rafik in the session, Rafik Dammak, who is the Chair of NCSG. Actually, I'd like to say a few words about the interplay between ICANN policies and development.

One of the main issues that we have on the agenda today that embodies this interplay is the new gTLD program, more specifically the gap and the disparity that we face with regards to the number of applications from actors from the developed and developing world. There are much more applications from developed countries.

This is, like Bill said, a discussion that has been on the agenda for many years. We tried to introduce concerns with developing country

applicants in the first round and we were not successful, and we are trying to include this issue again.

There was a positive step a few years ago. A joint working group was created to try to come up with some measures that would support applicants from the developing world. They took into account not only economic conditions, economic criteria, but also other kinds of criteria, such as that these people would present a sound business plan, that they would show that they were able to manage a new gTLD, and also that this application was in the public interest. Some things were looked into, such as this application would provide access to a linguistic or script group that was underrepresented for instance.

Some measures were thought about in that report of this working group, such as charging different fees from applicants from the developing world so they would pay less when they apply for a new gTLD. But also no financial support because one of the barriers that applicants from the developing world face is that you need to do an application in English. As we know, not so many people are knowledgeable to do it in English so they would receive support with regards to that.

And also technical support because new gTLDs have to observe some technical criteria. For instance, they need to use IPv6 and IPv6 is not available for everyone. They need to use DNSSEC, so how they can comply with that.

There was the suggestion that all this support is offered to the applicants from the developing world and also that more outreach is

done in the developing regions of the world so people are aware of this possibility to apply for new gTLDs.

This report is out for some years now. Part of it has been implemented. I think that there is a growing awareness and acknowledgment inside ICANN of the importance of looking at developing regions. But the organization as a whole could have done much more to implement this report. There are a lot of issues that have not been implemented yet but not everything is lost. It's not too late to try to influence this process.

We had been in the GNSO this morning discussing a discussion group that is assessing the new gTLD programs and trying to come up with suggestions on how to improve it. So we are looking at everything related to the new gTLDs program, from the financing to the security concerns. So there is still time to insert development concerns into the new gTLD program.

If you want to get involved, it is an important issue to do. It will be in the agenda for the organizations for many years. It's one of the heart of what ICANN does is the gTLDs.

Another point related to this one is that there is an ongoing conversation in many ICANN meetings with regards to how can we foster the development of a DNS industry in what they call underserved regions.

It is broader than thinking about gTLDs. We are talking about registries, registrars as well and how we can create an environment

that fosters business, DNS business in our countries. This is an ongoing conversation. It's going to come up again and I invite you to be involved in that. Thank you.

BILL DRAKE:

Thank you very much, Marilia.

I can tell you I remember in 2009, we were in Mexico City and they were developing the new gTLD program, and we had the staff member who was responsible came and gave a briefing to us in the GNSO. And we said, "How much is it going to cost to apply to run a new gTLD?" And he said, "\$185,000."

I and another colleague, Mary Wong said, "That seems a little high potentially for some developing country actors or NGO communities around the world and so on. Is there any thought to having differentiated pricing scheme?" And he said, "No, that's too complicated."

Well, over time, we were able to work with At-Large, this other part of the ICANN community, as well as the Government Advisory Committee people to put this issue on the agenda and get a working group. And at the end of the day, they came up with a framework where one could go through the process for \$40,000 instead of \$185,000 and get various other kinds of support.

So my point is, again, it's a question of you have to be in the process and push your concerns and know how to work through the process, and you can actually get some accommodation of your interests.

I don't want to talk any further about – I was going to talk a little bit about some of our involvement in broader Internet governance. But we only have a few minutes left and so I think what I'd just like to see, are there any of our visitors who are not in NCUC, we unfortunately got a little carried away and talked longer than we should as can happen.

Are there any questions about anything we've talked about or anything else we haven't talked about that anybody here would be interested in hearing from the standpoint of Latin American Civil Society? Anything we can address? Any relative to these specific issues we raised or broader questions about how ICANN works or what's going on this week or anything else?

What's going on this week is that there's a weeklong meeting that goes until the end of Thursday. On this weekend, on the Saturday and Sunday, the GNSO of which we are part meets all day long. And tomorrow, there are some very interesting meetings between the GNSO and the governments, the Government Advisory Committee, the board of directors, things like this.

We will have – the NCSG, the larger group we're part of – will have a policy meeting tomorrow afternoon to talk about some of the issues we're working on right now.

And then on Monday, it's the big opening ceremony and then there are some larger sessions. I'll be moderating one on Internet governance. There will be a session about the use of the auction funds generated, how ICANN should use the money that companies have put up in the

options for certain gTLDs. There will be a number of other interesting main sessions that day.

Then, again, all day Tuesday is what we call Constituency Day. All the different parts of ICANN, the different groups like ours, meet and talk intensively about their issues. And as I said, we meet ourselves from 9:30 to 1:00 p.m. in Room Retiro C. All of this is online. The schedule is all online. And then we meet with the board of directors later in the day, which is always an interesting discussion between us and the board of directors.

And then on Wednesday, there are these workshops, the two workshops on human rights and various other issues that we're working on.

And then on Thursday, if you've never been to an ICANN meeting, there's a very interesting process called a Public Forum where the board of directors sits up on stage and we all get up for three and a half hours and throw things at them.

UNIDENTIFIED MALE: No, you can't.

BILL DRAKE: Well, no. I mean, we throw questions at them. I'm trying to imagine that in an intergovernmental setting. If the members of the council of the ITU sat on a stage and everybody could stand up and ask them

questions. So that's a very interesting engagement as well. Did you have a question? Please, go ahead.

UNIDENTIFIED FEMALE: Hi, yeah. It's more like comment than a question.

First and foremost, I saw that there will be a NETmundial follow-up meeting. I found it really interesting and would like to hear more about it. I know of course of the lengthy process of the [book] and the comments. What is next?

And also, the first time we're having a [inaudible] meeting. [speaking Portuguese] on Monday at 8:00 p.m. in the lobby. That will be the first time for an ICANN, and it would be great if also Portuguese-speaking community would be there, of course, because Brazil has a lot of Portuguese-speaking people that are not Portuguese.

Yeah, so if you could comment on that NETmundial.

BILL DRAKE: Sure. Okay, so we're starting to get a little bit chaotic here. I think people are getting antsy. It's getting towards the drinking hour. But the drinks are not here yet, so let's keep focused for a few minutes more.

The question about the NETmundial Initiative, this was an initiative that was intended to carry forward on some of the work of the NETmundial meeting in Sao Paolo and previously the [Ylvis]

commission that put forward some recommendations about Internet governance.

The idea was to try to put in place mechanisms that would foster greater exchange of knowledge, expertise, and so on, projects and sharing of capacity-building efforts, etc. in a global multistakeholder setting.

Three of us from NCUC are on the Coordination Council of the – actually, four NCUC members are on the Coordination Council of the NETmundial Initiative. There are 23 people. Marilia is one and I’m one, Joao is one, wherever he is, and another person is not here.

There will be a follow-up meeting in Sao Paolo on the 30th of June where we hope to adopt formally the Terms of Reference that will serve to shape the action under the NETmundial Initiative going forward.

What I would expect from there is that there will be efforts to try to attract activity on the part of project proponents to build networking relationships among various parties in order to try to do something useful for developing country actors in particular but to improve the quality of governance more generally.

It is not a governance organization. It’s simply an initiative. It has one more year to go to the end of June of the next year and then we’ll decide what to do.

Personally, I would like to see this activity move within the umbrella of the Internet Governance Forum if that's possible, but we'll see. We'll see how these things go forward.

Any other questions? Yes? Walid want to say something. Walid recently did a survey of the NCUC members and got some interesting results from 76 of our members who replied to the survey. He's the Coordinator of the Membership Affairs Team we started to try to promote in-reach and engagement on the part of the membership.

The survey has just been finished and we'll be talking about it a little bit on Tuesday. Walid, do you want to say something?

WALID AL-SAQAF:

I'd just like to say that the NCUC would like to practice what it preaches. I mean, we always say accountability is important on the ICANN level and so forth.

NCUC within also wanted a way to know exactly how to improve. This survey was introduced so we could understand what concerns members have, what ideas, what suggestions they have.

The turnout turned out to be okay, not as high as we expected but more than 70 people have responded. So I'd like to thank them all for this important contribution.

Hopefully, we'll come up with the final document later this week, perhaps in a day or two hopefully. And we'd love to get your opinion and your views and your ideas afterwards because this is merely the

first step. Afterwards, we'd like to understand what else can be done within NCUC because if Bill didn't mention, we already had over 400+ members within NCUC making it one of the vital organs of ICANN.

Yup, that's all for me.

BILL DRAKE:

Thank you, Walid.

And the question of engagement is not just one for NCUC. It's across the ICANN community. There's a fundamental challenge that we have very often a lot of people who join into the process but those who can actively participate deeply in the work of the working group and so on is a much smaller subset.

We've been trying to think about how do we do in-reach and make engagement more meaningful for our members and smooth the path towards participation.

And so we have been doing what we can. We had a meeting last night with all the chairs of the different parts of ICANN and the CEO. And there will be an initiative at that level as well to try to create a mentorship program perhaps or some other mechanisms to try to help people move through the system.

We are all working on these questions to try to improve the quality of the bottom-up multistakeholder engagement process.

Okay, we covered quite a lot of ground. I'm sure everybody has heard quite a lot of English, probably more than your brain can absorb. I would not be able to do this in a foreign language myself.

It appears that we are – the drinks are – are what?

UNIDENTIFIED MALE: They will come at 6:00 p.m.

BILL DRAKE: I'm told that the drinks will come at – they are apparently very precise here. Okay. The drinks show up in three minutes. Does anybody have anything they'd like to say in the three minutes? Yes, sir? Sure, go ahead. Could people please maintain some level of order so that we can hear?

UNIDENTIFIED MALE: How do we apply or, I don't know, how do you [inaudible] to participate?

BILL DRAKE: Oh, that's a lovely question. That's a lovely question.

What you do is you go to ncuc.org and you'll see right there on the front page "Join" and you click. And the way it works within our community is you join the Stakeholder Group, NCSG, the larger grouping and then you select the constituency you would like to be in.

So you must join NCUC as well as NCSG if that's what you want to do.
Okay.

One more question. Yes, and I see food and drink beginning to wander
into the room. Alright, two questions. Yes?

UNIDENTIFIED FEMALE: As reminded by my coach, first of all, I joined, I clicked on the link
"Join."

BILL DRAKE: Bravo.

UNIDENTIFIED FEMALE: And I was very surprised to see my name here. Yay. But I saw there you
commit not to join in any other constituencies, so I was very worried
about that because [inaudible].

BILL DRAKE: No.

UNIDENTIFIED FEMALE: And it was something like that, the word being is actually like –

BILL DRAKE: NCSG has two constituencies, NCUC and NPOC. NPOC is more geared
towards dealing with operational matters like protecting your
trademark on the Internet.

UNIDENTIFIED FEMALE: Okay.

BILL DRAKE: And you can join both constituencies, one constituency, or no constituency.

UNIDENTIFIED FEMALE: So there is no restrictions?

BILL DRAKE: There's no restrictions.

UNIDENTIFIED FEMALE: Okay. That was [a doubt]. Yeah.

UNIDENTIFIED FEMALE: [Inaudible] regional [inaudible].

BILL DRAKE: Yeah, At-Large is an entirely a separate thing and of course, you can join At-Large as well.

UNIDENTIFIED FEMALE: Okay, thank you.

BILL DRAKE: Yes, we have one more question over here. Yes?

UNIDENTIFIED MALE: Yeah. Just the last question, so everybody, please – I’m not going to take so long.

I just wanted to ask that, given that some of your organizations that work on digital rights and then human rights like Access or probably as well Article 19 or APC, sometimes we’re all about how much human rights language can we put on a policy, right?

And so my question is, does the NCUC have some kind of mechanism to monitor how much of our comments actually make it into the final policies?

BILL DRAKE: That’s a very interesting question. We don’t. To be honest, we’re volunteers and sometimes some things because we don’t have a staff, a formal organization, sometimes things that you might think would be logical to do simply don’t get done because nobody has taken the time to do it.

I don’t think we ever tried to keep track of exactly where our inputs have mattered or had an impact or so on. Those of us who are part of the process know that we managed to change this bit of language, we managed to get that taken out of this program, we managed to add

this little thing. And yet, we've never actually try to inventory all of those things. That's unfortunate.

And that's something that actually we should do. So now, you make me feel bad.

UNIDENTIFIED MALE: Yeah, I guess that's...

BILL DRAKE: But, that's for the future.

UNIDENTIFIED MALE: Yeah, that has the potential to help us to just direct our efforts into the more – to see what is more useful than other things in the process.

BILL DRAKE: Join and then you can take the lead on that initiative?

UNIDENTIFIED MALE: Oh yeah, I would take that. I would take that into my [inaudible], yeah.

BILL DRAKE: That will be a good thing for – Valeria, yes?

VALERIA MILANES: Thank you. Just a very brief comment that I think is [inaudible] the struggles of any long term and the fact that we now have a group

working on these issues in particular, I think that's a great progress. And the work that you have been advancing from the NCUC, I think that's great progress and I think it's just worth to join and just contribute to that process.

BILL DRAKE: Fantastic. Well, thanks. That's a good closing word. Oh, wait.

MARY UDUMA: Oh, okay.

BILL DRAKE: One more closing word, Mary.

NIELS TEN OEVER: Well, what's fascinating is won't you just suggested...

BILL DRAKE: You're not Mary.

MARY UDUMA: Yeah.

BILL DRAKE: Niels.

MARY UDUMA: Yeah, I looked at this paper and I underlined “consumer protection.”

BILL DRAKE: Consumer protection is certainly part of it.

MARY UDUMA: It’s surely part of the work that is to be done here. I think that an aspect of the Internet economy that need to be promoted and that a lot of work to be done. And I don’t know whether it’s here or in ALAC that that is pronounced. [Inaudible].

BILL DRAKE: We can do it in both. Yeah, I work in both spaces.

MARY UDUMA: Okay.

BILL DRAKE: They serve different functions. They have different utilities. The drinks are not here. Food is showing up. The group is beginning to become distracted. Let’s just – Niels, did you have a closing thought that you like to share?

Oh, now, he’s a drama king. I called on Mary, and you started talking.

Alright, listen, thank you all very much for joining us here. It was a little bit chaotic, but I hope it was interesting to you. If you are interested to

know more, we do have these brochures. You can always find us online, ncuc.org, and we're around all week. Tip your waiters.

Thank you very much for being here.

UNIDENTIFIED MALE: Thank you.

JEAN-JACQUES SAHEL: So the drinks should show up in any minute now, and it will be the broader Civil Society committee joining us. You will see people also from the NPOC that you just heard about and the At-Large Community should join us as well. Some registries and registrars, well, that's free drinks. Yeah.

[END OF TRANSCRIPTION]