
BUENOS AIRES – ALAC & NCSG Meeting
Sunday, June 21, 2015 – 08:00 to 09:00
ICANN – Buenos Aires, Argentina

ALAN GREENBERG:

I love the authority of this position where everyone listens to me.

Thank you very much. This is the first formal session of our ICANN week. Some of us have been working for the last two days, but we'll ignore that. I'd like to welcome to the NCSG to the ALAC room. And I will turn it over to... We have a very short number of items on the agenda, and we're starting late already with a pretty hard stop. So, I'd like to get going, and I'll turn it over to Rafik for a couple of introductory words, and then we'll go to our guest speaker, Jean-Jacques.

RAFIK DAMMAK:

Thanks Alan. And thanks for hosting us also for our first NCSG meeting here in Buenos Aires. We had before several, this kind of joint meeting, and even in... I recall we have, one in Buenos Aires last time, and that ended up with setting up a cross community working group on Internet governance.

So I hope that we keep doing this, and more regularly. Last time, we tend two quite busy ICANN meetings. So, for today, I thought that we can talk about public interest commitments. I know that the ALAC is quite active in this issue, and there is the working party, and you have a discussion with the GAC and the Board members.

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

From NCSG, we tend to have kind of really diversity point of view about this issue, and we are trying to also learn more about what you are thinking, what you want to do and want to achieve. And so also that we can give you some input and to see how we can participate and work in this matter.

ALAN GREENBERG:

Thank you Rafik. Yes, I do look forward to that discussion. And for those who haven't seen the document that we produced recently, which is a summary of the last six, or last eight months or so of work, there will be printed copies that we're going to be bringing in.

I'm going to turn it direct over to Jean-Jacques. We have, who is going to talk about... I don't think we can call it an initiative as such, but a focus within ICANN on Civil Society, in a perhaps slightly different perspective than it has been viewed before. And I guess about 15 minutes or so, a little bit of time, for discussion. I know some of the NCSG people have to get to the GNSO meeting, which starts at 9:00, and tends to start 9:00 sharp, from my recollection. So thank you.

JEAN-JACQUES SAHEL:

Good morning everyone. I'm delighted to be here. And I think it's great actually that you all get together. And so I will try to keep it short, precisely so you can exchange a bit longer on the range of subjects you want to have.

As many of you know, because I've worked with them over the past year or so since I joined ICANN, and besides being a representative for

Europe, I'm also in charge of our Civil Society engagement. Within ICANN and the global stakeholder engagement team, we have four broad streams. One is business engagement, which is led by Chris Mundni, one is government engagement led by Tarek [Camel] and his team.

We now have technical engagement, which is led by [inaudible] from, well from, X AfriNIC. And Civil Society which is led by me. And what we've been doing for the past year is basically try a few formats, do a few pilots. Both trying to run our own initiatives, together with a few of you, or support some of you in your own outreach efforts, with the long-term aim really of, you know, enhancing participation of Civil Society in ICANN, both in terms of numbers, but also in terms of impact. And that's quite important.

We like to make sure we can support you as best as possible, so that your participation in ICANN's policy making in particular, is as impactful as possible. So without further ado, let me just move on to, I don't have that many slides. Don't worry. There is only really one key slide. So, of course, the term Civil Society, and is quite broad, depending on what it is.

And I was looking for a definition of it, and I found this quote by [inaudible] [Moon], which I thought was quite interesting. Of course, our times demand a new definition of leadership, and that leadership, and it comes with a constellation of international cooperation: government, Civil Society, and the private sector working together for

a connective global good. I'm sure we could work to unpick words from that, but I quite liked it, I think.

You know, a collective global good is something that we try to work on, when it comes to the DNS at least. And it's nice that the UN is increasingly recognizing the importance of that multistakeholder model. I hope that they get there one day. Now, we have tried to... Basically, what I wanted to explain to you today is that we're trying to structure ourselves to be better at how we support you.

So if we move to the next slide, you'll see that what we've done is create a sort of informal project team. So we have focal points in each of our regions. You've got Heidi, of course, who is our godmother up there at the top, she's part of that project team, and to sort of make sure that we properly bring in the ALAC perspective into this, and letting the regions quickly do it, so you know the names.

I don't know if you can see them from here. Starting from the left, you've got Joe [Capatano], who is based out of Washington, D.C., who looks after North America. Rodrigo will be, is in charge of Latin America. [Yovi] for Africa. Fad in the Middle East. [Kelv] in Asia PAC, and myself for Europe. So we're kind of the focal points for engagement with Civil Society around the world.

And that's been really helpful for me in particular, in making sure we try and understand, you know, local perspectives as well. And also that we have people on the ground, who really, we hope, will have the sort of in-depth understanding of these communities, and can work with you in regions, in your own outreach.

If we move on to the next slide, that's the key one. I'm sorry it's a bit of a small font. But it's just an outline of basically how, it's sort of trying to structure what we've been doing on an ad-hoc basis, so far. So I think I learn this completely right, it's not a new initiative, it's just trying to be a bit more organized in how, thank you, in how we support your communities, and to outreach for Civil Society.

So building on these pilots and the ad-hoc activities that we've done so far. And in part, that we've reviewed all, what we like to do some much more structured approach. And basically have this sort of plan that I'm showing you today, a bit more teased out, so that we can start running a more organized program of activities, starting with the buildup to the ICANN 54 meeting.

What we will do is also look at our content and communications. I'm very keen that we don't reinvent the wheel, but we'd like to better understand, better catalog, all the content that we have. As you all know, there is a huge amount of content produced by ICANN and produced by the constituencies themselves. And when we do outreach, it's important to have content and that it's tailored to our audiences.

We're not sure that we have all the right content. That we have things that really explain, for instance, to NGOs why it's relevant for them to engage with ICANN, when actually we do. So we just want to assess what we've got already, improve it need be, and/or create new material for offline, for face to face activities, as necessary.

But again, I'm very keen that we don't reinvent the wheel. If we have the material, let's not recreate it. And that includes material that you are all producing, in a sense that you see in NPOC or in ALAC, we're looking to have a sort of good understanding, a good list of what you all have.

[Inaudible] activities themselves, again, nothing new. It's more about trying to frame that in a more structured manner. There are events which are, which can be with a global perspective, for instance, if we want to, [inaudible] event, just as an example, or if we tag onto a big NGO global event, and do our own events, or we do more regionally focused, nationally focused, events, the idea would be that we try to run our own events.

And when I say our own events, it's ICANN in capitals, as in not just stuff, but the community including staff, running our own events. For instance, things like doing pre-events before a national IGF, that are destined for Civil Society. We run one recently, for instance, just before the German IGF on the 20th of May, which Jimmy [Shultz], Wolfgang [Klein-master], and [inaudible], I think, were all involved in. That's the sort of stuff that we can do.

But it's our own event, but taking advantage of a bigger event. Or it's also going to Civil Society committees themselves. If they're running their own events, then let's go to them. For instance, we run a session during [rights con], who some of you might know, which is run by a NGO called Access, which often takes part in ICANN.

And it's a massive conference, and we just worked with them to have a session on ICANN and Civil Society, in a multistakeholder model. We'd be looking to do things that other big NGO conferences like [Republica] and others, that's where, again, we need your input, because you will be far better, far more knowledgeable than us, about those NGO events, where we can go out to those communities, and inform them and raise their awareness and understanding of ICANN.

So we'll, again, we'll, it's absolutely crucial that we work with you and have your input and your feedback on that. Bill.

WILLIAM DRAKE: Good morning Jean-Jacques.

JEAN-JACQUES SAHEL: Good morning.

WILLIAM DRAKE: You're going through quite a lot, much of which is entirely new to some of us, and most of our members will not be familiar with all of this grand planning. So, will it be possible for you to write this down in some manner...

JEAN-JACQUES SAHEL: Yes, of course.

WILLIAM DRAKE: ...that can be shared with everybody on our lists.

JEAN-JACQUES SAHEL: Happy to do so, yes, of course.

WILLIAM DRAKE: Thank you.

JEAN-JACQUES SAHEL: Thank you Bill. I'm sorry, it's Sunday morning. You've got it at my best after a whole night of Tango in the lobby bar.

It's stakeholder engagement, Rafik.

No, there was no Tango at the lobby bar. Sorry, I should make that clear for the record. There was no Tango at the lobby bar. At least not by the time I left. I think Rafik and Bill were behind me, so maybe there was afterwards, I don't know.

Sorry, let me go on. This is the last slide, by the way, so I will stop here and we can have a little discussion, if there is enough time. Just before, sorry. Another thing, which is quite important, whether you've got capacity building or not, is another issue, but thinking about capacity building in terms of bringing in new commerce, but also making sure that we work along both the existing community newcomers and build capacity, and things like the leadership training program and other things that you've already started.

It's just making sure that we deploy that in the best way possible to support the newcomers, but it will sort of support you, to give you the tools that you need, and importing the tools that you need for your outreach. So we've been helping you on an ad-hoc basis, sorry.

We've been helping you on an ad-hoc basis in the past, just behind the scenes, for instance, when you organize your own outreach events. We like to continue to do that. And we'll look at what we have in terms of training programs, etc. And work with you again to see what we can do to help you, especially in your own outreach.

If there are things we can share and contribute in developing your capacity. And as I mentioned in the introduction, one of the things that I'm particularly keen to do is make sure that Civil Society and ICANN is, as part of our engagement, is more impactful. So anything we can do to help people be more effective in the policy making discussions, to help newcomers better understand how to take part in policy making discussions, and have more impact in those discussions, we'll try and do.

Yeah, so that's the idea. So nothing fundamentally new in here, it's just trying to put a bit of shape to a lot of the things that we've been doing so far on that whole basis. And thank you Bill for the suggestion, I think it's a great idea to do a sort of summary short of this in a written form.

I will do that so we can circulate it.

WILLIAM DRAKE: And in particular, if you can send us what you've just done, because we have constituency day on Tuesday. And so at least in a preliminary way, we can bring it to the attention of our colleagues, as to what you're thinking.

JEAN-JACQUES SAHEL: [Inaudible] would be more than happy to come over for even just five minutes...

WILLIAM DRAKE: Our schedule is packed, but just send this me, then it will [CROSSTALK]...

JEAN-JACQUES SAHEL: I will try to put something together quickly, yeah. Just a last thing, in scope. I'm open-minded about scope. Of course, the way we've construed this is understanding the term Civil Society as an encompassing members of the two communities here, NCSG and At-Large. And broadly speaking, the way we would look at it is, outreach or engagement with NGOs, individual Internet end users, and academia.

And that's broadly the sort of audience, if you will, that we would be looking at. If you have any feedback on that, please give it to me. That's it. Thank you very much for your...

MATT: Thanks Jean-Jacques. This is new to me, but I'm aware of something of the things that you've described as a part of this package. I certainly, and I'm sure there are others around the room who would be very happy to work with you on an ongoing basis, to pull these kinds of plans together, because I think it's, while it's great to have them presented to us like this, I think we need an ongoing interaction, in terms of identifying the opportunities and working on the program. Thanks.

RAFIK DLAMMAK: Thanks Matt. So thanks, Jean-Jacques, for this presentation.

So I think we need to discuss more about this. Most of us discovering what you are talking about, and I think we need to engage on this topic.

ALAN GREENBERG: Gisella first.

GISELLA GRUBER: Sorry to interrupt. Gisella for the transcript. Could I please remind everyone just to state their names before speaking? We don't know many of you, and more importantly, we've got interpreters who don't know your names, and this will also allow for the names to be on the transcript, and also to speak at a reasonable speed to allow for accurate interpretation. Thank you.

RAFIK DLAMMAK: Thanks Gisella. Okay, that's Rafik speaking again. Okay. Now Sandra.

SANDRA HOFERICHTER: Thank you Rafik. Sandra Hoferichter speaking. I see that, or I have experienced, that collaborating with Jean-Jacques in person was a great thing. We did this event in Berlin recently. It was a really good event for the Civil Society. But I have one concern. The ICANN Academy working group keeps on repeating that we must bring all of these efforts together.

At the moment, there are even more programs popping up everywhere, on every department within ICANN, and it is really difficult sometimes to, and everything in the program, itself, it's a good thing. It's well done. The collaboration, when we cooperate outside of ICANN, it's wonderful. But the cooperation between the community and ICANN staff, inside of ICANN, needs to be improved.

RAFIK DAMMAK: This is Rafik speaking. Yes, Jean-Jacques, you can respond, but just a minute. We will then move later to, I think, we have really to, we need to move to the next item. But yes please.

JEAN-JACQUES SAHEL: I'll be very, very quick. I fully share that. And within staff, I'm conscious of the potential gaps or duplication. I made the point earlier about content. If you look at capacity building, for instance,

number four, I mentioned assessment. I should probably have used the term catalogued.

I want to check with my colleagues [inaudible] ICANN learn, what content they have. I want to check with the Academy, what they're doing exactly. And I know there is many other programs, and I absolutely make sure we want to have those things, because indeed, we can't afford to have so much duplication. We're all so busy. So thank you for that, and because we're so busy, I will stop here. Thank you.

WILLIAM DRAKE:

Bill Drake for the record. I just wanted to apologize to Gisella. We in Civil Society, in the GNSO, are never provided the kinds of resources that ALAC is, and so therefore, we've never had translation. And so this has never been an issue for us. We will endeavor to speak clearly, slowly, and in a manner that all who understand who [inaudible] is.

ALAN GREENBERG:

Bill, I suggest you be more... It's Alan Greenberg speaking. I suggest be more proactive, and bring in more people who need the translation, and then simply demand it.

WILLIAM DRAKE:

We have done that Alan. In fact, we had a meeting yesterday with a large group of Latin Americans who did not speak English very well,

but unfortunately, we were not given translation, although we requested it.

ALAN GREENBERG: Probably equivalent to us not being given hot lunches, which the GNSO gets. On to real topics.

RAFIK DAMMAK: Okay. This is Rafik speaking. So Vanda have the last word here, and then we'll move on to the next item.

VANDA SCARTEZINI: Just to share with you some experience with the engaged guys in Brazil, that we exchange slides any place we go, because I'm completely involved with the NGOs for instance. And any place I go to have an opportunity to talk, I include some slides about, it depends on the audience. Some slides he made in Portuguese to explain, and explain in Spanish when I go to Argentina, or Latin American region that I normally go.

So it's an interesting, the way we found to have a get together, and I believe that's a good example for people that are in this room, to get together with the guys from each region they have.

ALAN GREENBERG: Okay. Thank you very much. The next topic is that of public interest commitments on the set of new TLDs that the GAC classed as category

one TLDs, warranting safeguards one to eight. That's a pretty large mouthful.

I'll try to give a brief history of it while we're waiting for the copies to come and be distributed, so you can see some of this. In Beijing, the GAC provided advice to the Board that a pretty large set of... That they had some concerns with a pretty large set of TLDs that were related to, largely related to industries or areas, which are generally regulated, or had some other sensitivities.

The category one, safeguard one to eight group, are in fact areas that are largely regulated. They related to healthcare, banking, insurance, gambling, and a number of other related areas. They specified eight different types of protections that they believed the registry must provide to ensure reasonable use of these TLDs.

The Board ultimately supported eight protections. Most of them they used almost verbatim words to what the GAC had provided. A couple of them they did not. One of the recommendations from the GAC was that credentials be verified prior to registration of the domain.

And that they periodically re-verify to make sure that they were still valid. The Board changed that to the applicant had to self-certify, i.e., tick off a box at the registration time that they met whatever the criteria was that needed to be met. The other one, other one they did not support with similar wording was that for regulated industries, the industries should aggressively try to be in contact with regulators and other powers that be, so to speak.

And they put a recommendation in that was very, very soft. And my translation of it is, send the regulator an email, and if they answer, talk to them, but if they don't, don't worry about it. Not quite at the same level. The GAC, for reasons that are not clear, did not violently react to this, until a while later.

In parallel with this, we had been concerned about lack of enforcement of picks, for instance, largely due to a number of statements from ICANN senior management, which said, at various times, they would not be enforcing them unless there was a dispute resolution found, a dispute resolution process, that what it gains through registry.

Since you can only file a dispute resolution against the registry on the picks, if you have been measurably harmed, that meant, among other things, governments, regulators and other people could not take any action against a registry who was demonstrably doing things that are improper. But since the regulator hadn't been harmed, there was no cause.

ICANN has since chined that tone and said compliance will, in fact, enforce contracts, which is, I thought, sort of a nice touch. We've gone back and forth a number of times, there was no action on the part of the Board. In Los Angeles, we...

I guess in a move of frustration, we gave advice to the Board that we were not really expecting to be followed exactly, but we expected the Board to take some action. And the advice was, on all of the sensitive

TLDs, which at that point, there were about 40 of them, or 40 applications, not necessarily TLDs, that the Board freeze all action.

Stop signing contracts, stop delegating. The new gTLD committee, process committee, pretty quickly said, well, we're not really inclined to. They have never refused the advice, they have never really formally answered it, but they have said they're not really inclined to. The GAC then sent a very strong letter pointing out that there was still a problem, at which point the Board, in a rather unusual move, came to us and said, "We would like to talk about this so we understand what the problem is, or what the issue is."

They've never done that to At-Large before. They've rarely done that to other groups. So we thought that was a very promising thing, that they actually wanted to talk. We had a number of discussions. There were some discussions in Singapore, which included the GAC and registries. By this time, of course, many of the contracts have been signed and many of them are in the root already.

And the registries are basically saying, "You can't change our contracts that are already there, and it's not a level playing field to change some of them that aren't signed yet, and we don't think there is a problem." The research in the area of abuse on TLDs, tends to show that the rate of abuse is things like one in 1,000, one in 10,000, depending on the types of abuse we're talking about.

And the number of registrations in the new TLDs right now, are such that we wouldn't expect to see an awful lot, but that doesn't necessarily predict the future. That's where we are right now, almost.

Our feeling was that the GAC probably overreached in its selection of TLDs. And that some of them probably did warrant the full set of protections, and other ones didn't.

A fair number of the TLDs in question have implemented protection voluntarily. So for instance, the people running dot bank, if you say, I'm city dash cork dot bank, they actually want to see proof before they give you that ID. And, you know, they're doing the same for insurance. There is a number of other TLDs that are doing similar things. There are others whoever, who say, no we don't see the need for it. And we're simply not going to do it.

So we just decided to look at the full list of them and try to categorize what we, and it's a very subjective analysis, of what we believe to be the sensitivity of the TLD, the protections that we're being provided by the registry, and try to understand which ones that we really thought that were fine, which ones we thought we weren't sure if there was a problem, because the registry words are not very clear, and lastly, which ones that we believed simply have to be fixed if we're going to protect the consumer and the user on the Internet.

And there is only, I think there is seven that we put as red, and three of them are the same string, because there is competition for it, that's dot doctor. And that's where we stand right now.

MILTON MUELLER:

I'm Milton Mueller. And I speak slowly, as a matter of course. I have believed that the whole idea for safeguards for TLDs was a wrong-

headed, bad idea from the moment the GAC proposed it. And I think we have to realize that it's on a collision course with the accountability process.

One of the key themes of the accountability process is to have a very clear and narrow definition of ICANN's scope. And there are some very explicit statements, which clearly have community consensus, that ICANN should not be using its position as a domain name allocator to regular content and services. And when we say to somebody who has, let's say, a domain name, that happens to say health, that that's a regulated industry, and they have to impose industry regulations, which by the way, they vary over 192 jurisdictions, to make anything in that domain correspond to the regulations in those jurisdictions, that's exactly what we're doing. We're using ICANN as, position as a domain name centralized authority to regulate content and services.

So I'm not sure why ALAC has been so eager to go along with this. I understand there are consumer protection issues, but the point is that if a service, let's say, under dot health is actually an illegal medical service, this is almost always actionable under existing law. You don't catch that at the domain name level on a pre-emptive basis, before anybody has done anything.

You do it after somebody has actually offered a service that is illegal. And again, regulated industries are regulated differently in different jurisdictions, so the mere fact that health or insurance tends to be a regulated industry doesn't mean that ICANN can validly and

legitimately impose regulations on the domain name, on a global basis.

So has anybody stepped back and asked what we really trying to do here?

ALAN GREENBERG: Thank you very much. I ask people to keep their interventions short. We only have a limited time before the NCSG has to leave, and we want to give people a chance. Olivier.

OLIVIER CRÉPLIN-LEBLOND: Thanks very much Alan. Olivier speaking. And health is actually not in the list. So it's not the right example. The string insurance, actually, the safeguards which the registry have put forward in their picks are actually giving it a green from the ALAC. We're not asking for things to be absolutely super restricted, but what we're asking for is a minimum amount of consumer protection, when it comes down to some of the domains like casino, for example, where we know there is a very high incidence of fraud on the Internet with fake casinos, etc.

Really as a case...

I know it's too long...

ALAN GREENBERG: Can we have some technical help?

OLIVIER CRÉPLIN-LEBLOND: I'll try with a second, oh. Okay. Nice one, I don't like you.

CHERYL LANGDON-ORR: That wasn't me you were referring to.

OLIVIER CRÉPLIN-LEBLOND: So now my train of thought is completely gone. It's really a case of effectively trying to protect consumers from the worst instances of fraud, of phishing, the kind of things that we get Internet end users coming to us and complaining to us about, and saying, you know, I just put my credit card on this website, and you know, my card was basically, or my account was emptied, because of that.

This sort of stuff, I think if we're going to look at the AOC, affirmation of commitments, and it says we need to have consumer trust in the domain name system, there needs to be some measure of consumer trust, at least with the new gTLDs that are coming out. And especially with those that are particularly sensitive. Thank you.

ALAN GREENBERG: Thank you very much. For those of you that are new to this room, these are wireless microphone units. When they're on red, you can...

And then when they decide you shouldn't talk any more, they turn green on you. It's a new standard. And why they turn green, we don't know. Yesterday we were sure it was because you said the word Civil Society, and it immediately turned green.

I think I have David and I think Judith, but she's disappeared. David.

DAVID:

Yeah. I generally want to echo [inaudible]'s point that I don't think there is a lot of enthusiasm within NCSG for the idea of, well, regulated strings essentially. A lot of time from when an industry may be regulated that doesn't mean the strings within that industry are regulated. I mean, and doctor is a good example.

Yes, being a medical practitioner is a regulated industry, but being a doctor is not. Calling yourself doctor absolutely is not. We, you know, we don't care if they regulate whether or not a medical practitioner is called a medical practitioner, but we don't really call it regulator, he calls himself a doctor, and this is...

But this also takes me to the general point of, I almost always find when you're claiming to try and regulate an industry, but in advance, when all you have is a domain name registration, not a... Often the goal of regulation is impossible. You're essentially asking for time travel. You're asking people to know how badly the...

What the website will be used for at the time of registration? And you can't do that. So I think in general, there is a lot, a lot of enthusiasm for this idea, and the picks are problematic. If an operator on their own, wishes to restrict a... I mean there are cases, dot bank is the classic one, where they have stated that they wish to make that website only for financial operators, not for seed banks, and food banks, and whatever.

And in that context, it is actually a highly regulated string in most jurisdictions. But that doesn't necessarily apply. Dot doctor I do not believe, wants to have that restricted only to medical practitioners. So that's problematic.

ALAN GREENBERG: Thank you very much. For the record, dot doctor, for reasons you may or may not agree with, is restricted to medical practitioners.

That's for different reasons for the different TLDs, but it is restricted, or it will be restricted.

UNKNOWN SPEAKER: The GAC wants it to be, no other good reason.

ALAN GREENBERG: There is also some voluntary things on part of some of the applicants. But it's a different subject, so let's not [inaudible]...

Judith? Oh, I thought you had your hand up.

JAMES GANNON: Good morning. James Gannon, NCSG. Yes, I am in the room, and I also raised my hand in the Adobe chat, so I confused everybody in the room. I wanted to, very briefly, respond to Olivier's point. Yes, in my day job, I'm a security professional. So I've also have people come to me and ask about security online and security of financial transactions, and healthcare services that are online.

But I think where there seems to be some slight divergence is, when I'm asked that question in the context of what I do in ICANN, I have to very clearly explain that ICANN is not in the business in the content of regulation of the expressions of what is on the Internet. It's merely a domain name regulator.

And I think if we start to look at the position of people coming to us as people who work within the ICANN sphere and saying, yes we can possibly do something about the content, or what is within the actual website rather than the domain, I think that's a very dangerous path for us to go down. And I suppose it's a slightly heated question.

But is it the position of the ALAC that in certain instances, content should be regulated? Because if that is the case, then we should be looking possibly at a very important interrelation, for example, with the accountability work that we're doing at the moment, where there has been universal consensus that ICANN's mission needs to be extremely narrow, and as close to technical as possible.

So there seems to be some divergence on content regulation in certain cases, or no ICANN has a limited mission and we should stick within that mission. I think that's an important discussion that we might need to have, and I would be sure that my position on it anyway is that if it's content, it's not for us to regulate. We're here to do domain names and that's it.

ALAN GREENBERG:

Thank you. For the record, I'm not in the Adobe Connect room because I haven't been able to get there yet. And second, in response to the question, we explicitly have not talked about content regulation, we're talking about the use of the domain name.

We can debate and obviously disagree on whether that is content or not. Anyone else? I'm sorry, we had Alberto.

ALBERTO SOTO:

Alberto Soto for the record. The individual has two ends that are protecting him. ALAC is one, and the GAC is the other tool. So ALAC is not the only one dealing with this issue. It is working with the GAC, and we are agreeing in order to defend the Internet users.

When somebody tells me that if somebody has committed a crime, or is using domains improperly, should go through legal channels. We have to realize that it's not all over the world that the legal elements are properly protected. And sometimes they are not protected. So if something happens regarding a domain name, we should say this applies to this country, where it is protected, or this applies to this other country where it is not protected, so I think that what we are trying to achieve is that in a general way, protect individual users all over the world.

Trying to prevent the issues we all already know about. Thank you.

ALAN GREENBERG: For the record, it's not just the GAC and the ALAC, the business constituency and the GNSO is being strongly in favor of the kind of things we're talking about. Rudi.

RUDI VANSNICK: Rudi Vansnick, NPOC. I think there are two steps in what happened around the definition of specific domain extensions. I think that the first failure already is in the application guidebook where there are no rules defined to give a kind of priority to applications that were focusing on keeping an extension, a domain strictly to specific target.

Taking an example of the dot health, for instance, when there were the discussion before applications were entered, with the World Health Organization, it was clear that the idea was the same as the idea that was put on the table by dot bank.

Although the commercial aspect has played a more important role and took over the power in the [inaudible] at the end, it's not enhance of the sector itself, but it's enhance of the commercial world. I think that's one of the issues that we need to already to take care of for the next round, if there is a next round, that we avoid this is going to happen, because I'm taking a quite easy sample, but there are other samples where, for communities, the commercial power is bigger than the community power.

And as such, there is no possibility that the community will have a chance to have their own domain name, extension. So I think that's something that we really need to point to and I agree that we need to

stick to pointing to the Board that they have to take care of this, and not just let it glide away.

ALAN GREENBERG: Thank you Rudi.

BARRACK OTIENO: Thank you. Barrack Otieno from AFRALO, for recorded purposes. I just wanted to point out that regulation in developing markets is a bit different from the developed markets. It can actually stifle innovation in developing markets. So I want to echo a bit what Milton shared.

We need to consider the developing markets so that we don't apply the scale that has been applied in markets, say that are in the process of developing, and in the end, we sort of over-regulate, which blocks them from developing. So that's just something I wanted to point out. Thank you.

ALAN GREENBERG: Thank you very much. We are pretty well have to wrap-up soon, if people want to be able to get the GNSO room, which is a mile or two away.

Murray has a question. And we did put a timer up, unfortunately we put an eight minute timer up, which is probably not too effective. Murray?

Is Murray online or is someone going to read it? I'm not on Adobe Connect, I can't tell.

GISELLA GRUBER:

This is Gisella for the transcript. We have a question in the Adobe Connect chat. We have a CA, I'm not sure who CA is. The question is, "Isn't this protection of the users at the domain name level, basically a matter of specifications in a registrar registrant contract?" End of question.

ALAN GREENBERG:

The answer is... It's Alan Greenberg speaking. Ultimately, yes, but those restrictions are imposed by the registry on the registrar. So the registrar is the intermediary, and that's the one that passes it on, or perhaps acts as the gate keeper, depending on the individual rules.

But it varies over the range of different domains. In some cases, it requires nothing. In other cases, the registry asks the registrar to ask a question. In cases like dot NGO, the registry will actually verify credentials before allowing the domain to be granted. The same for dot bank, dot insurance, and a half a dozen others. So it varies depending on the case, but the registrar is, of course, the intermediary that talking to the registrant.

I think we're pretty well out of time, and I think we've ran out of questions, unless I miss somebody. Except for Olivier, who wants the last word. Olivier has one minute.

OLIVIER CRÉPLIN-LEBLOND: Thanks very much Alan. I'll try to fit all of this within one minute. I just wanted to say a couple of things with regards to the amber, green, and red list we've put together, and that you all have in your hands.

If you look at the reds, the ones that we think there really needs to be something done about, there are just five of them, casino, credit card, doctor, lawyer, and lotto. These are the ones which we find there is the highest instance of phishing, the highest instance of fraud, and so on.

I do understand the fact of saying, well, wait for the deed to be done, and after that, take action. The promise of this is that this is a very western, very I would even say, colonial view of the world.

The majority of the world out there doesn't have the jurisdiction to deal with this. And... I'm going to kill this microphone in a moment. First casualty of the day.

So the majority of the world doesn't have this in their law. And if one has to go over to the US and start suing, or basically against whatever fraud there is and so on, it's very costly and it effectively is discriminatory against developing countries. And that's a real concern for us.

We're distributed, and the majority of our members are located not in North America, not in Western Europe, and we don't see any other way than ICANN to actually do something about this. If they don't, then is just going to fall flat in all of our collective faces. Thank you.

MILTON MUELLER: Milton Mueller. Non-commercial stakeholders group. I think I just heard somebody say that having an American based corporation make regulations for the entire world was being done in order to save us from colonial regulation. Was that what I heard? That these countries can't be trusted to develop their own regulations?

OLIVIER CRÉPLIN-LEBLOND: I wouldn't paraphrase like this, but I guess you would.

WILLIAM DRAKE: Bill Drake. Just to clarify, this document was produced by who?

ALAN GREENBERG: The document was, the colored part was produced by a small number of people within the ALAC, or within the At-Large. It is in the process of being ratified by the rest of the ALAC or altered. The first few pages are a summary and that's an introduction.

I thank everyone for being here. I wish you a good week. Thank you.

[END OF TRANSCRIPTION]