
BUENOS AIRES – LAC NGO Caucus on Internet Governance

Saturday, June 20, 2015 – 10:30 to 13:15

ICANN – Buenos Aires, Argentina

UNKNOWN SPEAKER: Saturday, September...

Saturday, June 20th, 2015, San Telmo, LAC NGO Caucus on Internet Governance.

UNKNOWN SPEAKER: Hello? We'll be starting in five minutes. Thank you.

MARTIN DE SILVA: Hello to everyone. Please take your seats. First of all, a greeting in Spanish.

Welcome, thank you for joining us.

...governance [Spanish] organized by NPOC, [JPPF], ICANN, [inaudible], Alpha Omega, and with a few collaborators, the Argentine Chamber of Internet, ADC, and a station [inaudible], and [inaudible], another law firm.

Well I'm very pleased to be your moderator today. I am Martin de Silva. I am the Secretariat of the NPOC, and I will be doing a small introduction on the Pathfinder initiative. And I will just then give the floor to the real speakers.

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First of all, a webinar that is part of a series of webinars. And they will try to explain what the Pathfinder is. First of all, we are trained to give outreach and engage NGOs and Civil Society, but in a manner that it will take, not [inaudible] to the Internet governance issues, but they will start on explaining why it is important to be on the Internet, and what Internet can do for them.

First of all, we're going to address [inaudible], operational concerns. We're going to explore [inaudible] and perspectives and effective strategies of the Internet by the non for profit [inaudible] Civil Society organizations. We're going to raise awareness and build appeal and [inaudible] capacity for engaging in Internet governance and policy relevant to their mission.

We are going to broadening and [inaudible] the NPOO awareness and engagement in domain names and operational policy at the local and national levels, up through the ICANN global multistakeholder processes.

Well, I will mention quickly the people that would be speaking. Well, myself, I'm the... That's wrong. I'm the Secretariat of the non for profit. And the speakers we have Anthony Harris, from the Argentinian Chamber of Internet. We have Rodrigo de la Parra, who is a person for the regional at ICANN.

We have Carlos Afonso from the CGI from Brazil. We have [inaudible] from [inaudible] lawyers. We have [inaudible] from the ADC, association for civil rights [foreign language]. We have the Diego Fernandez from [inaudible], a law firm.

First of all, making the world for you, the merging opportunities and challenges for Civil Society organizations on the Internet. The first thing I would like to address, and I will try to be quick so the real speakers can be speak. There is a myth that NGOs are really using and taking full advantage of the Internet. This is not true.

We saw this during our careers, and during our... Of being part of the not for profit organizations, and we started to do some scientific and academic research about it. The first was, I know that [inaudible], what's the name?

The first one was... Yes. Well basically, we asked NGOs what they were using the Internet for, if they had a domain, what problems were they having, if they lost their domains, what did they use it for funding? Did they use it for fraud and [inaudible] and building a community of their own?

What were they using it for, I don't know, for selling something to fund projects their own? And what the... The first study in Europe, this is an original study, is going to be on the other regions of the world, Latin America, Asia, and Europe, and so on. And the first one has been done in Europe.

And it's supposed to be a surprise that we're really meeting in the first place, and the penetration wasn't high at all. All the other NGOs have operational domain names with a site of their own associate only 40% of the NGOs investigated actually had one. Many NGOs are not aware that the DNS, how the DNS works, and how to maintain it.

A third of the NGOs investigated had lost their original registered domain names, so they basically weren't bought, and build a website, and they lost it because they did... In other words, they had to renew the domain name, to maintain the date contact or the billing information. And basically they lost their space.

But we also found is the 65%, or 60, of the NGOs investigated have moved from their domain name to social media site. Such as Facebook, Twitter, [inaudible], YouTube. These platforms basically have been replacing, the [inaudible] they request, they replaced their own websites.

So the first conclusion is that many larger organizations mainly in developing countries, undoubtedly make effective use of the opportunities in the Internet. But base majority of NGOs have huge and basic problems to do it. And this create these powers on the use of the Internet by the Civil Society.

So what we need, what needs to be done to ensure that NGOs make the best possibilities of use of the server space. They will... We propose the awareness and capacity building are the place to start with. So for the awareness and capacity building, in any form, can be real and successful, and the message is relevant to those who are targeted.

The core messages to explain their relevance of the domain name system to [inaudible], but not to explain it through numbers, but for explaining what the Internet can do for them. The DNS is no longer

just about names and numbers, it's about names, numbers, and people, and we want to make that clear.

First the community based domain names are strategic to create communities around NGO's initiatives. And definitely the gTLDs that ICANN offers, that the server space offers, is part of creating these communities. The TLDs segmented the Internet. They make it available, they make it reachable, and it definitely, this is something that NGOs and Civil Society is not taking advantage of.

One first question is most NGOs don't work about Internet matters. They don't care, they don't know. They have other missions. One example... A good question that we can do is the Internet Exchange Points, usually tend to strengthen and give protection to the Internet. But this also creates the problem of being more vulnerable to censorship and [inaudible], monitoring that interruption, etc.

Is this a problem that NGO that makes works related to environment should address? And what we want to answer is yes. Yes, even the NGOs that do work around the environment, should be involved and should care about these sort of matters because their mission depends on this.

Another quick example, is there was a proposed revelation [inaudible] basically to use to prevent the use of trademarks in the domain name system, but this meant that if you didn't have a trademark, then you have, you don't have the right to use the trademark name.

The examples that we put is the international federation for information technology, and [inaudible]... And [inaudible] dot org, and [inaudible] they are health companies. We participated in this process, and we made public comments on this. This is clearly a big concern for NGOs, and we are just addressing them now.

This were not in the public comment until recently. I will go even further, so we can give some time for the others.

Well, I don't have to... I prefer someone else to explain this, but basically, the problem of going to social networks and stuff using domain names of websites is basically, if it's [inaudible] you are the product, and the spaces that we are leaving NGOs in the social nets, leaves them unprotected and...

I'm basically wasting the opportunity to actually have a space of the wrong word, they can build a community, build their own rules. So basically, this is a Pathfinder initiatives. We are going to do [inaudible] a series of surveys in the regional locations. We are having these webinars of capacitation and awareness. We are engaging, we're reaching organizations so we can implement all of these things.

And basically, we're inviting all NGOs Civil Societies and other organizations, even commercial ones, governments too, to take part of this initiative. Thank you very much. I will give the floor to the first speaker. And yes.

UNKNOWN SPEAKER: Microphone.

KLAUS:

Thank you. My name is Klaus [inaudible]. I'm from the [foreign language] partnership, I just want to talk a little bit about the format of this event. What we did is, what we are trying to do in Pathfinder, is something, we're trying to bring the people into Internet governance and domain space, which are normally not there.

So you will see, for example, speakers who basically are at their first ICANN meeting for the first time, and they're all from different sectors. Some of them are from Civil Society, some of them are from a law firm like Tony from business and so on.

And what we're trying to do is what we tell them, and there is an idea behind it, that we ask each one of them, one big issue that is for you absolutely vital, in Internet governance or Internet related. Speak five minutes about it. Basically say, five minutes, this is the problem, this might be the solution.

But at the end of the five minutes, spend one big idea. This needs to be done. As we have seven speakers or so, we've got, at the end, seven things to be done. And there is somebody sitting there in the back called Sam [inaudible], and his role is in a short coffee break, to create a little document of a few points, which we then can discuss at the end of these sessions.

What we have said at the end, is basically a mini-Internet governance document, and this document we, as NPOC, not for profit operational concerns constituency, will take into the ICANN meeting and will say,

come on, we need to do something about this. And this way, you all and all of the speakers, you have a direct way to put a little bit of input into the Internet governance process.

And I think that is something very valuable. On Tuesday, when we have our constituency day, we will spend half an hour, hour, at the constituency day, at the end, and only to discuss, so what happened in the last two or three days with our proposal, and what can we actually do?

So that NPOC can report back, and you will see on the NPOC webpage over time, what did we do about it? Did we make any progress? Did it work? Didn't it work? Do I have to do something else? In this way, we're trying to really get even more multistakeholder, even more grassroots engagement into the multistakeholder process.

That was all that I just wanted to say about the process. As we are, and I'm very, very proud that you all are here, and it's actually quite a good number. But we are not too many. That means, feel free to lift your hand, ask question, and to participate freely in the process. Thank you.

MARTIN DE SILVA:

Okay. Thank you very much for Klaus. We're going to continue. Our first speaker is Anthony Harris, who is from [inaudible] the Argentina Internet, and I will let him do his introduction.

ANTHONY HARRIS:

Yes, hello. Do I speak in English or [Spanish]? What am I supposed to do?

Well, first of all, while I'm trying to figure out the answer to the question that's been put in front of me, one big issue to pinpoint about Internet governance, perhaps I'll get my wheels spinning by a very short anecdote. Three years ago, I was asked by PIR to organize a small breakfast seminar here in Buenos Aires for NGOs, to tell them about the fact that PIR was launching two new generic top level domains, which I'm sure you've all heard about, which are ONG and NGO.

It took me, I think it was, three weeks of a lot of telephone calls. The people, the NGOs I called, we have a large number of NGOs here in Buenos Aires. And they were surprised, at first they didn't know whether to take me seriously or not when I invited them to this breakfast. But we had a good turnout.

One of my friends is sitting in the room helped me, from Buenos Aires. And what I took away from that was, these people were so interested, they were so grateful that anybody had paid attention to them, and bothered to invite them to a breakfast. We had a very good speaker from PIR, and I mean, they all, they signed up right there.

They said, "You know, can I have one of these names right now?" It was that level of enthusiasm. So this just goes to what I just heard Martin here say to my left. There is, I think, a lot of isolation, that might be the right word, on the part of the NGO community from

things that most of us take for granted because we're involved in this every day. And that's a big task that lies ahead.

As far as one big issue to discuss with Internet governance. I'm struggling with that, but I would actually remark on one slide, as you showed Martin, about the ISPs, since that's my day job. I setup ISPs here in Buenos Aires. I've done 15 so far. And basically, it says something on that slide that ISPs, if I interpret correctly, are an opportunity for monitoring and surveying NGOs and what they do.

This is not true. In this country, oh it was a question. I'm sorry. Okay, the reply to that question is that does not happen. There was a law, a law, there was a decree that came out, it must have been 10 years ago from the national government here, saying that all of us ISPs... I work in an ISP association, and we're all, we have 300 ISPs concentrated there.

We had to connect to the national, let's say, surveillance authority, and let them look at everything that was going through our networks. This was a decree, it was going to become a law. So what we did is we went to the press, and the press picked this up, and said, "Oh, everybody, the government is going to spy on everybody on the Internet."

This came out on all of the papers, and TV, and radios. 24 hours later they backed off and they absolutely threw this away. The government went into panic because this was something which was really, let's say, not popular with the general public, including those who supported this government.

So, that goes to that point. As far as with Internet governance and ISPs, it would be nice if we had, let's say, more help in the world to setup ISPs, for one very simple reason. When you setup an ISP, as in our case, in a nonprofit association or a nonprofit cooperative situation, what our goal is, not to make a lot of money, is to bring down the cost of the Internet, give people a better service, and that benefits the end user and everybody on the street.

As an example, in our network here in Argentina, we grew so much with these interconnected exchange points all over the country, that Google and [inaudible] and all the content delivery networks, Netflix is the latest, came rushing in, put their service into our exchanges, and now users in Argentina, even in places like [inaudible], or [Puerto Madero?] in the south, or [inaudible] in the north, they can access YouTube at speeds they never dreamed of.

Whereas before, they would stare at a screen with something going around and around eternally, I mean it's like they're in the first world now. And on top of that service, we brought down the cost of service all over the country. So, I don't this fits into Internet governance objectives, but if an objective is to make the Internet more available, and particular in remote areas, to more people, this is one way you can do it, and I think a pretty good example. Thank you.

MARTIN DE SILVA:

Thank you very much Anthony for that. We're going to open the floor now for questions. [CROSSTALK] There, we have one question. Yes, please go. State your name please, first.

UNKNOWN SPEAKER: Thank you. In English or in Spanish, the question?

MARTIN DE SILVA: Spanish is okay.

UNKNOWN SPEAKER: Spanish? Okay. Right, right.

First of all, I'm [Spanish], I'm from Argentina, from the academic sector. And I have a simple question. I would like to know, because out of personal curiosity and professional interest, if the entire movement advocating the participation and engagement of NGOs in the Internet governance area, can promote more openly and in a more participatory way, the promotion of human rights and reduce the digital divide, in everything that has to do with Internet consumption, and its promotion for the common goal, as Mr. Harris well said.

MARTIN DE SILVA: Martin de Silva speaking. Is the question addressed to me or to Tony?

Martin de Silva speaking. I think that this question is going to be addressed by all of the speakers here on the panel. What we can do for NGOs to have a more open engagement and Internet governance and human rights promotion.

There is another question.

UNKNOWN SPEAKER: This is a LAC meeting, why are you speaking English? I can speak in Spanish. Also you can ask me a question in Portuguese, it's fine. Okay.

So Civil Society in Latin America, and here what our colleague asked about the digital gap is very important, because we are in a region that is developing region with lack of access, and it is important that we very clearly mention that it is not only a matter of access, but also of digital connection or enhancement.

And thus an ideal, almost unanimous here. And do you want me to repeat my question? I can start again, because I see you putting your earphones. So let me start again. So, once again, let me tell you.

What my colleague here mentioned about conditional inclusion is very important. But there is another more important matter, more than inclusion. It's a digital harnessing, good digital harnessing. And regarding connectivity. We had a concern in Latin America, and it's almost unanimous, and it's a great reaction of activists, especially in Brazil, against the proposal put forward by Facebook.

It's an Internet... This is very complex proposal, against the [inaudible] field international Brazil, and even if it was defended as a way of access, that is the main argument they use, the main rationale they use. At times, we realize these rationales are not true. So this gives access to applications. So we made comparison of two different worlds. These are two different worlds.

In Latin America we have a model that should be expanded to all Latin America, it comes from [Uruguay] the strategy, very modern. It should be expanded, and it concerns Civil Society. And their mainly initiatives of digital inclusion that are being ignored throughout this process in Latin America.

So it is important that Latin America gives an answer to this. And come to answer, or a counter proposal, better say, top down proposal. A bottom up, better say. Not top down, but bottom up.

ANTHONY HARRIS:

Anthony Harris speaking. I ask whether I should speak in Spanish or in English. If you want me to repeat what I said in Spanish, I can do it, just to be clear here, because I ask whether I should speak in English or Spanish, and they told me in English.

MARTIN DE SILVA:

Martin de Silva speaking. I agree. I have nothing to add to what you have just said. I agree, I have no more comments to make. I believe that this is a very complex issues. The Facebook case puts us against the world, when it comes to making the decisions.

In my presentation, precisely I said that social networks are taking up spaces that should be taken advantage of in a different way on the Internet. And this also poses a risk because the terms of conditions of users relationships with the platform providers, are jeopardized here.

In this case, the platform could be a NGO, because it could be the platform for its own development. So it puts these control in the hands of a third party, all the terms and conditions, their use of data mining. Everything is subject to the trends in the different social media. My Space, also you had a platform built around My Space, you had to pay a high cost for migrating that platform.

You may lose users. The NGOs were not actually the ones who benefitted from that user base. Face dot org, forces us to consider a number of issues that so far seem to be superficial, but not so important. I don't know if any of the other speakers would like to address these issue about Facebook dot org.

All right. So let's continue now with our next speaker, [inaudible], from the Association of Civil Rights. She is the director of the freedom of speech and privacy, and access to information sections. So I'll give the floor to her. Thank you for being here.

UNKNOWN SPEAKER:

[Inaudible] speaking. I will speak in Spanish because I need to be brief, and I feel more comfortable speaking in Spanish, speaking in my own language. Going back to what my colleague on the panel said, I also want to show respect to the multistakeholder model here and the idea that we want to be inclusive.

So I'm going to use my mother tongue. I didn't want to speak about Internet dot org specifically right now, because I think that this will also be related to what I'm going to say in a few minutes. Why is it so

important to consider in a NGO, like the one that represent Internet governance, we are part of a 20 year old NGO that focuses on the defense of various civil rights.

I'm going to speak specifically about freedom of speech, privacy, and access to information. Those specific rights. Those rights, for some time, have been confronted with a greatest challenges in the digital world. In that regard, we had to take the leadership in our organization, in terms of how these rights are used in the digital world.

Although there are similarities with the analog world, there are some differences. So we have been pioneers or forerunners in this area. Why ADC plays such an important role in the Internet governance issues? Because we need to find an answer as to who can excerpt control in the digital world.

There we would find a response to Net Neutrality, freedom of speech. What happens with private networks that have power over the infrastructure of the Internet, that the users have issues? So this is one NGO, but there are others that are working also in the same area.

So there we can find the answer, why it is so important to speak about Internet governance in an organization like ours. Now, what drives us to consider all of these aspects? Because we believe that we need to revisit all these principles related to Internet governance, because it seems that in this multistakeholder model, all the participants at the table will solve the Internet governance issue.

There are spaces that are really valuable, that have a long track record with the IGF, participation in all its different regional chapters, but the truth is that, those who owned the infrastructure, the ones with that ultimately rule the Internet, usually not the ones who sit at those tables.

So with the Pathfinder initiative, within the framework of ICANN, we really celebrate these efforts, and we are willing to speak up and to voice out the concerns of the Civil Society, because those who handle the digital environment are the ones who set the rules of the game, the ones who shape the users behaviors.

And this is in line with this issue about Internet dot org, because in this case Facebook, but it could be any other network, is representative of the industry. And is substituting or occupying a space that is essential for the common goal. And it is to end this, carrying the interests of the company.

But it does not respect an orderly growth of society. Nor a democratic participation of society. I don't want to advocate human rights in a strong manner here, because this could cause discord and divert our focus here, but we try to find a common place where with Civil Society, we can bring all the groups that defend human rights together with those that represent the technical aspects.

It seems quite a paradox, but they have different arguments, but all of them represent the Civil Society. So ultimately, this is what we believe is important to look at. We need to find adequate channels for

communication so that the Civil Society can have a voice in all the aspects related to the Internet governance.

MARTIN DE SILVA: Martin Silva speaking. Thank you. Are there any questions or comments from the floor? There is a question over there.

AUDIENCE REPRESENTATIVE: An audience representative speaking. I come from the notary republic association from Uruguay. I just want to say that I fully agree with the comments made by the two previous speakers. We believe it is essential to devise a strategy, because first this will enable us to raise awareness about the problem, to be aware of the fact that this tool can be used in different ways for different purposes. But one thing is to use it for the purpose of governance and human rights.

And another thing is to use it to certain private or commercial interests, which is not an option that we should rule out, but we need to defend the governance model that focuses on human rights, equity, equality. And we agree on that. We believe that we need to have, we need to devise an outreach and training strategy.

And to find adequate spaces and forums for holding these meetings where we can discuss all of these topics that are essential for the compliance with those rights. So, we are working to achieve that goal. In our country, as you said in Uruguay, actions have been taken at the national level.

I have just come from the opening of an awards ceremony for children and for the elderly, but for children, it is very important to consider the protection of personal data. So every year, a contest is organized, your data are valuable. So with that contest, there are presentations and we can see children's creativity and use that to raise awareness about the importance of protecting personal data.

So we are at your disposal to cooperate with you. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you for your comment, and for your participation. We have two more questions. First the gentleman, Carlos, could you please introduce yourself? Thank you.

CARLOS AGUIRRE:

I'm Carlos Aguirre. I have been working in this area for many years. I have been involved in the ICANN ecosystem for many years, from the academic sector and from [inaudible], that also participates with the Civil Society movement.

I was listening to the lady's words, and it is very nice to hear that this is the spirit that drives us, but we have to make a difference. One thing is the participation component. Many of us in the academic sector and in the Civil Society, have been saying for years that we need much more outreach in this organization, and much more of capacity building.

That is why we celebrate all of these forums, where you can have that opportunity. Now NPOC is driving this effort, and I think that this is an excellent proposal. But, on the other hand, you have participation and engagement within the multistakeholder system. You need to win your own space. There are many interests, and you need to be able to become positioned. And for that, you need a lot of knowledge, a lot of training, a lot of engagement, a lot of critical mass built in order to get that space.

To have a seat. And those places are now being taken over by organizations that understand how the discussion takes place here. So, once again, my compliments for these initiatives. I'm glad to see that NPOC is now here to take place that we didn't have before, because some other organizations that claim, that represented us and spoke on our behalf, from my humble point of view, perhaps with a little bit of bias, they said that they stood up for our interests, but eventually, they ended up being functional to the interests that they say they confronted.

So, I believe that what [inaudible] and Anthony are suggesting, what NPOC is promoting now, is very interesting, and I believe that it is there where we can play our role in order to engage in this real discussion, in this bottom up multistakeholder process.

Something that needs to be consolidated.

MARTIN DE SILVA:

Thank you Carlos for your comment, we have our next speaker.

UNKNOWN SPEAKER: Excuse me. It's the fourth time I take part in ICANN meetings. I'm already a member of the executive committee of [MGC?], counselor of NETmundial in Brazil, and I represent the Mega Movement in Brazil, we are activists. On many occasions I have thought over the importance of certain matters that are being discussed in forums.

I've been thinking on Internet dot org. And the first conclusion that I have reached to, that this is an entirely new matter. Not a matter per se, but the dimension of a matter, because we shouldn't take note that two from three billion, out of three billion users connected to the Internet, are on Facebook. And we are, this is going to grow.

So Internet dot org proposal is targets the same number of users. So my concern is that, sometimes I'm not able to transmit all these ideas, that the dimension of this problem, this is a great problem. And what we are debating here is Internet, and if this project grows in some instance, the problem will be Internet itself. So this should be with more interest by different stakeholders from different areas. Thank you very much.

MARTIN DE SILVA: Martin de Silva speaking. Thank you very much. If you can please bear with me, we will have our next speaker. [Inaudible] requesting the floor.

[VALERIA]:

[Valeria] speaking. Going back to the last comment, I insist, and perhaps going back to Carlos's comment, it's important to see the Civil Society, the NGOs, and the technical community, to find a common point of dialogue. So it needs to make sense to have all of them speaking together, and engaging in dialogue. And Internet dot org is something that is creating a lot of controversy.

And in that regard, I don't think that Internet dot org is either right or wrong. The issue the way it has been implemented without any dialogue at all. Absolutely in a unilateral fashion. Okay, governments adhered to that proposal, but I don't know to what extent the Civil Society is represented in the implementation of Internet dot org, especially if we think about sensitive issues such as different rights, and social rights. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you [Valeria] for your comment. If you can bear with us for a little while, we are uploading our next presentation, and now we will give the floor to Mr. Brian Winterfeldt. Brian, I don't know if you can, if you would like to start or you would rather wait until the presentation is uploaded.

Please go ahead.

BRIAN WINTERFELDT:

Thank you so much. I think they're going to get the slides up right now. In the meantime, I just want to thank NPOC, I want to thank Pathfinder, I want to thank Klaus for inviting me to participate and

allowing me to support this important work, that the Pathfinder work, Pathfinder movement is doing.

A little about me. I'm head of Internet practice at Katten Muchin Rosenman. I'm a trademark and Internet attorney based in the United States. I've been engaged in ICANN for about a decade now. I'm working mostly with the intellectual property constituency and supporting intellectual property rights in the multistakeholder model.

I'm currently completing my second term as counselor to the GNSO for the intellectual property constituency. So almost four years in October, I'll be finishing my second term and I'll be term-limited, so I'll be moving on to other pastures behind council, but continuing, of course, to be engaged.

The goal of the discussion today is just to be, to briefly talk about the importance of intellectual property to non-governmental organizations and nonprofit organizations. Very often in the ICANN community, we find that intellectual property interests are sort of pitted against nonprofit interests, at least very often at the council table on the policy development process here at ICANN.

And so we really want to, in the spirit of Pathfinder in general, to really build bridges between the NGOs and nonprofits, and the intellectual property interests, because they actually are important to NGOs and nonprofits. And there really is value in paying attention to intellectual property.

Of course, minding the limitations on intellectual property rights and realizing that they don't trump all rights, and that there are other interests at issue, but why it's important to pay attention to them. I think we finally have our deck together and see if my... And look at that, it even works.

So again, the sort of key problem that we wanted to focus on for this short talk today was really why intellectual property interests are important to nonprofits and NGOs, big and small. Trademarks including the organizations are often the ways your constituents recognize you, and identify your important services with your organization.

Some of the trademark basics. A trademark is any words, symbol, name, or even a color, anything really that distinguishes a source of your goods or services in the marketplace. Nonprofit entities and NGOs can own trademarks in connection with their public interest and charitable services. So a couple of examples here are The United Way and the American Red Cross, and many of you are probably familiar with.

We found that many nonprofits and NGOs also will find it very valuable to acquire, obviously domain names that support their trademarks. And so examples of those are United Way dot org and Red Cross dot org. My practice works very closely with a lot of NGOs and nonprofits. We do some paid work for those clients, but often times we do many pro bono to support organizations and to help assist them with coming up with their online identity, securing domain names that are

important to them, and coming with a strategy for their trademarks as well.

So another reason why trademarks are very important for NGOs and nonprofits, in addition to just distinguishing your products and services, because unfortunately, there is online trademark abuse. And we have seen firsthand assisting some of our clients who are global nonprofits, that they are susceptible to this problem, just like many of the big corporate brands, who struggle with those same issues.

So an example that we have here is, when an authorized party, for example, registers American Red Cross, dot info and uses the website to reportedly solicit donations but they're actually defrauding Internet users.

This is obviously something that none of us want to see, and it's a real issue that needs to be dealt with. It can obviously lead to your important supporters being taken advantage of and having their important private information taken from them, or their funds taken from them, which can obviously damage the work that your organization is trying to do.

Of course, there are limitations on trademark rights. And that is something that is always important to be mindful of. There are legitimate uses where people can use your trademarks in the marketplace. This can be for a website or a discussion forum to talk about what people think about your organization, and even to provide feedback or criticism of what you're doing in the marketplace.

And that's something that obviously, those free speech rights and noncommercial uses need to be respected. In addition, we have to learn to coexist in the trademark world. There aren't exclusive rights necessarily to single term globally, and so sometimes someone could use the same name just similar services, and you have to live with them in the Internet landscape.

Acronyms are an issue. NGOs and nonprofits very often use them as their primary identifiers. Sometimes those are difficult to protect in the domain name system or the DNS, because only one registrant per TLD can have that particular acronym. So you are... As part of your strategy in kind of developing your online presence, it's important to think about when new gTLDs, for example, like we're having the hundreds of new gTLDs launching right now, thinking about securing your brand, and particularly if it's an acronym, in some of these new spaces as they come online.

And those could be ones that relate directly to nonprofits, or it could be ones that are susceptible, particularly to some kind of infringement.

So our recommendations to nonprofits and NGOs is to really evaluate your organization's trademark and domain name portfolio, making sure that you're protecting yourselves, that you're securing the right assets, whether those be trademark registrations or registering appropriate domain names for your organization.

One of the other things that we've worked with clients carefully on that we really recommend is putting together some type of

enforcement program to look infringement online, and to deal with it using the mechanisms that have been put in place. We found, often times, writing cease and desist letters to those infringers can be very effective, or taking advantage of the rights protection mechanisms that have been put in place through the policy development process.

Of course, part of that program needs to take into account the legitimate uses and free expression. And we also have to consider other people's rights in the same name. And so that's important to, I think, find good council that can really partner with you. And again, often people are willing to do this work on a pro bono or free basis to support your organization, and to help you out. We know that nonprofits and NGOs don't always have the same budgets that the big corporations do, but you often have important needs and the, taking advantage of, you know, finding the right council, and particularly if you can find pro bono council that will support you, can help you save those funds that you are raising to go towards your actual services you're providing, rather than towards legal bills.

So, that's my presentation. Thank you so much again for allowing me to be here. And again, our hope is to really build bridges. I really encourage everyone to use me as a resource. We are constantly looking for ways to build a stronger relationship between the intellectual property constituency, and the nonprofit, and the NGO world.

And I, you know, look forward to any questions you have, or of course, in the future. Please feel free, I think my contact details are here. You

know, I encourage anyone to feel free to email me. If they'd like to discuss how we can work more closely together, or if they need any support, or help for resources.

MARTIN DE SILVA: Martin de Silva speaking. Thank you very much Brian. We now open a brief Q&A session. Rudy, go ahead please, you have the floor.

RUDY: ...NPOC and board member of GKPF. Thanks Brian for this marvelous presentation and a lot of information that I think most of the NGOs will take profit of it. A question that pops up in my mind, and I'm not asking to give your statement on it, but what is your suggestion to NGOs when they use, for instance, the social media, how to protect their brand and trademark on the social media?

Because I think that's one of the issues we have today. NGOs not always have the ability to have a domain name. They use the social media. I think it's important that they can take profit of the social media, by having a correct representation of their names, brands, or trademarks. So what's your proposal to add them to this...?

BRIAN WINTERFELDT: That's an excellent question, because my presentation was supposed to be kept to about five to seven minutes, I did speak very high level, so I didn't address that specific issues. In general, we recommend that our clients have brand guidelines that give guidance internally within

their organization about how their trademarks should be used both in print and online.

In addition, we recommend that those guidelines also give direction to people outside the organization, about how to use their brands and trademarks appropriately. In addition, it's very helpful to have social media guidelines, that further sort of give direction on who can communicate through the social media outlets and the appropriate ways to do it, making sure that they respect their trademark rights and making sure that brands are being used properly.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you Rudy. There a couple of more questions. We're going to give the floor to Klaus. Oh, Lori. Lori, please, ladies first. So Laurie, go ahead please.

LORI SHULMAN:

My name is Lori Schulman and I am representing the international trademark association. And I want to say that I've recently come from representing NGOs almost exclusively over my trademark practice over the years. And I just want to point out to people that social media platforms like Facebook, also have their own brand enforcement policies.

That if you're worried about protecting your name on the platform, many platforms in responses to concerns from the community, do have means to let you enforce in instances where you would qualify. I

think where some of the problems sometimes arise, is that NGOs don't necessarily build their own trademark portfolios.

That even if you can't get a domain name, you may have trademark rights. It's important to important those trademark rights through national registration systems as well.

BRIAN WINTERFELDT: Excellent plan Lori.

MARTIN DE SILVA: Martin de Silva speaking. Klaus, go ahead please.

KLAUS: ...be surprised to find trademark lawyers speaking as a dot NGO. But the point is, I want to give you a very, very simple explanation. I spent last summer, several weeks, testing out databases of NGOs. And one of the figures and the numbers you see, and we did a report for, which will be published tomorrow or so, for ICANN on it, and you will be surprised how little clicks it takes for you, on your websites, that somebody is trying to rob your website or trying to take your name.

In some... On average, it costs you \$3,750 just to get your name back. And it sounds very strange when we talk about copyright and trademark protection, but it is very, very important. And for example, like [inaudible] organization, a lot of organizations who are important and successful are targeted. It's not a process where you have to do something.

No, you are the victim. And that's why we put this into this session.
Thank you.

MARTIN DE SILVA: Martin de Silva speaking. Thank you Klaus for your comment. Are we to have one more question? Go ahead please.

Martin de Silva speaking. Go ahead please, you can speak in Spanish.

[ROMINA CAMBRONERO]: [Romina Cambronero] speaking. Okay. Thank you. Well first of all, congratulations to all these brilliant speakers, and of course, congratulations to [Valeria], she is a colleague in the attorney's community, and we share the same passion for NGOs. I also head an area in a NGO that is based in Spain. So, we need to preserve and maintain freedom of expression in all social media.

All the people that love democracy and that love multistakeholderism, want to preserve social freedom or liberty in the social media. Thank you.

MARTIN DE SILVA: Martin de Silva speaking. Is there any further question or comment?

Martin de Silva speaking. Oh, we do have one last question before we move on to the next speaker.

KIM [HANDY]:

Hello, I'm Kim [Handy]. I work for the Canadian Ministry of Industry. And I specifically focus on intellectual property. I am on leave right now, however, the issue of awareness in terms of IP issues, the outreach, go hand in hand with outreach issues on the Internet.

And Brian was speaking about certain issues that derive from lack of awareness and capacity building, especially in terms of the social media, in terms of securing your brand, your trademark. Well that is the foundational fundraising for all of the brands.

If you have no funds to secure your brand, then we are wasting our time. And you're wasting your time in terms of fundraising. Also, about Internet dot org, is that going to be discussed in a different space or forum? Because I believe that a very complex topic, and it's a multi-dimensional issues. There are people in favor of that, there are people who are very critical of that initiative.

So we need a presentation, but having a very, very, very brief presentation, and having everyone accepting that presentation doesn't mean that everybody agrees.

MARTIN DE SILVA:

Martin de Silva speaking. Definitely that's a very relevant topic. It's very important to this group of participants. So later on we can further deal with this topic. It's not the main topic of this session, but we can certainly address it.

And we will reach that topic eventually. Our next speaker is from the region.

BRIAN WINTERFELDT: ...thing to your point. I think you're right, this is definitely a bigger issue. And there is a lot more, just like Rudy's question illustrated that there are a lot of layers to thinking about how to handle your intellectual property in a NGO, and a lot of challenges that we need to overcome.

I think one of the goals of Pathfinder in the long term is to do more than just a five minute presentation on intellectual property, but to really provide more in-depth, free resources to NGOs and nonprofits, to help guide them in the intellectual property space, to give free council and advice to help them get on the road.

To putting some of the programs in place. And also to put resources on the website that people will be able to access. So I think this is meant to be the beginning of a conversation, and our hope is that we will be providing more support, and resource, and guidance moving forward.

MARTIN DE SILVA: Martin de Silva speaking. Thank you Brian. Klaus, you have the floor.

KLAUS: ...we put our planning, not to leave town on the end of next week and you never see us again. We are with Rodrigo, and so on, we are planning to at least until the end of the year in Latin America, three

more events. The topics of the events depends on what has been identified as important here, at this session.

So thanks for this suggestions. We will really follow-up on this. We did it in the other region, and we do it again, and you will hear more from us. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you for that clarification. Okay, our next speaker, as I was saying before, it was an honor to introduce Rodrigo de la Parra. Rodrigo, the floor is yours.

RODRIGO DE LA PARRA:

Rodrigo de la Parra speaking. Thank you Martin. Good morning ladies and gentlemen. Welcome to ICANN 53. We are beginning with the sessions prior to the ICANN meeting, which seems to be a quite interesting meeting. The topics that are being discussed in the community are transcendental for the development of the Internet.

And I'm really pleased to be here with you, and I'm happy to see that this initiative by one of the stakeholder groups here in ICANN is being beneficial. And of course, it has huge potential. I would like to bring some perspective into the structures that currently exist regarding Internet governance discussions on the Internet, because sometimes we can get lost in the map, what is being discussed, where can I speak about Internet dot org.

Will this be part of the agenda? And what we are doing within ICANN and what this forum is used for. First of all, why is it so important to have the participation of the Civil Society? Overall, you may have realized that the discussion on Internet governance issues as a whole, without talking about any specific issue, has reached a level of global agreement.

In going beyond the principles approved in 2003 and 2005 in Tunisia and in Geneva. Now, everything is based on the multistakeholder model. Organizations promote multistakeholderism, all governments now promote the multistakeholder model. It seems that all of us have gotten onboard this idea.

But there are some slight differences. Perhaps you may have participation of another sector, a couple of stakeholders or sectors that perhaps should not be called actually multistakeholder models. But, ICANN is quite interesting because it is truly a multistakeholder platform. By this, we don't mean that it is the only example, or the [inaudible] in this regard, but it one of the most consolidated and oldest models that try to increase the participation of all of the sectors represented in the discussions on issues that have to do with the management of critical resource of the Internet.

That is what ICANN is about. As a community, another organization we could be proud of having, one element that other organizations don't have, the governmental sector and the private sector participate together in many national, regional, and global processes, through consultations or by maintaining more formal relationships.

The technical community may also have some links with the governments and the private sector for some practical day to day issues faced by organizations, but what would really differentiate this organization is precisely the participation of the Civil Society, NGOs, user groups that have their own representative group.

That is a group that is as important as the government group within ICANN. And then even have a seat on ICANN's Board. So one peculiar characteristic. And the Civil Society may be consulted, but anyway, it is part of the bottom up decision making process, and it plays a major role in contributing to the different policies that are formulated within the ICANN community.

And it also plays a role in more relevant processes, such as the review of the powers, or the IANA stewardship function performed by the US Department of Commerce. So I believe that it is quite a significant platform. As Carlos reported, Carlos Aguirre in his participation with his comments, of course, there are platforms, there are mechanisms, there are spaces but it is not so easy to surf the ICANN space.

And I'm saying this quite honestly. That is why we are trying to make sure that we have the newcomer sessions, the Fellowship meetings in order to facilitate everyone's participation, so that all of us can say that our model is truly participatory. Carlos Aguirre has been participating for many years and he can also help you.

We also have an interesting scheme in place that is that of mentorships, where you can find help to understand the different acronyms, and sessions, advanced discussions, the interactions

between and among the different groups. So we are trying to help the LACRALO users group, and now the NPOC, and also some other stakeholders to try, to strengthen their own sessions, to promote their initiatives to do some capacity building jointly, because in order to have a significant or meaningful representation in the discussion on the Internet critical resources, you also need to understand how they operate from a technical standpoint.

But at the same time, we want to make our voices heard. So all of these aspects are very important. Another interesting issue that we need to highlight is that the Internet governance now poses a very complex map in front of us. So, one aspect is the management of the Internet critical resources, but it is not the sole aspect.

There are at least three or four that have already been mentioned in the previous presentations. Others are clearly related to intellectual property, and have to do with the domain names and their management. But then we also have human rights, Internet dot org is not an issue that has to do with the management of Internet critical resources.

But anyway, that doesn't mean that as a community we should not take care of how to solve all of those issues. It is quite tempting to use the ICANN platform to discuss many issues, because after so many years of existence, and with the participation of so many stakeholders, if you look at the room, you see we have interpretation services, we have governmental representatives, we can speak freely. This is an open door meeting, literally the door is open.

So it is truly representative. So you can register for free, but you have to know how to focus on other issues. This is obviously a global forum, but we need to understand that now there are mechanisms at the regional and national level to discuss broader Internet governance issues, and also global mechanisms.

There par excellence global mechanism is the IGF, the Internet Governance Forum. Fortunately, this year, this forum will take place in Brazil, in our region, so it is quite close to us. So if you are interested in discussing these topics at the global level, you should attend that forum.

You are interested to this global forum to talk about Net Neutrality, and human rights. It seems that you're invited to advocate world peace. And it is quite difficult to get to that point, but you also have the LAC IGF at the regional level, that is an incredible forum. It is also organized in a multistakeholder format.

It has representation of the Civil Society, the technical community. I'm speaking too fast? Okay. Is everything okay? Yes. The interpreters already know me, so they know what you are going to say Martin.

Rodrigo de la Parra continues to speak. So all of these mechanisms have a good representation, and the agenda there, I'll ask you to address all of these issues. And of course from a participatory standpoint, and also with a regional approach. We are talking about Latin America and the Caribbean here.

And perhaps something that may be closer to people and ideas becoming stronger in many countries in the region, is the organization of dialogues at the national level. Multistakeholder mechanisms on a national scale, where Latin America and Caribbean has a pragmatic case with the Internet management council in Brazil, through a Board that is also made up by different sectors.

So that is used by Brazil in order to integrate to the regional and global processes. So, the model in Brazil is quite interesting, and it is a pragmatic case, but Costa Rica is doing something similar, so are Mexico, Columbia. Paraguay would also like to do something in this sense.

So all we start to see in the emergence in all of these local initiatives that bring stakeholders closer together. So the participation of Civil Society is facilitated, and the Civil Society can now perhaps have a discussion on these problems that are closer to them, because they happen at the local level.

And it is important to see how all of these mechanisms interrelate among themselves. It doesn't mean that if we are at the IGF at the global level, we cannot be at this level. But we need to find a right way to articulate all of this.

And of course, we need to address all these aspects in order to have a greater participation of the Civil Society here.

MARTIN DE SILVA: Martin de Silva speaking. Thank you very much Rodrigo for this presentation. I don't know if there are any questions or comments? We do have two questions, so we will start over there please.

[RINETTA]: Good morning. I am [Rinetta] from Brazil. I'd like to comment on the model of the Brazilian case, and the Latin American context. At present, Brazil has been scenario, an arena for debate, not only for Latin America but also for the European model. And this concern with Civil Society changes, DNS, and Internet access.

I understand that ICANN has a certain work definition, but the really external pressures, increasing external pressure, for certain changes on mechanisms that ICANN and the community are discussing over. In this regard, it is possible to see the community and also ICANN, coming closer and closer to governments and Civil Society.

And so we see that there is a certain flexibility to such pressures with the market showing small models of commercialization that can be altered. For example, as in the registration of domain names.

So this is just a concern, and I thank you very much for your discussions and ideas in this panel. Thank you very much.

MARTIN DE SILVA: Martin de Silva speaking. Thank you very much for your input, and your proposal. I don't know if any panelist has a comment? If not, we will move on to the next question. Go ahead please.

UNKNOWN SPEAKER: Hello, I am [inaudible]. And basically, [inaudible] and myself worked on remote participation mechanisms within the decision making process in Internet governance forums. The result was quite interesting, because in most cases, remote participation is not fully accepted, and also not all the questions are read out or even replied.

In that regard, I have a question of the panel. What is your view on remote participation in Civil Society? Remote participation in Internet governance forums?

RODRIGO DE LA PARRA: Rodrigo de la Parra speaking. Well, despite the efforts in place so as to improve these participation tools, there is still a lot ahead, a lot to be done. I do know that there are concerns within the IGF and within ICANN. Of course, there are budgetary and technical limitation, however this is improving.

Within ICANN, for example, we have been using for several meetings now, our remote participation hubs. And we typically see Civil Society organizations in these hubs. We had 12 Civil Society organizations for this meeting. They are either At-Large structures, or else ISOC chapters.

Now, these 12 hubs will have an interactive participation capability, that is there will be two directional hubs, and they will have video capabilities. Right now, we do have remote participation and there

are people that are listening to us, and maybe they're even posting questions, and we should be paying attention to these questions.

So thank you for your kind reminder. So, we always have an Adobe Connect room available, and we do have some level interaction. In the public forum, for instance, you will see that we have questions from speakers onsite, but also we have a remote participation manager in every session, who is trying to read out all of the questions from remote participants.

However, in these remote participation hubs, we do have video available. So we can see the room, that is people, meeting or gathering at the remote participation hub, making their questions. We can all see them. We can see their faces. And I believe it is fundamental to have these participation tools. And if we do not improve the remote participation tools, we would hardly be able to be multistakeholder. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you very much. The remote participants have no questions, but they are following the presentation closely, and we were paying attention to the remote participants, but they had no questions or comments.

If there are no further questions or comments, I would like to give the floor to Diego Fernandez from [inaudible] and Miral, it's a law firm. He's been sitting there for a while, so go ahead please.

DIEGO FERNANDEZ:

Diego speaking. Thank you very much. Well, what can be worse than having two attorneys devoted or focused on IP and trade brand protection? What can be worse than that? Well, I work as a lawyer in [inaudible] in Argentina. I focus or specialize in technology, in software topics, among others.

So the idea of this panel was to have, or to showcase, different stakeholders from different sectors, so that we can make our contributions, and also contribute innovative topics or ideas. And I will stick to the time allocated to my presentation.

I always see the same thing in my practice as an attorney. As an attorney, we receive a request, advice, requests from our clients, and we give them our advice, our council, and we try to anticipate what can be a possible scenario. And many of time, we do have lacking legislation, so we don't know what the appropriate course of action would be in case of claim.

For several years now, in any law firm, if you mentioned the word Internet, or if you spoke about domain names, people thought you were the specialist, so you became the specialist automatically. And as Carlos very well said, this takes time. And there are people that are fully knowledgeable of these topics.

We focus on online infringements, for example, people selling counterfeit products, child pornography, phishing, people using credit card data. Not very long ago, there was a case in Argentina. However, this relates to accountability.

This case entailed a dot com domain, but according to our investigations, these people were in the country within our country. For example, we had a person living in London, but the country was Lao and the address was nonexistent. However, we started finding similarities among different domain names, and we were able to find these people in our country.

So, the fact that we can have a WHOIS database, I don't know this is currently being discussed within ICANN in terms of the language use, how to upload the data. Well, the fact that we have that database, irrespective of whether somebody decides to no longer be the holder of a domain name.

Well, the fact that we have that WHOIS database, enables us to take some courses of action, that of course, are not as simple as a child pornography, phishing, for instance. In many cases, people hold on to success stories. They register a domain name, and they use that domain name to commit crimes or for illegal or to engage in illegal activities.

So, we need to know what type of information is uploaded, the user needs to know what type of information is uploaded, and needs to have a voice and then a change may be made. On many occasions, people have spoken about free Internet access, freedom of expression, and also Net Neutrality.

The legislation in Argentina, there is also legislation in Brazil and in other parts of the world. So something is feasible or viable. ICANN is underlying, or is beneath the overall structure. However, ICANN can

reach out to different stakeholders in order to achieve Net Neutrality. Anthony was speaking about Netflix, the speed of the content download and how well it's working.

Well, we need to make our voices heard without being discriminated against, and it is up to the user to decide which content they want to access. And again, this is not ICANN's specific role in terms of policy making. However, given the significance of ICANN's voice and ICANN's participants, a change could easily be made, or accomplished.

Truth be told, I am new to ICANN. I engage in other organizations in my daily life, but I am trying to understand and many participants have been here for several years and they're still trying to understand ICANN's structure. So that gives me some kind of comfort.

However, as an attorney, I see different topics that are important, and I see that it is very good to engage, to participate, to make our voices heard while the policy is being developed, because in a very large organization with so many interests at stake, it's very difficult to be wise after the fact.

So I believe that it's a very good idea to get involved. I commend this initiative, and I thank you for this invitation. And of course, I am willing to continue engaging and contribute my experience. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you very much Diego. And Anthony Harris is requesting the floor.

ANTHONY HARRIS:

Anthony Harris speaking. It is, oh. My apologies. It's a Saturday morning and I am gradually becoming awake. So, or waking up. In terms of what Martin was saying, regarding the identification of Internet governance issues, I see a very clear issue, which derives from what, from situations I face at my office, the assistance league at six in the afternoon.

I stay there until 8 PM and there is a phone call, I pick up the phone, and it's someone who is really, really in despair because their online identity has been stolen, or their accounts have been taken over. So they call the Argentine Internet Chamber, because they don't know who they can resort to.

So long story short, we have 911 in Buenos Aires, for instance, to make a call anytime there is a crime or a crime is committed, but we don't have an online 911 so to speak. So the technical specialist has some tools and knows where he or she can resort to. But the lay person has no idea who they can resort to.

I tell them to call their ISPs, the Internet Service Providers, and they will call one of the large companies here, and they will listen to a recording that will say, press 1, press 2, press 3. And after 10 minutes of pressing buttons, they will speak to a person that will try to get rid of them. Because nobody on the Internet wants to take care of a case of identity online identity theft, because they don't know what to do about it.

So here is my proposal, and please don't get mad at me. We should have an online 911, structured globally, or deployed globally, or maybe on a per country basis, but it is high time we had this tool. Thank you.

MARTIN DE SILVA: Martin de Silva speaking. Interesting proposal. Any comments? Right. Rudy wants to make a concept.

RUDY: ...transcript. Anthony, in Belgium, we are running since 2005, an Internet ombudsman because the government didn't do anything to capture complaints from people that were buying something on the Internet for instance. And the eBay shoes are all known across the world. We are now 10 years later, and still the Belgium government didn't do anything because they are saying, "Well, there is somebody who takes care of these issues."

And that's, I think, one of the problems that a lot of NGOs are willing to put shoulders on issues, and try to solve problems by themselves, because they are closer to the reality than governments are. And I think it is at the end, a concept where, and I will pick this up for NPOC in later discussions, to see if in a real multistakeholder concept, and I'm looking at Rodrigo also, together with ICANN, to find a way of creating a kind of 911 for the Internet, where people can drop their question, and that at the end, it's not one entity solving or responding, but it's a global response.

I think that also picking up on the question of identity theft and so, it is important that there is a place where you can really drop it, wherever you are, because most of the time law enforcement is focused on the country and the jurisdiction in which they are. But Internet doesn't look at it. Internet is across the world. It doesn't, it has no borders.

So we have to think also out of the borders. So I think that's maybe a good idea for further discussion, later panel, to have a view on how to solve this problem.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you for your comment Rudy. I'm going to give the floor now to Carlos Afonso, from the Internet management committee from Brazil. Carlos, you have the floor.

CARLOS AFONSO:

Carlos Afonso speaking. Thank you for the invitation to speak at this meeting. I would like to make a brief comment regarding this issue of the 911 number, which in Brazil is 90. It's not because we want to be different, it has been traditionally a different number. So, there is an interesting case, quite a recent case, that involves Facebook and a Facebook user.

Unlike the 90 something percent of the three billion users, and it's really a way out of all of the legal aspects, she has her own name, a real name, and she uses that real name for her Facebook profile. But she writes the name with initials. For instance, I'm Carlos Alberto Afonso, but I'm known as CA. That is my identity.

She is just the same. Her name is Nadia something and she uses the initials. But she's perfectly identified in Facebook's list of users. But another anonymous Facebook user has filed a claim to, or has presented a complaint to Facebook because he says that she is using a fake identity. That was enough for Facebook to block her account, and to open up a process for her to prove her identity.

So, that created a very worrisome situation, because Facebook even asked for photocopies of her identity card, her proof of residence. So all of those things that we do in Latin American countries, but she never imagined that Facebook was going to move on an offline approach, to ask her to prove, to demonstrate that she is she.

So she was blocked for more than one month. That story has been published in the recent wire issue, Wired issue. So she knew who to resort to, but there are some policies, some mechanisms that are controlled by powers that are not traditional powers.

When the electricity company cuts our electricity supply we know who we have to resort to. Well usually that happens because we haven't paid our bills, so we just pay and we get the connection back. But in Facebook, their mechanism is really complicated and based on the anonymous complaint when the victim actually has her real name, she is basically identified on Facebook.

She's not anonymous. So all of these challenges, they may appear when we think about this 911 number for the Internet. So I think that the challenge is really huge, it depends on the different practices on the Internet. That was one point that I wanted to mention.

Now let me talk about the famous issue on the IANA stewardship transition, and the aspects related to accountability. The draft proposal that is online opened for public periods, for public comments, I think the period has already been closed for the CCWG, right? Yes. The period has already been closed.

There were some interesting comments made, and I just wanted to bring up a few things related to those comments. First, here we are talking about a discussion on accountability external to ICANN, because internal accountability aspects have been dealt with for many years.

ICANN has been working on accountability issues starting with internal policies, or the new discussion on the gTLD process, has been like so popular, you know?

With intense participation of all of the sectors. The final outcome did not please everyone. Some people say that it actually did not please, it pleased nobody, but this created a huge discussion... There was a huge discussion about the internal accountability affairs of ICANN, but now the government of the US is transferring this oversight.

So, who is taking care of this? And now we have a discussion on the accountability aspects, but from an external point of view. So, ICANN, from an institutional perspective, cannot make this transition overnight. They can [inaudible] transfer this legislation overnight to another country.

So that is not the issue. Here we are talking about an international body that needs to care of this functions, or this [inaudible]. But it shouldn't be similar to the United Nations. Some countries like Brazil say that is not a core issue, but it is still at the negotiating table.

A very interesting contribution has been made on, by Roberto [Biso]. Roberto [Biso] is a special advisor to the CCWG group. The CCWG has members and has a group of special advisors that have been summoned because of their expertise. His contribution also goes along the lines of the fact that ICANN institutionally has to become an international organization.

What he mentions is quite interesting because he made an analysis differently from what we usually do here within ICANN. He goes beyond the universe, and also raises the discussion about the agenda 21 for the United Nations, so the proposal came out of the [Echo] 2022, and he quotes a chapter of agenda 21, talking about the establishment and reinforcement of the electronic network capabilities.

That was in 1992 when the notion of Internet was not in use yet. And this paragraph defines what Internet ended up being. So it is really interesting, but another interesting or more interesting aspect, is that agenda 21 has been considered by some governments as a threat. A very dangerous threat.

And Roberto [Biso] quotes this, the state of Alabama in the United States, passed a law in 2012, according to which the state of Alabama, and all of its political subdivisions, cannot enter any agreements,

spend amount of money or receive funds for services or provide financial support to, or for NGOs and intergovernmental organizations defined in agenda 21.

That is the law in the state of Alabama. So this is evidence of how some states within a nation can react to certain proposals for universalization, democratization, Internet working. If that were to be applied to ICANN today, ICANN could be considered an illegal operation by the state of Alabama, because the proposal of agenda 21 is the Internet proposal that ICANN should coordinate names and numbers.

And it is a nongovernmental organizations. So there are many legal challenges to be faced and overcome. And in that discussion on the draft proposals, there are very interesting comments, and that bring to light to new issues, and to new perspectives. So I highly recommend that you read all of those proposals. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you Carlos for your comments. I would like to know if there is anyone who would like to make a comment or a question from the floor. There is a question at the back.

KIM [HENDY]:

Hello once again. Kim [Hendy] from the Ministry of Industry of Canada, currently on leave. Regarding the multistakeholder model, your comments have been really interesting, also this issue of 911. My

question would be, who call the shots at the end of the day in a multistakeholder model?

If we need to make a decision about 911, who would make the decision? Going back to Facebook, this idea of having a benefit in Carlos's example, you can have a forfeiting of rights, of a level of control, of a level of security and privacy, and that is a whole issue.

You are accepting a benefit, but at the same time, you are losing control over other aspects. So, this serves as a separate discussion. Diego talked about WHOIS. And I believe that is also a complex issue, although for their practice it is good to have an open WHOIS database, perhaps we should have some, an encrypted model to protect the privacy of some NGOs, because someone in any part of the world could have access to that data, and can infringe on the rights, or can also pose security risk.

And finally, let me make a comment. I believe that all of these topics are really interesting. I'm a newcomer. I will be participating in the Fellowship program, but I'm surprised that you have so little people in today's meeting.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you. Any more comments or questions you would like to ask now? Rudy, you have the floor.

RUDY:

Rudy for the transcript. Very good points. It's always the question, who decides? Who is the judge? When you need to have an answer for a problem or a decision on what is good or what is bad. And I think that we had, we were at the university where Martin had a two day session, and there was a panel debate on, what is the social role and responsibility of what was called the front line services that are offered on the Internet?

And just like Facebook and others say, they have a responsibility, they have a role in protecting the privacy and identities that people that are posting information on the social media. I think it's important to stress the fact that when you post information on Facebook, you first have to sign up and agree with the conditions to use that platform.

And one of the problems that are popping up is that most of the people don't understand what is written there. It's not the human language, it's legal language. And the problem is that people just don't understand that they agreed to give away all of their values. And today in the situation is that it is almost impossible to pull that back, except last week in Belgium, the privacy commission claimed Facebook to pay 250,000 Euros per month, if they are not protecting the privacy of people.

So you see already governments are lifting a hand and say, oh sorry, but this is not acceptable in our country. The other risk is that at the end, who is going to pay the bill of this? If Facebook says, okay, no problem, we remove everything. Where will NGOs have to go if they don't have a domain name? If they don't have their own website?

The only space where they can post things about their organization, make some kind of publicity about their organization, is just social media. So you see it's conflicting. And I think it's quite important that we find a way, a middle way, that helps still people having and keeping their privacy, still keep it open for everybody to post information, and be able to disseminate your messages.

And I think that, on the point of the WHOIS, one of the difficulties that are we are encountering, and we are just standing a PDP working group on translation and transliteration of contact information in the WHOIS.

Well, we discovered during the year and a half that it is really problematic, because if you say you want to hide contact information off a registrant at the end, and it's painful to say at the end, you're offering a possibility to criminals to hide themselves, and not be able to discover that they are harming the whole Internet world.

So it's in the balance, and I think that's up for a next discussion, to find a platform where we are able to measure what is good and what is bad, and I think that there is no one structure, no one organization that has the mandate to say, yes or no.

It has to be the community, and it's the community's responsibility to give answers to this.

UNKNOWN SPEAKER:

I just wanted to say that, can I just respond just quickly. I was just going to say that, precisely I think we go back to the issue of

awareness, and education, and capacity building, like I think that a lot of people in Africa, they just think that, you know, Facebook is the Internet, and so they will just click anything just to be online because they don't have another choice.

So I think that we come back to the issue of saying, well, if it's the government's and the legal system of the governments, that are going to have to put money to protect the people, etc. etc. And it's the organizations and the ISPs that are going to get involved and have to pay money, whatever, and by the way, Facebook has to pay \$250 per month, I think they're going to be laughing, or whatever.

But anyway, I think that in this balance is also the economic negative impact of organizations and governments who might be then called upon to develop or deliver programs and awareness. Because if you're going to sign up with social media, and you're going to provide an awareness, and even if you use it as a tool like any other tool but people are aware, then it's their using tool at their own risk, or with their own limitation, or with their own protection.

But I think that the issue boils down to the reeducation and continuous illiteracy of these issues.

MARTIN DE SILVA: [Spanish]

LORI SCHULMAN: Hello.

MARTIN DE SILVA: Martin De Silva speaking. Lori, would you like to add any further comment?

LORI SCHULMAN: ...sit in the back about the surprised the few people are here. Honestly, I think this is a great turnout, funnily enough. I think that's one of the major issues that we're confronting right now, particularly in the nonprofit community. I'm going to put on my nonprofit hat for a moment here.

But my lawyer hat too. Diego saying it's hard, two lawyers that seems to much in a nonprofit arena. I actually that three or more would be great. Like, there has got to be more dialogue between decoding intricacies about law and policy protection, enforcement and making it real. And making it accessible.

And I have spent the majority of my career, which is almost 25 years now, trying to bridge that gap between law and nonprofits. Why are legalisms, processes, procedures, why are they so important in the nonprofit community? And it's about outreach. You talk about rights, well those rights are based on legislative activities, on treaties, on agreements that cross many areas.

And what I would say to people here today, and I wish I could say it in Spanish and Portuguese, but unfortunately I'm typically American and speak English, that if this program had value for you today, and you feel positive about this program, tell people about it. Contact Klaus,

contact Rudy, contact Rodrigo, contact anyone on the panel who is plugged in to these conversations, because to Rodrigo's point, I agree.

Some of the issues that ICANN is being asked to look into, may not fall into the remit of names and numbers. However, when policies are made that affect names and numbers, there are real world outcomes. So what you're seeing from the community is, we have experienced all of these real world outcomes, we don't know where the solutions are, but ICANN, you're on the front burner.

You're on the center stage. We're going to look to you. But to the point of IGF and to the WSIS, and the NETmundial initiative, there are so much going on that because the meetings do rotate, there are opportunities for physical as well as participation. But the whole idea is truly start a networking effect.

That's what we've been trying to do. And I will tell you, just in my personal experience in another trade association that I was involved with as a volunteer for a very long time, it took me over a decade to get a nonprofit committee together. More than a decade. And that's crazy, because when you look at goods and services and how they travel across the globe, it's the NGO community, it's Civil Society that in some many ways is one of the biggest transporter, deliverers and providers of these services. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you Lori. I think I have one more question or comment.

UNKNOWN SPEAKER:

Thank you. I am [inaudible]. I believe that first of all, we should come to terms with the fact that 99.99% of people see the Internet as the little holes inside a big piece cheese, and they don't see what's around that little hole. So they think about opening up the Internet, instead of doing web search in a browser, for instance.

So we do need to work even more on awareness raising and capacity building. Ever since the automobile was invented, it took us almost a century to come to terms with the idea that we need road safety education, so as to effectively use that resource, and effective the different transport services, and road services.

And I think that we have people that are digital natives, and understand how to use these resources, but we have millions of users, and I don't need to go to Africa. I can go to provinces in Argentina to come across situations that are a testament to the need of active capacity building and education. Today we have plenty of acronyms, such as IEEE, ICANN, that are part of education curricula, because they do have to be there, and because they bring in prestige to the educational progress or process.

But we are overlooking the significance of understanding what we are really talking about. And since we all know that the Internet goes far beyond that little hole inside a big piece of cheese, we need to focus on education as the active part of this solution, a solution to this problem.

MARTIN DE SILVA: Martin de Silva speaking. Thank you very much. We do have somebody else asking for the floor.

VANDA SCARTEZINI: Hello, I am Vanda from Brazil, from ALAC. Just want to say that in the last few years, we in Latin America, carried out a survey. We even carried out the survey beyond Latin America. However, in Latin America itself, we found that there is absolute ignorance in terms of, well, except for Sao Paulo, Rio, Bogota, Buenos Aires, except for the big cities, when you meet the higher echelons or levels, well leaving that level aside, when you dive into smaller communities that focus on Internet services, you do see that there is a complete lack of knowledge about the Internet.

In fact, most people are not active participants on the Internet. They do not have domain names, the number of domain names in our region is really low in comparison to the number of inhabitants, or in comparison to our population, because we do not have people available onsite so as to inform and help users.

People don't know how to access the Internet, how to engage, how to participate. For them, this is like speaking a totally foreign language. So we do need to find about a budgetary allocation for this purpose. I have been participating in more than 50 ICANN meetings, and I have been focusing on bringing the non for profits onboard, so that they can participate in several initiatives.

And I believe that in spite of our efforts, we are still not sufficiently coordinated to as to really make progress in the field of awareness and capacity building within our region. We do have the LAC strategy that was launched a couple of years back, and within that strategy, we are engaging in outreach and capacity building, but we still have plenty of work ahead because there is still a very important lack of knowledge.

So although we have reached important or significant results, and we have focused on our population's needs, the major issue is still to explain or explaining why they do need to participate, explaining the advantages of the digital world, etc.

So I believe that outreach is of paramount importance within ICANN. It is something that we do need to work on because it's part of our mission. We are trying, but we are not fully coordinated, and therefore we are not maximizing the advantages or the benefits. Thank you.

MARTIN DE SILVA:

Martin de Silva speaking. Thank you very much for your comment. I see somebody else asking for the floor.

AIDA NOBLIA:

Aida Noblia speaking. I instant on awareness, on capacity building, and also there is a series of outstanding and unresolved issues. So we do need to come up with a strategy, and I am really thankful and appreciative of this space, of this session, because we were able to share our views. But we need to go further ahead.

This should be the starting point, so as to continue working together, given the issues that we have spoken of. We need a strategy for continuity, so as to achieve results. Once again, thank you very much for this session.

MARTIN DE SILVA:

Martin de Silva speaking. As Lori said before, we do have an initiative here. We are all open. We do want to cooperate, to collaborate. So if anyone feels like helping collaborating, engaging, our doors are open. You can contact any of us.

If there are no further questions, I will now give the floor to Sam Lanfranco, the chair of the NPOC policy committee, who has drafted a report.

SAM LANFRANCO:

Thank you Martin. I will speak in English, my Spanish is very old and very rusty. I have the easy job in the next three or four minutes, I'm supposed to summarize what we have done for the last hour. I want to thank the panelists and the participants to begin with, and I'd like to address my comments, not particularly to the issues, but to how those issues impact on the NGO and Civil Society sector.

So I'm going to go through about six topics really quick, and then throw it open for further comments, further discussion. I'm going to try to do is summarize what the panel said and what you said in terms of questions. I may throw a comment of my own on occasion. I've been working in this area since before the Internet.

So I'm going to comments on some of the points made by the panel. The first is, that NGOs and Civil Society need to be more proactive, and more aware, and engaged with regard to their residency on the Internet, with regard to their citizenship, as citizens of the Internet, and with regard to how they use the Internet.

Including that their self-notion of ownership on the Internet. You are a resident on the Internet as a NGO. And many of us take that residency as, oh that's nice. It was free, somebody gave me a place and there I am. That's the first one. The second is that NGOs and Civil Society are extremely dependent on social media.

And extremely remiss in worrying about their residency and their ownership on the Internet. I don't know how many of you are still using My Space. Most of you don't know what My Space is, but if you started out in My Space, you're in trouble. Okay. The important point here is that as a NGO you cannot pursue your mission, if you can't preserve your residency and the integrity of your residency on the Internet.

Your mission may be something totally different. It may be maternal and child health, but you cannot do that unless you worry about the terms under which residency exists, both respect to a commercial provider who gives you something for free, and the governmental structures under which you operate.

What's really important there is that the risks to organizations, to their clients and their supporters in the social media space are extremely high. The revenue models involved, data mining, your, your clients,

your visitors, your supporters, that would be unheard of if it took place in literal space, you accept it in virtual space.

The other thing, as an economist I can tell you, the revenue models upon which the free services are based, are under extreme disruptive threat. If ad blockers go on to browsers, so that 67, 70, 80% of the ads sent out by Google don't get to the clients, Google's advertisers are not going to pay.

If they're not going to pay, Google has a revenue problem. And if you are there for free, you have a residency problem. The next one was that, the talk about connectivity and the quality and cost of ISPs, the issues around Internet org. Those point to a kind of access to all by everybody is a goal, and in the absence of the ISPs, and in the presence of things like Internet dot org, which says we'll give you select access on select devices to select websites, those are issues.

Those are, like Net Neutrality, but they're not Net Neutrality. Another one that was mentioned and is extremely important is, your engagement and involvement has to be at all levels. At the national level, at the regional level to coordinate national policies. And at the global level. It is a false hope to think that you can go to the global level and influence specific national policy in your own country.

It helps, but it doesn't work if you haven't mobilized at the national level. Brazil is a good example of this. Who calls the shots? Increasingly, and we have examples of this now coming up in terms of domain name ownership, it's the multilateral agreements.

It's these trade agreements that are really mainly about intellectual property and protecting the rights of private enterprise. It's the universal dispute resolution processes around domain names. They're not run by ICANN. They're run by [WIPO]. They're run by other organizations. There is an example I'm working on now, and it will be coming out soon on trump card dot com.

A word that was used in English for 700 years, a domain name that was purchased about eight years ago, a trademark that was acquired about five years, and the trademark use the [WIPO] dispute resolution process, to take the domain name away from an individual and gave it to an organization that's basically, a reverse cyber squatter at the moment, with the domain name.

And there is no recourse to that. The dispute resolution mechanism are not like a court of law, where there are appeals, and where there is a body of law that gets adhered to and so forth. It's a Wild West. People claim it's not, it is. Okay.

You need a proactive domain name and trademark strategy plus with due diligence with respect to abuse. There are, if you don't, somebody is going to do what somebody did to someone who took an ordinary English word, and made a domain name out of it. They came along and said no, no, no. We'll take that word apart, we'll use pieces of the word, and we will take it away from you, which they did.

The multistakeholder capacity, the multistakeholder model. One of the issues that was mentioned here was better representation at these events. But we all know that in real life, the process takes place in real

time across time and space. So the relationship between what you do at these events, and what happens between these events, is extremely important, and needs to be thought through.

You just don't want to show up for the dance, so that you've been seen at the dance. You want to be involved in the planning between the dances. Okay. WHOIS database, extremely complicated issue but needs to be addressed. And it currently is captured by some very small groups who only approach it in certain ways.

IANA accountable and the IANA transition and accountability. What's important there is for us to recognize that the Internet has become a disruptive technology for governance itself. And part of the issues that we struggle with around the IANA transition and governance and accountability, spread across all levels of governments.

And we have to sort that one out. We can't say multistakeholderism is going to work everywhere. There is a pocket of thought of thought out there that says multistakeholderism is anti-democratic. That has to be addressed.

So we have all those issues. We have, what does it mean to be the resident of the Internet if you're a NGO? What are the issues that affect you even though your mission and vision maybe health, or environment? How do you deal with the various levels of governance, all the way to the global including these multilateral agreements that are coming down the pipe, one after another?

And are heavily captured by commercial interests? And they supersede, if you just look across the Bay to Uruguay, where Philip Morris is suing the Uruguay government because its policies on tobacco hinder profits in Uruguay, these things supersede national governments. So there are a whole bunch of issues here confronting Civil Society and NGOs, and in terms of the Internet, it's your residency and your ownership, and your participation as a citizen.

As an organizational citizen. Okay, Martin.

MARTIN DE SILVA:

Well, thank you very much Sam for that report. Does have to add to it?

Okay. If that's the case. I just say these final words. What we have here in the front with John, a sheet for those who want to sign up and be involved both the Pathfinder and NPOC. So please, if you're interested in participating, just come up here to the front, and talk with her.

We are also [inaudible] going to organize other events in Latin America and other parts of the world. So please do follow us. We will address different subjects that we find are being in these sessions addressed.

And thank you all very much for coming. Thank you especially to the panelists. It was a pleasure and honor to moderate and part of this. Thank you all. And let's go have lunch.

UNKNOWN SPEAKER:

Before closing this session, I would like to thank Martin for moderating this session, and other panel members, but also the audience for your active participation. It's great that at the end, something that we started several years ago, is ended up in a dialogue and not just having panels, talking to you.

And I would also thank the interpreters, because without them, we were not able to do it in more than one language. Thank you interpreters, and thank you to the staff to help us having this session.

[END OF TRANSCRIPTION]