SAN JUAN – Q&A with ICANN Organization Executive Team
Thursday, March 15, 2018 – 09:00 to 10:15 AST
ICANN61 | San Juan, Puerto Rico

DUNCAN BURNS:	Good morning, everyone. Thank you for getting up early on the last day. Welcome to the ICANN org Executive Team Q&A. I'm Duncan Burns, SVP of Global Communications and MD of the Washington, DC, office.
	I just wanted to go over some of the rules for this session. Just a reminder about the expected standards of behavior. We're expecting everyone to follow them. Be nice. We'll try and answer your questions, but do be nice.
	This is entirely an open Q&A, so it's really up to you what you want to ask. Come up to the mic. Pose a question. One of the members of the executive team will try and answer it. We may draw on a subject matter expert from the organization, some of whom are sitting here. And if we can't answer it, we'll come back to you in due course. There may be some questions we aren't able to answer that are either personnel or confidential, but we'll address those as appropriate.
	The answers after the meeting will be posted on the President's Corner page on the ICANN website. You can find it if you scroll to the bottom of the page and click on President's Corner.

We have one mic. We do just ask you line up. Speak slowly, say your name, and state who you're representing if anyone please.

We'd like to keep the session a bit more informal than the public forum so we won't be running a two-minute clock, but do try and be mindful of time. We've got about an hour, and hour and 15 minutes for this session.

For those who are remote participating, you're probably aware Adobe Connect is not working today but we do have remote participation. We also have our interpreters here so if you prefer to listen to one of our other U.N. languages, please do.

If you have questions remotely, please e-mail them to engagement@icann.org, and our remote participation team will read them out and then we can handle them as normal.

Before we get started, I'd like to hand it over to Göran Marby, President and CEO of ICANN, to start the introductions please.

GÖRAN MARBY: Good morning. First of all, I would like to take the opportunity to thank the SO and AC leadership for giving me the opportunity to have this open session at 9:00 in the morning.

Since I joined ICANN, one of the tasks I have is to try to be more transparent. But we should never think that transparency is the

same as disclosure, that we have put everything on the web and therefore everybody has read it. Respectful of that, I'm very happy about this session because it gives an opportunity for you to ask any questions to us. Within context or without context.

I'm not going to give a speech. I want to give you time to ask those questions. As you can see, I have all my executive team here, and you can just point at us. Thank you very much. Looking forward to some good questions.

DUNCAN BURNS: [Thank you], Göran. Susanna, would you start the introductions please? Just name and your role.

SUSANNA BENNETT: Susanna Bennett, Senior VP and Chief Operating Officer.

DIANE SCHROEDER: Diane Schroeder, Senior VP, Global Human Resources.

DAVID CONRAD: David Conrad, CTO, Senior Vice President.

XAVIER CALVEZ: Xavier Calvez, Senior VP and Chief Financial Officer.

GÖRAN MARBY: Göran Marby, CEO and President.

AKRAM ATALLAH: Akram Atallah, President of the Global Domains Division.

JOHN JEFFREY: John Jeffrey, General Counsel and Secretary.

SALLY COSTERTON: Sally Costerton, Head of Stakeholder Engagement.

JAMIE HEDLUND: Jamie Hedlund, Contractual Compliance and Consumer Safeguards.

THERESA SWINEHART: Theresa Swinehart, Overseas Strategy and Strategic Initiatives.

ASHWIN RANGAN: Ashwin Rangan, Senior Vice President for Engineering and CIO.

DAVID OLIVE: David Olive, heading the Policy and Advice Development Team.

MANDY CARVER: Mandy Carver, VP, Government Engagement.

DUNCAN BURNS: Excellent. With that, the mic is open. Obviously, if none of you have questions, we'll call it a day and we'll all go home. But do line up. Marilyn, start with you please.

MARILYN CADE: My question is a quasi-factual statement and then a following question. It applies to several of the divisions who are here. I want to open my comments by complimenting all of you for the continuing efforts that you're making to incorporate the call for more information into the various materials that you're presenting. Particularly having spent three sessions with the financial team, I think perhaps I've become an adjunct member of it.

But even I can't read and digest everything. We the community have given you a lot of feedback about some of the financial report, the operational and budget report, but also several other endeavors such as those [that are in] Sally's group and also in Theresa's. We're living on a burning platform this week. We are paying attention urgently to everything, and now we're going to

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go home and deal with the thousands of e-mails and work we didn't do while we were here.

So you just got the comments on the operating plan and budget distributed to you, and you're going to have questions and I know you're going to go back to the people who submitted them. But there have also been comments made throughout the various meetings. So I'm just wondering how you are thinking about being able to also take into account from at least an informational standpoint some of those comments.

GÖRAN MARBY: Thank you, Marilyn. I think we received 155 comments. As you might [be] aware, not all of them are saying the same thing. There are contradictory by nature. So what our job will be [is] to see the compile, to see what the trends are, whether there is a lot of agreement, whether there is less agreement. That's the process that starts right now.

All comments will be taken into account going forward of course. But I would like to take the opportunity because we added something else to us as well and that is the discussions were started this week when we talked about the 85% of the 15%: 85% of the budget is locked in by, for instance, bylaws, things demanded in the bylaws, things that comes with the policies, things that come out of [reviews].

I think personally I want to thank the multi-stakeholder model and all participants because when I [inaudible] and I present the budget, there are things that I can't propose. But through dialogue between us, we can start talking about them.

So we're going to add look into some of those things as well because that could change. That will if we agreed in dialogue to change all those things, that would actually fundamentally change some of the parameters in the budget as well.

So on top of those comments that have come in, we of course now have to take in the discussions that have been here this week. I'm thinking especially about the [cadence] of the reviews, questions about meeting lengths, questions about amount of meetings, and all of those things. We need to figure out during this process how we get back to the community and have a dialogue about this.

One thing I've also – I think there are two things that we have a [100%] trend of. One of them is the [cadence] of reviews and when we start them. The timing of reviews, how long they are. But the other thing is that we probably need to change how we do budgets. A lot of people have suggested this week we should go into a two-year budget process to really give time to the community and us to really have a dialogue about some of the fundamental principles in a budget.

The way it is set up today, ICANN institution is not a company. But for some reasons, we put it into the context of a company. That's why we give you the Christmas gift of the budget, which I think that you all read during the Christmas break [inaudible] your time.

By changing to a two-year cycle, we can work out how we can do that in a more efficient way but more in the ICANN way, which is collaboration and working together.

And thank you for the coffee. I hope that was an answer to your question. I don't know if you want to say something more.

MARILYN CADE: Actually, I just have a question. Is there a reason that the rolling transcript is not showing?

DUNCAN BURNS: It's because of some of the challenges of the Adobe Connect, so there's no scripting today.

MARILYN CADE: Thanks.

DUNCAN BURNS: But the session will be posted, so you'll get access to it afterwards.

GÖRAN MARBY: On a comment on Duncan there, I don't know whether Ash, at one point in time I would like to really celebrate Ash and his team and the meetings team for making a decision that we thought that the integrity of all the individuals was so important we decided to go on without Adobe, and then the meetings team together with IT team worked the whole night to make sure that we had capabilities the day after. I think that was amazing.

DUNCAN BURNS: So we're going for the shortest meeting ever? Any other questions? Because there's a [very little queue]. Come up to the queue please.

GÖRAN MARBY: I want to ask a question to Krista, by the way.

DUNCAN BURNS: Okay, well, Krista, why don't you get in the line to answer it. Sir, the microphone.

[KEVIN]: Hello, Kevin from Puerto Rico. I've been here 23 years and I know this is going to be from left field, but I hope you indulge me. How many have heard about the bitcoin billionaire invasion that we have going on here in Puerto Rico? It's a cancer against what you're doing and I'd like to see ICANN and many, many other organizations come out. I've heard what a lot of people think and to allow that to go on at the user level, it's bad. It's against – they're saying that it's going to be the Internet 3.0. We're here to do Internet 1.0, and they're not helping. So just thank you.

DUNCAN BURNS: Thank you. David, anything about how bitcoin relates to what we're doing?

DAVID OLIVE: There is no direct relationship between the bitcoin activities. Obviously, there are indirect relationships in the fact that typically the organizations that will use bitcoin and create and use them in exchanges require domain names in one form or another. But there is no direct involvement that I'm aware of.

DUNCAN BURNS: Thank you. Okay, Göran, ask your question of Krista.

GÖRAN MARBY: Krista, for you who don't know, this is our Complaints Officer. You may not know, but she has issued a report from her first period as a Complaints Officer. I would like you to tell me what you found and what you're going to do about it.

KRISTA PAPAC: Thanks for the question, Göran. Krista Papac, ICANN's Complaint Officer. Good morning, everybody. The Complaints Report that was published just before this meeting, not meant for the meeting but it was published, is a review of the first nine months of the complaints office. It has some observations and recommendations in it. Some of the observations won't be a surprise to most of you, but I thought it was important to put them down in the report and then make some recommendations that are related to them.

One of the primary things I saw over this period is that people have a very difficult time when they come to ICANN – if they find us, first of all, because lots of users out there aren't familiar with ICANN but oftentimes they do through their own research find the organization. But once they come to our website, they have a very difficult time trying to figure out where they get help.

And they come to us with different types of complaints because a complaint can be many things. Sometimes they're having a problem with their registry or registrar. Sometimes they have a problem with the organization, which is really what's within my remit. Sometimes they're having a problem with web content or they're having an issue with illegal activity, and so on and so forth.

So one of the recommendations that I made is for us – ICANN org – to figure out a way to help people better navigate the organization itself to get to the right place. Because oftentimes there's multiple touchpoints before they get to the right department.

As you guys will be aware, we've grown a lot over the past seven, eight, nine years. So we have departments now and we have a much more mature structure, which makes it more difficult for people to get around as well.

One of the key recommendations is to take a look at how we can better help people get to the right place so that the entry point that they get in puts them in the right place right out of the gate because they end up with a very frustrated experience otherwise.

One of the other recommendations – and sorry, some of that has to do with naming conventions that we use and taxonomy. I

know I'm going to give a plug to one of our big projects, which is the ITI or Information Transparency Initiative. That project is looking at some of that already, but I think that there are other things that we could throughout the organization to help support that and make it a better experience.

One of the other recommendations was to take a look at how we better educate people about the remit of ICANN. Going back to some of the things that people have come to me about – content, illegal activity, etc. – they think that ICANN can go out and take care of those things, can shut those things down and, again, they end up very frustrated because they misunderstand what our remit is and what authority we have. So figuring out a way to better articulate that I think would be something that could be really useful and that would help, again, people be less frustrated and help them get to the right place rather than coming to ICANN, getting shuffled around, and then ending up back being told that we can't help them.

There are several other recommendations in the report, but the way that we're going to handle dealing with the recommendations is these are really my recommendations to Göran, our CEO, and Göran will go through those. We'll sit down – well, we already sat down and went through them. He'll take a look at them and then decide how he wants to handle those recommendations. Then from there, we would track that and

keep people posted in future reports about what happening with those. Thank you.

GÖRAN MARBY: Thank you, Krista. Please read the report. If you have comments as well, complain to Krista because there are things that we have to improve internally to be able to support the community better. That's why we have the Complaints Officer in the first place.

Either you're very nice to me or us or we have now established the fact that I'm very boring so you don't want to ask me questions anymore. But please. Oh, as always, the savior. Sebastien?

SEBASTIEN BACHOLLET: Hello. Good morning. I'm not sure about a savior, but I know for sure that I will use the tools that we have at our disposal once again because if we don't use them, we will be told that we don't need them. So I'm waiting. I'm going slow. I'm usually a slow person anyway, but I'm trying to be even slower so that people have time to wear their headset. But I would like to seize this opportunity to say that all of us need to walk into a meeting room with a headset when interpretation is available. Even if you speak English very well, you will hear much better even in

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English because actually the sound is not always very good in the rooms.

So anyway, I wanted to ask a general question. As we heard, the organization has grown a lot. We try to encourage participation and increasing participation. We try many things, but there are two topics that I think are important to consider. First of all, we will not get 7 billion users in the ICANN rooms, so how can we ensure that we have the best possible representation. I don't know if it's 2,000, 3,000, 5,00o people coming to ICANN. But what we need to make sure that we have is that diversity is represented. So that's the first question.

The second question: this organization is becoming much more complex. I think, Göran, that you realize that. It is something that is evident on a daily basis. You at the panel also are aware of this, I'm sure, and I am sure of it. So if I have one recommendation that I would like to submit to you, it's to set up some type of a working group, some type of system or group that works on reducing the complexity of the organization. Because I think that the fact that we have a stagnant or flat budget is an opportunity to answer this question.

I hope I was clear. If not, I can answer any question that you might have. Thank you very much.

DUNCAN BURNS: Thank you, Sebastien. Sally, do you want to talk about our engagement and diversity work perhaps?

SALLY COSTERTON: Thank you, Sebastien. It's a very important. It's a very profound question. From my work in my areas, it's probably the question that I spend most time thinking about. Not only how can we improve diversity at ICANN and representation at ICANN, but how do we make sure that we can do it sustainably. This is not just about money. It is also about other resources, particularly volunteer time and energy.

So we continue to work on models that allow us to reach out further into communities around the world with more use of digital platforms that allow us to scale fast to share, educate, and build learning with new people around the world who need to know what we do. And we are working on improving what we have called informally the stakeholder journey, the way in which we introduce new stakeholders to our work and encourage them along the way to participate gradually to make sure that they can be effective participants.

This is a very good opportunity to make the point that being at ICANN is not just about turning up to a meeting. This is not effective participation, a single visit even to a long ICANN meeting. We know from our research that it takes longer. We

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need to invest more in training and capacity building to equip our stakeholders to participate effectively.

This puts a lot of pressure on resources like language services. Part of the ITI project is looking at how we use digital tools to make information and training material available much more cost-effectively in more languages. That's the sustainable piece.

In terms of the diversity work more generally, part of my team is looking at working with Theresa and the Work Stream 2 diversity group to understand and stay in touch with the conclusions the community has come to about what they would like to see at ICANN. We have – I think some of you know, we've published this – recently kicked off the process of looking at our human rights work, an audit of ICANN's work against the HRIA human rights.

So we take this very seriously. Diversity is not just geographical. It is also about trying to attract people from different backgrounds, with different attitudes, different experiences, different religions, ethnicities, you name it. So we will, I think, never be done. I agree with you about the 7 billion. But as a community, I think we've made good progress, but there's a lot further to go. Thank you for the question.

DUNCAN BURNS: Thanks, Sally. Next please?

LILIAN DE LUQUE BRUGES: Good morning. I am Lilian De Luque Bruges. I am a global indigenous ambassador from Colombia. I belong to the Wayuu ethnicity in the Colombian/Caribbean coast in the Guajira region.

For us, the technology of the Internet is extremely important, having contributed significantly to the development of our peoples. Our community has a very low representation even in our own country, so my concern?

Well, there is something that I call the human side of the Internet, the human benefit. And underlying that benefit is the ICANN work. So my question is, in your discussions in the various ICANN constituencies, which is the role to support these underrepresented communities? Not only indigenous but also other communities. Thank you.

SALLY COSTERTON: Thank you for your question. Welcome to the ICANN meeting. Thank you. This is really an extension actually of Sebastien's question. We have many different programs at ICANN that are designed to bring people from underrepresented regions into our work.

We have a Newcomer program, a NextGen program here which is regionally focused. And we have a number of NextGen participants – maybe we even have some in the room – who come to ICANN meetings from the region in which the meeting is in. They tend to be people who are still in academic studies. So that's one route.

The second is our Fellowship program which is specifically designed to attract participation from underrepresented regions of the world. And that, we also have a group here at this meeting, and we have one at every ICANN meeting. The Fellowship group becomes also an alumni group. So there is a lot of activity between the Fellows after ICANN meetings to ensure that the learning continues and that there is somebody there to reach out to you and to help you to participate more in our work.

At the other side of our work is the regional engagement strategies which are based around the world. I have my colleagues, one or two of whom are in the room. I can see Chris Mondini over there. I don't know if we have our Latin American VP here.

But we actually have somebody here in the Caribbean, Albert Daniels who is based in St. Lucia. His role is to make sure that everybody, all our stakeholders whether we know them yet or

not, have an ability to participate in regional work and get to know other community members in their region working in the language that they feel comfortable with on topics that interest them and that they have an opportunity to get into the work of ICANN in an environment that is very relevant in their local region. That often involves a lot of working with other partners in the Internet ecosystem, particularly the Regional Internet Registries and the groups like ISOC.

So typically I would certainly ask you if you don't yet know Albert, I'll make sure that happens, and he would be your representative here in ICANN. That is definitely the human touch, and that is part of how we manage to try and map these things together making information available through websites, through online training programs, but absolutely combining that with an ability to introduce you to other people in your region who are interested in this work and to facilitate that to happen in the most localized way that we can.

I hope that we'll see more of you. It's good to have you here. Thank you.

DUNCAN BURNS: Thank you.

GÖRAN MARBY: May I?

DUNCAN BURNS: Yes, [inaudible] please.

GÖRAN MARBY: Akram pointed out that we didn't really answer the second part of your question, Sebastien. My fault. About the in-built complexities of the ICANN as an institution, I'm the first one to agree. I think that the first time we actually, you and me, Sebastien, at a dinner in Marrakech two years ago we discussed it. You with, as always, more knowledge than I.

But I think that it's not only a budget question we discussed this week. It's a fatigue question as well. Again, the reviews, running nine reviews, starting [one] accountability review, is an inefficiency in the system itself. I think that this week has led me to [start off to say], who starts that dialogue? Because that's one of the more interesting things. If we all agree on something, that we should do something about it, who is the one who actually starts?

I see my role in that more and more after this week. I think actually that I now feel confident of giving you proposals that you will, of course, make decisions upon. It has to be done in a

dialogue. To break some of those inefficiencies and become more effective.

For instance, I get many questions about staff, and to some extent FY19 is a little bit of a perfect storm. That is not a good example here. Sorry. I feel really sorry for that one. But FY19 actually is the first year we take the full cost for the implementation of the transition with the new accountability measures. The bylaws went from 80 pages, 50 pages to 380-something with a lot of new tasks given to us, for good reasons, but we added them. So that's one of the things that adds more people, and we also added reviews and other things that are added to it.

At the same time, we go into Japan, which I'm looking forward to, but it's an expensive place which comes out of the meeting rotation discussion. Sorry, the [policy], I think you actually were on that committee. So they would rotate around the world. Some places are going to be more expensive and some of them are going to be less expensive.

At the same time, the funding flattens out at the same time we have a lot of new reviews. So it's sort of all this happens. A couple of years down the road, some of those scenarios can be different.

So I agree with you, Sebastien. The way I think that we have to be very concrete. I will give a proposal to the community to decide and dialogue with us about changing, for instance, the budget process, to change the cadence of reviews, the length of reviews, etc. I will not give a proposal of taking away reviews because that, I think, that's another discussion as well. And then we can start one-by-one.

So thank you, Sebastien, for giving me the opportunity to answer the question.

DUNCAN BURNS: Thanks, Göran. We have a remote question.

JAMES COLE: This question comes from Jamie Baxter of .GAY LLC: "Could I ask which parties were involved in determining the scope of the CPE investigation following the board's request to launch an investigation?"

UNIDENTIFIED MALE: [Ted], we're struggling to hear up here from the remote mic, I'm afraid.

JAMES COLE: This question comes from Jamie Baxter of .GAY LLC: "Could I ask which parties were involved in determining the scope of the CPE investigation following the board's request to launch an investigation? And could I also ask if the board was required to approve the final instructions provided to the FTI?"

DUNCAN BURNS: Thank you. John or Akram, would you like to?

JOHN JEFFREY: Yeah, thank you for the question, Jamie. We're going to take that off to make sure we answer it perfectly accurately and correctly as opposed to just giving you an answer which may be partially right and trying to guess the rest. So let's take that question, and we'll supply a full answer after this session.

DUNCAN BURNS: Thanks, John. Any other questions? Sebastien?

SEBASTIEN BACHOLLET: I don't want to [inaudible] the meeting. If you want to close it, you can close it. I will do it in English this time just to show that there is diversity in every one of us. Next time I will come and I will speak Spanish.

Thank you, Göran, for your answer. I think I appreciate that I have the impression you changed a little bit your mind, and I appreciate that you say that I am not at the place to give proposal. I think it's better if you would give proposal even if it will be [our] discussion with us after, it's better always to have somebody to make a proposal.

I just want to take one example. I think your voice will be more heard by everybody than mine, then I prefer you to do something. Because, for example, when I was board finance committee member some years ago, I struggled to have at least a three-year finance plan and it's never happened. I think it's something – I don't know if it's three, it's five, it's two, whatever – but I feel that one year is not enough. We need to have some longer view. Therefore, I am happy that you take onboard this idea in one way or another and that's good.

The question of decreasing the complexity of this organization, it's not a question of budget even if it could have some link with that at the end. But it's really also regarding the fatigue of the participants. But I just want to raise one point when you talk about fatigue, it's who can participate really to an ICANN work. People who have a daily work with no link with ICANN, it's very difficult. You can't be at the middle of the night in a conference call and then work at 8:00 in the morning the next day or have during your work day a conference call.

Therefore it's very difficult. Therefore at the end, you have people who are very dedicated and whether have no trouble with money, incomes, who are retired, or who [are paid] for that. The "normal" people, if I can say like that, are a lot of difficulty to participate to this work. And I have no solution for that. I just think that if we don't have that in mind, we can't say that we are all in this room the organization of the world. But at the same time, we need once again to find a way to be representative of other and accept that [other talk] on your behalf. If not, we will end up with too much people, too much working group, too much whatever. Thank you.

GÖRAN MARBY: Thank you. Everything you say I think rings true. The funny thing is that when we talk about fatigue [from] the community, I can actually tell you that we have some fatigue inside the org as well. We are paid for it, but to work as much as we do as well to support a community puts a stress on my team as well. I'm not saying that to complain. I'm just saying that I think we share some of those burdens.

I'm respectful of my role as the ICANN org CEO, and I'm respectful of the community's powers. But as you said, Sebastien, I'm rethinking some of the things that we're doing.

Someone has to sometimes make a first suggestion, and I hope that those suggestions will be shot down and will be discussed.

But I think one of the wonderful things with this community is that we move on all the time. The discussions we had two years ago are not the same as we have them now. The majority of work we're doing is that I don't think that a proposal that comes out of me will be seen as a top-down decision, which it might have been a couple of years ago. Now I think it's an opportunity for us to engage in a discussion which I collect from the community in dialogue with you. I come up with a proposal and then we discuss it because there has to be a dialogue.

Maybe you're becoming Swedish. That's boring. Thank you.

DUNCAN BURNS: Thanks, Göran. Any other questions from anyone? Otherwise, we may start wrapping things up. Göran, any last questions you want to ask of anyone here, just in case?

GÖRAN MARBY: Could I have some fun?

DUNCAN BURNS: That depends. We may cut your mic off.

KIRAN MALANCHARUVIL: I'm sorry to spoil your fun.

GÖRAN MARBY: Go for it.

KIRAN MALANCHARUVIL: It will be a quick question. Hi. Kiran Malancharuvil, IPC Secretary here on behalf of Winterfeldt IP Group. I have spoken to many of you in different meetings this week about the importance of transparency in a lot of the very big issues that we're facing right now. I want to congratulate you on community leadership and an immense amount of hard work and travel that addressing the GDPR issue on behalf of the community has taken.

That being said, I have a request. We know that you're doing this much work on GDPR. You're traveling to Europe frequently. You're speaking to the DPAs. You're speaking to commission representatives. And then we get relatively infrequent, I would say, community updates about your efforts and the community updates are this big amidst your efforts [that] are this big.

So we would appreciate more visibility into and opportunity to participate in the immense amount of work that you're doing. I think that you'll find that we may even be in a position to support your work on this.

Some specific information that would be helpful for us are, who exactly are you speaking to? What exactly are the issues that you're discussing in these meetings?

We're happy to hear from blog posts that "they're going well," but we would appreciate specifics on why you think they're going well and might other people disagree with you on that issue.

I've spoken to Jamie about transparency with Compliance initiatives. I think in that instance, we would appreciate not just information about who you're speaking to on behalf of or in response to a complaint but the filings that you're receiving from them in the same way that you share filings that you receive from us with them, with the contracted parties for example.

I think that in general, drilling down into transparency to provide specific information to those of us that are engaged in these various processes that you've so kindly put in place for us to participate in would be very much appreciated. It would elevate our trust in the organization and probably decrease Krista's burden to hear our complaints. Thank you.

GÖRAN MARBY: Thank you. If I may start. I understand your frustration. I know that everybody in this room and everybody in this conference call, everybody everywhere wants to be in the room in all the discussions we're having.

To answer your question, I think that we have [exposed], for instance, what are we're going to talk about with the Article 29 technical group? You know that because we actually gave you the exact same information as we provided to them with the same legal study, with the same questions. That's what we provided to them. That's where we contain the discussion.

We will continue to give back information about those specific questions. After this week, we will add some questions because n dialogue – and thank you very much for that – there are new varieties. There are several discussions I understand from different sides of the community about accreditation models, for instance. We will [face] those questions to them as well.

So you actually know what we do. But some things are not always in our hands. We are respectfully also waiting for the Article 29 group to provide us with information. We asked them and they have several times provided us with information which we have then either in blogs or also letters from the Article 29 group itself with guidance.

We are trying to be as transparent as is humanly possible. And thank you for asking the question. I am going to answer it in a private way almost. When we came up with this process, we didn't have this process eight months ago. If you remember, when you started chasing me eight or nine months ago, you and many others rightfully, what are you going to do now, we had to invent a process where the founders or the mothers of ICANN didn't really think about this process.

During that nine months, we set out that we want to be transparent. We want to have a set of ways of interacting with the community when something is actually a compliance issue. In hindsight, are there things that we've done wrong? Of course. But I think most of us hopefully agree that we've done the best effort ever. Now we have a model. Not everybody agrees with what we said in that model, and we raised those questions through the interactions with the DPAs as well. We are talking about them.

I think that one thing that is important for me for this session is that it's not a negotiation. It's not an implementation. We are seeking legal advice for implementation of a new law in Europe where we don't actually know the exact answers.

The other one has been that we have done with the compliance issue and we told you what we think about this and then

implemented it. We decided not to do it that way because it would be immoral. It would be out of ICANN.

We will continue to give you as much information as we can. The only it's because of the interaction with the Article 29 group is because they also have a legal framework they need to discuss under. I've said for the last nine months that you as different interest groups have to talk to your representatives that can talk to the DPAs of Europe, the Article 29 group, and I've asked you – I actually provided contact addresses to some of you so you can send letters, e-mails, and telephone to them as well. Because I think it's important that the different parts of the constituency regardless of the interest you're having, you also establish a direct dialogue.

We're now very close to the end, but it's only the beginning of the end – or maybe the end of the beginning. After this, there is an implementation. But I will just end this and thank you for the question. There's an enormous task for everybody involved under the assumption that we will get more guidance on the models to find ways of implementing all those things.

I [have huge] respect for the contracted parties. I [have huge] respect for your legal purposes and needs of information. And we are going to continue to work [about] this. I have a feeling we're even going to talk about GDPR in Panama.

So thank you for the first person this morning who raises the acronym of GDPR with me.

KIRAN MALANCHARUVIL: Yeah, you thought you were going to get away [without it].

GÖRAN MARBY: It took almost two hours since I woke up. Thank you, Kiran.

KIRAN MALANCHARUVIL: So just a quick clarification. I don't think that at any point anyone expected you to open the doors for the entire community to participate in the meetings with DPAs and Article 29. That's unruly at best. But even just to provide us additional information about who exactly you're meeting with and exactly which questions you're asking would be extremely helpful for us.

Because you're looking for the legal answer, and I guarantee you – where's John at the table, there's John – I'm a lawyer too. There's no "the legal answer." There's multitudes of interpretations about the law. That's why you're never going to get a lawyer to say anything other than it depends and maybe, and I don't think that this issue is probably any different. So if we have more visibility into questions that you're asking….

GÖRAN MARBY: Kiran, for the record, you know exactly what questions we are raising to them because [it's] in the Cookbook. So you know exactly what we're doing. We'll add more questions to the Cookbook. We will send that information to you at the same time as we publish it, we will publish at the same time we send it. You know exactly what we're talking about. There is no other discussions on the table that doesn't come from our assumptions or questions raised by the community. So you can rest….

KIRAN MALANCHARUVIL: Sure. I mean, in all fairness, the Cookbook came out on Friday and there were several meetings that happened before that point that we didn't have as much visibility into, which is why I started by congratulating you for getting better and better. But it behooves us to take an inch, take a mile, whatever that saying is.

So thank you for all of that. In closing, I would like to support the diversity comments of everyone else here and encourage the org representatives – probably this would be Sally I'm assuming – an ask that we've made, I've made personally over the past four years, to support the diversity and engagement. Please consider having resources for women with young children to be able to

come to the meetings with our children so that we don't have to spend weeks and weeks away from them.

Very, very difficult for young mothers. I'm a single mother. Very, very difficult for young mothers to come to these meetings because of the beg, borrow, and steal child care stuff that we have to do. So I will renew the ask that I've made at every meeting for the past four years since I've had my daughter for ICANN org to consider adding a [inaudible] to increase the diversity of young female voices at ICANN. Thank you very much.

GÖRAN MARBY: Thank you. Always a pleasure.

DUNCAN BURNS: We have a [remote] question.

JAMES COLE: This question comes from John Poole: "Where's the ICANN data sowing geographic distribution by country and ICANN region of a) domain name registrations and b) domain name registrants? Where are you publishing this data specifically on your website? I just asked the question in the registrants session going on now, and they evaded answering the question."

UNIDENTIFIED MALE: The speakers are very bad, and we couldn't hear the beginning of the question.

DUNCAN BURNS: James, can you start again please?

JAMES COLE: Sure. "Where's the ICANN data sowing geographic distribution by country and ICANN region of a) domain name registrations and b) domain name registrants?"

DUNCAN BURNS: Akram?

AKRAM ATALLAH: Thank you for the question. It's important to understand that we do not have the data of every registration for us to actually analyze it, but we could endeavor to try and collect these things. We have also been working on a marketplace index data with the community. Maybe that will surface these numbers and provide a better breakdown of the geographies.

Just to be clear, in order for us to be able to do this breakdown, we would have to get every registration's information and the address of every registrant and be able to map it. And that's not something that we have access to. As you know, the WHOIS

record is actually a distributed database and not a centralized database that we control.

But we are working on better information and more data on the marketplace, and maybe that could be one of them if the community agrees to that. Thank you.

DUNCAN BURNS: Thanks, Akram. We have another remote question, but it's in Spanish. So just give you a second with your headsets.

INTERPRETER: Thank you for the opportunity for asking. I'm Juan from Lima, Peru. In Peru, we are very affected by the strong phishing and fraud campaign that we see on the Internet. For years now, we have been attacked by registrars on those domains where phishing is located. In 90% of the cases, domains are exclusively for a phishing attack.

The explanations and evidence are reported to registrars, but still they take no action except when days have passed and the fraud has already been committed until we say no more. That is, when they take action, we no longer need it because the fraud is executed immediately and actions need to be immediate as well.

But we have been very surprised by Google and Facebook, their negligence to eliminate the phishing in their networks is surprising because they never mitigate the fraud that is created in their own networks. And so we have seen that there is no regulation forcing the parties to take immediate action.

So the question is, what does ICANN do in this situation? Can ICANN be aware of this? Is it possible to coordinate joint actions with you so that we can take action in these cases? The need is urgent and we should resolve this. Thank you.

DUNCAN BURNS: Thank you. Akram, would you like to answer?

AKRAM ATALLAH: Thank you for the question. That is actually one of the big problems that we suffer with in the Internet when actually bad actors register domains and within a very quick time they actually do malware and then drop their domains and move on to other domains. The speed of these things is very complicated for anybody to act quickly enough based on a response to a bad action.

However, we've actually included in the new gTLD contracts a framework for every TLD that they have to scan their zone for malware and make sure that they actually take action on this.

And when we audit them, they have to show us the reports of their action. We've finalized that framework about I want to say six months ago, and now each one of the new gTLDs does this, takes action. This is actually the one thing we can do about it because that action is to do something preemptive instead of actually just doing a reactive response.

Also, I want to mention that we've been working across our OCTO team and Compliance as well to show where these registrations are happening and where the bad actions are happening so that we can provide an opportunity for the community to comment on these things and hopefully bring more, develop policies that can actually help reduce the harm that's being done.

It's a difficult issue, but I think that if we all come together we can actually come up with better policies to address it. Thank you.

DUNCAN BURNS: Thank you, Akram. Sir?

DEAN MARKS: Thank you. Dean Marks with the Coalition for Online Accountability. I'm sorry to circle back to GDPR again, but this is actually a pretty simple question. Yesterday there was a

submission of a purpose statement. Statton Hammock from MarkMonitor submitted it, but a number of companies worked on it to try to take account of the European Commissions guidance that the statement needed to be more granular, a purpose statement, and link specifically back to the processing and collection activities that are contemplated with personal data under the GDPR.

Göran, I know in the Cookbook, ICANN in Section 7 had a little bit more detailed of a purpose statement, but it didn't seem to take account of the Commission's actual technical input and guidance. So my question is, [with] the purpose statement that we've submitted will that be sent into the DPAs by you as well and made available for the community to take a look at? Thank you.

GÖRAN MARBY: I will start and then ask JJ. As a general notion, I have the greatest respect for the DPAs, and I know that in their work what they're looking at is information you sent to us as well. I don't think that we're – we're not the only vehicle. If they would only rely on us as a vehicle for getting access to information, that would actually surprise me. So that's why it is important for us as soon as we can, we post information regardless where it comes from.

The other part is I heard a couple of times that you have not done enough study of something. Sometimes that could mean that you don't agree with us, and that's fair. That's why the Cookbook also raises questions where there's disagreement in the community. So for Kiran again, these are the questions we are asking so you have transparency about what questions we asked them.

I don't know JJ if you would like to continue.

JOHN JEFFREY: No, unless you think there's more that we should answer on that. I'm not sure I understood another aspect of it.

DEAN MARKS: No, there is more actually to be answered on that please.

JOHN JEFFREY: Please then.

DEAN MARKS: Thank you. Because it wasn't a question. It wasn't a request for analysis that we submitted. It was a detailed purpose statement to try and comply with guidance that had been received by ICANN by both the Commission and by Hamilton, ICANN's own law firm. So we weren't asking questions. We weren't raising

objections. We were trying to contribute something that would be helpful to the entire community and [ICANNTap.org].

My specific question is, are you planning yourself as ICANN org to submit that to the DPAs or not? It's pretty much a yes or no question.

GÖRAN MARBY: And I want to reiterate the fact that we post them, so they get access to that information anyway.

DEAN MARKS: I can't hear you, Göran.

DEAN MARKS: When we post information, I have the greatest respect that the DPAs of Europe would read what you say.

There are a couple of things I want to – and as I said in the Cookbook already – one of the questions we are raising when there are different viewpoints within the community, we take them back to the DPAs and talk about them.

DEAN MARKS: But, Göran, you did not raise in the Cookbook, is our purpose statement adequate for purposes of EU law? We are trying – all

I'm saying is if ICANN org is not going to submit directly to the DPAs, maybe we will. But I'm just asking a simple yes/no question. [Are] you're going to submit it along with the Cookbook and other subsequent documents directly to the DPAs from ICANN org? It's a yes or no answer.

GÖRAN MARBY: No, because the assumption of that question is not a yes or no answer, my dear friend. We are submitting all the questions when there are [inaudible] to the DPAs. And I've said that we're going to take a lot of those questions that have been raised this week also. And I'm grateful for the work you do. You can also send this information to the DPAs directly. You don't need me to do that.

DEAN MARKS: Okay.

GÖRAN MARBY: And I've asked you for doing that for the last nine months. I asked you just to….

DEAN MARKS: You know that we have made several submissions directly to the DPAs, correct?

GÖRAN MARBY: So may I ask humbly?

DEAN MARKS: How many have we done? Three.

GÖRAN MARBY: No, humbly asking you, why is it so important that I send it in as well? We are going to raise those questions with the DPAs of course, which I've said all along. But why do you ask me about you want me? Is there anything that I miss when it comes to you asking me to submit something that you submit as well? Because I don't understand.

DEAN MARKS: The reason why is because I think that there was advice that you had received from your own law firm, Hamilton, and from the EU Commission saying the purpose statement wasn't fulsome enough and we were simply trying to help on that. And, Göran, at a certain point ICANN org makes decisions and makes proposals that it submits because you've said you're going to be making the decision on your own as CEO. So there are certain elements that you will adopt as an ICANN org proposal as opposed to a community submission.

GÖRAN MARBY: My friend, first of all I'm grateful for the work you're doing. We've been very open and transparent, and we have had good dialogues about this. Don't anyone in the room think anything else. I have the greatest respect for your views on this.

It's more, yes, I'm going to make a decision in the end because ICANN org, I'm forced legally to make a decision and I'm gladly going to do that. You will know before I make that decision of everything. We will explain to you as much as we can about any part of this [inaudible] before we make the final decision. We're not there yet. We've taken into account what you say.

DEAN MARKS: Thanks a lot. We really appreciate it.

GÖRAN MARBY: Because that is the question. I should have been more specific. Sorry, I'm slowly brained. I'm slow in my brain today. Because it's not about submitting this to the DPAs. It's me being transparent to you how we handle that information. Your view is taken into account into when we're going look into the internal decision making process going forward.

DEAN MARKS: Thanks. It's helpful, and I really appreciate the back and forth. Thank you so much.

GÖRAN MARBY: No, no, [inaudible]. Thank you.

JOHN JEFFREY: Is it okay if I add a couple things?

GÖRAN MARBY: Please correct me when I'm wrong.

JOHN JEFFREY: No correction at all. In fact, I just want to add some things relating to the transparency on the project and going back to Kiran's question as well.

All of the documents that we're collecting are being published. If you can't find it on our website, please let us know because we're trying to collect everything that comes into GDPR@ICANN.org and make sure that it's published and shown.

When we're communicating with the DPAs, we're making sure that they can see that full record, and we're assured by their processes that that's an important part of their analysis. Not just what we send them but what the community is collecting as

well, and we're very aware that they're taking that commitment very seriously.

I think it's also really important that I apologize to your organization because I think Steve Metalitz sent a note earlier this week saying that we had misrepresented one of your points in part of the model. And we're going to send back a formal response to that, but I wanted to apologize to you while you're at the mic because we didn't mean to misrepresent your piece. We actually were excited by the way that you had presented it and thought it was also supporting the position we were taking. So in that we got that wrong, I apologize.

There's a lot of information flowing to us, a lot that we're putting into the models, and we want to make sure we're reflecting that accurately. So thank you for pointing that out earlier in the week, rather Steve pointing that out earlier in the week.

And continuing, as we have the Cookbook we want everyone's input to come back into that too. So if you see things we haven't explained in the appendices, other pieces – I know there have been a lot of comments this week, are you showing what you need to show about why the data is being collected and why it's being retained? We want to know if you think that's deficient. Please let us know if you think there are documents that support another position. That's the kind of thing we're trying to collect

as we come down to taking it from the interim-interim model to the interim model.

DEAN MARKS: JJ, I just wanted to say thank you very much. I appreciate the correction on that. That's very kind of you to make that statement. Yeah, I mean lots of people are working very hard on a tight time deadline, and this is all very, very helpful. So thank you so much. Really appreciate it.

JOHN JEFFREY: Thanks.

GÖRAN MARBY: For the record, John Jeffrey, our Chief Legal Counsel, just said sorry to you. I'm looking forward to that Twitter.

DEAN MARKS: Thank you very, very much.

DUNCAN BURNS: So I think with that, we're hitting up against time. Have we got one more question? Otherwise, I think we'll call it a close for today. Thank you very much for getting up and coming in and for asking your questions.

As a reminder, the recording of this session will be posted on the website and any unanswered questions – I know we had at least one – will go on President's Corner once we've had a chance to answer it.

So thank you all.

[END OF TRANSCRIPTION]