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BUENOS AIRES - Fellowship Morning Meeting

Tuesday, June 23, 2015 – 06:45 to 08:45

ICANN – Buenos Aires, Argentina

JANICE DOUMA LANGE: Good morning, everybody. Good morning, everybody. Ah, the training, the training. This is going to be a fairly fast-paced morning. The room that we are in is the Government Advisory Committee's, the GAC. They have a very heavy agenda, and they've asked if we could kindly maybe move out a little bit earlier today. We're going to do our very best but also give full courtesy to our chairs who have come to talk to us. So we're going to have a bit of a balance.

The first think I'd like to say, though, is, please, if you haven't gotten your headsets, please do so at the door, in courtesy to those who are speaking in any one of our four languages.

I would like everyone to try to come and settle in as Rafik Dammak begins to talk to you a bit about the Non-Commercial Stakeholder Group. Again, we're backing up every day to make sure that, as the alumni say, we connect the dots. So the Generic Names Supporting Organization (the GNSO), the policy arm of ICANN, has contracted and non-contracted parties.

The non-contracted parties include the Non-Commercial Stakeholder Group, which is made up of the Non-Commercial User Constituency and the Not-for-Profit Organizational Concerns Constituency.

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Both will be here to speak today, one after the next – or pretty close to be. Rafik is going to further explain to you this dynamic and relationship and the work that they do.

RAFIK DAMMAK:

Okay. Good morning. Thanks for coming too early for this kind of meeting. Thanks, Janice, for this introduction.

With the Non-Commercial Stakeholder Group, “Non-commercial” means that we have no commercial interests about the domain industry. We represent users and registrants, whatever they are, individual organizations. We have several individuals and organizations. We have now around more than 500 members all over the world.

Because we’re sitting in the GNSO, we are really kind of the only civil society place within ICANN. I think you heard about ALAC because it includes the business and non-business users there.

We focus mostly on generic name policy. This is really one of the main important policies done within ICANN. You see that’s why there was and still is a lot of interest about the New gTLD Program.

Our group is diverse in terms of gender and geographical diversity – we have members from all regions – and also has diversity of background and point of view. When we handle issues within the GNSO, we have many times hot debates and discussion, and we try to make consensus on these decisions.

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In terms of membership, we are quite open, so we are one of the rare structures that accepts individuals. Even if you are a member of an organization, it can be sometimes easier to join us as individuals.

I'm not going to talk about the application process. It's on our website, NCSG.is. It's quite easy. You will find the application form. If you want more information about the process and so on, you can contact me directly. I will be happy to respond.

In terms of issues, since this is about generating names, it's about the DNS industry. We care about the registrant/end-user aspect and point of view. We care a lot about human rights issues. Maybe people don't see the connection. What's the relation between domain and, for example, freedom of expression?

But there is a lot because if you buy a domain name and you are an activist and you want some protection, when you buy a domain and use it, you don't want your personal information to be disclosed through WHOIS, which is the server on which you can find all the personal information about the domain name owner.

We are kind of advocating about the protection, so you cannot disclose all this information in public, and you need due process if you need access, for example, for a law enforcement agency. So this is also the part about the privacy issue.

On the other side, we also care about development issues. So we are talking about the naming industry. We had a concern at the time that

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there was not enough applicants from developing countries to get gTLDs and to become registries.

We pushed for the creation of a working group to make a series of recommendation to make it more accessible for those from developing countries, providing them financial support and in-kind support, like about the legal.

We need to be frank here that the process for the New gTLD Program is complicated. Legally, it's not easy to even try to understand the process. It is more really for those incumbent from the registry world.

We advocated there and we pushed to get a lot of recommendations. It was not really successful, but we made the point, and we are still pushing for that. There is also that we want to have more registrars, the seller/retailer from where you can buy domain names. We need more in developing countries.

So we have a broad range of issues that we care about. It's how ICANN behaves, so that's why we get people involved on the IANA Stewardship Transition and ICANN accountability. From our experience we see several issues within ICANN accountability, in that many times they try to bypass the policy process. It's quite important. It's not just about the process because when you are like a group like us, we don't have the same funding. We don't have funding like other groups where they have financial interest in the domain name industry. So it's important to keep the process because that protects you and us in this setting.

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Today, we will have our meeting. I invite you to come. We'll have first at 2:00 PM our members meeting. It's around two-and-half hours. We'll get several guests, so it will be an interesting discussion that you can observe. It's an open meeting. You are welcome.

As a structure, we are really quite open with our public archive. Everything's open, maybe too open compared to other groups.

After that, we'll have the meeting with the Board. Usually, it's quite funny because we are more questioning the Board. We try to have some interaction to get their feedback, but also we give them our vision and explain what our point of view is on several issues.

Okay. Maybe we can start Q&A here and just maybe to in deeply on some issues.

JANICE DOUMA LANGE:

If anyone has any questions, this is the time to ask. A couple things that Rafik said I think are so important. One of them is the fact about each group in the multi-stakeholder model – I said about how we're talking the same thing but from a different point of view, maybe – he said how important it was to remain understanding about the structure and the policy and the process.

Talking about the IANA transition, again you would think, "Okay. Civil society, policy, why are we talking about this, yesterday the same question, intellectual property. Why would you be interested?" I thought you said it very well. There are policy points in this, things that you have to focus on.

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It's a big job and yes, they're not getting paid to do this job. It's all volunteer. We're normal people doing the work of heroes because it is about global Internet policy and how it's going to move forward. I really appreciated the way that you pointed that out because I think it's very important we understand all of the multi-stakeholder groups have a stake. Right?

RAFIK DAMMAK:

Different groups have different interests. If you are a contracted party, you are making money from this. So they have strong interest on the policy. But even in the non-contracted party, if you are the intellectual property, they are making a lot of money from this, and they have interest in how to make the process.

But for us, non-commercial, we really care more about protecting the user, the registrant, the organization because we don't have a financial interest. We are using DNS and part of something else, so we have to fight sometimes, many times, with other groups. But we need to live with them and to find some consensus. This is how the multi-stakeholder groups are.

I'm not going to give you a wonderful image of the multi-stakeholder model. When it comes to the policy making, it can be really bad because you have to fight. You have to defend your ideas and opinions. It's one of the challenges: bringing people to get involved. And it takes time. I'm doing this in my free time, sometimes on my [holidays]. Living in Japan, the calls are really non-humane times.

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But it's okay at the end because I have interest to participate. I feel I'm doing something there. What we end up as a result is another issue, but that's the point. If you are here, you want to advocate something. You want to do something.

You need to find your focus, what you want to achieve here. Nobody will respond to this question except you, so this is a question you have to ask yourself when you come to ICANN. You can join or not any group, but what do you want to achieve? What do you want to defend? Do you want to represent users of your country? Do you want to represent a specific point of view?

We have people coming from developing countries, for example, [inaudible]. Some of them have concerns about the jurisdiction issue that even after the transition, ICANN will still be headquartered in the U.S. Others don't think so because they have more concern that we need to separate between ICANN and the IANA function. Ensuring the separability is ensuring a lot of accountability there.

So we have that diversity and we try to find the consensus. It's not an easy task, but we have to live with that.

Maybe we can get questions. It will be much more – yes? Yes, Renata?

RENATA AQUINO RIBEIRO: You talked about diversity.

JANICE DOUMA LANGE: Can we do better than I did, Rinat, and give your name?

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RENATA AQUINO RIBEIRO: Yes. Sorry. Renata Aquino Ribeiro from Brazil. You told us about the Non-Commercial Stakeholder Group and its diversity, but I have been wondering in relationship to regional diversity because I would imagine that impacts a human rights issue in its debates. How does that work?

RAFIK DAMMAK: Okay. First, the diversity is kind of a requirement in our charter. As a group and part of GNSO, we elect six people, so we have a requirement that there's no more than two people from the same region. We have to figure out how we get people from different regions. We have, for example, someone from Brazil, someone from Canada and the United States, someone from Egypt, someone from Australia, and I forget the other one. Okay, we have six. Myself? I'm coming from Tunisia.

You can see for the chairs how many are not from Europe or North America. So we have that requirement. Also, we have a diverse membership, so that's sometimes easier compared to other groups.

About diversity of opinion, if I take human rights, the people from North America, for example, care a lot about freedom of expression. They have that vision of the First Amendment of the United States. Those from Europe care a lot about privacy. Their vision of privacy can differ with those from the United States.



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People from developing countries care a lot about social and political rights. That's why, for example, when we talk about the new gTLD and .amazon, we have different points of view on how to care about that. Some people there have a more legalistic view. They say, "Okay, .amazon has the right." Others say no. "You have indigenous rights" and so on, so that diversity comes.

So we are not really monolithic. We are really diverse. We have to work out to find a kind of common ground here, and that's the appeal. As I explained, for example, the IANA Stewardship Transition. Many, like people from Brazil, express that opinion about the jurisdiction issue, and they said that, at least in many fora, our mailing list.

This is the kind of diversity that comes from geographical diversity but also their backgrounds. We have academia. We have activists. We have just users. So they have their different visions of how we should do things.

Yes, Nadira? Nadira from Palestine?

NADIRA ALARAJ:

Nadira from the Internet Society of Palestine chapter. As a newcomer, the first time I heard about the group, I wanted to ask: as a civil society non-commercial group, are you allowed to or have you been given to manage some new domain names?

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RAFIK DAMMAK: No. It would be a big conflict of interest because it's non-commercial. One of the requirements is that you cannot be part of two stakeholder groups within GNSO because it's also about voting. You will game the system.

If someone was with us and he wanted to be a new applicant for a gTLD, he would leave and go to another structure. You cannot be on two sides. It's a real big, huge conflict of interest here, so we don't.

NADIRA ALARAJ: But it's also fine because as an end user, I want to choose a name. That's from my point of view because I do not know what that group does in managing those. So there are allocated domain names, which have worked for non-commercial, not-for profit.

RAFIK DAMMAK: I'm not sure I understand. You are talking about here .com?

NARIDA ALARAJ: Yeah.

RAFIK DAMMAK: It's a business, so you will be a registry. Do you mean if you have a second name to manage? Not really. What we can do is more to encourage competition. That's maybe one point of view within the group with the New gTLD Program. To have it is to have more competition. If you offer more TLDs, you have more of a chance to buy,

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to get access to domain names, whether it's an IDN (Internationalized Domain Name) or another.

NADIRA ALARAJ: So you have a certain allotment of domain names that you manage?

RAFIK DAMMAK: No, no. We don't have them.

NADIRA ALARAJ: You don't have them? That's why I'm trying to understand more about the group. I thought you...

RAFIK DAMMAK: No, we don't. It's more that you are a registrant, for example, and you are concerned about the policy, that it will impact you, because you have some domain name that you are using for family purposes or whatever.

NADIRA ALARAJ: Thanks.

RAFIK DAMMAK: Yeah. Yes, sir?

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ANTONIO ALBERTI: Antonio Alberti from Brazil. You mentioned that technology always left some trace of who is using a domain name. What actions do you do for guaranteeing privacy?

RAFIK DAMMAK: Okay. The WHOIS is a big mess as a policy within ICANN. It's been under discussion for many years, even before I joined ICANN.

What's happened is, in particular for TLDs and sometimes depending on which TLD you buy, not all of them have the same policy. They're what we call the legacy. For example, the new gTLD doesn't necessary have the same policy.

If you have Internet access, just check a WHOIS servers for any domain. You will see several information because WHOIS was created to provide a point of contact. For example, I try to access a website. I find a problem. I can contact the owner. That was the purpose.

The issue is that when it's used for a different purpose, like intellectual property. For example, let's say I buy AmazonSucks.com and the representatives of Amazon are not happy. They will try to use the system to kind of take that domain. It's not necessarily going to work, but it also creates a lot of pressure, for example, if you are just a registrant and you receive some legal letter or something.

But another point, if you are, for example, an activist from Brazil and you buy a domain to criticize Dilma Rousseff, for example, you don't want your personal information to be disclosed. You want to keep it safe. You can use what we call a proxy and privacy service. That's a

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paid service provided by the registrar who is the retailer for domain names. You can buy that service, and you protect your information. When someone tries to access, he's not going to see your information.

Sometimes law enforcement agencies like the police can try to access. What we are telling them here is, "You cannot without due process or without a court order. You need to go through that." So we need to create a protection to not allow everyone access to that information.

There are different cases here. You will hear many people talk about cybercrime. Yes, cybercrime is a reality, but it doesn't mean that you have to threaten the rights of everyone about privacy. You need to ensure due process to protect everyone's rights here.

That's our point of view. It's how we create the balance here. There are several policies about WHOIS, one of them, for example, about this proxy and privacy service. We need to protect that because if you are an activist or you are an NGO in some threatening regime, you need a protection.

Is that clear? Yes?

FABRICIO PESSÔA:

Hi. My name is Fabricio Pessôa of Brazil. [speaking in Portuguese] privacy, it's a big thing. It's the thing that everybody wants to discuss and everybody talks about.

But what I've seen is that there are lots of different groups defending different points of view as if they were talking for the people. But when

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you talk about the end user, the end user has no idea of how the Internet works.

So how can we have someone to tell them what they think people want? My main thing is that there is a big conflict between security and privacy, and that's what people are talking about. What can be done? What cannot be done?

But what I feel is that actually people are trying to decide something for the people about why people don't know how it works. People should be telling. Maybe someone is willing to give up part of their privacy for this security.

How do you deal with this issue if it is something that you guys discuss here at ICANN?

RAFIK DAMMAK:

Yeah, I understand. The big issue is how you can say or represent it. That's a challenge for any organization. It's not just for us – even your own organization. So you can speak up for all Brazilian users. You need, first, maybe to grow your membership to have the diversity. Also, you could go outside to liaise with other organizations outside if there is some topic that we need you guys to help us with.

About security and human rights, and not just privacy, you need a balance. Personally, I am involved with another space about cybersecurity. One of the ideas is you have to create a balance here. When you do and you're talking about cybersecurity, you need human rights mentioned. We see the issue with surveillance and so on.

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So it's how to find that. It's not really to lose some of your rights here. It's just that you create the process. If it's about cybercrime, we need due process. I think there is concern that law enforcement agencies can access, but they need to follow the process. What's happened many times is that they've tried to access without, and that puts you at risk. I don't know what kind of law enforcement can [inaudible]. Do you think it's good that they can access personal information like that? There is a lot of risk.

So it's how we create the balance as to how we ensure that due process. I don't think you need to lose your rights here.

I lost my thought. So, yeah. It's also how privacy has different interpretations from different countries. The United States doesn't see the privacy like many in Europe. Europe has a much more, in terms of registration, high-bar about privacy and data protection.

One of the issues we have in ICANN, when they made, for example, the Registrar Accreditation Agreement, is that they made a lot of what they call validation verification of information and also data retention. They found out later that it's not possible within European Union jurisdiction. This kind of thing you have to figure out when you do policy to ensure the protection of users at the end.

Still, the presentation is a big problem. That's why you have to grow up your membership. You have to liaise with others. And nobody can pretend they represent all users. I didn't say that, and I won't.

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FABRICIO PESSÔA: Yeah, sorry, just to complement. My question was more just to know if you guys work as well on something towards user awareness so that people can represent themselves.

RAFIK DAMMAK: Yeah. We are trying. It's not easy because you have two things. We are doing policy in ICANN. Advocacy is a different thing and needs more resources and also a different tactic. We are trying to do this hen we liaise more with specialized groups.

For example, we have a session in the London meeting about privacy – like more than three hours – and we get people from Privacy International, an organization that is doing only privacy. We try to get them and to share what's happening here in terms of policy. We told them, “We need your help, guys, to spread the word.” So we're trying to do that.

We have this person – yes, please?

EDUARDO ROJAS: Good afternoon. Eduardo Rojas from Bolivia. I would be interested in finding out how you consider the participation of the governments in the group. I understand that governments can become non-commercial players, and their standpoint on the defense of privacy, freedom of expression, protection of childhood, and fighting organized crime online can be relevant and also take the global model to the national model.



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A number of subjects have been discussed that are directly related to the possibility of invasion of privacy or personal protection as to data.

What is the dialogue mechanism created by the group to national arenas? I can imagine that this type of decision can also create a new look of the governments, of the states, in their capacity as non-commercial users.

RAFIK DAMMAK:

We need to have clarification here. Government cannot join us as non-commercial because it's really about users and so on. Government has their own space within the GAC, where they can participate in giving advice to the Board about a broad range of topics. So we don't accept the government representative within our group.

However, we can work with some government on some issues when we find the support from them about specific topics, like human rights or privacy. We can work with them. Also, we do a lot of [outwardness]. We discuss with GAC representatives about some issue and explain our point of view. We tell them why, for example, they should not take such a position and so on. They cannot be non-commercial. Government has a different role and so on. So we liaise with them, but they're not part of our group. Okay?

Yes?

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UNIDENTIFIED MALE:

[inaudible] from the floor. What are the dialogue mechanisms that the group could create with the governments? I understand that it is a different kind of player, but the defense of privacy and freedom of expression at the sessions in the national arena or local places are directly associated to states.

If there is a dialogue mechanism, it's not a representation issue but how protection policies articulate with the group or are disseminated to the group.

Brazil had a major role when it protected Amazon.com, the generic name of Amazonia. Same thing with Patagonia. Same thing with La Paz. In my country, there is the La Paz city name, and it means "peace." So you can infer that it's talking about world peace.

These dialogues had to be such that there is clarity in what is defended as non-commercial groups, and governments don't trade domain names from the civil society. By creating a dialogue, fresher, newer mechanisms could be created to expect privacy, human rights, and so on.

RAFIK DAMMAK:

As government, they are supposed to defend the rights and respect international law. But if you see sometimes what the GAC position – not sometimes – is respecting international law, there are a lot of concerns.

However, I said we try to discuss with them. It's not easy because of how the GAC itself functions. They are doing most of their work during

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ICANN meetings, when a lot of things happen between meetings. So we try to reach them.

It's not just us. I think the GNSO itself is trying to improve the process, the dialogue, with the GAC to tell them about ongoing policy at the early stage and to get their input.

So it's something ongoing. We're trying to work with them, some of them. It's not an easy task, but yeah. In the multi-stakeholder model, you have to work with the different stakeholders to build alliances.

Okay, maybe you can – yes. Yeah?

JANICE DOUMA LANGE: This will have to be our last question. Then if anyone needs to speak to Rafik, they can walk with him.

RAFIK DAMMAK: We can go there.

JANICE DOUMA LANGE: Yeah.

IGNACIO: It's a short one. I am I am Ignacio [inaudible] from Argentina. Regarding WHOIS, I would like to know if there are any open group discussions on the fault of WHOIS because right now, there's a

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business created around it because on their default, your date is shown. So is there any discussion on this?

RAFIK DAMMAK:

Yeah. I think it's quite important. I think many users are not really aware about this issue. Sometimes they discover that WHOIS information somehow.

But others are more aware. Sometimes they buy the proxy service, which means that your third party will protect you. So when you see the WHOIS, you will find their contact, but not yours. It's a kind of protection.

But it's something that maybe more owners, people should be aware about this. When you buy a domain, many of them are not really informed about that.

Also, how you can ensure protection, but also the problem is the WHOIS itself is changing because with the New gTLD Program, they are pushing for a different model that has more information.

Also, maybe you heard about this. The outcome of the Expert Working Group, an ad hoc basis group, is that they suggested that we aggregate all WHOIS information in one place and give access and so on. It's a really big problem that we see here. It's risky in terms of security. It also can be tool for surveillance. For now, not WHOIS are in the same place. It depends on the registrar and so on.

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Just think that you aggregate all of them in one place. That's hundreds of millions of people's information that can be accessible. Even the model, they are talking about how you give access is not efficient. That kind of discussion is happening, and we have a strong point of view against it.

Okay.

JANICE DOUMA LANGE: Rafik, thank you so very much – one thing.

RAFIK DAMMAK: Okay, just – okay, thanks. Okay, I tried to explain, but I'm not sure I explained everything. I'm happy to explain later, but also during the meeting and so on. You can ask Janice for my contact and so on. I'm happy to answer your questions.

If you are an activist from civil society, you are welcome to join us as an individual or as an organization. But you cannot necessarily join the constituency because the stakeholder group is the structure. We can maybe create other groups, but that's a different discussion. I can explain later.

Okay.

JANICE DOUMA LANGE: Thank you. And I'll give a little plug. I think you've heard this now. Rafik is going to have a more intimate setting tomorrow afternoon at

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4:00 up by the ICANN information booth. You'll be able to think of some other questions and talk with him in an intimate setting without translation.

RAFIK DAMMAK: [inaudible]

JANICE DOUMA LANGE: But it will be. Thank you, Rafik. Again, if you had a lingering question, please feel free to walk over to him over here to this side and ask a question while we bring Rudi up to the floor.

Good morning, sir.

RUDI VASNICK: Morning. Wow. What an audience. I'm impressed. So many faces. What an audience.

JANICE DOUMA LANGE: I know.

RUDI VASNICK: You're working very hard, Janice.

JANICE DOUMA LANGE: I am. Thank you.

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RUDI VASNICK: A little bit too hard. Thank you for allowing me to have a chat with you about our structure and what we are doing. My goal is essentially to listen to you because I want to know what your problems are, what your issues are, and that's why we are talking about non-for-profit operational concerns for NGOs.

I think that many of you are involved in NGOs. Who is part of an NGO here? Raise your hand.

JANICE DOUMA LANGE: Does everybody understand what that is?

RUDY VASNICK: Good question, Janice. It seems that NGOs are not well-known in some regions, also. I know that in the Asian region, that's not the cultural.

An NGO is a not-for-profit organization, quite often also called civil society. It's essentially an organization that is working for the community. It can also work for a little bit more commercial activities, but in a sense, it's all about not-for-profit.

Those that are part of the NGOs are absolutely welcome in our community. Our goal for the upcoming fiscal year of '16 is essentially helping NGOs getting really involved in Internet governance. To be able to be involved, you need to know what the DNS, at least, is. You need to know what the domain name system is.

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What we discovered during a survey that we did in Europe on the United Nations' ECOSOC list was a big issue. About 1,500 NGOs had been addressed with the question to participate in the survey with very simple questions – only five questions.

When we sent out the first mail to these NGOs, 60% bounced, came back non-delivered. We were surprised. We thought Europe should be a well-educated region and should know what an e-mail is and what a domain name is. But it isn't. It is really a big issue. We have been calling about 500 NGOs to understand why the mail was coming back.

One of the, let's say, normal activities in NGOs is that most of the work is done by volunteers. In periods where there is an economic crisis, the first priority that we all have is having a good income, having a good revenue, so that we can manage our being, that we can manage our family. For that reason, most often volunteers step down and try to find a good job and do first that work. If there is time free, they will probably get engaged again.

That's the reason why all the NGOs are losing contact with the outside world. Because the e-mail address is not working anymore, the person just stepped away. That's one of the issues we've discovered.

But the most frightening one we discovered is that many NGOs lost their domain name. Also, there we tried to figure out why, and again, it was a big surprise. Most of the NGOs didn't know that they had to renew every year their domain name. They thought, "Well, we bought it. It's ours." And it isn't.



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So you see that there is a lot of work that has to be done to enable NGOs to understand Internet governance because they didn't even know that they need to renew their domain name. So one of our activities in the upcoming months is trying to identify how we can help NGOs in understanding the use of a domain name.

We have a special program that we have been elaborating. It's called the Pathfinder. The name says itself: Find your way in all this misery. We are going to try to help NGOs in doing educational programs, creating awareness, going around in the NGOs across the regions.

That's already a first point where I'm looking at you all because you are the voices of these regions. You are the voices of these NGOs, so it's important that we can speak to you and we can listen to your questions and help you to better understand what's going on.

Another item that we have on our agenda, and some people are a bit surprised that we are sitting together with the intellectual property community and business, but there is a reason for that. It's quite simple. You all know social media, like Facebook. Who doesn't know Facebook? I think that's easier. Okay, fine. So everybody knows what Facebook is.

As an NGO, and even as an individual, you need to understand when you put your content on Facebook, you're giving it away. You're no longer the owner of that content. That's painful for NGOs because your content, the content of NGOs, has huge value. If you put it on Facebook, everybody can use it and take profit of it.

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So in order to keep the ownership, to keep your intellectual property, you need to have a known website, a known domain name.

You see I'm coming back to the first element. Having a domain name is the biggest value that you can get as an NGO because the price of a domain name is cheap. It's not a barrier. That's where it starts. There is also the point that people from the intellectual property community are going to help us also to give you a better understanding of the need of this so that you can keep your own values with your organization and you can get funding.

When you put it on Facebook, anybody else can ask for funding because it has no ownership anymore. So you see, these are the elements on which we are trying to work to get NGOs understanding how the DNS operates and what the value is. Then we can get the NGOs involved in Internet governance.

We also taught our children how to walk and how to speak before they can really do. It's a bit similar to that process. We need to teach you what it means and what it is needed for, and then you can also participate in the discussion of, for instance, the WHOIS. What's the value of WHOIS for your organization? What is your business card at the end? Most of them have forgotten, but this is your business card. It gives the contact elements to your organization. And it's for free because you have to fill it in when you register for a domain name.

I tried to make the picture of what operational concerns means. It's all about the use of a domain name. Then we start discussing about the policy. Then we discuss about the use of privacy issues in the domain

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name space, in the WHOIS. Then we get involved in the operations itself. That is what we are essentially trying to do also in the NCSG community and in the GNSO: to participate in the working groups and raise the voice of NGOs with the criteria they have.

We all know human rights is indeed a big and hot topic. But for NGOs, that's not the first priority. NGO rights are the first priority. We need to merge the two issues so that we speak with two voices, one on the human rights and one on the NGO rights because it is needed.

Just to take this sample and close my speech, I'm coming from Belgium. In Belgium, 40% of the employment in the Flanders region is offered by the not-for-profit organizations, the NGOs, because in Belgium we have no product at all. We are specialists in delivering services, and also service to our community, Social Security and medical services and so on.

That's where we are finding at least 40% of employment. Imagine if we took that away. Belgium would no longer exist. We would crash, just like Greece. So you see why NGOs are so important.

I think in the future it's going to be more important than today because services are becoming quite important for everybody, and everybody can have access thanks to the Internet.

I will stop there. Just to give you a quick overview of NPOC itself, it's the youngest constituency in ICANN, still a very young baby. It can just walk. Sometimes falls off the steps. Then we have to take it up again. I'm happy that I'm finishing my first year mandate as the Chair

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because previously our previous chairs for several reasons were not able to finish their terms. That was also a difficulty: you have no continuity.

For the upcoming year, besides one person, it will be the same team, so we are going to implement the strategy that we have been working on in this year and try to move freely forward.

I'm looking at all of you because we have a lot of spaces, a lot of functions to fill in. We want to elaborate our program committee, which was a few people this year. I want at least two persons from each region participating in the program committee. Come up with what's going on in your region. Bring up the problems in the region so that in the program committee we can elaborate a plan and try to find the best policies to help the regions. For us, that's priority number one.

Please, come up. At 9:30, we start our Constituency Day. It's in Retiro A. It's just above here. You're all welcome, and you're welcome around the table to discuss with us. It's not us just giving big shows. We want your voices. We want to hear from you.

I already recognize a few people in the room here that have been participating in previous sessions. Alexandra is one of them, and I see also other people in the back. We are also recruiting from the fellowship.

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I saw Martin. I was asking him to come and join us also. Martin Pablo Silva Valent, to have the full name, who is Argentinian, is now the Secretary of NPOC.

So you see, I want to retire. But I need you to come up and help me so that I can retire. I've already spent ten years in ICANN. I think it's enough. It's enough. Let the youngsters come. Let you come, please, so that I can sit in the background. Maybe I'll be a fellow, a veteran fellow, and sit over there, and you'll sit here and explain what NPOC is.

If you questions, please ask.

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED MALE: Good morning.

RUDI VASNICK: Morning.

RAITME CITTERIO: My name is Raitme Citterio, Fellow. I come from Venezuela. I'm a member of NPOC. My question is two-fold. First, as a new member, in Latin America, many NGOs think that this part of ICANN does not represent them appropriately. I think it's a matter of perception.

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The second part of my question is the following. How can we promote further involvement of NGOs in Latin America? Because there are many in different respects.

Thank you.

RUDI VASNICK:

Very good questions, indeed. As I said, that's why we need people from reach region to know what is important. If we just say, "Okay, we know what's going on," then we are on the wrong path. That's not the good idea.

To answer your first question, it is indeed a wrong perception, but it's also due I think to the fact that we need to do more work as NPOC. We have to be more on the stages so that people see that NGOs are there.

But as you know, it's difficult to get NGOs involved because you don't have the resources to come to ICANN meetings. Luckily, the fellowship program exists. Otherwise, we would probably have almost no NGOs present here. So it's important that this program can continue and get more support.

To the second question, we know that for a long while there has been a debate on this Internet governance for NGOs, for instance. Now we have the IGFs. Also, there we have seen. I was recently in Geneva for the WSIS, and I discovered that almost no NGOs were present. Again, you have to go on your own expenses. It's not cheap. Switzerland is not a country where you can easily step forward and go to because it's quite expensive staying there in a hotel, too.

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But what we consider is the issue of how to lower the burden so that you can easily step in. I think we have to do that in two ways. We need first to enable you to talk to us, and we need to use every platform possible. We're sitting together with ICANN in that context to try to elaborate tools that allow you to participate.

I'm invited at 1:00 to the Next Generation meeting because yesterday I mentioned in the panel that I would like to have some of the funds of the auction for students, for youngsters, to enable them to, just like you, join the team and bring up what they think the Internet governance is going to be.

I can talk, but maybe in ten years, I will have [grass] on my body. It's up to you. You are going to be the next leaders. You are going to decide what's good and what's bad. So it's important that we enable to you. How do we do that in the best way? That's something that we're still trying to figure out: how we can do that better.

Again, please, come to us. Tell us what we are doing wrong because the only way we can learn is if you tell us what we're doing wrong. Don't be shy. It's important.

I hope I answered your questions.

Oh, I see a very well-known colleague.

OLÉVIÉ KOUAMI:

Thank you. My name is Olévié Kouami [speaking in French] a non-commercial stakeholder group. We are two constituencies, NCUC.

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NPOC is the last constituent that has been created at the NCSG, a member of ICANN, because it was created in 2011. NPOC is therefore its third executive office, where Rudi is the President, and who's going to President soon.

I would like to attract the attention of my colleagues and friends of Latin America, who, where we know that there are many NGOs and the only constituent, the only organization within ICANN that can understand it better, and where it can militate really is NPOC because NPOC gathers precisely everything that uses .org as the domain name mainly. Though the civil society organizations organized in NCUC, we find the end users, but in NPOC it's the NGOs, the not-for-profit organizations.

NPOC would be very happy to have more members in its session that is going to take place within one hour at most. So you're going to listen to a story of NPOC, which started in fact with the Red Cross. Rudi will explain to you much more of this.

Also, you must know that [little] problems exist and conflicts on the domain name. I heard a fellow talk about La Paz. If you had LaPaz.com as a domain name and anyone else wanted to have it, there would be a conflict. If there is a conflict, you must be part of a group and you have to defend yourself. That's what I wanted to add. Thank you.

RUDI VASNICK:

Thank you. Yeah, I didn't see him because he was hidden behind others. Indeed, he is part of the NPOC. He is our Communications



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Committee Chair. As you see, we have members of your community sitting around our table.

I see, Rafik, you have a comment or additional remarks?

RAFIK DAMMAK:

Okay, thanks, Rudi. [speaking in French] I would like to clarify something. We have two considerations. To accept its organization, the members of the civil society, but NPOC accepts only its organizations while the NCUC is an association of individuals, physical persons, and entities. Individuals then can be members of both groups. There's no problem.

Just to clarify this: NCUC does not represent only the users. There are many organizations. It's important to clarify this because NPOC focuses on the operational part. So that's the difference between the two, just to clarify.

RUDI VASNICK:

Rafik, indeed we don't accept yet any individual member. We are a structure that is built around organizations, and you have to be an organization. We have some criteria so that we don't allow commercial structures entering into our system. You know that once a commercial body enters into a structure, they have the power and the money to raise voices that go above what we want to do. That's the reason why are quite strict and only accept organizations.

Yeah?

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UNIDENTIFIED FEMALE: [inaudible] from Argentina. I thank the clarification that Mr. Dammak made about the differences between NCUC and NPOC. Anyway, I would like to know further about these differences because although one is based on the operational part and the other, as you said, is based on human rights, the operational part touches on human rights. Without the operational part that finds its basis in the law with how it works, I cannot find a strict difference between NCUC and NPOC.

I would like to ask Mr. Vasnick, what is the difference in tangible terms between one and the other? Thank you.

RUDI VASNICK: Good question. I will try to be brief because otherwise it's going to take an hour. I would like to invite you to come to our meeting so you would better understand because it needs a lot of explanation.

As Rafik was saying, we are focusing first of all on organizations, NGOs. As I said earlier, human rights is important, of course. But when you're looking to what an NGO requires, it's different, and that's where we are already creating the difference: the fact that we need to focus on that specific group. If we start focusing on everything else, we're not doing our job. That's the problem we have seen. That's why we were created: the attention on the typical NGO issues was fading away because of all the other issues. We need to really focus on what's going on.

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As I said, for instance, losing your domain name is losing a lot of value. That's operations more. But once we discover why it is happening, we also have to work on the policy. It's not just operations in itself. It's also creating policy to avoid that you lose your domain name. We need to help you to have procedures and policy in place that helps you maintain your domain name without having to go to court, for instance.

Our focus is essentially working on the issues that NGOs have. Human rights? We support that question anyway. But for us it's not enough. It's helping NGOs. As I said also, NGOs for me and for us, are going to be very important in the future. You see that more and more NGOs are popping up to help people.

I'm looking in the developing regions, for instance. Myself? I'm involved in many NGOs. I'm involved in one in Liberia, where I can tell you that women and young girls have been abused all the time. There is an organization that stepped up and said, "Stop it!" That organization is called Action International Development, and I'm the European Director for that organization to try to help that organization have the power to do and change things, change the fact that young women and girls are still abused. You see?

But how can I help them? Well, by giving them presence in the Internet because then everybody can see what they are doing, and everybody can say, "Yes, indeed. This is not good." That's how they get funding.

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The key is presence in the web, and the presence in the web is through a domain name. That's the best place. Then you identify yourself as a unique entity.

But if you have other questions, please come to our session. You can call on my colleagues also. As Martin is from Argentina, he can speak your language. I can't yet. I will try. Although we are the second time in Buenos Aires, I'm still not able to speak Spanish. So you see I have to learn also a lot of things.

JANICE DOUMA LANGE:

We actually have time for one more question. I just want to see the hands up to see if there was someone who hadn't been on mic yet who still had a question who maybe wasn't on.

Are you the only two hands I'm seeing? Hamza, let's go with you, and then Nadira and Eduardo – I'm trying to learn these names – if you follow Rudi over to the side, he'll answer your questions after. Hamza?

HAMZA BEN MEHREZ:

Hamza from Tunisia. I come from the Middle East, which is a vibrant region in terms of civil society activities. I want to ask you about the decentralization role of ICANN in the region.

We had in Tunisia, the Middle East, an adjoining school of Internet governance. In Cairo, there is a DNS entrepreneurship center, which is doing a lot of great work.

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I want to ask you if this center is explaining more the role of the NCUC, for example, on how civil society can have a more inclusive role in the region from your constituency perspective.

RUDI VASNICK:

Yeah, of course. We cannot do it all. We need the help of all the organizations in the world that understand what the problem is. They have to help us. We cannot do it alone.

I think a lot of work has to be done outside these meetings. Don't forget that most of the work that we're doing is in between. That's where we have these working groups. That's one part of the work, but as you said, we want also to reach outside of the ICANN meetings, go out in the world, and go to events, as I said.

The program committee has the duty now to figure out what are events that are of high importance so that we can send somebody from our community to that event and reach out eventually to that organization to join us in helping doing the work.

HAMZA BEN MEHREZ:

You said that NGOs are not really that represented in those kind of meetings, but I think that the responsibility of the ICANN constituency is to decentralize the model more, I think, to go to the regions and the countries, like Tunisia or North Africa or the Middle Eastern countries, and to try to teach civil society officials about the DNS industry and try to link them with government officials and try to find common consensus. ICANN has a great responsibility here, I think.

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RUDI VASNICK: Well, to be quite concrete, we have been sitting together with [inaudible] who is helping the Vice Presidents in the region of Middle East, not Africa. We're going to sit together on Thursday to figure out what are the events where we need to be. So we are going to do that, but as we are only a small group of people, we welcome all of you that can help us doing this job.

JANICE DOUMA LANGE: Rudi, thank you so much. I really appreciate you helping us out here and moving along. Again, anyone that would like to talk to Rudi further this morning, just step to the side over there while Elisa Cooper, who is the Chair for the Commercial and Business Users Constituency, steps up.

Rudi, you have sessions today?

RUDI VANSNICK: Yeah. We start at 9:30. Retiro 8. You're all welcome.

JANICE DOUMA LANGE: Thank you again.

ELISA COOPER: Hello. My name is Elisa Cooper. You've heard from the non-commercials, you've heard from the non-profits, and now you're going to here from the profits. I'm from the Business Constituency, and I am

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part of the group that represents business users on the Internet – all kinds of business users. It can be very small companies. It can be medium-sized companies. We have multi-national organizations as well that participate in the Business Constituency.

Our purpose is really three-fold. As the Business Constituency, we are very interested in developing policy that does three things. One, we want to ensure that the Internet is a safe place for businesses and their customers.

Two, we want to make sure that there is a competitive supply of both registries and registrars so that businesses have the option of who to choose.

Three, very importantly, we want to ensure that the Internet is a technically secure, stable, and resilient operation.

Those are three different areas where we focus. When we work on policy, we are driving policy that really supports those three different goals.

I guess I want to tell you a little bit about how I came to become involved at ICANN. It's been a very long process for me. I'm not one of these people that's been at ICANN for years and years and years. Some people have been here almost since the very beginning, and I'm not one of those people. I came in about five or six years ago.

My company had been involved with ICANN. Part of the business actually had a registrar, so I had some colleagues that were going to these meetings. I said, "What is this all about?"

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Then I had to start following ICANN because ICANN became very important to my company's clients. I had to tell my company's clients what was going on at ICANN. I had to tell them what these new gTLDs were about. I had to tell them about all of these changes that were happening to domain name ownership records. So I started following ICANN kind of from outside. I was monitoring the websites, and I was reading a lot online in terms of what was going on.

Then at some point, I finally told my boss, "I think I better go to one of these things because I seem to be acting like I'm going and I'm talking about it a lot, and I'm sure everybody thinks I'm there." But I wasn't.

So I started going to the meetings, and I joined the Business Constituency. Then after a couple of years, I decided that I wanted to take a deeper role, and I actually became an officer in the Business Constituency. We have sort of an executive team within the Business Constituency that organizes and helps to drive the group and act as a voice.

I became a member of the leadership team. Then about three years ago, I ran for the Chair and I've been the Chair for the last three years. This will be my last terms as the Chair because it's time for somebody else. I think it's good to have people coming in and having the opportunity to take a leadership role. I'm excited for other people to also have the same opportunity. But I'll continue to be very involved and come to all the meetings and all that.

I think what I want you to know about the Business Constituency, or any constituency is that, when you join a constituency, you are able to



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work with a group of like-minded people. There is a lot going on at ICANN, and ICANN be a very confusing place. I still learn something about ICANN all the time. I'm constantly learning something new. It has taken me five or six years to get what I think is a pretty good understanding of ICANN, but even still, I continue to learn.

With all of the acronyms, it can be a very confusing place. I myself try not to use all the acronyms. Believe me, sometimes people use the acronyms and they themselves don't know what they mean. They just know, "Well, that's what we call it. Everybody calls it that. But I have no idea what those three or four letters mean."

But please do ask. People want you to know what's going on. Obviously, if you just say, "Well, what is the PDPWG?" they'll say, "Well, that's the Policy Development Process Working Group." They want to tell you what that means, if they know. Don't be afraid to ask.

What I wanted to say is that when you're a part of a constituency, that gives you an opportunity, again, to be with like-minded people, but also to take on the work as a team. When you're in a constituency, some people are not very active and they just sort of monitor what's going on from afar. We do most of our communication via e-mail distribution lists, so that's how we have most of our conversations and that's how we get a lot of our work done.

We do meet every other week for an hour, but some people don't attend those meetings. Again, they're just paying attention to the distribution list. But it's also an opportunity to hear what others think to help synthesize all the work that's going on. ICANN does post all of

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the work that they create. It gets posted to the ICANN website. So there's an opportunity to go out, read the reports, and see where things stand in terms of policy that's being developed.

There are always comment periods for anything for anything that gets posted, but it can be overwhelming. When you're in a constituency, you can break up the work. Some people can focus on one set of comments in one particular area of interest, and others will focus on another. That's one of the great things about being in any constituency: you're able to get a much better understanding, you have people that can help explain things to you, and you can also have that opportunity to sort of split the work up.

Now, you don't have to be involved in a constituency at all to be part of the whole ICANN process. Again, the ICANN website is a great place to see what's going on and see what's being posted for public comment. You as an individual are encouraged. You should read those. You should comment if you have comments.

The ICANN community is not just focused on specific constituencies. The idea is that everyone has a voice, and you should participate and know what's going on.

I talked a lot, so let me stop and take some questions. Yes?

UNIDENTIFIED MALE:

Okay. I'm [inaudible] from the Gambia. You did an answer in the beginning that you worked with businesses to ensure the Internet is a safe place for both businesses and their customers.

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What approaches or strategies do you use? Who do you partner with in the ICANN community to ensure this security is given to them?

ELISA COOPER:

That's an excellent question. We pay very close attention to the SSAC, which is the Security and Stability Advisory Committee. The role of the SSAC is to look out and see what's going on from a technical perspective. They will issue guidance, recommendations, and their perspective on different security things that are going on or technical issues. We pay close attention to those, and generally we're always very supportive of whatever the SSAC is saying.

Now, just because the SSAC has made a recommendation or given guidance, that doesn't mean that guidance is automatically incorporated into whatever ICANN is doing. It's important that folks pay attention to what they have to say and give their support when they feel that it is warranted.

UNIDENTIFIED MALE:

Can I come again?

ELISA COOPER:

Yeah, yeah.

UNIDENTIFIED MALE:

Do you work with government businesses as well with this?

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ELISA COOPER: No. In terms of businesses, we work with associations that represent businesses, somebody like the Better Business Bureau or other kinds of organizations that are representing businesses. But aside from that, our membership is really focused solely on businesses. Government associations would probably participate elsewhere.

UNIDENTIFIED MALE: Okay, thank you.

ELISA COOPER: Yes?

ALAGIE CEESAY: I'm Alagie Ceesay from Argentina. I wanted to know how much Latin America is involved in your group and your constituency.

ELISA COOPER: We do have a couple of members. That is one of the things that the Business Constituency continues to struggle with in terms of outreach and getting greater participation from other regions of the world. We do have a couple of members. Certainly, Latin America is a huge, burgeoning economy and certainly one where we would like to have greater participation. We have some, but it could be much better.

If you have any interest, come see me. We do meet today, Business Constituency Day, which I'm sure you've probably heard from anyone. We meet today – I'll tell you – at 1:15. Let me tell you what room

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because I'd like to invite you to come to our meeting. Our meeting is in Martin Fierro, which is upstairs. It starts at 1:15. It runs through 4:30. If anybody has any interest in seeing what topics we talk about, please come see us.

I saw another hand. Yes?

JOHN FORMAN:

I'm John Forman from Brazil. Usually, smaller businesses have different needs than bigger businesses. Could you give us examples of this difference in the constituency?

ELISA COOPER:

Well, there are a few topics which I think cut across businesses who are not in the business of domain name sorts of things. We have some businesses who are sort of in the domain industry themselves. They buy domains or there are people who amass large amounts of domains and they monetize those domains. There are small businesses like that, but I kind of put them off. I don't consider them your typical, average small to medium business.

The things that cut across both small and medium businesses – not domainers, but the other kinds, just regular businesses and large businesses – for instance, we're very focused on open and accessible WHOIS information. We think it's incredibly important to be able to get information about who owns and operates a website.

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I think for large and small business alike, if somebody's infringing on your brand or you've done business with somebody online and you're having a problem with that website, whatever you've ordered, whatever is not showing up, or whatever the problem is, you need a way to understand who really owns that website. The way that can be done is through domain name ownership information that is readily accessible.

But certainly, you're right. The big, large multi-nationals have different concerns, different from small to medium business. But again, you have to remember our focus is also strictly on the DNS. It's on domain names and numbers.

Another thing I think that small businesses struggle with with regards to that is even getting a domain name that they want because with the .com space and many ccTLDs, there's just not an opportunity to get the name that you want. But again, actually that's a problem that bigger businesses have as well. It's just they have deeper pockets and they can pay more for it to somebody else who already owns it.

But you're right. There are different interests, and that's why it's important that we have all kinds of members.

Yes?

[KIM HENNY]:

[Kim Henny] from Argentina. Who is part of the constituency? When it says commercial and business users, for example, would Coca-Cola be

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part, or because they're interested in pushing the trademark domain thing, would a fashion company be part? Or just who?

ELISA COOPER:

Yeah. For anybody who the Internet is an important part of their business – they've got a website, they sell something transactionally, they promote themselves on the Internet – which is just about all businesses today, that too would be a member.

Right now, there's a big focus on companies that are very, very focused on the Internet. We do have members like Yahoo, Google, Facebook, and eBay, but we do have members like Pfizer and General Electric.

There are other kinds of businesses, and we're certainly looking for those other businesses, but the idea really is that if you're business needs the Internet to operate, then this is the place for you.

In terms of who specifically participates, sometimes it's the domain name admin. We have some companies where the domain name administrator, the person who's really familiar with domain names and the numbering, it will be that person. But a lot of these other companies have policy people who are focused on Internet policy issues. So for other companies, it's that kind of a person.

I'm not a policy person. I'm somebody who knows about domain names at my company, so I'm participating in. But there's definitely lots of other people, a lot of people out of legal departments and,

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again, policy, but then some people who are actually focused on domain names, too.

I see one back there.

AGUSTINA CALLEGARI: Hello. I'm Agustina Callegari from Argentina. I'm going to speak Spanish. I would like to ask you, can you explain a bit further the position that you have regarding WHOIS? Because although there is an issue of intellectual property and the right to privacy of those who registered, their domain name has to be current. What is your position in respect to that?

ELISA COOPER: We feel strongly that, especially a business operating on the Internet, needs to provide accurate WHOIS information. I think if you're doing business, if you're transacting, even if you're providing certain kinds of information, that domain name ownership information must be accurate.

If you're using a privacy service where you're paying somebody else to mask the domain name ownership information and you have engaged in some fraud or you have infringed on somebody's intellectual property rights, there also needs to be a way that we can get that information revealed so that, again, you know who you're dealing with and you can take some action.



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That's the perspective of the Business Constituency: open, accessible domain name ownership information or WHOIS ownership information must be available, and ICANN must support that.

Oh.

UNIDENTIFIED FEMALE: I'll speak Spanish. [inaudible] from Argentina. I have a question. Accurate does not mean public, and there are ways to obtain that information, at least in Argentina, through judicial procedures. Once evident proof exists that intellectual properties are being violated, those records can be obtained.

Why, according to your constituency, should this mechanism be modified to make this public instead of making it accessible through other mechanisms?

Thank you?

ELISA COOPER: I guess one clarification: we are only talking about generic top-level domains. Whatever the ccTLDs do in terms of what their rules are or what local laws are, certainly I can't – well, first of all, ICANN has no purview over ccTLDs, only over gTLDs. Then in terms of local law, that's always respected. So, yeah. Yes?

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UNIDENTIFIED MALE:           Regarding the new gTLDs, did you have any participation on the definition of the price for the application?

ELISA COOPER:                No.

UNIDENTIFIED MALE:        Because it's too high for developing countries and stuff.

ELISA COOPER:                No. The Business Constituency participated pretty heavily in providing our guidance on what we needed or wanted to have as part of the program. We were very focused on rights protection mechanisms to protect brand owners and businesses. That was a big focus for us. We didn't get nearly what we had asked for.

In terms of the price, I can just tell you that the price was based on what ICANN had spent in earlier rounds. It was supposed to be a cost recovery model, so that's what they spent.

There were other rounds of what they called sponsored TLDs, and basically that \$185 was based on what they had spent in delegating those others, so that's how they came up with that number.

They did have a program where you could apply to be subsidized if you were, I think, coming from – I don't remember exactly, but there was a possibility of being subsidized. There were very few that actually took that up. But no, we didn't have anything to do with the price.

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UNIDENTIFIED MALE: Thank you. I would like to know the relationship between the Commercial and Businesses Users Constituency and the Registrar Stakeholder Group.

ELISA COOPER: The way that what they call the Generic Names Supporting Organization – that’s the group that develops policy (the GNSO) – is devised is it’s a bicameral house. That means there’s two sides to it. On the one side, you got the contracted parties. Those are the registries and the registrars. They call them the contracted parties because those are the two parties that have contracts with ICANN, either to be a registry or a registrar.

On the other side, you have the non-contracted parties on the other side. On the non-contracted parties house is divided into the Commercial Stakeholders Group and the Non-Commercial Stakeholders Group.

On the Commercial Stakeholders Group – and that’s where I am – you’ve got the Business Constituency, the Intellectual Property Constituency, and the ISPs.

On the Non-Commercial Stakeholders Group, you’ve got the not-for-profits, who you just met with. Earlier, you also had the Non-Commercial Users Constituency, the NCUC.

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It's very complicated, but basically what you need to know is there are the groups that are the contracted parties and the non-contracted parties. This group over here wants to sell more domain names, and they are here to participate to protect their interests as being a registry and a registrar. Very legitimate, and they have their perspective.

This group over here is not necessarily aligned. They have many different perspectives. Over here you've got businesses, but you also have people who are very concerned about privacy.

For instance, there were some questions over here about, "Well, maybe WHOIS information should be protected." There's a group over here that thinks, "Well, there should be a lot of protections for WHOIS," at the same time, again, on this side of the house. Then you've also got business users who think, "Well, WHOIS information should be readily available and accurate."

So we don't always align on this side of house, but they almost always align on this side of this side of the house. It makes for a very interesting policy development process. Excellent question.

FABRICIO PESSÔA:

Hi. I'm Fabricio Pessôa from Brazil. We work a lot with cybercrime, phishing and malware, for example. When we talk about the WHOIS thing, I could see it from the previous constituencies that there doesn't seem to be a consensus about how to deal with that.

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It's a very delicate topic because at the same time, for me and in my personal view, I totally understand the thing about the freedom of expression, that there's a concern about that because we know that in the world we have different views and different governments that can use that information in different ways. I think it's a matter of how the content is used and not if it's accessible or who should have access to that.

But I also see that there are some things when we talk about cybercrime that are affected because of these delicate topics. I'll give you an example. For example, if you talk about intellectual property, it's subjective. It's something that maybe you need some judicial way of getting the information because what is the limit of who it belongs to or not. So it's something that's subjective and needs to be further discussed.

But when you talk about phishing and malware – for example, someone that's hosting malware or distributing malware in a website or hosting a phishing site – it's very straightforward. There are no questions asked. You look at that, and you see that it's a fraud.

Is that something that you guys also talk about, about differentiating kinds of crime and how to access the information or how to deal with that, depending on the kind of crime that is committed or something like that?

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ELISA COOPER:

This is a very delicate topic because, on the one hand, you'll hear over and over again that ICANN is not a regulator of content. We're not looking at content. We're focused on domain names and numbers.

But yet, you're right. The ownership information is critical, and when you've got somebody with malware on a website, it would be very important to be able to know obviously who's doing that. Of course, there will never be accurate information there, right? Of course not.

But it's a very interesting situation because ICANN really does not have any oversight over the content. But yet, in the most current version of the New gTLD Registry Agreement, there is a specification that requires registries to be doing some analysis to identify whether or not there's any malware or phishing or other kinds of malicious behavior going on and to take some action.

So it's a very complicated topic. I don't really have a very good answer. But it's one that's certainly discussed all the time.

JANICE DOUMA LANGE:

Elisa, thank you so much. We are out of time, so I just want to say once again thank you so much for all this information. If you would like to join the Business Constituency today, you now have the time and the schedule.

If I would please ask everyone to quickly clean around your place. Bring your things with you out, and we are going to meet in the outer hall for just a moment. If everyone would come with me and move out of the room, that would be awesome.

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Thank you.

[END OF TRANSCRIPTION]