

Transcript_ ICANN Public Forum

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ICANN Public Forum
Thursday, 27 October 2011
ICANN Meeting - Dakar

>>BRUCE TONKIN: Okay. So I think we've had a generous five-minute break, so if you'd all like to take your seats for the beginning of the public forum.

So if board directors could please return to the stage. I'm happy for you to chair this, by the way. I'm just trying to get things going. You want to switch? Yeah.

Okay. Just before we set up, I'd just like to do a language test, so first I want to test French. Can Sebastien say a few sentences in French, please?

[scribes are not getting translation]

>>BRUCE TONKIN: Thank you, Sebastien. So I just wanted to make sure that we can actually receive input in both French and Spanish, so --

[scribes receiving foreign translation]

>>SUZANNE WOOLF: Told us what we wanted to know.

>>STEVE CROCKER: I suppose.

>>BRUCE TONKIN: Now let's try Spanish. Gonzalo, would you like to try?

>>GONZALO NAVARRO: Absolutely. I have no problem at all.

Okay. I would like to tell the audience that in five minutes I'm going to faint. So please take your pictures now.

[Laughter]

>>BRUCE TONKIN: Can we try the French test again? Is that likely to work?

[Laughter]

>>BRUCE TONKIN: Maybe it's Sebastien. Maybe you're not speaking French. Bertrand?

[Laughter]

>>BRUCE TONKIN: Got to work out where the variable problem is here. Bertrand, could you please try?

>>BERTRAND DE LA CHAPELLE: In French? Yes, of course I can try. I will try to speak in French. At least I will try to speak correctly. I don't know if I will be able to do it.

Okay? Perfect.

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>>BRUCE TONKIN: We now have a working system that you know you can make your comments in French and Spanish, apart from Sebastien.

>>KUO-WEI WU: What about Chinese?

>>STEVE CROCKER: Give it a shot.

[scribes not receiving translation]

>>STEVE CROCKER: I think the test is complete.

[Laughter]

>>ROD BECKSTROM: And consistent. It was also consistent.

>>STEVE CROCKER: All right. Thank you very much. This is the public forum. We have multiple things to do here. The first is just plain enjoyable and good news.

We're going to have thanks to departing community leaders and members, and then we'll move into a short presentation on the ICANN strategic planning process and the ICANN process of budgeting and allocating spending to the various communities, followed by a discussion about the relationship between the Internet, ICANN, and national governments.

We'll take a break and we'll move into a presentation on the next ICANN meeting, ICANN 43, in Costa Rica, and then reviews of geographic regions, joint applicant support, domain name takedown by disabling registries or registrars, followed by any other business. So each of those are organized as trying to group the interactions and group the questions together.

And I'm told that questions are already coming in and piling up, so we will have a very lively session.

Let me thank the departing volunteers by grouping, and with a small apology that our production of certificates has undergone a small glitch and they will be provided later in the mail.

So let me invite the At-Large Advisory Committee members who are -- who have left their positions since the Singapore meeting.

Mohamed El Bashir, ALAC member from AFRALO, March 2007 to October 2011.

Are you here, Mohamed? No.

Sylvia Herlein Leite, ALAC member from LACRALO, October 2009 to October 2011.

If you're here, please come up.

Dave Kissoondoyal, ALAC member from AFRALO from October 2009 to October 2011.

Cheryl Langdon-Orr, ALAC member from AFRALO, 2007 to 2009 and 2009 to 2011, and ALAC vice chair -- that must be chair there -- and vice chair from 2010 to 2011.

Is Cheryl here? Ah, there she is.

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James Seng, ALAC member from AFRALO elected by the nominating committee, October 2009 to October 2011.

Gareth Shearman, ALAC member from NARALO, October 2009 to October 2011.

And Patrick Vande Walle, ALAC liaison to SSAC, November 2009 to October 2011, and necessarily an ALAC member as well. Okay. So do I -- is there a portable mic? No. So --

>> (Speaker is off microphone.)

>>STEVE CROCKER: Thank you very much, Cheryl.

So it's -- this is -- these people work enormously hard, they get far less attention than we on the board. This is what makes the organization actually work. The rest of us really are just here in supporting roles. So with that, I want to thank each and every one of you. Thank you. Good. Big round of applause.

[Applause]

>>STEVE CROCKER: And again, I apologize. We will have certificates in the mail. Can we get a picture? Who is taking pictures? Everybody is taking pictures.

Thank you, Cheryl.

Let me do something that I know will feel entirely comfortable to the -- oops. I was going to join two groups, but I misunderstood how big they were.

ccNSO, we have one member who has left her position since the Singapore meeting, Jian Zhang, ccNSO council member elected by the nominating committee, November 2008 to October 2011.

And let me ask -- well, neither one is present, I guess. Let me mention that two members of SSAC are leaving -- have left their positions -- well, leave their positions in December 2011, Harald Alvestrand, who has been a member of SSAC from June 2009 to December 2011, and Patrick Vande Walle, who was a SSAC member, 2009 to December 2011.

Jian, are you here?

Well, let's -- let's give a round of applause and congratulate these people, nonetheless.

[Applause]

>>STEVE CROCKER: Thank you. Now we have GNSO, 11 members have left their position since the Singapore meeting. Olga Cavalli, a GNSO Council member from the nominating committee November 2007 to October 2011. Mason Cole, chair of the registrar stakeholder group through October 2011. Avri Doria, chair of the noncommercial stakeholder group through October 2011.

J. Scott Evans, chair of the intellectual property constituency through October 2011.

Debbie Hughes, GNSO Council member from the noncommercial stakeholder group, October 2009 to October 2011.

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Adrian Kinderis, GNSO Council member from the registrar stakeholder group, July 2007 to October 2011.

Andrei Kolesnikov, GNSO Council member from the nominating committee from October 2009 to October 2011.

Kristina Rosette, GNSO Council member from the intellectual property constituency, October 2009 to October 2011.

Tim Ruiz, GNSO Council member from the registrar stakeholder group, November 2007 to October, 2011.

Rosemary Sinclair, GNSO Council member from the noncommercial stakeholder group, October 2009 to October 2011.

And Jaime Wagner -- is it Jamie or Jaime -- GNSO council member from the Internet Service Providers and Connectivity Providers, ISPCP, October 2009 to October 2011.

How many of you are here? Don't tell me we're zero for 11. Come on up.

[Applause]

>>STEVE CROCKER: And what are you going to do for an encore?

>>MASON COLE: Well, I'm not singing, but...

[Laughter]

>>STEVE CROCKER: Anyway, I know you've had a lot of interesting challenges with the registrars and so thank you very much.

>>MASON COLE: Thank you, Steve.

>>STEVE CROCKER: Okay. We move into the interactive part, ICANN's strategic planning process.

Where do we stand on questions -- I think the answer is: Come on up to the mic, if you want to ask questions, and Filiz will orchestrate questions from the network and the floor is now yours.

>>ANTONY VAN COUVERING: Thank you. Antony Van Couvering from Minds + Machines. I'd like -- I'm not sure that this quite fits in strategic planning, but I'd like to talk about conflicts, in this case conflicts of weather. So yet another hot, steamy place. We have Costa Rica coming up, Prague in the middle of the summer, and then Toronto in the winter. Please, in your strategic planning, plan for this. We're all suffering here. Thank you.

[Applause]

>>STEVE CROCKER: We are saving -- we're saving your money by not going in peak season to any of these places.

[Laughter]

>>STEVE CROCKER: No, no. You laugh. I suspect that there's actually an element of truth in all of that.

>>ROD BECKSTROM: The other thing is, Antony, if you can help us develop the algorithm to stick on track with our five regional rotations and yet defy the weather clock or figure out how to move

inside those regions, we can -- we can add that to our equation.

>> (Speaker is off microphone.)

>>ROD BECKSTROM: All right. Yeah. There you go. Thank you. He said chair the committee. Thanks.

>>STEVE CROCKER: Thank you.

>>CHRIS CHAPLOW: Thank you. My name is Chris Chaplow, vice chair for operations of the business constituency. I'm very pleased to see that the budget process, the cycle started about two months earlier than it did last year, and incorporating the 45-day comment period.

We also want to warmly welcome Xavier Calvez, who came to the CSG meetings, introduced himself to us, and actually we followed on with some more deeper conversations in the red bar afterwards and I'm pleased to say he passed the test and bought his own glass of red wine.

The strategic plan -- just to flag, the strategic plan comment period is closing on the 17th of November, which isn't far away, so it's just -- as I say, it's just a flag to members of the community. By the time we get back and pick up the rest of our lives, it will be on us in no time.

And the strategic plan is arguably one of the most important comments in the whole of the cycle. It's not a large document at all, but actually it's one of the least commented on documents in the whole of the public forum.

It's been open nearly a month now. There's no comments on there at the moment, and so obviously we're encouraging everybody to comment.

But just a suggestion. I was thinking, looking at the document, for those like myself, really, I find the document a bit daunting.

In each of the four sections, there are half a dozen -- 10 -- metrics which is something that people might want to just focus on. As I say, if they're not going to try and do the whole document, just look at those metrics. They were put there for the first time last year and they're red-lined on the current edition and that will be something that might be a little bit easier and something that's important, because without those metrics, linking it to -- linking the plan to really everything else we do, without those metrics, the plan is sort of -- probably a waste of time and just sort of orbiting in space on its own.

And just lastly, to say that the business constituency will be commenting on the plan either in its individual capacity as the business constituency or hopefully as the commercial stakeholders group, along with the IPC and the ISPs, which is a new working group that we formed.

So that will be a first, if we can do that.

As I say, for that working group, which I'm honored to serve as chair on. Thank you.

>>STEVE CROCKER: Thank you. Let me turn this over to Rod.

>>ROD BECKSTROM: Thank you, Chris, very much, and before I hand over the mic to Xavier Calvez, or "X" as he's sometimes known, we're very

pleased to have a new chief financial officer. And as part of our efforts to broaden out the international experience on the team, yet another international party bringing another region into the executive management team. And incidentally, when I came to ICANN, the executive management team had one instance of a foreign language fluency. There are now more than 15 foreign language fluencies in the same team, and Xavier is a great addition because of his experience in doing international business. Incidentally, he handled budgets and projects up to three-quarters of a billion dollars in his previous jobs, has very significant international financial and complex project experience that we deem as very pertinent to what we're doing here, and that's part of making sure that we've got the right skill set on the executive management team for the future of this organization, including large-scale complex projects like new gTLDs.

But Chris' question was about the strategic planning process and finances and so with that, I'll hand the mic to Xavier to provide a response.

>>XAVIER CALVEZ: Thank you, Rod.

I will speak in French for the French people to try and understand me. If they really speak French.

Some six or seven weeks ago, at ICANN -- I joined ICANN, and thank you very much, Rod, for your presentation. And really, the executive team made a great effort to ensure that the members of the teams are bilingual, at least, and particularly in the case -- in a case like mine that I was not born in America.

I would like to thank Christian for the presentation for the encouraging comments he made.

Certainly I'm not thankful for having introduced me and made a comment that I was drinking, even though it was true.

With respect to the strategic planning on the budget, as Chris said, this Monday we made a presentation about the procedure regarding budgeting and we wanted to take into account the demands of the community in terms of improving the possibility of receiving the contributions from the community throughout the whole of the procedure and the budgeting process.

So it took 15 days and we extended the period in 15 more days, so that the community may pose their comments about the budget.

So in the next 12 months, this process was shifted and extended from 30 to 45 days to receive the community comments and to receive the community questions.

In the meeting here last Monday, we wanted the community to reconsider this request so as to systematize them, and this is something that we're going to take into account to improve the documentation of the budgeting process.

>>STEVE CROCKER: Is there another question on this topic?

Anything from the floor?

>>FILIZ YILMAZ: Thank you, Steve. This is Filiz Yilmaz, ICANN staff. I have one but it seems to be related about budget planning so I can hold the question for that agenda topic. Thank you.

>>STEVE CROCKER: It may be coming up shortly.

I'm sorry? To my left? Yeah.

Okay. The next topic is, indeed, budget planning, so let me start with the topic from the net.

>>FILIZ YILMAZ: Thank you. For the record, Filiz Yilmaz from the ICANN staff. The question is from Michael Palage. As far as global -- and I apologize if I'm mispronouncing any of these names and affiliations.

Will ICANN consider implementing time sheets for staff to better track its costs in providing service to the community and the parties which has contracts?

In the interest of openness and transparency, can ICANN provide a Web site where it can provide a public ledger who it is paying -- consultants, vendors, community members receiving travel support, et cetera -- that could be updated quarterly? This would provide a reference point for the community to potentially identify conflicts of interest. Thank you.

>>STEVE CROCKER: Before I turn this over to Rod for a serious answer, I'm wondering, Mike, if we can keep track of the number of hours we spend answering your questions and charge you appropriately.

>>ROD BECKSTROM: Ooooh! And on that note, no, we're not going to publish time sheets.

With respect to the question about travel support for individual members, there -- I'm not sure, there may be privacy and related issues. J.J., would you like to -- no need to make a comment on that? Fine. Thanks.

>>STEVE CROCKER: Next question.

>>CLAUDIO Di GANGI : Thanks, Steve, and thanks to the board for holding the forum today.

My name is Claudio Di Gangi. I work on staff for INTA. We're a member of the NPC.

But I'll be making a statement today on behalf of Steve Metalitz, who is the chair of our constituency.

The entire ICANN budget and operational plan process has been extremely problematic for many years, and in ways that have sometimes called into question ICANN's true commitment to transparency and accountability.

IPC has been an active but often very frustrated participant in this process over the years. We have always called for greater resources for the critical tasks of contract compliance, but there has been friction over many other issues as well.

We welcome the arrival of Xavier Calvez, the new CFO, who is in Dakar for his first ICANN meeting. IPC looks forward to working with him and his team. We hope that this will be an opportunity to turn the page and move rapidly toward more transparent and accountable process for setting ICANN's budget priorities. Thank you.

>>STEVE CROCKER: Thank you very much for that. Let me insert myself

here and suggest that the budget priority is -- that you're asking for is actually tied to a performance issue of whether or not our contract compliance is effective enough, and whether or not the resources allocated for that are sufficient to get the job done.

So it's not just a question of the dollars going in, but it's also a question of the results coming out of that.

And so with that, let me turn it over to Rod for a more substantive answer.

>>ROD BECKSTROM: And I, in turn, will hand it over to my talented staff. Either Akram or Xavier, would you like to take that one?

>>XAVIER CALVEZ: I'm not sure if I understood correctly the question from the last speaker, but it is clear that in the discussion we held with this group, we spoke about the communication process in relation to the budgeting process as well as improvements for the whole of the process in terms of communication and in terms of the details about the communication, and I think that we share the perspectives about what may be done, what must be done, and the level of the quality of the answers on which we will have to work together.

I think that it was clear, during that discussion, that it was necessary for the whole of the community to participate in a proactive fashion, both during the budgeting process and in everything related to providing information, detailed information, making questions about the problems during the budgeting process.

So I think that we have a responsibility. The community should also be responsible and participate in the budgeting process, so as to measure this, and we will work in this sense so as to develop with all the various community members and constituencies these relationships.

Of course with members of the community that are most related to financial aspects or technical people. So during this Dakar meeting, I got some contacts with some members of this constituency and community. I'm not aware of the whole of the community, but I will try and go deeper in these relations to work together in terms of quantity, quality, and process.

The message that was sent was received, was really conveyed. I understood it.

So this is my sense for the future. This is our goal. We saw that there was an intention in the budgeting process and I hope that we will continue speaking with all the working groups so as to make progress in this sense.

>>STEVE CROCKER: Thank you very much, Xavier.

Let me speak as -- not just as chair of the board but as a prior and still observing member of the finance committee and previously as chair of one of the advisory committees.

I've long had a sensitivity about the engagement with the supporting organizations with the -- with the advisory committees in the budget process, and one of the things that has just been very, very positive with Xavier coming on board, it's a clear understanding of the necessity and a very strong internal drive to engage with the community, understand what the needs are, and to try to bridge some of the gaps that have been apparent in the past.

So with that, I thank you very much. It's a key part of what we're seeing is not just staying at home and managing the books, but getting out and understanding the relationship. Yep.

>>ROD BECKSTROM: And Steve, if we can expand a bit on Xavier's good overall explanation of the process with a concrete example, if we can get the microphone to Kurt Pritz, please, to talk about another program.

>>KURT PRITZ: Yeah. Thanks. Where did you go?

So I think one example of how we work with constituencies is not just ongoing support, but specifically with the IP constituency when they came to us with a problem of new gTLDs and creating specific rights protection mechanisms, we formed the IRT.

So the IP constituency contributed significant resources and constituency member time and sweat, but ICANN, too, contributed resources into meeting logistics, places to have meetings, significant staff time in going there.

So I think there's like two kinds of constituency support. One is the ongoing kind of support we budget for in the budget and the other is -- and what's great about the ICANN model is when there's a big problem to solve like rights protection mechanisms in new gTLDs, we have the ability to provide some resources and get some experts together in the community and solve an issue.

>>STEVE CROCKER: Thanks very much, Kurt.

If any of you are wondering why I'm having a little trouble, the light from outside is coming directly in, so it's creating a little bit of a problem to see, so -- but I think we're doing fine.

Filiz and then Marilyn. First Filiz.

>>FILIZ YILMAZ: Filiz Yilmaz, ICANN staff, reading a comment and a question from Tina Dam, MyTLD.

Is it public information who on staff develops the budget planning documents and strategic plan? If external consultants are used, can these be publicly listed and is there a policy for how much -- how such consultants are selected, conflicts policies, et cetera, with respect to recent discussions of code of conduct, conflicts of interest?

Thank you.

>>ROD BECKSTROM: Sure. Let me answer that question and then I'm going to hand to Akram.

The first thing is that when we hire consultants, they have to sign nondisclosure agreements with ICANN to protect any proprietary information.

So if and when we use consultants, there is that protection in place. But I'm going to let Akram answer this question with specific detail to the two aspects, the strategic plan development and the budget development. Akram?

>>AKRAM ATALLAH: Yes. Thank you. Thank you, Rod. Thank you for the question. We -- on the budget, we don't have any consultants working on the budget. It's the finance staff that actually develops the

budget. And in reality, it's the entire management team that builds the budget from the bottoms up, as well as a top-down model, so we consolidate the two and then we work with the community to -- to come up with the final budget.

On the strategic plan, we have had a consultant helping us on that, but as Rod mentioned, all of our consultants are actually bound by confidentiality agreements as well as a code of conduct, so we are safe on that side of it, and the -- the development of the budget -- of the strategic plan on the content, the contractors don't contribute -- they contribute on the form and the presentation, if you want, of that strategic plan. Thank you.

>>STEVE CROCKER: Thank you, Akram.

Does that complete that? Good. Marilyn.

>>MARILYN CADE: Thank you. My name is Marilyn Cade, and I am honored to serve as the chair of the business constituency, as you heard earlier. I'm going to make a comment that augments the comment made by the vice chair of the BC and make a suggestion and make a request.

I'm going to use an example of how far we have come in a positive direction.

In the last year's version of the -- of this document, there was a category called "Constituency Support," and to the amazement of Avri Doria the chair of the NCSG, Tony Holmes, the chair of the ISPs, Steve Metalitz and J. Scott Evans, leaders of the IPC and Marilyn Cade and her team, all of our efforts to be included in the category of services and money in constituency support were rebuffed.

Because it turns out the headline -- the title should have been called "Contracted Party Services." That was a -- it seems like a little thing, and it's been fixed, but the miscommunication and misunderstanding on our part, I think, led to some frustration.

Last year, we submitted a request for a pilot project so that constituencies could greater strengthen themselves. We'll be submitting a similar request this time, and I hope with elaboration from other constituencies.

I mention it because I want to use it as an example.

There are certain things that ICANN can do better than others from a centralized approach, and there are some things that the limbs of the organization should be able to do for themselves with some ICANN help, and it will be cheaper and more customized for the constituencies and the SGs to be able to do certain of those things.

So you'll see a budget request which identifies some of those when we come back.

We are very, I think -- I'll speak for myself to say, I think there's a very strong commitment and expectation that ICANN not just do centralized communications and centralized Secretariat support, but really look to augment and strengthen the capabilities of those -- of the stakeholder groups and the constituencies, including the -- of course separately the ALAC and other supporting organizations.

I'm now going to make my suggestion.

When ICANN released its first strategic plan, I think it was something

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like Version 19, long ago and far away, there had been no community consultation on it. It was a new team in town and they had worked very, very hard. Many of us were shocked.

However, what the community did is act very positively by organizing a 2-day consultation using a very small amount of money, \$5,000 that came from the GNSO, and using about 65 volunteers to come together and review and comment on that strategic plan.

I'm kind of thinking we're back to the stage of needing to put together a set of volunteers that have responsibility for reporting back in to their constituency or their SO to form a budget working group or budget and operating plan working group and come together on the Friday afternoon at the end of the board meeting and dig in to the documents as they are and provide feedback and own some responsibility for going back into their community so that people can then develop informed comments.

I told you that story about the headline that caused such confusion for some reason. We would have clearly gotten past that in a face-to-face. We wouldn't have spent weeks of being annoyed with each other. We used to have budget discussions. I think it might be time for us to do it again.

>>STEVE CROCKER: Thank you very much. You're making some important points, and I wanted to make sure that you got them out there. But I have to note that we have a two-minute timer on these questions. And there's a different budgeting problem, a time budgeting problem here. Every time we extend the time in one of these, we take time away or we slide the time for others. Rod, you want to respond?

>>ROD BECKSTROM: I'll hand to Bruce right now. Thank you.

>>BRUCE TONKIN: Thank you, Rod. One of the things that I've noticed on the budget process is staff have worked quite hard with each individual group. And I know that Xavier has met with many of the people in each of the constituencies that deal with budget issues. And then we tend to pull that all back up into a big document. And it gets presented in an open public forum like this. So we seem to need to step in between. And one suggestion I have made to the staff in this area is those individual conversations that they have with -- could be someone from your constituency, Marilyn, or someone from the intellectual property constituency, et cetera. I think it would be useful to get that group in the room and people from ALAC or others. It's probably a group of around about 25-30 people. And then spend a couple hours with the staff and actually understand where some of the tradeoffs are being made and clarify some of the terminology and things that you're talking about.

You know, Marilyn, you would know that in the past, there was a thing called the BAG. But -- which -- I'm not actually going to tell you what that means, because I think this new group needs to be perhaps called something else.

But the issue with that group is it just consisted of the parties that were contributing funds from ICANN. And I think what we're talking about here is a process where representatives from each of those groups could meet with the staff perhaps at the next face-to-face meeting or teleconference.

>>ROD BECKSTROM: I want to say I think some of the -- it's interesting to hear that history, because I didn't know about strat

plan from number 19 or ICANN 19.

I think what we're all pleased to see is the relative stabilization of the plan in terms of having a clear, succinct one-page summary now that is much more easy to understand and from which the rest of the fairly short clear plan comes from. And that document is evolving. And with the community input. But it's quite stable as a structure.

And, in terms of the evolutions from year 1 to year 2 of the short, clear version and now, as we move to year 3, most of the contemplation is about adding a bullet point here and there and not about changing the whole plan.

But I think it's interesting. Anything we can consider as additional mechanisms to open up the process, which I think is quite -- open up online is quite healthy.

Kurt, I don't know if there's anything else you'd like to add here as primary chief in the process. Okay. He's seeking to say something. Thank you. We can't hear you. You can take the mic from Filiz.

>>KURT PRITZ: Yeah. I remember ICANN 19 also. And I recognize Marilyn's role in creating a collaborative approach to the strategic planning process. So I want to recognize that. Really, it's for Xavier and Akram to say how we move going forward. But also to mention in parallel the board has talked about how we can reinvent that BAG in a way that's a more effective cross community tool for discussion on the budget.

>>STEVE CROCKER: Thank you very much. So I think this closes -- sorry. Sebastien.

>>SEBASTIEN BACHOLLET: Thank you. I will speak in English, because I suggest that we go from the BAG to the suitcase. It will be interesting.

I just want to say to the audience that we just had a second compliance committee meeting just before this meeting during lunchtime. And we discussed that in length. And be sure that we will come back with a proposal in the near future about how to enter the inputs from the community and the work done by staff and the decision taken by the -- the proposal made by the finance committee to the board. We think that there needs to have some input loop into the system, and we are trying to build that. And I'm sure that we will build that with participants of the community. Thank you.

>>STEVE CROCKER: Thanks very much.

>>JOE: I was asked to make comments possibly about L-root, but it doesn't fit into these categories.

>>STEVE CROCKER: Yeah, I think that belongs in the catch-all at the end.

Thank you, Joe.

Let me move on to the relationship between the Internet, ICANN, and international governments. Do we have questions? Do we have comments? We're going to make up time here. Uh-oh. Steve.

>>STEVE DEL BIANCO: Thank you, Steve Delbianco with NetChoice. I attended the IGF just four weeks ago in Kenya. I went to a session, Steve, you were at, along with Rod. It was an ICANN workshop for IGF

to explain to other governments that were there at IGF exactly how ICANN's new gTLD program was going to work.

There was a discussion about in the new round how would governments be assured they could handle problems like national, religious, cultural sensitivity, even geographical. And we explained to them how they would have multiple opportunities to intervene or given an objection or an early warning. When they do that, governments understand that the applicant may decide to change their application or make promises about which registrants they'll permit. They make promises about which kind of content they'll allow and domains in their TLD. And they'll do this to get the government to withdraw their objection or early warning. I hope that's the way it works.

But neither of those promises made would be directly enforceable by ICANN. They're enforceable by the TLD. My concern is that the governments are expecting ICANN to be able to step in and make that TLD honor the promises they made to get the government to pull their objection.

I made this point on Sunday in the GNSO session. And staff, to their credit, Kurt Pritz, quickly picked up on this as a huge risk point, a hole in our process. And I met with him a couple times this week to talk about it. And we explored a couple ways to mitigate the risk, and I want the board to be aware of it and support the staff in moving ahead.

First is, when we discuss with governments how they do early warning, let's ask them if they do an early warning and have a conversation or a negotiation with an applicant, if that results in any promises by the applicant, we've got to get them moved into the registry restrictions of the contract or else ICANN cannot enforce it. Secondly, once it's in the contract, ICANN had better be able to enforce registry restrictions even if it's not a community-based applicant delegation. In other words, any registry restrictions relied upon by governments to withhold or pull an objection have got to be enforceable. I was impressed by staff's attention to this. But, if we don't turn that attention into action in the next six weeks, we're going to leave a gaping hole in our ability to honor our promises.

>>STEVE CROCKER: Thank you, Steve. Response?

>>ROD BECKSTROM: Yes. Kurt, would you like to respond to this, please.

>>KURT PRITZ: Well, just that, as Steve mentioned, we had the same conversation earlier today. And he raised the issue in the GNSO forum that we all think it's very important that governments are not disappointed in the results of the new gTLD process that have -- they strike an agreement with new gTLD applicants about the way a registry will be operated, that we work with governments to make sure the right things are in place to make sure those registries follow through on them. So that's a really general response to -- right. We need the board to endorse that position.

>>STEVE CROCKER: Thank you, over here?

>>SERGIO SALINAS PORTO: I'm going to speak in Spanish.

To members of the ICANN board, good afternoon. My name is Sergio Salinas Porto. I am the president of the Argentine Internet Society of Users. And I participate in LAC-RALO, and I am ALAC member in our

region.

Aside from all of this, I am going to talk like an Argentinian user who is happy to be participating in this ICANN meeting and in this multistakeholder proposal implemented. So that we can all participate.

And I'm going to talk about the Malvinas Islands. You all know that the Malvinas Islands is an issue that is very related to Argentinians. And we have identified. In the study of geographic regions, that at some point the Malvinas Islands were marked as a territorial state. And the position that the Argentine government has had, as well as the countries in the Latin America and Caribbean -- and that position is that the Malvinas Islands are not a state and not a territory, but rather they belong to the national territory of the Argentine Republic.

But I want to explain that I am not here to say that ICANN has to make a political decision on political policies. Precisely what I want to say is that ICANN should not take part or should not get involved in this. Because, when ICANN speaks about territories, when ccTLDs are created, when regions are assigned for certain ccTLDs or when services are given to an Internet service, the RIRs, these imply stake in their position. Especially when it is said that Malvinas or the Falkland Islands are a territory. When a dot FK is created or when LACNIC or something is created, this is taking the position of the Internet community, even though the Internet community does not decide to take this position.

We are asking two things, only two. First, that, when ICANN documents are released, when they're released in Spanish, that the word "Malvinas" is used when referring to the Malvinas and then the Falkland Islands. And, when the English documents are released, that you first mention Falkland Islands and Malvinas in brackets as nation states in their resolution 3160.28.

And we also ask that there be a revision on this issue and there be a revision by the legal team so that we do not incur in the mistake of having to make a definition in this issue.

Thank you very much. That's all.

>> Thank you very much for your very clear and strong intervention. And, as you know, we use a list of the ISO 3000 -- ISO 3160.

>> Thank you very much for the history lesson and the territorial lesson that you gave us.

>> There is only one suggestion, says Sergio. It would be -- I know -- I don't want to say what ICANN has to do. But I think we are mature to make our own country lists. I think ICANN is mature enough to do it. Thank you very much.

>>ANTONY VAN COUVERING: Antony Van Couvering with Minds + Machines. I watched with interest the interactions between the board and the GAC earlier this week. And I'd like to address a comment regarding the early warning system. As I understand it, the point of the early warning system is for the GAC to look at either a string or a string and an applicant together in the case where a string might be acceptable by one applicant but not by another.

What I heard the GAC beginning to talk about was a review of applicants without regard to the string. And I also heard them

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beginning to talk about, not just an early warning system for a confined period, but an ongoing warning system at their will and convenience. I understand that the GAC can at any time provide advice to the board, but I would urge you to be wary of allowing a lightweight way of going beyond their consensus advice to the board and allowing them to object either just to applicants or to continue the early warning system beyond the early warning period. And I'd be interested in your reactions. Thank you.

>>BRUCE TONKIN: Antony, I'll give a quick response, because we may have heard different things. And let me interpret what I thought I was hearing.

I thought their concern was, because we don't know how many applications we will receive, the ICANN publication process would -- if we receive lots of applications, we would divide them up as ICANN into batches of 500. I think their concern was, if there were lots, how would they manage to process all those in 60 days? And then they were saying can they do their responses in batches? I think I'm not giving an answer to that, but that's what I thought their request was.

>>ANTONY VAN COUVERING: I certainly heard that as well. And that's a different and perhaps more troubling point that they believe they should be doing full evaluations, when, in fact, they should be evaluating the string and the applicants, which doesn't take that long.

But, in addition to that, I heard several GAC members talk about -- without regard to the string -- about evaluating the applicant. And it is precisely because now I understand that you didn't hear that that I'm glad I raised the point. And I urge you to go back and take a look at that.

>>STEVE CROCKER: Thank you. We'll take a close look at that.

>>NIGEL ROBERTS: Nigel Roberts, ccTLD manager for the Channel Islands.

In light of the eloquent response in Spanish by the CEO to the previous question relating to the Falkland Islands, in the wise words of Jon Postel, would the board agree with me that ICANN should not be in the business of deciding what is and is not a country?

>>STEVE CROCKER: As you heard, we use the ISO 3166 list. That was a very, very smart move, very wise move laid down by Jon Postel long before we were formed. Served us well. There are, of course, controversies. One of the things you try to do in a situation like this is not take on all possible controversies. So it served us well, and that's what we do.

>>MOUHAMET DIOP: Hi there. Thank you. My name is Mouhamet Diop. I'm from Senegal.

I just want to raise one issue that I want to have an answer regarding, one missing point. And it's just like ICANN as an organization.

When we talk about government, I understand that they are talking about government and all the other institutions that are involved in the management of what are in the scope of ICANN.

And I want just to give you one example that I've seen in order to show you that there was one entity that we did not address correctly

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within the ICANN organization is a regulatory body in different countries. And I want to tell you that, in many developing countries, the regulators' agency, are getting more and more power to manage beyond the telecommunication area. They are more and more involved in trying to manage the ccTLD business. And what we get in our data file, like the IANA information, may be sometime the naming person we got in default are not necessarily the same that have been defined inside the country as the one regulating the ccTLD business.

So, in fact, what I am raising here is there is a gap between what we as ICANN have in file and what in country people try to manage this business.

And I think that, from the ICANN perspective to try to get all these communities that are involved in that, I think that we should clearly address the issue of the regulators because they are getting more and more powers in developing countries. And they need to know how to be involved. If he did not fill that empty place, what's going to happen is somebody else is going to do it on your behalf. And I'm not pretty sure that that's what we want. And in many countries, you get by law, in the telecommunication act it is the regulator who manages the ccTLD. If you go on IANA, there is another person you'll find in the file.

So my question is are we going toward this issue regardless? I mean, who is or is not? But, if the countries decide not to do so, what is the response from ICANN to deal with the regulators as a new body that we did not manage well regarding special leader questions in developing leader countries.

>>STEVE CROCKER: Thank you very much, Mouhamet. So, before I turn this over for a more detailed answer, we have these dual relationships. Because I think you mentioned the GAC at the beginning your intervention and then focused on ccTLD. So these are two very different relationships that are -- that ICANN is involved with. One person representing one or more people representing their country in the GAC and then, usually, almost certainly, different people involved in the management of a ccTLD and have the relationship with IANA.

But your question goes deeper than that, of course, into the people who are listed as administrators and technical contacts, on the one hand for the ccTLD, and whether or not there is higher power within the government that is taking action or regulating the operation of the ccTLD. Rod, do you want to go further with that?

>>ROD BECKSTROM: Sure. Thank you, Mouhamet, for bringing up a very important point and observation. So there's a number of different worlds trying to come together here. On the one hand, we have the multistakeholder model of ICANN and different stakeholder groups. And then we have in addition, the ICANN services internally, whether we do the IANA services, which are separate from the stakeholder relations services registries, registrars, separate from the policy development support and the ccTLD support that comes from staff.

And then we also have our regional liaisons and regional managers. But then, when you bring in these questions about governments -- and, as many of us who have worked in government know, governments are not monolithic. In fact, most have other agencies. And in the domains that pertain to the Internet, in particular, they're going to often be different bodies just as here in Senegal you have the communications ministry and ICT ministry, to summarize the title. And you also have the regulatory body, which is separate. There's also others that are

involved.

In general, the responsibility for the -- sort of the tending to all of those relationships in a country is with the regional liaisons or regional managers that are in the field in terms of deconflicting or having some level of coordination.

With respect to the IANA decisions, though, for example, there's a very strict set of guidelines. There's the RFCs, and then there's the other policies and the other documents that have been developed in ICANN. So I'm not sure I have a simple answer here. But, if Jamie Hedlund or any of our other members of the executive team wish to expand, they can. Otherwise, I'll just thank you for your observation and acknowledge that this is something that we seek to understand and juggle ourselves, which is the complex myriad of relationships that even one entity like ICANN can have inside so many different countries around the world. Thank you.

>>STEVE CROCKER: Thank you, Rod. Elliot?

>>ELLIOTT NOSS: Thank you, Steve. Elliot Noss, Tucows. It's been a very important year for the relationship between governments and the people they govern. Tunisia, Egypt, Syria, Libya, Yemen, Madrid, London, the Occupy movement that started in New York and lasted for months now spreading across North America and into Canada -- all of these are about challenges in credibility between people and their governments. We are -- we have multistakeholderism here, which holds the kernel of something that people are looking for as to, potentially, what can come next. Governments are struggling to find their place inside of multistakeholderism. Politics as usual isn't working yet here. Threats of -- threats of regulation and other political messages are not as effective in this environment as they might be elsewhere.

I'm extremely hopeful about this in the long term. I think that this experiment here can hold the seeds for the way that governments can work with the Internet more broadly and with people. But I note that, in the short-term, we are going to continue to have struggles. There are two groups that can protect these struggles in the short-term. The GNSO Council and the board at ICANN.

So I urge you, while we go through these struggles, please listen, please lead, please try and be as productive and proactive as possible but not respond to threats.

We don't need to occupy ICANN. It is already ours. Thank you.

[Applause]

Thank you, Elliot. Thank you, Steve.

>>STEVE CROCKER: Thank you, Elliot.

>>KHALED FATTAL: Khaled Fattal, group chairman, the Multilingual Internet group.

I wasn't planning on stepping up to the mic and saying something, but something Antony Van Couvering -- Antony, raise your hand if you are listening. Thank you.

Thank you for raising the point you raised, and regardless of whether you understood it correctly or misunderstood it, I'm glad you raised that point on whether the evaluation from the governmental and the GAC

side will be against the screen or the applicant. Very valid point. And thank you, Bruce, for also raising that. You may have understood it differently.

What I can share with you is there is, in the process, an evaluation that will happen regardless of what the string is, and it will be against the applicant. And that's something that I have raised for the last year in regards to U.S. laws, SDN, and the OFAC list.

Now, this has already been in the public debate. We have raised, and I am still waiting for ICANN to step up and clarify how you wish to deal with this subject matter.

It appeared first in version 5, and since then it keeps on reappearing. And every subsequent discussion on it, we still do not have any clarity on whether we should accept it as de facto or whether we are still urging ourselves to look for a solution. So let us know.

But the fact is, that clause in the guidebook will screen the applicant, period. Nothing to do with the string. Thank you.

>>ROD BECKSTROM : Thank you, Khaled, for sharing your views which I think are very consistently expressed by you, and I think it's important that voice be expressed.

Since there are legal matters involved here, J.J., can you provide some comment, please.

>>JOHN JEFFREY: So it's very clear that ICANN is a company that exists under California law and U.S. law, and under that law we are required to comply with U.S. trade sanction policies.

So there is a check that goes on as part of the guidebook process, and that check includes a check for especially designated nationals under the OFAC list and it also includes a country level check, which would require us to obtain a license to enter into a relationship.

In all instances where ICANN, under IANA agreements -- or under IANA processes and other places, have asked for the country level license, we have received it from the United States government without equivocation. But that's really the whole answer. Is there any other part you would like?

>>KHALED FATTAL: Mr. Chairman, may I? Thank you for that clarification. We are fully aware of that clarification. We always were aware that ICANN is a California corporation.

The question that we have always wondered about is this, the way it has been structured and invoked into the guidebook has actually riled up concerns by many sovereign nations who will ask themselves, if they are Chinese, if they are Russian, if they are Arabic, that their corporations and their citizens will be screened against the rules of another nation, and whether they will be allowed to operate that string, whatever that string is is irrelevant, but they will be allowed or not allowed based on what exists on that particular component of the U.S. government which the U.S. government is fully entitled to.

There is no due process to it. And philosophically speaking, let's put it in perspective. We all -- many of us who participated in the World Summit on the Information Society recognized the role of ICANN, and since 2005 when everything settled and the U.S. was the, if you want to call it, the custodian of the root, then since that time, all

of these countries have been actually working very well through the system.

The inclusion of that clause actually riled up issues that were totally unnecessary.

So I question for the need for it to have been stipulated in that sense, and I think that probably was something that we question.

The last point I ask you here is --

>>JOHN JEFFREY: Let me address that first. Can I address that?

>>KHALED FATTAL: Let me finish with one statement. Are we to understand that the inclusion of that clause is final? Or are we to understand, as we have been hearing in the last year or so, that there may be something that's still being in the process that could be worked out?

Just let us know so at least we know where we stand. Not only from my side but also from the international community. They need to know where they stand. Period.

Thank you.

>>JOHN JEFFREY: Is the microphone on? Microphone?

Yeah, I'm happy to address that, too. There's no hidden agendas in it. It's very clear. If we were in any other country in the world operating as a private organization, we would have requirements from whatever entity or place we were working, under whatever laws we were working under. There are U.N. sanctions, there are U.S. sanctions, there are sanctions in many countries throughout the world.

So the list is very accessible and clear. It deals with a very limited set of countries at issue where we would need licenses. As it relates to the broader list relating to individuals and companies, that's much more limited, but it usually relates to true problems.

In the instance that there is a license requirement at the country level, we have a point in the process where we would need to go seek the license if the applicant didn't come with this license already present. And so there would be an inflection point. And that's why it's required to be in the book, because there is a point when that test has to occur and when there has to be a license in place before ICANN could receive money or move forward in the process.

>>KHALED FATTAL: Okay. So am I to understand, it's final?

>>STEVE CROCKER: Yeah, I think we are in a stable position here. And I'm not sure that we'd serve any purpose by going further at it in this form. We can take it up with further confirmation if you want.

>>KHALED FATTAL: I don't need confirmation. Just further clarification if you are ready to clarify.

>>ROD BECKSTROM : It is where we are right now. And there is no anticipated change.

>>KHALED FATTAL: "It is where we are right now" is a statement where it is still a fluid situation. This is how the diplomatic language is. If we state this is the way it is and it is unlikely to be changed, that's also clear. We're asking for clarity. Just like

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Antony was asking clarity that could come from the GAC side, we are also asking for clarity. I don't think we are asking for anything else. And I will leave it in your hands. Clarify it if you wish. You don't need to clarify it if you don't wish. That's fine.

>>ROD BECKSTROM : Khaled, you are a very, very smart man.

>>KHALED FATTAL: Let me tell you what I am doing. I am doing what I believe consciously, and through my conscience, serving the global public interest for serving the multistakeholder model so that those who are in communities that wish to be able to participate are not actually left out because they are -- we are irked them.

I am speaking from experience because I have dealt with these committees. I know them. And you know this better than anybody. And I don't want to see people or organizations that are actually being told we don't want you to participate because now you are raising issues that challenges our sovereignty in our nation by being subject to other laws.

End of story. I'm sorry by keeping more of your time but I have done my part.

>>ROD BECKSTROM : Yes, Khaled. And I want to say I think all of us know that your commitment to these values is absolutely heart felt and very well intentioned. And I can tell you I personally, and many of the people here, very much appreciate what you are expressing.

What I was going to say is that is where we are now. There is no anticipated change. At the same time, the Applicant Guidebook has a clause in it, as you know, that says it can be changed in the future based upon a vote of the board. And all applicants know that.

So that's why I can't say that anything is final final, because no one can say that because it's up to the board of the directors of ICANN in the future to make that decision.

But thank you again for expressing your clear views.

>>KHALED FATTAL: Thank you, Rod. I am not turning around to go and pray yet. But thank you very much.

>>STEVE CROCKER: Thank you very much.

Next.

>>PONCELET ILELEJI: Good evening. I am Poncelet, Information Technology Association of the Gambia. I see you mention just the Internet ICANN and national governments. I am here because of the coming new generic top-level domains. I feel included regional blocks, like you have some set-in issues with maybe dot Africa or dot ECOAS or dot SEDAC (phonetic) in future.

I would like to know what the board's position is with regard to that. How will you deal with regional blocks?

Thank you.

>>STEVE CROCKER: So the short answer is that the board does not have a position, per se, on those names. We have mechanisms that have been added and made part of the applicant process with plenty of opportunities for these issues to be raised with respect to any individual strings.

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>>SOPHIA BEKELE: Thank you. Sophia Bekele, from DotConnectAfrica, applicant to a geographic name.

My question is a comment or a clarification from you, again on dot Africa. Government and ICANN, actually, in that sense.

First of all, I want to thank ICANN for coming to Africa, and thank you for giving us a great platform to debate. And also I want to thank the government of Senegal for giving us a platform as well and hearing our voices.

Two questions -- two points that DCA wants to raise in this regard. First of all, regarding ICANN and governments, there is a proposal, I think everybody heard, that came out as a result of the African minister roundtable to reserve the dot Africa name on behalf of Africa. And that was stated during the opening session Monday. And our concern on DCA is that dot Africa being reserved by the African Union, a special request by the African Union really goes against the multistakeholder model that we fought for in ICANN for the last six years because it stifles competition at the TLD level.

What dot -- Dot Africa is a name string that does not present any risk and as such does not need any special legislative protection to preserve it for the African Union or any other prospective applicant. The new gTLD Applicant Guidebook does not in any way indicate that dot Africa will be unavailable and included in the list of reserved names. So if that was the case, we would not have gone around and spent a lot of money and efforts to promote the dot Africa globally.

So we, therefore, urge ICANN and the global community not to entertain any requests to include dot Africa on the list of reserved names. Dot Africa and similar name strings should only be applied through the ICANN new gTLD program.

We believe the dot Africa issue is a battleground, battle test ground for ICANN's leadership and oversight of the global Internet governance process.

If AU imposes itself onto ICANN and prevails on this issue, it will be setting a bad precedence that will be de to ICANN's ability to control the multistakeholder process.

So any government or intergovernmental resolution and imposes such on ICANN will set a bad standard and cause other organizations to always point to such a precedence and so pass a resolution and ask ICANN to accept this approach. Therefore, it would cause a great confusion and undermine the entire multistakeholder process including even undermining ICANN's standing or position on this matter.

So, therefore, DCA hereby insists that the new gTLD program of ICANN is a transparent, globally accepted process that should not allow any intergovernmental or governmental to pass a set of resolutions and impose on ICANN a separate agenda.

So thank you very much.

This is all I have to say.

>>STEVE CROCKER: Thank you very much.

Let's close the queue with what we have, the people we have standing here. Let me turn it over to Rod. And Filiz, you have got somebody.

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>>ROD BECKSTROM : Thank you, Sophia, for sharing your views. We will stick to the letter of the Applicant Guidebook that has been approved by the board of ICANN until and unless otherwise noted.

We have received a communique from the ministerial, and of course we will provide a response to that communique, and that response will be a public response.

And again, as noted before with the caveat that the board has the ultimate authority to make any adjustments to the Applicant Guidebook and reserves the final right for decisions on strings.

But the rules are published and quite clear.

Thank you.

>>STEVE CROCKER: Yes, sir.

>>BRET FAUSETT: Yes, sir. My name is Bret Fausett. While we are talking about the role of governments and the relationship with ICANN, I was hoping there was someone on the board or staff who could speak about the upcoming IANA renewal. I know the procurement is coming out next month but specifically my question is as you sit here today based on what you currently know, do you have an expectation that the rules around adding TLDs to the root zone will change between what you are currently operating under with the IANA contract and what you see coming down the road?

>>ROD BECKSTROM : I can provide a high-level response, Bret. And if Jamie needs to fill any dots, he can and maybe he will move towards a mic.

At present we have no knowledge besides what's been shared openly in the NOI and FNOI and is suggested there, and what's recently simply been noticed as a presolicitation that I think the solicitation is likely to appear on or about November 4th. I think when that solicitation appears we might have more information. And I don't think we have any additional information at this time.

>>JAMIE HEDLUND: Yeah, that's absolutely correct. Obviously the IANA team is continuously working with NTIA on root zone automation and we expect additional work to happen after the award of the contract. But in terms of the details, we haven't seen the scope of work yet.

>>BRET FAUSETT: I guess one quick follow-up question. If the circumstances around insertion of TLDs into the root zone does change with the upcoming IANA renewal, that will happen in the middle of your application window. Are there plans for how to deal with that?

>>STEVE CROCKER: Oh, my. There's no clarity as to what those changes might be since the expectation is that everything will stay the same.

Also, it's a fairly decoupled process between selecting and evaluating strings versus the insertion process.

So I think it's -- there's no data whatsoever that would allow a useful answer to that question.

If that eventually arises, all of the people involved are sensible people and will work out what the right process is.

Filiz.

>>FILIZ YILMAZ: Filiz Yilmaz, ICANN staff reading two questions on behalf of Chris [sic] Kirikos from Leap of Faith Financial Services, Inc.

In order for ICANN to have credibility with national governments, it needs to be able to demonstrate that its decisions are in the public interest. For a decision to be in the public interest, the expected benefits to the public must (indiscernible) expected cost on the public. These checks and balances exist in the Affirmation of Commitments, yet ICANN seems to be of the view that these measurements can be made only after the decision has been made rather than before. Example in the context of new gTLDs. No concrete cost/benefits were ever provided in financial terms, but it promised to study the benefits/cost a year later.

My question is if the post-implementation analysis demonstrates that the costs exceeded the benefits, isn't it true that the damage of new gTLDs and the other decisions would already have taken place and that there is no provision to undo these decisions? Doesn't this lack of an undo process severely undermine ICANN's credibility with the public and with governments.

For example, if new gTLD costs were \$1 billion and benefits were \$100 million, the public would be worse off by \$900 million. Yet that decision has no mechanism and the public will be left wondering why ICANN approved it in the first place.

Would you like me to read the second question, too, Steve?

>>STEVE CROCKER: I think we want to answer this one directly and then move on to the next one unless they are tightly connected to each other.

Okay.

>>ROD BECKSTROM : I will take it.

Sure, the first one is there were multiple economic studies and ICANN spent considerable resources funding those studies. And those studies suggested that the key factor in looking at opening up new standards and new technology is the value of innovation. And it is extremely difficult to -- one cannot precisely estimate or forecast the value of innovation, because innovation, by definition, hasn't been created yet.

And yet it is acknowledged that in many areas, when you open up standards and technology such as we are talking about with new gTLDs, that the value of that innovation that it contributes to society could, indeed, be very great.

So there is no precise, exact analysis but multiple studies were done. And, clearly, we believe that the benefits of the program to society will outweigh the costs, or we would not have approved it. Because the board of ICANN is focused on the global public interest.

Thank you.

And the individual decisions of new gTLD applicants is a separate thing. They have to do their own analysis of whether they think the costs and benefits of that application are positive for them.

>>STEVE CROCKER: Thank you. Let me take the second one as well.

>>FILIZ YILMAZ: Filiz Yilmaz, ICANN, reading the question for George as the second question. In 2009, there was a U.S. government hearing. The issue full of transcripts of ICANN board meetings came up.

Given the U.S. Federal Reserve board produces transcripts of these meetings, why does ICANN's board continue to provide only summaries rather than full transcripts?

As a second part to that question, even if ICANN has not released the board meeting transcripts, do audio recordings and/or transcripts actually exist?

What is ICANN's policy on document destruction?

Back to my own self, Filiz Yilmaz as ICANN staff, Steve, I have to note that George also referred to a long URL about the U.S. hearing in this question, and we will publish that in the public forum page for everyone's review.

>>STEVE CROCKER: Thank you very much, Filiz.

Let me turn this over to John Jeffrey with respect to this.

>>JOHN JEFFREY: So the Board Governance Committee and the ICANN board have reviewed on a number of occasions the level of communication that could be made available regarding board minutes, and I know there's been a continued dialogue across the accountability and transparency discussions.

The current state of it is that we produce detailed minutes and that we now provide additionally rationales that have been added since last April.

We do not take certified transcripts. We do take detailed notes which are part of the attorney's record but we don't have certified transcripts that are made available or will be made available under the current regime.

This is continuing to be a dialogue among board members about what level of information is appropriate from the board meetings, but it has been observed in the past that there needs to be some ability for the board members to be able to ask questions and have discussions inside the boardroom and inside those discussions without every word of those discussions being transcribed and being made available to the public.

So I think it's continuing to be a discussion and dialogue within the board and I believe it will continue to be a dialogue within the community.

>>STEVE CROCKER: Thank you.

Yes, sir.

>>JONATHAN ZUCK: Yes, sir. Sir, wow. Aye my name is Jonathan Zuck and I am with the Association for competitive technology. There is an old Senegalese proverb that if you wait until tomorrow, tomorrow will come, and if you don't wait until tomorrow, tomorrow will come.

So I want to address the issue of waiting, if I could. And I have an issue to bring up that I think is in search of a home and I didn't

know where to put it in the agenda for the public forum, and that issue is compliance and the compliance division of ICANN.

To some extent it belongs in the strategic planning session, but the time for strategic planning may be beyond us at this point. It may be time for tactical planning.

As a strategic planning issue, I might question whether or not the General Counsel's office was the right place to place the compliance office, given the understandable conservatism of that office, it may prohibit some of the creativity that that branch of ICANN might otherwise bring to bear. There are obviously budgetary issues so it could come up in the budget question. Are they getting enough money? Part of the problem is we don't have any idea because there's not any data associated with the compliance department of ICANN.

It's possible that it should come up in the context of the association with governments, and that's why I bring it up here because I think the relationship with governments has raised the stakes for this issue.

There are expectations that have been set, and there's a freight train coming in the form of this new gTLD program, and I would like to say that a -- a program that isn't operating at full efficiency now, to say the least, isn't prepared for what's coming down the pike when there's 500 TLDs.

I'm working on the working group about consumer confidence, trust, and competition that are coming up with metrics to measure whether or not we have increased trust, competition, and competition in the TLD program. Those metrics are ultimately going to get measured as a byproduct of complaints into the compliance department.

I had a meeting Maguy. I think the team is great, they are well qualified, they are hard working. I am buying them a Coke later. Never mind. I'm sorry.

But I think the time to say we're working on it has really passed us at this point, and we need to get into tactical planning. The time for strategic planning about this has passed us by. Buddha tells us the parable about the guy who gets hit by a poisonous arrow and won't accept any help until the shooter is identified. I think to make sure we don't fall into this trap because this is a vortex of issues that is coming very, very soon. And to quote Annie, tomorrow is just a day away.

>>STEVE CROCKER: Thank you very much.

Rod.

>>ROD BECKSTROM: Yes. Well, it's interesting that you say you question the moving of compliance to be under the management of the general counsel because you think that that office might be conservative, and I have to tell you I think compliance should be run very strongly, very conservatively, with very clear bright lines, and with strong enforcement. And in fact, when I asked J.J. to take over that responsibility, I instructed him to turn up the heat on compliance until I, as CEO, heard squealing, and then after I heard squealing, because the compliance efforts were so strong, that I would then have a discussion with him to determine whether we turn up the knob further or back off a little bit.

But I think compliance is important and should be done in a very

strong fashion, but I'm going to hand the mic quickly to J. J. to answer in more detail.

>>JOHN JEFFREY: Thank you for raising the concern.

We think compliance is very important inside as well, and as you noted, Maguy Serad joined us earlier this year and has we believe increased the level of sophistication of the compliance team. They've begun a process to "up" their game, and it's -- and we believe that the squealing level is not there yet. Rod and I actually had this discussion just the other day in the hallway. He said, "I don't hear enough squealing yet."

And so we are continuing to enhance this. Metrics is a very important point. In fact, that's been Maguy's rallying cry since she got in the job and we're very close to a hiring decision on someone that we think can bring metrics and additional database capability into the group which we think will enhance the function that they're performing as well.

So there is a lot of pressure inside and a lot of pressure externally to move this forward and we're aggressively pursuing it.

>>STEVE CROCKER: Thank you very much. We close the -- okay. Last question in this session.

>> Yes. Last man standing. I am (saying name) from the Gambia. I'm a second-time fellow, and I think the slogan is "one world, one Internet." That brings me to a very vexing question and troubling one.

We talk about domain -- I mean, domain takedowns, DNS abuse, but in Africa, we have a different situation whereby oppressive regimes would restrict the use of Internet by abusing the domain itself by taking it down.

What policy does ICANN have in place, or intend to have in place, to ensure that the little child in Idaho and the little child in Dakar have equal access to the Internet as far as information is concerned? Thank you very much.

>>STEVE CROCKER: I empathize with you. It is, indeed, a vexing question.

So here's the deal. I'll just speak very straightforwardly. You see here a very large fraction of ICANN. Altogether we're a tiny, tiny, tiny little operation compared to the world.

There is a limit to the number of problems that we can solve.

Our mandate is to oversee the domain name system structure and the addresses and the identifiers for the protocol parameters and related matters.

We cannot -- and it is outside of our charter to regulate the behavior of governments and operator -- ISP operators and many, many others.

So while we can empathize and we can see what we can do to provide information, with regret this is a problem that falls strictly outside of our ability to take action.

Thank you very much. That closes that part of the section.

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I have on my schedule here that we're supposed to take a break. I also have on my schedule that we're somewhat behind schedule.

Let me ask that we take a very short break, stretch, make a quick run to the bathrooms in the other building, and come back.

We will start in -- at 5:30.

[Break]

>> Ladies and gentlemen, if you would be kind enough to take your seats, we'll begin the second portion of our public forum. Ladies and gentlemen, again, if you would be kind enough to take your seats, we'd like to start the second portion of the public forum. If you have any friends outside, you might want to suggest they come inside. Thank you very much.

All right. Come on in. Sit down. Stop all this useful interaction.

I don't think we really came here to do -- to get any work done with each other, did you? Seriously, folks, come on in, sit down. Thank you.

Nancy, take it away.

>> Ladies and gentlemen, please welcome from Costa Rica professor of physics, university of Costa Rica, former minister of science and technology for Costa Rica and member of the board of directors, the top-level Costa Rican domain, dot cr, let's welcome Dr. Guy de Teramond.

[Applause]

>>GUY de TERAMOND: Thank you. With this introduction, I feel like a (indiscernible), but members of the board, we are very pleased that Costa Rica was chosen to host the 43rd meeting of ICANN.

In fact, this is my third meeting and I am -- that I assist.

So as the host country for the ICANN meeting, we extend all of you our most welcome and friendly invitation to join us at the ICANN 43 meeting to be held in San Jose, Costa Rica, March 11-16, 2012.

The host institution is the National Academy of Sciences, and its division, dot nic.cr.

Our team here represented is working very closely with the wonderful ICANN team to make sure that ICANN 43 will be very successful and enjoyable.

The venue hotel will be provided with a gigabit per second connectivity.

[Applause]

I told you I was a (indiscernible).

With redundant Atlantic and Pacific fiber connections.

[Applause]

And the 10 nearby participant hotels will also have additional bandwidth.

[Applause]

Very good. So you will find information on hotels and tourism at the ICANN Web site just after this session. So don't open it now. It's not yet there.

[Laughter]

As probably most of you know, Costa Rica is one of the oldest democracies in the world. From its beginnings, almost 200 years ago, it was established as a modern democracy. This means with a strong independence of powers.

In ICANN's parlance, we would say that this is a bottom-up democracy based on broad consensus, and I hope this is true for Costa Rica and for ICANN.

It is a country with no standing Army. In fact, it was abolished by constitution. Thus, important resources are allocated for health and education.

Costa Rica has a well-diversified economy. The main income is -- guess what -- electronics, followed by tourism, agriculture, and services. The country has beautiful beaches along the Pacific and Atlantic shores and high mountains. The highest peak, Chirripo, is near 4,000 meters. About 12,500 ... (dropped audio)... percent of the world by a diversity by the world and 25% of its territory is constituted in protected natural reserves.

(Speaking in a non-English language.)

[Scribes not receiving translation]

>>GUY de TERAMOND: -- invite here to all of you the English and French-speaking members to meet in the Summit Number 43 of the ICANN.

We extend our welcoming of the Latin American and Caribbean countries to be with us in the next ICANN meeting. We expect a great participation of the region. Representatives might attend the previous meeting of the LACTLD, and we will also have a meeting of the ISOC board, which is the first meeting that will be held in Latin America.

>>VIDEO NARRATOR: Costa Rica, a country of contrasts, making it a destination for business and tourism opportunities. Political stability and a well-consolidated democracy create an ideal investment climate.

>>SPEAKER ON VIDEO: It is an honor for Costa Rica to have been chosen as the host country for the 43rd international public ICANN meeting, an event that will turn our country into a platform for all of us who believe that new technologies are powerful instruments for change and national development.

Costa Rica, a peace-loving country, with over 25% of its territory set aside as national parks and nature preserves awaits you next March 2012. On this occasion, our country will be recognized by thousands of people around the world for our continued efforts as a leader in technology development and a very successful high-tech investment destination.

We're a small country. However, technology-wise we have the capacity

to grow and transform into the region's technological leader.

Thank you, ICANN, for giving us this opportunity to once again showcase ourselves to the world. We hope to see you in March 2012, and would like to extend a warm welcome to those joining us for this meeting and hope your stay in Costa Rica will be both enjoyable and useful.

>>VIDEO NARRATOR: Rated in 2010 as Latin America's top software manufacturer and exporter, Costa Rica is a leading high-tech service provider in the region.

This is one of Costa Rica's most dynamic and organized sectors, with an annual sustained growth rate ranging between 12 and 14%. The internationally renowned quality of the country's educational system has been a key element to effectively retain local talent and attract foreign investment.

One of the great challenges faced by the Costa Rican educational system is the need to enhance the population's linguistic competence by 2017 in order to ensure all high school graduates are bilingual.

Let's get to know Costa Rica. Our country is located in Central America and approximately 4.5 million people live here. The capital city of San Jose offers a variety of cultural and natural attractions for both local and international tourists.

The city's museums host pre-Colombian as well as contemporary art exhibits. And for the more adventurous, parks waterfalls, active volcanos and exuberant nature surround the Central Valley.

In the central Pacific region, just an hour from San Jose, visitors are able to enjoy some of Costa Rica's most beautiful beaches and breathtaking natural landscapes. This is an internationally renowned surfing haven.

Geologically, the country's north Pacific region harbor's some of the country's oldest formations. This region is surrounded by gorgeous beaches and mangroves. An international airport and a good hotel infrastructure make it an excellent option for your holidays.

The northern region is full of lakes, rivers, waterfalls and volcanos, with thermal waters known for their healing and relaxing properties.

This region is home to the Arenal volcano, the country's most active volcano, and visitors are able to witness one of nature's unforgettable spectacles.

In the Caribbean region, Afro-Caribbean heritage and culture blend with the natural exuberance of the region and Limon is the country's most important port city. Cahuita National Park and the Gandoca-Manzanillo Wildlife Refuge are internationally renowned for their diverse flora and fauna.

According to National Geographic, the country's South Pacific region boasts the most biologically intense place on earth, Corcovado National Park. In the same day, you can sit back and enjoy the sunrise on the Atlantic and then the sunset on the Pacific. It's that easy. It's that nearby. Enjoy Costa Rica!

Costa Rica, a country with no artificial ingredients.

>>SPEAKER ON VIDEO: (Speaking in a non-English language.)

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[Applause]

>>GUY de TERAMOND: Thank you very much, and we really hope to see all of you.

Thank you very much. And we really hope to see all of you, as well as your families, if possible in Costa Rica for ICANN 43. Thank you.

[Applause]

>>STEVE CROCKER: Thank you very much.

That's a bit distracting.

>> Yes.

>>STEVE CROCKER: I'm ready to go.

>> Let's finish this section.

>>STEVE CROCKER: All right. Back to work.

The floor is open. The topic is geographic regions review. And we have a question online already? Fire away.

>>FILIZ YILMAZ: I'm not ready yet. Sorry.

>>ROD BECKSTROM: I've got it here. The question is: "It's good to see the elaborate working being done to search for the next CEO with a professional and thorough approach. But how are other senior staff hired? Are there any guidelines for geographic diversity, or is staff recruitment guided more by the eligibility of the hired person to work in the United States? What is the level of community participation in the search and selection of the next level of senior staff and even the junior staff."

And, Steve, I'd be very happy to answer that question.

>>STEVE CROCKER: Yeah, I think you'd be in even a better position to answer it than really -- go ahead.

>>ROD BECKSTROM: Great. So the answer is we post most of the positions that we hire for on the ICANN Web site. And we very much appreciate the candidates recommended by all sources, including the community. In some searches we do use specialized search firms as well to find the talent that we seek. You will note on the job descriptions on many of them, that we seek language fluencies. And that is always considered to be a positive mark for any job in any position in the organization.

And yet another concrete case in point would be Maguy Serad -- Maguy, raise your hand, please -- who runs our compliance function and who has successfully run very large compliance functions before for global companies and who speaks at least three languages perfectly fluently. And so many of the people, even my executive assistant speaks two languages fluently. My new chief of staff speaks, I believe, four languages fluently.

So language fluency and international work experience is considered as a positive in every position. At the same time I want to make it clear that we do not discriminate based on sex, gender, or nationality. So we're a fair hiring party that seeks really the best

talent in the world. But we do appreciate it and we value it and place a higher ranking to people that have the international work experience and language fluencies, which continues to grow in the organization. That's for all positions. One other thing I want to explain -- because there's a lot of misunderstandings and mythology.

So, for example, there's mythology that the CEO, you know, hires executive team members alone. It's absolutely false. Every single -- and I've stated this before, but let me share it again. Every single executive team member that has been hired or transitioned out under my leadership has been done with consensus of the management team. Most often, unanimous consensus, but always strong consensus.

And we use a very broad-based interviewing process where, typically, somewhere between 8 and up to 12 and more people interview a candidate for an executive management team. And even at other levels in the organization, we do very broad based reviews so that we can get the wisdom and the intelligence of many different staff members interviewing a candidate.

And that's certainly true in the executive team and throughout most of the organization. So I hope that helps to answer the gentleman's question. Thank you.

>>STEVE CROCKER: Thank you very much.

No more questions in this subject -- uh-oh. Good afternoon, Marilyn.

>>MARILYN CADE: Thank you. My name is Marilyn Cade. I wanted to make two interrelated comments. One is that I give a briefing, when I teach in an international course sponsored by the U.S.T.T.I called "The Changing Face of the Internet." And it's a short briefing, and it's based on facts and figures. And it describes how much the Internet has changed over its short life and projects how it will change again, not just from a technology perspective, but how its face is changing, I mean the face of the users, if I can use that term. The culture is changing, what they need is changing. Language is changing. I want to just say that and then say that, to me, this discussion about the geographic regions review, I think it's blown past many of us. And we have not thoroughly thought it through. And, with the dramatic changes that I expect the Internet and its users to experience with the vast introduction of IDNs, as well as ASCII gTLDs, I think this conversation about what the regions looks like needs to go on. But I also think there's a distinction between how we allocate staff and resources around the globe that may be separable from what we call the ICANN geographic regions.

>>STEVE CROCKER: Thank you. I think that's compact and clear on its face. And we'll leave it there.

Any other comments? In the interest of time, let me -- sorry. And our board members are hiding where I can't see them. So let me take Ray first and then Edmon.

>>RAY PLZAK: Marilyn, where are you? There you are. Okay. Thank you for that very, very good question. You're absolutely correct. The ICANN geographic regions are one thing. ICANN being assimilated no various regions of the world is another thing. And that is a very, very serious topic of discussion that we must have. And so I would be glad to chat with you offline. Of course, but you already know my opinions on this. So -- we won't go any further on that. Needless to say, this is something that is being looked at by the ICANN board. In particular, the topic regarding the assimilation of

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ICANN into the regions is being picked up into the board global relations committee. So it's not something that we haven't looked at; however, I will say that we still got a way to go.

Thanks. Edmon.

>>EDMON CHUNG: Thank you, Steve. This is Edmon Chung from dot Asia. In terms of the geographic regions, it's a very important feature of ICANN. And, throughout the discussion, I've heard sort of there has been discussion about why ICANN split the world up into the five regions and, you know, why doesn't it follow certain U.N. lists or anything.

But I think, you know, throughout the years since, I think, this was first talked about in Yokohama and then adopted currently, the process in Montreal. I think it's important for the ICANN process in terms of geographic diversity.

The reason I brought this up is because dot Asia ourselves actually utilizes this geographic region as well and when we first brought up dot Asia in terms of the community that we serve.

And another relevant issue that I want to bring to the board is that there are people who ask why ICANN can split up the world even without maybe all the world's government's consent. And what I want to bring out is that that same logic is now -- you know, I want to bring it out that in the applicant guidebook today, in order to apply for a regional name, you are requiring the applicant to obtain documentary support from 60% of the governments in that region.

For those of you who have seen me participate at ICANN, you know that I'm a very strong supporter of this model, this multi stakeholder approach, this bottom-up approach. But I cannot help but ask does ICANN have 60% of the world's government's consent to run the root zone?

By bringing this up, I didn't -- the point is that I think for the different regions, they are very unique. And, for example, for dot Asia, when we launched -- you know, it takes time for people to come to participate. And I think it is more important that we maintain an open governance structure, just like ICANN, to allow governments as well -- to participate in through the process for new gTLD, for example, for dot Asia and future for IDN TLDs support for dot Asia. With these restrictions in place for the applicant for new gTLDs, that's going to make it very difficult for us. And think about it, please, about what the logic is in terms of the requirements put in place. And what is more important? Is it that the applicant has an open governance structure just like ICANN? Is that more important than those type of documented support, which may not be even appropriate for government -- local governments, national governments to actually say about a region? Thank you.

>>STEVE CROCKER: Thank you.

Rod, do you want to have a response?

>>ROD BECKSTROM: I -- actually, I don't. If one of my teammates wants to chime in, that's fine. David.

>>DAVID OLIVE: Thank you very much. Edmon, we'll put those comments into the only forum that is now asking for comments on the report. As you know, there was a public workshop just before this session. And many of the team members from that cross constituency working group

are here in this room. Some people could also be sharing those ideas. So we thank you for those comments, and we'll put them into the report that is being prepared.

>>ROD BECKSTROM: Thank you.

>>STEVE CROCKER: Sir. Thank you.

>>JEAN-JACQUES SUBRENAT: Thank you. This is Jean-Jacques Subrenat, former member of the board and a member of the ALAC now. As the person who, 2 1/2 or 3 years ago suggested that it was time for ICANN and the ICANN board, especially, to dispose of board oversight on the international and institutional dimension of ICANN, I'm glad to see that the global relationships committee was formed, well, just about a year ago. And I was one of its first members. So my question is not so much for Rod at this stage, because we had the opportunity of having an exchange informally. And he told me his plans for the way in which vice presidents, regional vice presidents of ICANN would be selected and appointed.

My question is more to the board.

The global relations committee was set up about a year ago. I'd like to hear -- and I'm sure that many of our colleagues in the hall would appreciate hearing what are the two or three or four real priorities you see in the medium term for ICANN? Never mind if it's staff or board. I mean globally. Thanks.

>>STEVE CROCKER: That's one way -- Gonzalo, you want to take that? Thanks. Gonzalo Navarro is chair of the board global relations committee now.

>>GONZALO NAVARRO: Thank you, Steve.

Thank you, Jean-Jacques. Excellent point.

We are working really hard on the committee on putting in action the ideas that you were actually were raising during your term on the board.

During this week you mentioned that we are working in a document in order to address the internationalization, which is a concept that we're going to change. But the idea of -- or the concept that you mentioned of the international dimension of ICANN. That document is in a real initial state at this moment but is conceived as a -- as an approach in order to address the concerns and the issues that you were mentioning to provide a suggestion on the tractor -- structure, not tractor, thank you -- structure of the future staff allocated in the world. We will be happy to come back to the community with the outcomes of that report, hopefully, soon.

>>STEVE CROCKER: Thank you very much. >>TIJANI BEN JAMAA: Tijani Ben Jamaa, AFRALO, ALAC, Tunisia. I'll speak in French.

Let's talk about the divisions of the geographical regions in the ICANN.

I would like to remind you which are the principles through which present the geographic regions to the ICANN. Basically, I would like to represent the linguistic and cultural diversity in the board. I believe, regardless the divisions of the world, this should be our goal, our essential goal.

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At this moment, the report filed for public comment does not reflect this. And, on the other hand, I think this should worsen the situation.

I think that if we don't have a better model, it would be better to keep the one that we have and ask the ones who do not agree with the principles as they are to choose how they would like to change these principles.

Two things: This changing in the RIR, that is to say the division does not represent our principles. Because this does not correspond and does not guarantee diversity, as I said before. Thank you very much.

>>ROD BECKSTROM: Thank you very much, Tijani. And, building on previous comments by David Olive, I think we appreciate those comments and the public comment process under way. Thank you for sharing that very much.

>>STEVE CROCKER: Thank you. I think we've reached the end of this section. Now we move on to the non-controversial very quick discussion about the joint applicant support program. Oh, thank you. Okay, moving on. No, seriously, questions?

Fire away.

>>ANDREW MACK: Thanks. May I? Andrew Mack, AM Global. It's been quite a week. Starting right here in this very tent, similar kinds of conditions on Monday morning at 8:30. I'd like to take this opportunity to complement my compatriots on the working group and to compliment the board. When we were sitting where they are sitting now on Monday morning, they were sitting in the front row here. I was very, very impressed with the number of board members that showed up, with the quality and the intensity of the questions, and with the engagement of the board.

Thank you for being here; thank you for listening; thank you for having good questions. That said, we all know that much of the hard work is still ahead of us. All right?

Right now the Internet is still pretty much like me, which is not to say short or sweaty.

[Laughter]

But privileged and northern and English speaking. My concern is that the new gTLD process doesn't make it even more so.

So, at the risk of offering too much advice to our esteemed board, I think we're in a unique moment right now. We put a tremendous amount of hard work into these recommendations. And I truly urge the board, speaking in my personal capacity, but I'm sure my JAS compatriots will back me up on this -- truly encourage you to take these recommendations seriously and ratify them. And, where more detail is needed, tell us. And we'll work with you to make that happen.

I also urge the board and the community broadly to support incentives for the build out of underserved languages and scripts. Make sure everyone, not just the linguistically privileged like myself, find a home on the web. So, if a dot wolf needs Latin script or Arabic script, let's find a way to make that happen.

Lastly, in terms of outreach, I heard a lot about the plans the other

day for outreach to the different regions. I have to say I agree with the comments of the GAC members from Uganda and Nigeria. Africa needs more focus. And we probably need focus on outreach specifically to JAS type applicants.

Wall Street is occupied, and Greece is in turmoil. And people in my hometown in Washington can't figure out who to blame. Bicker about it all the time. And all the while the developing world is continuing to develop. It may be the only part of the world that's actually growing right now. We're in this historic moment. And, channeling Jonathan from earlier, tomorrow is coming. I very much hope that we will take this opportunity to really act quickly and address these issues. Thanks.

[Applause]

>>STEVE CROCKER: Thank you.

Chris?

>>CHRIS DISSPAIN: Thank you, Steve. Andrew, thank you.

The board is taking this incredibly seriously. We've done a fair amount of work in the last few days. Actually, we've done a lot of work in the last few days. And, whatever happens, we are certainly going to be coming back to the community and, specifically, to the members of the JAS working group to help us. We may not be in a position to say anything really concrete in the next day or so, but we are taking it really seriously.

>>ANDREW MACK: Can I ask a quick follow up then? One of my biggest concerns is that, by dint of the nature of the applicants that would be supported by JAS, there may be a need for a little more time to get things going. Can we get some sort of commitment from the board to take action so they can have a time certain? If there is more outreach that's necessary, if there are people who want to be supportive of JAS applicants, the more time they have to do that, the more likely we are to get applicants in this first round.

>>STEVE CROCKER: Yeah. Andrew, that message was loud and clear from the presentation. We're very, very conscious of the clock. We're not in a position to give you a specific reply right now. But there's no question that we understood the issue right up front.

>>ANDREW MACK: Thanks.

>>STEVE CROCKER: Sir.

>>WOLF-ULRICH KNOBEN: My name is Wolf-Ulrich Knoblen. I'm with the GNSO Council. I'm newly elected GNSO Council vice chair. But I don't know -- I don't speak in that capacity. Rather than on behalf of the constituency I'm with, which is the Internet services providers and connectivity service providers.

I would like to make a statement, very short statement -- with constituency with regards to one point with regards of the JAS group activities and the report.

By knowing that we had, together with the board and the GNSO, extensive discussion on that and that the GNSO still is working on a current statement on that.

The statement as follows: The Internet services provider and

connectivity provider constituency wishes to congratulate the JAS working group for its hard work in enabling the new gTLD program to become more inclusive of underserved applicants in general and in the developing world in particular.

We particularly wish to draw attention to one specific recommendation in the JAS report: A fee reduction. We believe that that recommendation should be implemented immediately so that needy applicants who qualify can move forward with a reduced fee, thereby, ensuring benefits on the new gTLD program are open to all parts of the community. Implementation must remain subject to very strict criteria, which will ensure support is only provided to those in need and restricts the ability to game the system and jeopardize integrity of this initiative. The ISPCP consider that urgent attention must be given to this issue if that goal is to be achieved.

And I would like to add that, throughout the process within GNSO, we would like to comment with some more technical aspects related to that. Thank you.

>>STEVE CROCKER: Thank you. Let me give you the same sort of answer I gave before. We heard that message very, very clearly. There's no question about it. It's one of the easily understandable and visible elements. Everything else has got a longer description, but that message is very clear. As before, we're not in a position to make that commitment at this instant. But there's no question we understand the urgency and the specifics that were put forth. It was a very nice piece of work. Thank you. We have at least three -- we questions coming in from the network.

>>FILIZ YILMAZ: Filiz Yilmaz, ICANN staff, reading a comment Sivasubramanian Muthusamy. I apologize, if I'm mispronouncing the name.

In the new gTLD application process, ICANN does not recognize the existence of an earlier application for an applied string. So it is possible for more than one applicant for any original string. In this framework, it is possible that there may be cases where the chances of a weak applicant is jeopardized by a powerful actor who discovers the value of the string proposed by the first applicant, copies a string to make a second application. The JAS group looking at this problem, could there be convention by which the JAS could support a smaller or startup applicants and carry them across through the process with special attention to the IDN element of the new application. Thank you.

>>STEVE CROCKER: Thank you. We actually receive the applications, keep the strings private until we close the window. And then we publish all the strings. So there's pretty obvious prevention of the -- that kind of gaming that we're talking about.

Next question, please.

>>FILIZ YILMAZ: The next one is from Ken Stubbs. When the ICANN board first started discussing the concept of auctioning contested or disputed strings, they discussed placing the proceeds in form of a trust fund to be used for doing good things. The good things, the board emphasized at the time, were primarily enhancing the development of the more secure Internet structure around the DNS. There was mention in the middle section of the Monday JAS presentation for potential use of the auction funds to subsidize ongoing operational development for these JAS candidates in addition to reimbursing the reserved funds used to subsidize the application

fees. This issue needs to be resolved very quickly by the board. And, frankly, I am one who feels personally that these funds originating through this auction process should be reserved and used primarily for enhancement of the core goals established when ICANN was originally formed, i.e., enhancement of security and stability.

>>STEVE CROCKER: Thank you, Ken.

>>STEVE CROCKER: Thank you, Ken.

I already expressed my opinions which are -- they don't quite as far as what you said, but they go pretty far down that path.

That is, in the event that there are excess funds that -- surpluses that come from auction processes or other surpluses in the system, then my view is that it requires a separate and distinct process to determine what to do with those funds.

I know that many feel that those funds should automatically be allocated to needy applicants for new gTLDs. As you have expressed, there is a core of opinion that they should be put to an entirely different purpose related to security and stability of the Internet, a topic I'm surely warm to myself.

We have not made that decision. We don't have any estimate, actually, of what the magnitude is we're talking about.

But it is now under quite active discussion to try to organize for that. That's where we are, and that's all there is to say, I think, on that.

Next question.

>>FILIZ YILMAZ: Next one is from George Kirikos Leap of Faith Financial Services. In their 2008 letter, the NTIA, Department of Commerce, Department of Justice stated ICANN should implement a process by which prospective gTLD operators compete for the privilege of operating a particular gTLD by offering terms that benefit consumers.

Effectively implementing such a process would require that ICANN evaluate bids from the perspective of the benefits they provide consumers, not merely the amount bidders are willing to pay to ICANN for the right to operate the gTLD.

They went on to discuss price caps and competitive bidding for renewal of the gTLD registry agreements. Isn't it true that had ICANN followed these suggestions, there will be no need for joint application support because it wouldn't actually matter who operated a TLD? The operator would be running it at the lowest possible price for the consumers' benefit. Why are the competitive tender? It is only because ICANN is promising windfall profits to prospective registry operators who would own the TLD forever rather than for fixed terms without presumptive renewal.

That there is jostling and gaming going on between so-called disadvantaged parties who seek to tilt the rules in their favor at expense of the public.

Again, George referred to a long URL which I did not read here, Steve, but it is archived on the public forum session page.

Thank you.

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>>STEVE CROCKER: Thank you very much.

The brief response is that the development of the rules for allocation of strings and the whole applicant process has been going on for quite a long time. The communication from NTIA in 2008 that you referred to was surely taken into account, but the process is as defined by the Applicant Guidebook.

Rod, would you like to add any more to that?

>>ROD BECKSTROM : Kurt or -- actually, Chris is working on these issues. Do you have anything to share?

Great. I think that's fine.

>>STEVE CROCKER: You just made it.

Go ahead.

>>STEVE DELBIANCO: Thank you. Steve Del Bianco for the business constituency.

The B.C.'s mission and perspective is to promote the interests and protect the interests of business registrants and their users and customers. So from that perspective, we try to give advice to the JAS team on trying to focus on the needs of underserved registrants and users, and particularly those in the next billion customers and users we hope to reach.

We did suggest even explicitly that we create incentives in the JAS, incentives so that an applicant would offer multiple versions of their TLD in other scripts and languages that are underserved.

On that topic the JAS ship has already sailed and that bundling concern of the B.C. is not on board. I understand that. Still, it's good to know through the presentation on Monday that JAS does include underserved linguistic communities as part of the criteria for applicants that might be served. But again, the focus on applicants was a means to the end of serving registrants and users. So it's time to move past the JAS and ask this board and staff to do a few more things, just three things, in the remaining months of implementation.

First is think about ways to consolidate applicant -- applicant review when they have multiple applications for basically multiple translations of the same string. Consolidate that application so you can review the financial characteristics of the applicant one time. The technical quality one time.

If there's a savings to that, gosh, find a good thing to do with the money if you can't make it a discount.

Second, try to find linked strings -- I hate to call them bundled. Keep linked strings in the same batch. If we have to cut the batch to 500, please don't shove four or five of my versions of the string into the second batch. Do them all together.

And third, let's try to avoid imposing barriers to an applicant who wants to offer multiple strings, because if one is visually similar to another string, we can't just mechanically kick it out. We have to consider the fact it's from the same applicant. They may look and they may sound the same, but that's on purpose because they are looking to give registrants and users a consistent experience.

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So is the board inclined to help send some of these new gTLD ships into ports of call around the world, not just ports that use Latin script and speak English?

>>STEVE CROCKER: Thank you. All of that is taken into consideration.

That closes the section on JAS. We had quite extensive discussions during the week, and this is sort of an added section. But I think this is sufficient for here.

We move into the last organized part of the program, and then we will have other business, other things that haven't fallen into these categories. Domain name takedown and disabling by registries or registrars.

Do we have questions?

Do you have questions from the Net, Filiz?

>>FILIZ YILMAZ: Sivasubramanian Muthusamy from ISOC India, Chennai, as an ISOC chapter and At-Large structures, but question is posed as an individual. The takedown requests and other measures to filter content are archived only by issuing directives to registries and ISPs. Why would the business community implement these directives without any form of fair protest in cases where the takedown requests or filtering requests are not so well justified? Is it because the registries are helpless under governmental pressure?

Is there some way by which the business constituency as a collective organization could make their fair representation against some of the anti-interest directives from time to time in cases where the takedown filter directives are unreasonable?

Thank you.

>>STEVE CROCKER: Dr. Tonkin will take this.

>>BRUCE TONKIN: I think there are different types of takedown requests. First there are takedown requests where somebody reports a phishing attack or malware attack and that's may come from government or law enforcement sources, and they are generally evaluated by the relevant ISP or registry or registrar. They do their own evaluation and make their own decision.

That needs to be separated from orders, if you like, that are issued under the legislation of a particular country. So if you are operating an operation in a particular country and you are getting a lawful request that's consistent with their laws, then you need to obey those laws.

So I just want to separate where judgment is used versus complying with the law of that particular country.

But I think to say that arbitrary is not correct. Most of the ISPs, registries, registrars, take those requests seriously and evaluate each of them according to the law and according to the merit of the abuse report.

>>STEVE CROCKER: Thank you.

Is there another one?

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>>FILIZ YILMAZ: George Kirikos, Leap of Faith Financial Services. My company was one of the few entities who submitted formal comments to ICANN in relation to VeriSign's domain name takedown service request for dot com/net, which they later withdrew. However, the controversial proposal received extensive coverage in the press and various blogs -- for example, slash dot -- with nearly universal opposition to the plan.

Does ICANN have a mechanism in place to incorporate all those comments which were not submitted to the RSEP mailing list into its decision-making process? Has VeriSign kept the proposal in the queue or if it resubmits the proposal? If so, where are those comments summarized and analyzed? If not, why isn't ICANN monitoring the social media to understand the mood of the public in relation to this and other proposals?

>>ROD BECKSTROM : Thank you for the question. I am going to ask our General Counsel, John Jeffrey, to respond.

>>JOHN JEFFREY: I was just conferring with Kurt. We're not sure of the question. So we will look at the question carefully and try to respond to it after the forum.

>>ROD BECKSTROM : Thanks.

>>STEVE CROCKER: Is there another one?

Oh, I'm sorry. Thank you.

>>CHUCK GOMES: Thank you, Steve. Chuck Gomes from VeriSign.

I'd like to just point out that we looked at a lot more than social media, and we actually received a lot of very positive feedback in that proposal. That said, though, we do recognize that we need to vet it further, and we're doing that.

>>STEVE CROCKER: Thank you.

Michelle.

>>MICHELE NEYLON: Good afternoon. Michelle Neylon from Blacknight, a hosting provider and registrar based in Ireland.

I am going to basically repeat the comments I made in the session between the registrars and the board the other day that this debate and discussion around domain takedowns, it's very, very delicate and we need to make a clear separation between serious crime, phishing, and those kind of cases, and cases related to intellectual property or third-party civil actions. And that is registrars, it is not in our interest, obviously, to upset our customers or to infringe any of their rights; however, if you are faced with a large lawsuit from a multi-national, multi-million dollar corporation, it's not an easy thing to do to say, "No, I won't take it down."

But of course, we may have to take it down, and that is not exactly the situation that I would like to be in where I'm forced to make that kind of judgment to defend my company from basically, well, going bankrupt.

It would be helpful for the community if we were to engage in further dialogue with the various parties that request these takedowns so that, as was discussed in the DNS abuse forum, I think it was on

Monday, there is a proper mechanism for doing this. That there are clear instructions and it's clear what exactly is going on.

I think in another meeting, people were talking about sealed orders.

As a commercial entity, for me to say to one of my clients that I have to remove their Web site, their e-mail and everything else from the Internet based on something which I can't explain to something is not exactly the ideal position to be in.

Thank you.

>>STEVE CROCKER: Thank you.

Is there a helpful response that we can provide?

>>ROD BECKSTROM : This is a sophisticated legal and registrar issue. I mean, J.J. or Kurt, if you have any comments, feel free to make them. And otherwise, I think we will just acknowledge the comments shared by Michelle. Thank you.

>>STEVE CROCKER: Certainly this is an evolving area with both law and practice intertwined here. So it will play out for a while.

Wendy.

>>WENDY SELTZER: Thank you. Wendy Seltzer, a GNSO Councilor from the Noncommercial Stakeholders Group.

I want to thank the ICANN community for the increasingly sophisticated response that I'm hearing around the rooms to this issue, that early on we were having a lot of meetings where abusive -- abuse of the DNS was trotted out and a few poster cases of really bad actors were put up without much tie to the underlying Domain Name System infrastructure, or what any of us could do to them other than slap.

I think we're evolving toward thinking about best practices in a variety of forums, informal gatherings, formal discussions that incorporate transparency to end users, transparency to registrants, stability concerns that domain names not be taken down in ways that make the system less secure or our ability to rely on the DNS infrastructure less secure, as well as the concerns of law enforcement and the community in not being a source of or harbor for criminal activity.

So the question isn't so much a question for the board as for the community. Can we show that the multistakeholder model is a better place to address these questions which are really beyond individual national laws? I just finished reading the long e-parasite bill introduced in the U.S. house of representatives that takes a very broad mallet to the DNS in the name of stopping infringing activity.

I think we can do a better job, and we can help our politicians to see better alternatives.

Thank you.

>>STEVE CROCKER: Having been personally involved in some of those interactions and having tried to help them see better, it's a somewhat daunting task.

Ram, you had a comment to add?

>>RAM MOHAN: Thank you.

As many of you know, I represent the liaison from the Security and Stability Advisory Committee, and this topic really has a larger scope which has to do with kind of the integrity, if you will, of the domain name registration services and really measures to protect them against exploitation or mis misuse. That's really the core goal here. It's not just about takedown or disabled by registrars and registries.

So I would like to refer you to a couple of SSAC reports that came out in 2009. SSAC put out a report, SAC40 that had specific recommendations for registrars to help protect against abuse. And I will point out one thing that might be interesting to discuss, which is a recommendation from the SSAC that registrars should consider the value of voluntarily having an independent security audit performed in their operations as a measure.

So I think the general scope needs to expand beyond solely takedown and go to the bigger question which is when registrants get affected, what are the kinds of services and what are the kinds of responses that are appropriate, and in what time frame? And I hope that either in this forum or in other fora, we get to discuss those topics.

Thank you, Steve.

>>STEVE CROCKER: Thank you very much, Ram.

I want to close the queue with the people who are standing there.

Steve?

>>STEVE DELBIANCO: Thank you. Steve Del Bianco with Net Choice. And NomCom had some meetings this week and was asking about what technical qualifications should our directors have. And my advice was simple enough. I said have enough technical quals that all of our directors can tell rhetoric from reality, drill through rhetoric to get to the technical truth. And this is a board that does a great job.

>>STEVE CROCKER: Thank you very much.

>>STEVE DELBIANCO: You do a great job. And things like will blocking of XXX by a single country break the Web? You guys were able to weed through that. A question like will blocking of domain names ruin DNSSEC? You guys were able to weave your way through that. But Congress and lawmakers, no chance. They react to sometimes rhetoric from both sides that's incredibly extreme.

So it's incumbent on us and the work I know that you and many of the folks in here have done on moderating legislative approaches. It's incumbent on us to actually read the legislation. And the new version of the PROTECT-IP that the House put out yesterday actually reflects some significant improvements. It's not all the way there, but significant improvements. It doesn't, for instance, impose any obligations at all on registries and registrars. Unfortunately, it still requires that ISPs, those doing resolutions, still have to block. The good news number two is it doesn't require them to have a specific string that's displayed to the user when they redirect. That's the beginning of a crack where we can go in and fix that so that no string at all should be required at some point because the Attorney General gets to determine it.

So rhetoric is everything, and when we are on the Hill, we have to continue to realize they don't know half of what you know. So we have

to work with them in a way that's constructive, and I think we can probably fix that approach, and that will be a good example for other nations that want to follow along.

>>STEVE CROCKER: Having been personally involved in some of those interactions, the language that says that any string different from the one that was requested should be displayed runs counter to the architecture for DNSSEC so it has some pretty nasty consequences.

>>STEVE DELBIANCO: It's better than it was before and there's a markup where I will work with you to fix that.

>>STEVE CROCKER: Next.

>> (saying name), Australia. I have seen an awful lot of pressure this week specifically on ensuring that registrars who receive a genuine domain takedown comply. I think -- and there's going to be plenty of pressure coming from outside ICANN to continue pushing that direction.

I think within ICANN where we do understand these issues, I think it's important that we keep up the pressure, the support for registrars who do resist an incorrect takedown, and that pressure is not going to come out from outside the community. We have to provide that.

We need to keep -- we, the community that understands the issue, needs to keep keeping up the pressure for saying no to takedowns and setting the exact rules of what constitutes a legal and sensible...

>>STEVE CROCKER: So I think that this is a very hot topic within SSAC. Is that right, Ram?

>>RAM MOHAN: Yes, it is. This is one of the areas that SSAC is focusing on. And hopefully we'll have some reports that you and the community can interact with.

>>STEVE CROCKER: One of the most important things you just said was the plurality of reports. So I'm expecting a concentration of activity and a sequence of reports each focused on important aspects of this so that there's a body of work that's developed.

>>RAM MOHAN: Uh-oh.

>>STEVE CROCKER: (Laughing) No, I'm -- For anybody who isn't aware, I chaired SSAC until the end of last year, and it has been very ably led by Patrik Falstrom and Jim Galvin with Ram Mohan continuing as liaison to the board and I am just tickled pink that its energy has continued and the focus is exactly where we need it to be.

Thank you.

That closes this section and we are now into the open session of any other topics.

Let me start by asking Joe Abley to come up and give us some local news.

Eight. Eight is the number of questions in the queue on the net, Filiz tells me.

Joe.

>>JOE ABLEY: Joe Abley, ICANN staff.

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So I have been asked to make a brief mention of the fact that we have -- our program of deployment for L-root, which has been ongoing for a number of years and which in the last year has included a lot of additional deployment to many underserved regions as part of a field trial that's nearing its conclusion, has concluded today with the last node in the field trial being deployed here in Dakar. The node has been facilitated --

[Applause]

>>JOE ABLEY: The node is being hosted by the University Ucad (phonetic) and NIC Senegal and with cooperation from Sonatel and from the Network Resource Startup Center, and we thank them very much for their efforts in making that happen. The node was deployed earlier in the week. It went live in this morning in the early hours, remote configured by some engineers in California and Canada.

So my last comment is, I guess, if anybody has any questions about this particular exercise, the field trial and our plans that we anticipate once the field trial is completed and we go into full production, then this is a reasonable time to ask them.

>>STEVE CROCKER: Thank you.

As you pointed out, the information on the Anycast installation for constellation for L is available on the net. And I'm expecting that there will be reports and information provided over a period of time on this.

>>JOE ABLEY: Absolutely.

>>STEVE CROCKER: Thank you.

Let's go to the net.

>>FILIZ YILMAZ: Filiz Yilmaz, reading a remote comment from Kieren McCarthy, dot nxt.

This week has seen governments express their extreme frustration with an ICANN process that achieved very little in two years despite a high priority status and a lot of in-person meetings and documents. The issue in this case, Registrar Accreditation Agreement, RAA, changes has been taken off the table by a last-minute agreement by registrars to work in closed sessions with ICANN staff to agree changes before the next meeting.

That's good result, but it doesn't solve either of the two underlying issues.

First, that the key policy processes within ICANN found itself unable to move forward in a reasonable time frame despite being a high priority across the organization and especially in the GAC.

Second, that the fundamental issue about whether the community can expect to have an active input into RAA changes remains unsettled.

The staff report talks about reporting the results of bilateral discussions but not about community comments. It seems inevitable, especially within the new gTLD expansion next year, that this question over the community role and rights with contracts drawn up by ICANN will raise its head again, and it will most likely continue to do so until the board resolves the question.

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Comment follows this with two questions. Does the board agree that these are two issues, a (indiscernible) policy process, and an unsettled issue over community role with contracts are issues that need resolution sooner rather than later? And does the board agree that it holds responsibility for finding solutions to both?

Thank you.

>>STEVE CROCKER: Thank you. Bruce will take this.

>>BRUCE TONKIN: Yeah, let me just kind of wind back because there are quite a few points in that public comment.

I think the first point is this tension about is there -- should there be a community input process in changing a contract. That actually is the policy development process. The PDP was designed for the community to participate and develop a policy, and then the contract is an implementation of that policy.

Now, I think what is a bigger issue is the fact that people feel that they are not -- they don't trust or they aren't confident in that policy process, and, therefore, they want to try other ways of achieving their aims. But certainly I think a contracted party can always agree to changes in an agreement at any time, and there's ways of doing that, but that's hard to do that in a public consultation process. The best way to do that is the policy development process that was built into our bylaws.

And I might let Steve respond to the issue in a moment on urgency or how does the board help but certainly I think firstly we need to make the policy development process work.

So the first thing, I would encourage anybody who wants to raise an issue, put it in the policy development process. Let us, as a board, see how that process is going, and then if the board can intervene by changing the policy development process through the bylaws. So we have got to use our policy development process. If the development process is not working, then let the board get involved in changing the process so that it does work.

>>STEVE CROCKER: Thank you, Bruce. You may have heard my interaction with the GAC when this issue was brought up. It resonates with me very strongly. I think this has gone on way too long and definitely needs resolution and it needs resolution promptly.

If it raises other process issues, then we have to deal with those as well, but I'm more focused on getting this problem dealt with first and then we can sort out the others later.

Next question, please. Yep, go ahead.

>>BRUCE TONKIN: And yes, just to confirm for those that don't know, I do work for a registrar, so I'm explaining a process issue there. I'm not making a comment on whether the process is right or wrong.

>>STEVE CROCKER: Thank you. Let me take the next question from the net and then we'll go to the line.

>>FILIZ YILMAZ: Reading on behalf of Constantine Roussos, dot music and MyTLD.

What is the formal position of ICANN staff and the formal advice they

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will give the string similarity evaluation panel, Interconnect Communications, in the case of single -- in the case of a single applicant applying for both singulars and plurals of a word, for example, dot dog and dot dogs. Can two similar extensions of singular/plural nature coexist and be run by either one applicant or two different applicants, or do these singulars/plurals count as one application? Need an official clarification on how ICANN staff will advise evaluation panel on this issue and how these are treated.

Are they merged under one application?

Many applicants are considering applying for both singulars and plurals of their strings, but do not want to be wasting financial resources and time if these will be treated as one application. Thank you.

>>ROD BECKSTROM: Thank you. I'll have Kurt Pritz answer this question.

>>KURT PRITZ: Sure. Thank you. Thanks for the question.

ICANN is going to give the advice to the evaluators. That's already in the guidebook. So the -- what's in the guidebook are standards and criteria for resolving these issues.

So in the guidebook, for example, the issue of string similarity says that if there's a likelihood of -- that user confusion would result if both those TLDs will be delegated into the root zone, then those TLDs should not be delegated.

So in this case, would there be a likelihood that user confusion would result from the singular and plural being delegated.

I could see that being case-dependent.

So that's the sum total of the input that will be given to the evaluators.

>>STEVE CROCKER: Thank you. Mouhamet?

>>MOUHAMET DIOP: Yeah, thank you, Steve. I just take the opportunity of this public forum to make -- based on the analysis that we have made in the environment.

So repetition is not something that I can help myself doing it, because this is a place and, well, it's pedagogic.

So in developing countries, we did a great job concerning the IP address distribution, and AfriNIC is the most successful institution that we ever had created in Africa serving the African countries.

If we look at the ccTLDs, we've got a continental organization that has been created that is called the AfTLD that tried to get a better exchange of knowledge and capacity building within ccTLDs, but if we look at the registrar interface -- and I recall again we have five registrars in Africa for a number of 995 on the ICANN list, it is less than 5% -- and we as African registrar, we have taken our responsibility within the constituency to create what we call the African Registrar Organization and we have set up that organization inside ICANN and our goal is, just within the two years or three years framework, to get from the 5% representation of ICANN within the registrar constituency to something like 20, and to be able -- at least in each country, we'll be able to get between three to four

registrars in order to better serve the community.

Because at the end of the day everything we're doing in the African continent, if we don't have a good interface, who has got responsibility and due diligence to everything we commit to serve as the African community?

It's that interface that is constituted by the registrars are not present in the African continent, we will not serve the African registrant at the end of the day.

So our goal is to help resellers and people who have got interest in selling domain names in the African continent to go from that level of resellers to fully accredited registrars in the African continent.

So our goal is to do so, and to achieve that goal, we call for ICANN, we call for our constituency, and all the people who are involved in that, to try to sort out that critical mass that we don't have in Africa in order to better serve the community.

So I just call for your prayers and your support in order to make that organization, the African Registrar Organization, a successful one within the ICANN. Thank you.

[Applause]

>>STEVE CROCKER: Thank you. I want to close the queue with the people who are currently in it. We have several people on both sides plus several people still on the net.

Over on my left.

>>FATIMATA SEYE SYLLA: Yes. Thank you. I'm going to speak in French. Fatimata Seye Sylla, president of AFRALO, and I'm speaking on behalf of AFRALO.

I would say that one of the better participation of the community is based on better training for the African organization of users, the ASL. In this, the second meeting in Dakar, we shared information with the at-large structures and they will go back home to take all the strings and all the information for users at home.

We think that the significance of the Dakar meeting will be felt at regional and local level. The participation of the community is key at two levels.

First of all, for ICANN, within the multiple stakeholder model, the root ground actors are at the very core of the decisions and the members of ALS may influence ICANN policies, because their voices, the voices of African users, are heard. For example, at AFRALO, we give advice on any topic related to Africa, the new gTLDs, the IDNs, the geographic regions, the strategic plans, et cetera.

AFRALO wants to keep on working with the at-large committee, and in fact, in the light of the international experiences of the IGF, AFRALO hopes to extend its participation in Africa at the level of the NSC constituencies.

AFRALO thanks the at-large organizations of North America, the Caribbean, and Latin American ALS because they have increased the travel budget assigned to AFRALO so that all people from Africa will -- would have the opportunity of coming to this 42nd meeting. We would like this experience to be repeated for all regions around the

world.

Thank you very much.

[Applause]

>>STEVE CROCKER: Sebastien?

>>SEBASTIEN BACHOLLET: Fatimata, thank you very much. I think that we are speaking of something that goes beyond this meeting at Dakar.

I think that this paves the way for giving an example that all at-large structures may follow in the future.

You've been the first in organizing this showcase, so I think that this meeting, for instance, in Mexico in 2009, it was also (indiscernible). So I think that the whole of the community has seen and will see the changes of what you have seeded.

I would like to thank all of the participants that woke up at 7:00 in the morning so as to be trained two hours early in the morning to participate in all the (indiscernible) or GAC or whatever, so my congratulations to all members of the fellowship program, and I hope this will be an example for the rest of the world. So it has been really great.

>>STEVE CROCKER: We'll go to the net and alternate between the net and the people in the room.

>>FILIZ YILMAZ: Reading a comment and question from Eberhard Lisse, Namibian Network Information Centre.

Should the board not perhaps congratulate top-level domain holders for creating the appearance of suborning the chairman of the board of directors to create the appearance of ramrodding through a controversial program against resistance from many sides and within after hours after having voted in favor to finally approve it, creating the appearance of having accepted an appointment from the company with the appearance of staggering benefits.

I do not agree that we need, in typical ICANN fashion, yet another committee to tell us what ethical behavior is. I find it helpful at this point in time to repeat the question I remotely posted on the public forum at ICANN 38 in Brussels already.

Given that Mr. Dengate Thrush stated at the ccNSO meeting on Tuesday, in the presence of Mr. Beckstrom and Mr. Silber, that it was difficult to open offices in foreign countries, and also given that ICANN has decided to open an additional office elsewhere in California, thereby depriving the staff of the leadership benefit of seeing the CEO work alongside the staff, not unlike the previous incumbent, I would like to ask the board: What has been the effect on staffing matters of engaging the CEO's family members to carry out work for the corporation?

It goes without saying that the question was not forwarded by staff to the meeting and I have also not received a substantive answer, despite having raised both issues with the previous ombudsman repeatedly under Tickets 1032 and 1033, the latter remaining open as far as I am concerned.

I, for one, do know the appearance of corrupt practices when I see them. Thank you.

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>>STEVE CROCKER: Dr. Lisse, thank you for your lengthy input here and thank you very much for the reference to the ombudsman. Having used the ombudsman process, all of those matters are closed.

With respect to location of the CEO, we're now, as you've heard in the public session and in others, in the process of establishing the criteria and what the search process will be, and that will be one of the considerations taken into account. Thank you.

Sorry. Adam.

>>ADAM PEAKE: That's right. Good afternoon, Steve. Adam Peake. I'm currently chair of the -- well, chair of the 2011 nominating committee. I've got two comments and related questions.

There's a report tomorrow, but I think these comments are more applicable to this forum.

The first is about due diligence, and the -- all nominating -- sorry, all NomCom selected nominees undergo a due diligence process. It's conducted by a professional firm. It's a service we contract for and pay for.

For all the director nominees, I think this is the correct approach. Due diligence is necessary. Directors have responsibility to ICANN.

But I'd like to suggest -- and this is the opinion of the NomCom so far -- that due diligence for the other positions we select for, which is the ALAC, the ccNSO and the GNSO, is not appropriate and not needed.

The supporting organizations and advisory councils, when they make their own appointments, do not conduct due diligence and we think it's -- it's unnecessary.

This isn't a reflection, by the way, on ICANN legal staff, who have provided excellent and timely and effective advice. It's simply that the nominating committee believes that due diligence in these positions is not necessary, and unless it was something that was carried out for the other appointees, then as an issue of fairness, we think it should be not -- no longer required.

I think the example could be that I was one time appointed to the ALAC and as a nominating committee appointee I underwent due diligence. Alan Greenberg, to my left, underwent due diligence when he was appointed. Cheryl Langdon-Orr came through a RALO and did not.

And it's why is that the case?

You could go along the board and do the same sort of exercise. So it's a question, really, for the community. Do you wish to conduct due diligence and is it necessary for the ALAC, ccNSO, and GNSO appointees?

The second comment is about -- and this is a personal comment from me, having had experience as the NomCom chair, but it's also something that I've heard this week from other members of the community, and I think it's time to reconsider whether or not the NomCom should be appointing members of the ccNSO, the ALAC, and the GNSO.

I believe it's probably time that we focused our efforts and resources on the directors, on finding the best possible independent directors.

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We know that the ALAC is now a maturing organization. It has functioning regional organizations that is providing excellent members. And this is no reflection on the people that we have selected this year who we're very proud of and I think will do an excellent job for ICANN.

The same for the GNSO and the ccNSO.

The GNSO is restructuring into houses. It's a complex system to try and select for. The ccNSO is a mature organization and I don't know that it really benefits from the people.

And the question is: Should this continue, and could we begin a process to assess this. Thank you.

>>STEVE CROCKER: Thank you. Let me ask Rod Beckstrom for a very brief response. You raised some complex questions, and this is not the right forum to go into all of the details, but Rod will provide a brief response.

>>ROD BECKSTROM: Sure. Interesting structural approach and changing the scope and role of NomCom.

J.J., any quick comments on the background checks we do on due diligence? Or the due diligence checks, rather?

>>JOHN JEFFREY: Yes. That's really at the direction of the nominating committee, so we're there to service you and to help you. We think it is important that you understand the credibility of the applications that are before you, but we'll support you in any way we can.

>>STEVE CROCKER: Filiz?

>>FILIZ YILMAZ: On behalf of Shawn Gunnarson, Kirton and McConkie: ARTR recommended that ICANN convene a group of independent experts to study the problem of board review recommendations and to make recommendations. Has such a group been convened, and if so, then will the recommendations be available for public comment? Thank you.

>>STEVE CROCKER: Bill Graham, you want to take this on? Or more briefly, Bruce, do you want to just cover what the current situation?

>>BILL GRAHAM: I don't think there's a great deal to report at this point. I mean, the group of internal experts is -- is now convened and we're more or less waiting for a response.

Beyond that, Bruce, do you have anything to add?

>>STEVE CROCKER: So while you're thinking about that, this is one of the 27 ATRT recommendations and it's part of what's being tracked and reported on. Thank you.

Let me swing over to Elliot here.

>>ELLIOT NOSS: Thanks, Steve. I wanted to take the opportunity to thank the local hosts for a job well done but to call out two things in particular.

With all respect to previous meetings, last night was the best musical performance that any ICANN gala has ever had, and that is the coolest logo I have ever seen at an ICANN meeting, so I thought they deserved

a special shout-out for both of those things. Thanks.

[Applause]

>>STEVE CROCKER: Thank you, Elliot.

Filiz?

>>FILIZ YILMAZ: Thank you. Filiz Yilmaz, ICANN staff, reading a question and comment from Michael Palage Pharos Global.

Earlier this week, in connection with the CEO search public forum, a question was asked about bifurcating the role of president/CEO and the appropriateness of having that individual retaining a vote seat on the board.

At that time, the chair of the board committee stated that it was outside their scope.

Given that ICANN has conducted reviews of every other aspect of ICANN -- board, SO, NomCom, et cetera -- when will the ICANN board undertake this evaluation? And if not now, when?

>>STEVE CROCKER: So I think we heard that question very clearly before. We have noted it and we'll consider it, and I don't think we have anything more to suggest at the moment.

The general issue of structuring positions within the staff falls to the CEO, as a matter of form.

There's always possibilities to restructure that.

The issue of whether or not the CEO should be on the board or have a voting position is a much weightier matter, and there's no current consideration of making a change to that.

Anybody else want to offer -- thank you. Sir?

>>SHAHRAM SOBOUTI POUR: Thank you. My name is Shahram Sobouti pour -- (no audio) -- in Iran.

The issue that I am going to raise is spoken sometimes, and it's the second time today, but I'm going to talk on behalf of the private sector right now.

Actually, it's about the sanctions that is affecting my people in my country. It's both the residents and the private sector.

And the problem is that we believe that we have a right to have -- to apply for our own TLDs, to have our own geographical TLDs, and now if you are going to act as this, I'm not going -- I don't know, maybe you can find a solution for this, but I think it will provide some problems for our rights.

I think that the term that is written currently in the applicant guidebook which insists on residents of those countries, it is not true, because we are not governments. Governments have their own problems. We are not governments, so we have our rights and we want to use these rights.

Actually, I hope that ICANN is going to act to find a solution, to find a logical solution, for this problem, and act as an international organization, not just an international -minus-some-countries

organization. Thank you.

>>ROD BECKSTROM: Thank you for sharing your views, sir. I think that the handling of geographic names has been very well and richly discussed in the community and with significant and constructive input from the GAC, so we don't see any changes there at present. Thank you.

>>STEVE CROCKER: Filiz?

>>FILIZ YILMAZ: Reading a question on behalf of (saying name), Ministry of ICT of Indonesia.

What will the ICANN do if there is no proposed application for new gTLDs from developing countries until next January? What does this mean for ICANN?

>>STEVE CROCKER: Seems very unlikely that that will be the case.

Do you want to jump into that?

>>ROD BECKSTROM: Yeah. Certainly we hope that's not the case, and I can say that on this roadshow that has included stops in a number of developing countries, including this one as part of the ICANN public meeting, I actually heard that in one developing country alone there might be dozens of applications, perhaps as many as a hundred.

Now, that's pure speculation by parties, so -- but I just want to state there clearly is interest, there's many questions coming to us.

I also want to mention we need anyone and everyone's help to get the message out to educate, not to advocate, but if you have an AC, SO, or other community event in your geography and you'd like us to help communicate on new gTLDs, providing an expert in person or over the phone or materials, we're very happy to do so.

Please just let us know. Barbara Clay is the key contact. But we appreciate all of your help in communication, and that communication can help there be more applicants, potentially, from developing countries or other parts of the world as, from any number of parties that consider the programs, some number may choose to apply. Thank you.

>>STEVE CROCKER: Thank you. Sir?

>>WERNER STAUB: Werner Staub from CORE but making this comment again in my own personal capacity.

It's probably one of many times I've said the same thing but I think it's very important. It has to be said again.

We have a process for the new gTLDs where everybody is being told that we don't know when the next round will be after this round.

This is, by all the comments I hear, something between three, if we're lucky, but much more likely six or more years.

If you look at ICANN's track record, nobody believes ICANN when it comes to a timeline.

This means that people fully expect that the next round is going to be somewhere in 2020, and right now, many people who have the ability to decide will either decide to go with a badly prepared project or --

that's maybe the ones that should actually be able to go ahead -- will not do anything and forget about the solution they could find.

Now, you can say fine, that's just a loss.

Actually, what we're destroying here is precisely all the opportunities to cure the defects that we have. In most of the cases you have here, including JAS, the biggest problems that people have is precisely the inability to go for the subsequent round. All the process problems come from that.

It is also dangerous because if we actually do get this kind of panic and everybody thinks they have to go ahead because the competitors are doing this and so on, we have such a mess that we'll have a real problem to clean up.

So this is a question of responsibility. It may well be a manageable problem, but it could also be an unmanageable problem. I think it's a question of responsibility and foresight not to let that happen.

>>ROD BECKSTROM: Sure. Well, thank you for that observation. Obviously as we all know, this is a very complex program and has taken six years of work to get to community consensus and board consensus on the issue -- (no audio) -- take to process the first applications and under the AoC, we have a commitment to kick off the first review team of the new gTLD program one year after the first entries go into the root.

It is likely that the ICANN community and board will decide to perform that review first before making any decisions about when to do another round, but I'm not going to preclude anything because it's -- it's up to the board. But thank you for raising the issue.

>>STEVE CROCKER: Thank you. Filiz?

>>RAY PLZAK: Steve, Katim has been trying to get your attention. He's like to comment.

>>KATIM TOURAY: It's fine. I can wait until the last guy on the floor is done.

>>STEVE CROCKER: No. I apologize. My attention has been focused in the wrong direction here.

Katim, please.

>>KATIM TOURAY: That's what I just said. Let me just wait until this guy is done and I can comment. It's okay.

>>STEVE CROCKER: Yeah.

>>FILIZ YILMAZ: Steve, shall I proceed with the remote comment or --

>>STEVE CROCKER: Please.

>>FILIZ YILMAZ: Filiz Yilmaz, ICANN staff, reading a comment on behalf of Kevin Murphy, Domainlncite.

In response to recent documentary information disclosure requests, ICANN published signed registrar accreditation agreements of one registrar. These documents contain the name of the registrar's officers and its corporate address. The publication of these two data points has been identified as high priority this week by the GAC and

law enforcement.

With that in mind, would ICANN consider publishing the signed RAAs for all registrars? Thank you.

>>JOHN JEFFREY: Is it working? Yes.

Thank you. So the specific reference that Kevin's making, I believe, is to the signatory to the contract, not the corporate officers of the organization.

So there is a difference between the law enforcement request and what is currently contained and reported within the RAA.

But I -- so I think that answers the question.

Was there another part to it?

Can you read the end of the question again?

>>FILIZ YILMAZ: The publication of these data points has been identified as high priority this week by the GAC and law enforcement. With that in mind --

>>JOHN JEFFREY: Okay. I understand that. Thank you.

>>FILIZ YILMAZ: Yeah.

>>JOHN JEFFREY: So if there's a question or a part of it we didn't answer, Kevin, it would be proper to answer it through the DIDP process, the document information disclosure policy.

>>STEVE CROCKER: Thank you. Katim? Oh, you want to go after -- afterwards? Okay. Thank you. Go ahead.

>>CHARLES MOK: Thank you. This is Charles Mok, APRALO and speaking on behalf of International Society of Hong Kong and also as an individual Chinese Internet user.

I want to express the disappointment of our community about the rejection by the board of single-character IDN Chinese language domain names.

The reason is because if any -- for anyone who knows the language, you will see that single characters are actually very commonly used, intuitive, and very effective in our use of language.

So -- and also, in the last three or four public consultation comment rounds and so on, we've seen that there is great consensus within the community using Chinese that this is something that we want.

However, now this is -- now that this is rejected for implementation in the first round, and we just heard from the person in front of me about the uncertainty regarding the future rounds, I hope that with this opportunity I just want to express our disappointment and also urge the board for its early reconsideration.

Thank you.

>>ROD BECKSTROM: We thank you for your input, sir. Thank you very much.

>>STEVE CROCKER: Filiz?

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>>FILIZ YILMAZ: (saying name) Bulgarian IUG. Could you provide the Bulgarian Internet community with an advice on the rejected IDN ccTLD application because of similarity issues? How should we proceed if the majority of the people doesn't want a new string.

Greece has also the same problem. Thank you.

>>ROD BECKSTROM: Thank you for the question. We'd be happy to have discussions with you privately. We don't have public discussions about IDN fast track applications. Thank you.

>>STEVE CROCKER: We've drained the queues. We have several board members who want to talk.

>>KUO-WEI WU: Steve, Kuo-Wei Wu.

>>STEVE CROCKER: Go ahead, Kuo.

>>KUO-WEI WU: For Chinese, I think we understand the single character is very convenient for the communities. But we should understand that a single character also is a very complicated and somewhat confusing. And it should be -- I would prefer that the Chinese community developing the -- some kind of clear way to, you know, to avoid those other confusions.

As you know, such as, if somebody registered Chinese character, like mentioned, how we can prevent the kind of embarrassing to the government or somebody like that.

So I -- I think the board is fully understanding a single character is very important for the Chinese community. But, at the same time, we must have a very clear way how to prevent the negative impact to the opening. So I think we will continue working with the Chinese community about a single character, you know, all the time. Thank you.

>>STEVE CROCKER: Thank you.

>>KATIM TOURAY: Steve, thanks very much and thanks, everyone. I just want to join Elliot Noss in really saying a big thank you to the organizers of the big gala that we had last night. I think it was very interesting seeing the cross representation between rock and roll and jitterbug and Mbalax, as we call it in Senegal, the Senegalese rhythm.

So it was really very -- it was a wonderful evening and really typical of what we can expect, as we expose ourselves more and more to cultures that are different from what we are more comfortable with or what we're used to.

And, secondly, I'd like to say I was really, really excited, as a matter of fact, I think it woke me up when the announcement was made that the L-root was turned -- a copy of the L-root server was turned on early this morning in Dakar, Senegal. I certainly couldn't be more excited. And I think this is a huge, huge development coming, especially as it does, right after the declaration that -- or communique was issued just last week by African ministers of ICT.

What I'd like to suggest -- and what I'd like to suggest is for ICANN to really take this, for what it's worth, as something that really sends a wakeup signal to the community, especially us Africans, that we indeed listening to them and hearing what they're saying very

Loudly.

And what I'd suggest is that our chairman, Dr. Crocker and also our CEO, Rod, make an appointment to get down there to the server and physically have luncheon with the Senegalese minister, so that not only does the message go out to the Senegalese community and the Senegalese technical community, but also to the rest of Africa that, yes, we have started working on what they wanted us to do. And, indeed, we actually are working on this. And we will continue to work with them for the betterment of the global Internet community.

Having said that, the flip side of that coin, I say, it's my very deep disappointment that we continue to face some serious complaints from people who feel that they have been short changed by a process that denies them the opportunity to participate in the new gTLD round as everyone is expecting to. In particular, we just heard from Iran, delegation from Iran -- a participant from Iran lamenting how they have been encumbered by some of the rules that we have.

Khaled Fattal also mentioned something to the effect that he's been advocating for that all the time for quite a while now.

I think what is clear is that we need to understand that as a U.S.-based registered organization -- and Lord knows I'm not a lawyer. But as a U.S.-based and registered organization, we are bound by the laws of the United States government -- of the United States.

For that reason, for those issues that affect the people that we work with, I think in my mind, at least, what we can advise them is for them to go back and work with their governments, with their private sector organizations, with their civil services and take these complaints where they should go to. That's international fora where their respective countries can demand their civil rights from the U.S. government and they are expected to.

And so I think, if there's enough of them that make the case, the United States government would protect what is in their best interests and come to the table and negotiate with them and see how all of this can resolve. But I think it's not really something that's practical to expect that you can have something like that resolve in ICANN, because it is not our mandate. We don't have the power, and we really cannot do anything about it.

As upset as I am about it, I recognize the fact that there is -- this is some issue that's got to be taken somewhere. And, like I said, I'd like to encourage you to go back to your governments and really have them redouble their efforts to take this issue where they need to take it to so we can resolve it. Thank you.

>>STEVE CROCKER: Thank you very much, Katim. Very, very eloquently spoken.

There's a number of aspects that are very positive about having met here. You've heard much about the AFRALO summit. And seen a lot of emphasis. We also heard -- and I wanted to mention, specifically, that the African ministers met last week and delivered reports and communique with a number of very specific requests for ICANN. The good news is that it wasn't just a general meeting about all things related to ICT, although it covered a lot of that. But there was quite a lot that was very specific to us.

And the further good news is that, at first glance, all of these requests are substantive and meaningful. It would be inappropriate to

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make a stronger statement at the moment, except that we are taking those on very forcefully and seriously.

This brings the public session to an end. The next visible public activity will be the board staggering in after an all-night session tonight working out the final details of what's on the agenda. You can sort of gauge how late we worked by the posture of the people coming in. We have a -- we have board reports. We have SO and ACs supporting organization and advisory committee, reports tomorrow morning, followed by a formal board meeting.

This is our annual general meeting, which means that we actually run, as a matter of form, two board meetings -- a principal one where we get the work done and then a very brief reseating of the board with the new people and selection of officers and committee slating.

And that will conclude the ICANN 43rd meeting in Senegal tomorrow afternoon.

Thank you very much. Look forward to seeing you all tomorrow.

[Applause]

>>STEVE CROCKER: Folks, one piece of advice: Part of our openness and transparency is that security is a little on the poor side here. Please watch your belongings, watch your stuff as you walk around here. Thank you.