Transcription ICANN61 San Juan
Constituency Day: NCUC Meeting Part 1
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Bruna Santos: Good morning everyone. My name is Bruna Santos. Can – we are starting NCUC Constituency Day here at the Puerto Rico meeting. Can we start the recording please?

Perfect. So this will be our agenda for the whole day. We will have a meeting right now. Half of the meeting will be during this part of the morning. The second half will be as your lunch break. For the first part of this meeting we'll have some updates on different issues and subjects that NCUC has been working on. And on the second part of this meeting we'll have more administrative and related issues to also the original briefings from the EC and a statement from our finance committee representatives. So if we could start may be starting off with we'll have Martin doing an update on the rpm's working group so please (Marty).

Martin Silva: Thanks Bruna. This is Martin Silva. I don't (unintelligible) up like to words introduction on what it is or just spit out what – okay. The RPM is a Rights Protection Mechanism and it's a working group of the GNSO is reviewing all the mechanisms there are there to protect trademarks. So we are discussing whether the process that was set forth to protect trademarks has been useful,

effective, do they have to be approved a anyway? Where they maybe, you know, abused? What should we do in the future?

And the troop has decided its workload in two phases. The phase one is for mechanisms that apply only to in each TLDs. And the second phase is the mechanism that applies to all generic domain names which is on the UDRP for the second phase. So and in the first phase then the reason it's dividing those (faces) so that we could arrive with a review process for the subsequent new rounds of New gTLDs. So we of the process review for we wanted to launch the second round.

Right now we are finishing sort of the second phase. We already reviewed the trademark clearinghouse and all it's insights parts of it. And we are in the URS. The URS is the Uniform Rapid Suspension process. And for those who know what URS is URS is like a version of the UDRP that was created for the New gTLDs that is faster cheaper less costly way to defend your trademark. And the contrary or balance it's also less powerful than UDRP. So usually when we get suspended and there's (spools) around that so it's like it – we have continent in UDRP for this new or with New gTLDs.

Specifically the update is that in the review of this URS we are in all of the process we sort of have the same mentality. Like I said before is this process efficient in achieving its goal? It is balanced. Has it been abused? And we go through the each rule trying to make a question on that rule to see if we need or not to do something with it. So in URS we do the same. You know is this process balanced? How are the providers being education? What is the registries action in these or we go through every part of it.

And the latest update is that a little bit like less than a month ago NCSG pull a very strong argument to gather data on the (ages) because we felt that we didn't add up to driven - decision on whether the US was working or not, was balanced or not, was being abused or not. And we sort of achieved it.

We are now in the process of gathering data and doing questions specifically to provide a registries, arbitrators and users or registrants in this case, people that have a domain name so that's the update. Right now we are reviewing the URS. We managed to get a moment to gather data specifically to the announcer of the questions if the URS has to be changing any sort of way.

And after this this is supposed to end somewhere within this year next year. We are going to enter into phase two and that's going to be UDRP. So a lot of the world we are doing this also and to the phase two. If anyone has any questions I will be probably to answer.

Bruna Santos: Thank you Martin. I have a couple of questions just a follow-up. For the people who are new here first of all what is the biggest challenge for NCUC in this specific aspect of our work. And second of all if they want to jump in and help where is the most efficient place for them to jump in and help?

Martin Silva: Yes Martin for the record. I would say the challenge of NCUC is it's a balance. We are trying to bring balance to a process that is protecting trademarks which but is the issue or concern we may have that trademarks can be used in a way that it goes over the legitimate and fair use of users of the domain name phase like using a trademark to take away a domain that has my own name. I have a right which is how that you can claim on having a domain name with my name if I'm using it, you know, in good faith.

So I would say that the concern of NCUC is to try to have a balanced process, a fair process of trademark protections. That's the challenge so that the process is not abused against what end users the general claims may have. The second challenge is the amount of participation. It's a group where every call we have 50 people and we have only probably four NCUC or NCSG users. That means we are greatly outnumbered and we are doing our best to try to work together. I mean (Claudio) has been working with us. Louise has been working with us. Michael has been working with us. But it's still a very, very small group. And there's a lot of work to be done.

So if anyone wants to join there's a lot of things to do and to participate with. And the ones that we – the ones that are involved we are very open. We are very willing to mentor to explain to – and we want to work together. But that's the thing. We are working – we are looking for people to work together with us. So the place is open.

Michael Karanicolas: Hi. Michael Karanicolas for the record just to add to those excellent remarks and that interaction to the theme. Yes it's can be a challenging area to engage in because it is heavily technical partly because it's heavily technical and partly because the debate can be very intense at times, probably the most intense back and forth say defined step that I experienced in ICANN in the areas that I currently engage in. But at the same time, you know, there's a – that can be fun also, you know, the adversarial nature of it and the, you know, the fact that you're called on to defend a position can be good.

And I also do want to emphasize what was mentioned about how – about the members that are involved that are very happy to help out. So it is a challenging area to engage. It is highly technical but it's also a great opportunity to learn about that area. And the people that are engaged I know for myself Martin, Louise certainly Kathy are super happy to offer any kind of mentorship or help or support or guidance in the issues that we're going to be talking about for the meetings. So numbers are really important. As Martin also mentioned we're nearly always outnumbered so it's very important to get more people out. And please don't hesitate to approach any of us if you want to get more involved and we'd be very happy to help.

Bruna Santos: Thank you very much Michael. We'll proceed to the updates on the next working groups. And one initial question, do we prefer that they do presentations on every single one of the things and then we jump to Q&A or do we think that this is working, maybe have some five minutes questions after every single presentation?

Louise Marie Hurel: Hi, Louise for the record. Sorry for the – I got a little bit of cold. But I think we should proceed that way. I think maybe the particular group presents and then we just do a very brief Q&A, not necessarily five minutes but whatever comes up but yes thanks.

Bruna Santos: Thanks. Well I guess then we can move to Stephanie.

Stephanie Perrin: Sorry, Stephanie Perrin for the record and I apologize for being late. We were staggering over from the other meetings. I am supposed to give an update on auction proceeds. I regret to report that I've been conflicted out of several of the meetings on auction proceeds lately. And I have been so busy preparing all our GDPR comments that I haven't really checked in. Quite frankly we're not moving very fast in the Auction Proceeds Working Group.

The last I heard we were still debating about whether or not we were going to allow the board to dive into the auction proceeds to drop off the reserve fund which is a very real problem. We were – and we had a long discussion over getting outside expertise from those who professionally run endowments and funds. And I can't honestly tell you where we are on this. If there's someone else who wants to take over this committee I am (Deb O'Day) as we say in the other language in Canada. It is just too much right now with the GDPR things going on. So and I don't see the auction proceeds moving too quickly.

We also have Julf on this committee so I have hated to abandon him. But if there is interest we might think about replacing me and having somebody else. Thanks.

Bruna Santos: We have a question from remote participation from Renata. But it was on the RPMs team so...

Woman: She (unintelligible) on there.

Bruna Santos: Yes we're moving this question to floor. It's the end of it. Is it okay (Maria)? Thank you.

Woman 1:   Actually Stephanie I'd like to ask you a question. And it's also about the fact that some issues are sometimes overshadowed by other issues because of their urgency. So in your experience at ICANN how would you suggest newcomers to deal with such a thing when they're so inspired and passionate about a specific thing but then again something overshadows it and another player actually has to go through? How would you actually advise us to go through in it when something like this happens?

Stephanie Perrin: Well I have to say Stephanie Perrin for the record I got interviewed for the ICANN history or the NCSG history project the other day. And, you know, the question was what would you advise newcomers to do coming to ICANN? And advice is go with what you're passionate about. I'm night quite as passionate about auction proceeds as I am about GDPR. And I feel like I'm needed more there. The only real reason that I put my hand up and agreed to do auction proceeds is they're looking for qualifications. You're supposed to have expertise in managing budgets doing, you know, doing grants and contributions -- that kind of background. And I have you know done that.

I've managed programs and I, you know, it's not the same as, you know, it wasn't running the Bill Gates trust but, you know, this isn't quite frankly the same amount of money. It's a couple hundred million. It's still a big chunk of money but, you know.

But so at this point I really think I'm better used elsewhere but not that I think they want me to leave because budget experience is very, very useful here and - but and we need to replace me with someone who meets the criteria that they were looking for back in the beginning. So, you know, but I would continue with advice to newcomers, pick something you're passionate about and follow it closely. And, you know, the key is to just ask the folks who've maybe been at it longer good questions, you know? And if you're reading the

documents and following and you're going to have good questions, you know? And we sure want to help you get up to speed because this is really exhausting.

And we were talking in the GNSO there's a really good paper that everybody should read I think that has been discussed at the intersessional on staff, you know, the PDP burnout, the problem, the overloading right now. And that's well worth grappling with. So does that answer your question yes?

Woman 1: Sorry it's also good to note that Ayden's is going to be talking more about the FY '19 budget and operation plan later on in the day as well.

Bruna Santos: Bruna for the record. I guess I'll be willing to help you with auction proceeds also also.

Stephanie Perrin: Oh good.

Bruna Santos: Yes, just a volunteer note. Does anybody have any other questions or should we move to the next subject? I would just check if we have anything from remote? Yes, no.

Rafik Dammak: Okay thanks. Rafik speaking. No just want to support what Stephanie was saying. For newcomer particularly it's important just to focus on one issue that you can spend your time and try to understand and try to scatter your efforts in so many areas. It can be - take so much time just your attention, your time are kind of scare so do something but do it well, just focus on one thing. That's all. That's what I want to say.

Bruna Santos: Thanks Rafik. Moving on then we'll have an update by Dina on the '18 initiative. Are you ready to do it Dina? Thank you.

Dina Jalkanen: And Dina Jalkanen for the record. So just a short update, something I already talked about the NCSG Executive Committee. We have E-Team right? Anyone here who is on the E-Team?

((Crosstalk))

Dina Jalkanen: Okay. So well it's quite nice that we are independent from ICANN structure. What - the IT staff has made and these things are working but only a few handful people are behind it like Tapani for instance and have been doing it for quite a long time. So putting in new people into the E-Team and sharing that role it would be important yes. So all the newcomers are very welcome to talk about that. And just everybody (unintelligible) there has been a question raised about using Google documents in the line on the Google (glide) heavily. Also a question has been raised these E-Team are whether some documents are require the privileged accesses in some documents should be seen by a number of people before (moving) to their list and so on.

And having an Internet of (unintelligible) would allow for that and having a bit of a bit of a better structure and us finding our own services which is possible. But I think what needs to happen next is that we reflect on that and we send it out to the NCUC list for an open discussion and see what the inputs from the community is and that is how we shall proceed. Thank you.

Bruna Santos: Thank you very much Dina. Louise and then Ayden.

Louise Marie Hurel: Thank you. Louise for the record. I was just going to ask you Dina to just I'll see some new faces in the room so I'll just ask you to just give a brief overview of what the E-Team does and what is the focus and just to so that newcomers and people who are might be interested in joining can have a clear view about the E-Team. Thanks.

Dina Jalkanen: And Dina for the record using another microphone. So E-Team in short does technical backup for the NCUC and some awesome (unintelligible) meeting. Thank you.

Ayden Ferdeline: Thanks. Ayden Ferdeline for the record. And I appreciate this is an NCUC meeting but at the NCSG level in the policy committee we've been experimenting with Slack. So I just wanted to to sort of pass that feedback on that perhaps it is something that the NCUC E-Team might also want to look at our implementation Slack repository if there might be some synergies that we can get together because we had been using it as sort of an early document management, you know, control tool. But of course we're also taking all of our work to our archived mailing lists because while we do use Google Docs ultimately our outputs are public anyway and we do develop them in an open manner. So we haven't at least speaking for myself I don't see a huge issue with using Google Docs for that reason.

Dina Jalkanen: I don't.

Ayden Ferdeline: Okay and that's fine but we can have differences of opinion on this and I realize why. You know, the danger of being stuck in an ecosystem dominated by certain market players but ultimately the documents that we are producing at least at the NCSG level are public anyway and they are developed in a public manner for all of our members to be able to see. So appreciate, you know, Google Docs is not available in every jurisdiction. I remember in the past we've had members in China who've had difficulties with Google Docs and we try to find ways around that based on the positive feedback on many about Slack as just an FYI that we are piloting this at the moment to see how it goes. Thanks.

Dina Jalkanen: I'll have to respond to Ayden. Your Slack suggestion and is noted. It's in my mind. It's somewhat separate from the Internet but whatever the community has consensus on we've got your back. We will make it happen. And what comes to the documents and document sharing, a solution which works for

the most people as free as open as possible is the objective and the – we'll take all the input we can get on the best talking solution. Thank you.

Bruna Santos: This is Bruna for the record. We have on the queue Steph, Rafik and then David. But Renata is also joining us remotely right now and she would like to address some of the questions as well so Renata if you are ready to speak we're - the floors is yours. Renata?

Woman: I guess we could take...

Renata Aquino Ribeiro: Hello? Oh good I guess you can hear me right? Renata here.

Bruna Santos: Yes Renata we can hear you.

Renata Aquino Ribeiro: I would like to thank Dina for the update. So yes E-Team has a list but I will just say that this is a team with some veterans that take care of NCUC Web site infrastructure. So it's not really a team for tools or outreach or plans like these. And we are – we have been discussing the Internet but all the discussions will prove the E-Team list to the participants there. A while ago we had a confirmation of participants. And we hope to bring this discussion back to E-Team list to bring to the next steps. Thank you.

Bruna Santos: Thank you very much. And so moving on with the queue Stephanie?

Stephanie Perrin: Yes Stephanie Perrin for the record. And this may not be appropriate for your committee. I'm just putting it out there. The other day in the GNSO I think we reiterated the suggestion that really to help our newcomers get up to speed we needed the Web site and the archival capability of ICANN upgraded. Anybody ever tried finding a document on the ICANN Web site? Good luck. Good luck. Search tool doesn't work.

You know, I think there's consensus we all give up and we go to Google. I hate to but so we have recommended in the past that they hire a librarian. I

know David was on this years ago. Remember we were pushing for the librarian, they hired the librarian, then librarian left and they kept that position? They're hiring new people.

We need a blessed librarian archivist. They're cheap compared to what we spend on staff. And I'm not taking a shot at staff. We want good staff but we really need help because I need to be able to go to them and say want to find all the records on this topic, guide me. And we don't have that. Nobody can guide you. So would you take that on? The only geekish angle here is the failure of the search tool.

Martin Silva: I don't really think that's an E-Team kind of deal.

Stephanie Perrin: Okay can we have a library team?

Bruna Santos: This is Bruna for the record, only a short (intermission). On the EC case we have been trying to assemble a syllabus or maybe a repository, a place that we can list all the links you are allowed for documents. And we've been trying to do the librarian job so far.

Stephanie Perrin: No that's a big job.

Louise Marie Hurel: Louise for the record. It has been Google doc (exception) because we have been using a Google doc to try to catalog all of the documents we have at the current moment and some past documents so we can have an archive of these things instead of just a mailing list which can be very confusing if you're trying to find a document that has been referenced to in a while ago. So I think that is even though we don't have the librarian department I think that it is definitely a demand. Thanks.

Bruna Santos: Moving on to Dina.

Dina Jalkanen: Your suggestion is noted and whatever completely you need or the suggestions we will take note it and we'll back you up.

Bruna Santos: Thank you Dina. Then moving on in the queue is Rafik right now.

Rafik Dammak: Okay thanks Rafik speaking. Okay sometimes it's important may be to have the historical background. So when we - the E-Team, all these teams were created during the direct term. And for these particular cases than to have like more people doing the kind of the maintenance and to keep NCSG Web site running. So we had the accounting on there with also domain name and so on. So that was the first focus on the first place.

So I think now we are trying to extend to have more road but that's okay but I'm – first when I hear about any solution we start first to define what our needs and requirements before jumping to specific solution. That's always my – it's what - why you need this in the first place, what you want to achieve because one of problems is like even if I think about Slack and so on we tried before look at Chat. We tried to that experiment. It didn't last because we need and many times to get - its user (access) that you have to get people to join and to participate. And also there is that problem of maintenance.

Don't think that now we have people that can keep things running for now. Who will do that in five years? Who will do that and what is the cost? So we need to when we make a plan it's something that sustainable that we can keep it, that it can be updated and so on. For example even now for the Web site it's there is – you have to do maintenance like to upgrade to the server, to upgrade the workplace and so on and so on so this should be did carefully (sic).

Also with regard the solution and I'm just I'm kind of agnostic and I don't have a (unintelligible) approach, I mean Google doc or whatever. It's again it's about sustainability. If we select something that it's accessible to everyone and that we can keep it and maintain for the future.

Bruna Santos: So regarding also about the document access I think for privilege access really it's the exception because my GNSO operating groups and the expectation of transparency like our mailing list everything it should be transparent. We are doing that and we keep that at this hour of our point.

I know that may be it's not effective because we show all our discussion but we have that requirement to follow. So I think maybe for the E-Teams now it's kind of may be collect all the kind of what people think as need or their requirements so we can then start from to to think what we can do. And also we have the constraint and time and resources to to maintain whatever solution and let's see what can happen right?

Also want really that you focus on a specific area and don't try to overstretch. I'm kind of worried if you would have to fix ICANN Web site or something. I mean just that focus on our need our resources. And it's important that we did that to be independent from ICANN. People may be don't understand why but let me express something.

For example we are using the wiki conference page, the conference. It's a nice platform. It's a nice platform. But we don't have control of it. We cannot - (unintelligible) ourselves. We cannot get - take backup ourselves and so on and so on. It's the ICANN IT team to do that and we have to make request.

And also if we have like a mailing list at ICANN we won't have the kind of moderator permission by yourself. We have to depend on ICANN. So that keeping the independence was important for us for the Web site for at least sales and so on. So I think that's something just to have in mind whatever we come with. Okay?

Dina Jalkanen: Rafik makes excellent points. Thank you.

Bruna Santos: Thank you very much Rafik. Moving on to David just so we can...

David Cake: Yes I just wanted so I think it is important the E-Team remains pretty focused on what Rafik says which is providing electronic resources for the NCUC (lines) and control and is able to – and is able to keep them updated. We don't duplicate the work of ICANN staff. We don't even – I know it shouldn't even particularly be about, you know, lobbying or anything like that ICANN staff unless it's on a, you know, just occasionally liaising on very specific questions not - and not even that really. So I – it is a, you know, it's not a super active group.

If you're – if you are someone that has some technical skills and we don't need to be - we don't mean deep technical skills. We occasionally do need those. And, you know, people like Tapani and myself have been, you know, have worked with sysadmin's to – can roll up our sleeves on occasion. But mostly it – a lot of the – most of what we did last year was about the Web site, anyone who sort of understands how Web sites work and WordPress and so on is a very welcome. It's a good way to just contribute help out, do a few things. We can certainly use a few hands just basically to deal with things like Web site content and things like that.

We are – we – the question of do we have the outline channel and other tools like that has come up. And as was said we tried (Rocket Share). It didn't work. We made try - or we just didn't get enough adoption. We may try some other tools as we keep going on.

There are alternatives to using Google Docs. We could, you know, and stall and set them off if we thought if there was enough demand and people thought we were going to use them. And I might be quite a good idea to, you know, host their line like on cloud or something like that so we can have outline document platform. NCSG does use Trello as a project management tool. We could perhaps use that for NCUC as well. That might be really helpful.

But on the whole we don't want to do – we don't want to spend a lot of time duplicating stuff ICANN already does. And we don't want this team to turn into, you know, grow its (unintelligible). So please feel free to - and keeping our Web site and now some of our materials up to date is something that is really helpful and I think some of the (LOV) Team members are not really focused on so that's great.

Bruna Santos: Thank you very much David. This is Bruna for the record again. So we're moving on to our next agenda item which is a presentation by our NCUC mentees for this meeting who are Olga and Farell. And Ayden is also helping us with this presentation.

Ayden Ferdeline: I'm not sure how I'm helping. But feel free to let me know.

((Crosstalk))

Bruna Santos: It's actually about RDS I believe like if you can give us a brief about what's happening in the RDS PDP.

Ayden Ferdeline: Sure.

Bruna Santos: And then (ones) you can actually ask questions and then...

Ayden Ferdeline: For sure. So my understanding from Renata was that I was going to be silent and that - no I – and that the questions were going to come to me to answer but if there...

Woman: But the newcomers can you open the acronym?

Ayden Ferdeline: Well the acronym is disputed so it is either the registration data service or the registration directory service. And there is some politics behind that that. I don't know if it's particularly useful to go into an update as to where this particular working group is at. What might be more useful to think about is the

broader issue of so what is the RDS? Remember, I'm going to use that one acronym because it is disputed as to what it stands for. Broadly we're speaking about the Whois service which is essentially a decentralized database of containing the name and some other personal data of the registrant of a domain name.

Bruna Santos: Sorry and can you speak closer to the mic?

Ayden Ferdeline: Yes sure. But hopefully you can hear me better now. So broadly when we speak about the RDS Working Group we're speaking about what would be the replacement to what is Whois at the moment. And Whois is not an acronym. It is simply the directory service that contains the name of the registrant or domain name amongst other details. But the more exciting area of focus has not been on this working group because this working group is moving at a place your pace.

The more exciting focus I think has been to do with how do we get with the GDPR, the general European Union's general data protection regulation which is an effect but enforcement begins in May of this year? How do we ensure that Whois the current service is compliant with the GDPR? So a lot of the conversations in the community have been revolving around that. So there roughly 70 days before the GDPR comes into effect.

The registrars have complex systems that they will need to reconfigure in order to be compliant with the law. And ICANN has proposed a series of models for achieving compliance. The date is still at a very high level. Nothing is finalized. I like have Stephanie described it this morning in our meeting for the board. She said jokingly that she calls it the spaghetti model. You throw it on the wall, see what sticks. And that seems to be what is happening at the moment.

There's, you know, not a whole lot of progress but broadly they are – we are at the stage of assessing these models seeing what we can live with, what

we can't live with and what we're happy with. And there are parts of them that are okay. But I'm going to pause there. I think it's, you know, perhaps too much detail to actually put down into the models themselves than to though we can do that if you like but if you have any questions I'm happy to field of them. Thanks.

Bruna Santos: Okay this is Bruna again for the record and I apologize Ayden. I (unintelligible) with this in the whole agenda. It was Olga and Farell were supposed to do the presentation. I got confused so apologies for that. So maybe Olga?

Olga Kyryliuk: Yes thank you Bruna. I will give just a few probably introductory points because Farell is working on that much more than me so he can add probably more flesh to that (unintelligible) so we can (unintelligible) that. So currently the RDS Working Group has been working on 30 questions. The first one is what are the fundamental requirements for digital deregistration data and directory services? And the second one is a new policy framework and the next generation are there needed to address these requirements or we can follow with what we have regarding the Whois.

So the working group is currently working to reach initial (unintelligible) consensus agreement on key concepts that's related to working groups charter questions contained in the RDS users and purposes, also data elements, privacy and access. It was mentioned during the working group discussions that it is very important to differentiate between the purpose of individual registration data elements and the RDS itself. And when we talk about the purpose of our gTLD registration data it is to provide a record of (unintelligible) name registrations while a purpose of RDS is to facilitate dissemination of the gTLD registration data of record such as domain names and their domain contracts.

As of March this year 49 initial points of our consensus had been reached already. But what I was a bit confused that there is a lot of discussion

happening about what is the legitimate purpose in self and what should be considered as the legitimate purpose? And the most striking point from me was that which was made that we probably still need to identify what is the ICANN's mandate but which is kind of strange for me. We all know what is ICANN's mandate.

But what we need to do with all these legitimate purposes is just to make sure that they follow within the framework of the ICANN's mandate which is just to provide the security and stability of the Internet but still somehow the discussions are moving also in that direction. So that discussions are also happening about what kind of data elements should be open now for the general public and what should be opened by your filing the request and also that there might be some more confusions because not always the person who is holding the account is the one that whom belongs the domain name. That's why it also may create some kind of confusions in this regard.

And they also raised the point about the reputation issue with regard to the domain name history. And there was some kind of the analysis made that goes into real estate registries that probably the one on this should be the same. But the logic is also not that much clearer in this regard so I believe this is just right the first phase happening of all these discussions and yes. I will also give the floor to Farell to add on that.

Farell Folly: Thank you. Farell Folly for your record. I don't know Bruna if time's less again but I think that Ayden and Olga gave a good summary. So if time left maybe I could just give a quick update on the progress of the working group so...

Bruna Santos: Yes this is – yes that will be good and then we can jump on into Q&A like really quickly.

Farell Folly: Okay.

Bruna Santos: Thank you.

Farell Folly: So I think that - thanks. ICANN 60 the working group has focused on defining potentially legitimate proposed for processing registration data and the data element that's required for each purpose and potential user of that data. So what has been done is several trusting team were formed to flesh out propose the finish for the RDS proposals. And the same drafting team were reactivated again to address questions about entities to be identified or contracted for each purpose as input to ICANN 61.

And this has been done because ICANN really does not know by it at the moment the legal purpose of Whois. And it is taking us a long time to try to figure out out there what we can do. So I would have now seven contenders for legal proposal of Whois. But the NCUC – sorry I guess (unintelligible). And those seven contenders are like drafting teams. We have seven. And the first one is technical issue resolution at the (unintelligible) of public interest DNS research. We agree on this one.

Drafting Team 2 regard domain name control and end user Internet use. We also agree on this one. And Drafting Team 3, domain name certification we actually question this one. Drafting Team 4 business domain name procedure we question this one also. Regulatory or contracts for enforcement we are questioning this one too.

Legal action questioning also and Drafting Team 7 on criminal investigation on DNS abuse. So I will (note) for the over subgroups but Kathy Kleiman and I are part of the Drafting Team 5. And our assignment was to re-examine in the output of the regulatory action and ICANN contractual compliance purposes in order to ask for three main questions.

The question are who associated with the domain name registration need to re-identify and are contracted for each of the purposes and what's the objective achieved by identifying and/or contacting each of those entities and what might be expected to of that entity for that of the domain name.

I will not go into detail of the discussion that went around this. But the thing is ICANN is not a contractual compliance and it's not necessary for ICANN to do that. The function itself of compliance is necessary. But we question why ICANN contractual compliance involved in contract between ICANN and its contracted parties of registry and registrar cold probably implicate registrant who are not part of the contract between ICANN and play no contractual part in compliance.

And that goes for the same thing as regulation. Why will ICANN allow to collect for regulatory purpose while ICANN is not a regulatory entity? So actually this is the discussion going on. But within each subgroup many people are advocating for the fact that those legitimate – those purposes actually that has been suggested only purposes but not definitive. So that will come according to a working group guideline frame to discuss about legitimacy of those purpose who are – which have been proposing by now. So that's the end of my presentation. So if you just have any questions they are material to share for people who are new to normal about this. Thank you very much.

Bruna Santos: Thank you very much Farell. We're taking David's question and then we're moving on because we still have a lot of issues.

David Cake: Not really question but it's (comment). I'm also involved in this group as the - I'm part of the leadership team of that group so that it has one vice chair from each stakeholder group so I represent the noncommercial stakeholders on that group. Of course it means while I participate in a discussion of the group I'm a bit more focused this process rather than, you know, the leadership role is focused on process. While, you know, Stephanie in particular is doing (NA) and they're doing heroic work and keeping up the bulk of argument on that group I just wanted to say that this is a special role for PDPs which is that anyone can join at any time. It's not how it normally works in PDPs. You want to jump in we'll help you do that.

The – we - we're kind of constrained in our charter not to use sub teams too much but actually we found we're much more productive when we do it so we're going to try and work out how to do that. I've been involved in drafting teams. I run Drafting Team 3 which deals with domain name certification which we thought was one of the really uncontroversial ones but somehow we managed to find some controversy.

It's - this is a interesting working group to be involved. It's huge and complicated so it's a bit dumping into the deep end. Gut there plenty of people who will be more than happy to give you a little bit of direction and help in mentoring. And this is - and this is a vital one where are all of the people who are involved in it are a little bit stretched. We would love to have a little bit more help. And we do have a session on this tomorrow which I would encourage you to come along to. And you can see us discussed for example the work of working team file I think is scheduled for tomorrow but you can learn all that. But please this is a good one. If you're interested in, you know, finding a bit about policy this is a good one.

Bruna Santos: Please Steph go ahead.

Stephanie Perrin: Thanks, Stephanie Perrin for the record. I'm just wondering if there are enough people interested in RDS that we could have a little cluster in the morning prior to the meeting may be or - we're not all in the same hotels and we get free breakfast and we all want to read our free breakfast right? So, you know, that's a really important but maybe after breakfast and before the meeting because there's a lot of really embedded issues here.

Those were great summaries. Thank you very much. I couldn't have done that. And as you know I'm in there fighting every day. But there's things that we need to kind of brief on so if anybody's interested let's figure out a time. Thanks.

Bruna Santos: Thanks Stephanie. We have Ayden in the queue and we...

Ayden Ferdeline: Thanks for that summary. And I was just actually going to mention something that Stephanie has been raising in this working group that the process that we've been following lately seems to be quite backwards in that rather than focusing on data minimization which is sort of a basic principle of data protection law we've been focusing on sort of data maximization and looking at all of these really broad categories of how can we justify the status quo, how can we because some random third-party services built their business on the back of X, how can we ensure that they have continued access to whatever they need? And that is been, you know, used the time before, you know, the legitimate interest. I think there's some disagreement at least amongst the NCSG as to whether or not some of these uses I think put forward are really a legitimate use of Whois or perhaps a misuse of the service in the first place.

                  So I just wanted to put that out that ICANN creates policy and contractual compliance models for the domain name system and that it should really be starting that when it comes to finding the purpose for collecting data in the first place and not thinking about this wider repositioning of - through all of the random actors that would like to use the RDS for a purpose that is not necessarily in line with ICANN's mission. And for that reason that's why there's been some pushback on some of these as Farell noted.

Bruna Santos: Thank you very much. Dina I'm sorry, we're moving on with the agenda. Just I'm just afraid that we don't get to have a moment for every single one of our topics. And then if we have ten minutes in the end we'll go back to all of the underlying issues. So moving on to the New gTLD so Farell will have Robin giving a short update on the questions.

Robin Gross: Hi. This is Robin Gross. You want a short update. There are five worktracks. Sorry, no.

Man: (Unintelligible).

Robin Gross: So let me just go back a little bit what this is, the New gTLD Subsequent
                  Procedures Working Group. So when we came up with the rules for the
                  policies for the New gTLD program about ten years ago or so now you know,
                  we had a set of principles and a set of recommendations. And then they were
                  implemented into varying degrees and, you know, applications came in and
                  they were evaluated and New gTLDs were issued. And so this particular
                  working group is sort of now trying to take a look backwards at what
                  happened and were the policy recommendations and principles where they
                  right? Did we get them right? Did we implement them properly and were there
                  problems? Are there ways that we need to adjust the proposal for the next
                  time assuming we're going to have a next time?

                  So this particular working group is really large because as I said there are five
                  different work tracks within it. And each one is sort of focused on a different
                  issue, sub issue within the New gTLD subsequent procedures. So Worktrack
                  1 deals with the overall process and is supporting the outreach, things like the
                  clarity of the application process, application fees, application queuing,
                  support for applicants from developing countries. There's quite a long list of
                  issues that they're working on in Worktrack 1.

                  Now Worktrack 2 deals with the legal and regulatory framework so it has a lot
                  to do with the intellectual property rights protections mechanisms that were
                  created in this last round and looking at those, also things like what is the
                  global public public interest and what do we do with so-called closed
                  generics. Contractual compliance is a big part of that as well, the reserved
                  names list, trademark clearinghouse issues. These are all in Worktrack 2.

                  Worktrack 3 of which I'm a co0chair deals with the string contention
                  objections and dispute processes. So we're looking at the New gTLD
                  applicant freedom of expression principles, strength similarity issues,
                  objections and how they were handled, the different accounting mechanisms

that we have here at ICANN and how they apply to the New gTLD process and do we need perhaps a very specific accountability mechanism just for the New gTLD program. And also one of the big and more contentious issues in Worktrack 3 is the community applications. And, you know, now we're grappling with how do we define a community and what kind of rights and privileges do we want to give to that community? So these are the string contention issues in Worktrack 3.

And then if you go to Worktrack 4 this is the Worktrack that's dealing with internationalized domain names, universal acceptance, the technical and the operational concerns from the last round, name collisions, security and stability -- those kind of issues. and then Worktrack 5 which came along a little bit later in the process deals with what's called geographic names, geo names. And so this one was created just a few months ago so it's a little like I say it's a little bit behind it terms of when it was created and how will be – when it will complete its work and it - even how it is sort of managed because while this is a GNSO PDP other parts of the community were particularly interested in this issue geographic names, the GAC and the ccNSO. So Worktrack 5 actually has four different co-chairs each from the different parts of the organization from ALAC and from GAC from the GNSO and the ccNSO so it's being run a little bit differently in that sense but it's still in part of the GNSO's PDP process. So that's just a very, very brief overlay of what the different issues are that we're working on in Worktrack or in the New gTLD subsequent procedures.

And I should also mention tomorrow morning at 8:30 we've got a meeting that focuses exclusively on Worktrack 5, the geographic names issue. This is again one of the more hotly contested issues. And so if you're interested in that issue please come tomorrow morning at 8:30. I know one of the concerns that our group has with that particular issue has to do with how freedom of expression will be treated up against these newly created sort of geographic name rights which don't exist in law or in policy framework but

Worktrack 5 is working to create these sorts of right so it's really worth paying attention to.

Now in terms of the timeframe where we are in the process here we're expecting Worktracks 1 through 4 to complete the initial report within the next month. And then that will go out for public comment in April. And that will be out for public comment until June thereabouts. And then we'll go back and we'll take a look at what the comments said and perhaps revise some of the provisions that are in the initial report depending upon the feedback that we get. And then we'll have a final report for Worktracks 1 through 4 probably around the third quarter of 2018.

Now as I mentioned before Worktrack 5 is a little bit behind the other work track. So this is one again that it's just getting started and so it's not at all too late to join and to have a significant contribution that you can make in there. That one we expect the final report to come out towards the end of the fourth quarter 2018 or even the first quarter of 2019 and so and then the two reports will be merged together and will be delivered to the council and be delivered to the board subsequent to that for final approval. So that's sort of where we are in the timeframe what's coming up and what the general issues are that the different worktracks are working on in this working group. So if anyone has any questions feel free to ask them now. We're just kind of, you know, come talk to me in the hallway on any of these issues if you want to get engaged on them. Thanks.

Bruna Santos: Thank you very much Robin. We have Steph and Rafik then.

Stephanie Perrin: I'm just wondering Robin -- Stephanie Perrin for the record -- have you any thoughts on how we're going to manage the comments because you're going to be busy and we - we're not going to ask you to draft them all or are we gang? I don't know. But I mean that's a lot of heavy lifting there and if it's June, was it June you said?

Robin Gross: Yes June.

Stephanie Perrin: Yes that's coming up real quick.

Robin Gross: It is. Yes and I don't think I'm the appropriate person to be drafting them on particularly Worktrack 3 because I'm the co-chair of it. And the other ones I'm not really as involved in so I'm also, you know, not quite deep in the weeds on those. But I certainly know what the issues are and I can - if we have people in this room or our membership generally who is interested in working on these comments I would be more than happy to work with the group and, you know, perhaps provide some key points or issues that I – points I think we need to make in the comments. And then, you know, if we've got a group of drafters working together I think that's probably the way to go on that.

Bruna Santos: Thank you very much Robin. I had tried my way through CC2. I can definitely try through this next round and if anyone is wanting also to join I can help form this team. So moving on to Rafik.

Rafik Dammak: Thanks, Rafik speaking. It seems that my question was answered partly so because as the - for the NCSG Policy Committee so good to have heads up when this is coming. And the - yes usually we - we're not going to ask you to draft three but so I think if it's possible if you point out your highlights that there's some issue because four worktracks too much. And I think at least official 100 is also too long. It's quite long laundry list.

                  So I can see that Bruna is volunteering now. But yes when the public comments will – the issue we'll do the call volunteers as usual and so and so we can ask you at that time. Yes so if we can get heads up it would be really helpful.

Robin Gross: And again this is, you know, basically one month from now that I expect the public comment period to be opened on this. So in terms of our timeframe that's where we are.

Bruna Santos: Thank you very much Robin. Do we have any other questions or can we move on? Is the working group concluding by Barcelona meeting or is it like the working group will be finishing its work by the Barcelona meeting right?

Robin Gross: For the initial report for Worktracks 1 through 4 yes. But then we'll need to take a look at what the public comments said and then go back and perhaps revise some of the things that we said in the initial report. So we'll sort of be on a pause while we're waiting for public comment and then we'll get back to work in terms of going – reviewing and analyzing the public comment.

Bruna Santos: Thank you very much. So moving on on the agenda we will have Collin now with the presentation on the CCWP on human rights.

Robin Gross: Just a comment before we go. For the newcomers please do ask questions if you have any. It's really important that you just ask questions to both focal points in our PDPs and working groups yes.

Collin Kurre: Thanks. This is Collin Kurre and I'm here to talk to you about the Cross Community Working Party on ICANN and human rights. So it's the CCWPHR and I'll just call it the CCWP.

                  So the CCWP kicked off in 2014. This is actually our 10th ICANN so that's a success already. And it's a bit of a point of inflection for the CDWP right now. We've had a change in the leadership recently. I am now co-chairing with my co0chair down there at the end of the table Michael Karanicolas. And to stress to you this point of inflection I'm going to start on a little bit of a journey. So in 2016 a new core value was added to the ICANN bylaws which is that ICANN will respect internationally recognized human rights as required by applicable law. There's a bit more text that follows that kind of limits that to the scope of the ICANN mission, et cetera.

And immediately after this bylaw there was another one that was passed that said that this core value would have no force or effect until a framework of interpretation had been developed. So in Workstream 2 of the Cross Community Working Group on ICANN accountability which I think Rafik might be talking about afterwards -- and I'll try not to step on your toes -- there was a Human Rights Sub Group that was developed dedicated to developing this framework of interpretation and communications document. So that work kicked off in July 2016 and it carried on through to the end of last year. Workstream 2 is still ongoing because of couple of the other sub groups haven't finalized their final recommendations. But the Human Rights Sub Group we're done. The framework of interpretation has been drafted and agreed upon in consensus in the sub group and then consensus in the plenary so the human rights bylaw is incoming.

So just to say a couple high points of the framework of interpretation it is saying that in order to operationalize this bylaw it is up to each supporting organization and advisory committee to develop their own policies and frameworks to fulfill the core value to respect internationally recognized human rights. So the framework of interpretation cited the United Nations guiding principles on business and corporate responsibility as a potentially useful guide in this development and that SOs and ACs could potentially consider defining and incorporating human rights assessments into their respective policy development processes in order to fulfill this core value. So let's get back to the Cross Community Working Party on ICANN and human rights.

Like I said we've been active in the ICANN community for several years. We've produced several papers mapping out the human rights effects of ICANN's policies and procedures related to human rights more broadly or specific human rights concerns arising from PDPs or gTLD subsequent procedures, et cetera. And that at the last ICANN meeting we also produced an initial sketch for incorporating a human rights impact assessment into the policy development processes of the generic names supporting organization.

So the - like I said before the ICANN human rights core value hasn't yet been kicked into effect although the framework of interpretation has been developed. It first needs to be approved by the board so we expect that that will probably happen later this year. And then it'll be time for the rubber to meet for the road and for the SOs and ACs to begin developing their mechanisms for compliance. So enter the CCWP, the Cross Community Working Party on ICANN and Human Rights.

So this party was chartered to map the human rights and effects of ICANN policies and procedures to raise awareness to serve as a forum for these kinds of discussions and then to provide information, suggestions and recommendations for SOs ACs and the broader community on how – what type of procedures and mechanisms can be incorporated for these chartering organizations to fulfill the human rights bylaw. Obviously this is a very relevant conversation and this is a very relevant group at this point in time so talking about the way forward it is a big question mark on what shape these kinds of mechanisms will take.

So what right now what we need is we need more people to come in and to help us not only explore the different procedural aspects of supporting organizations and advisory committees to be able to better understand what shape such a human rights impact assessment or mechanism could take but to also continue exploring the ongoing human rights impacts of policies and procedures as a part of due diligence. So that's a basic overview. If you guys have any questions then feel free to ask.

Bruna Santos: Thank you very much Collin. Do we have any questions? Also in a questions from the remote participation we'll be willing to take them. Stephanie go ahead please.

Stephanie Perrin: I'm sorry to do so much talking but I just wanted to stress the importance like we were in a frenzy to get a comment on the new GDPR model out over the

last two days and we kind of wedged your - a comment basically for you guys to try and leverage that, you know, that implementation structure into our assessment of the GDPR because a good way to trial that. I guess the risk that we're afraid of is we'll never get around to doing that infrastructure and therefore it won't happen and, you know, that's ICANN for you folks. You know, we can talk about that for hours.

But so unless now if you want to – if you wouldn't mind looking at the paragraph in the GDPR comment because we need to reinforce each other in these efforts and we can, you know, in our next comment we can do it the way you want but we were kind of stuck for time. And we thought of at the last minute so and you weren't there so, you know.

Collin Kurre: Just to make this a bit of a conversation for minute I think that is really great that we kind of leverage this hot button issue...

Stephanie Perrin: Yes.

Collin Kurre: ...to start pointing towards the direction of human rights impact assessments and that ultimately it would be great to leverage this kind of attention and to incorporating it as a mechanism and kind of institutionalizing such procedures to make sure that moving forward when we have these kind of ad hoc things and particularly in the more formalized policy development processes that this becomes a natural incorporated agreed upon and implemented element.

Stephanie Perrin: Yes and we'll have a further dialogue on this because I want to use it where there's a piece of the GDPR that says well you have to comply with GDPR but it's optional for all the other countries in their data protection laws, hello? Since when is law optional. And if you subject the whole whatever the spaghetti, the calzone -- whatever -- to a human rights impact assessment fundamental fairness let alone, you know, your charter rights and your legal rights that should be enforced in the other countries will lead you to the conclusion that it's not optional to enforce the law there. So I want to make

sure that we agree on how we're interpreting that framework because you might not want to go there. That's how I'm doing it but so we'll keep close on that. But I think it's really going to be useful. And we'll just start using it as if it was there because the whole concept is not new. I mean anybody who's done (Rias) and (Frias) before knows how to do this. ICANN doesn't, thanks.

Collin Kurre: So other little side note one of the side projects that we've been doing in addition to this cross community, the work with the CCWP is trying to hone and develop this model for applying human rights impact assessments as they exist more formally established within the corporate social responsibility and UNGP community. There's quite a lot of literature on human rights impact assessments but not necessarily as they apply to ICPs and more specifically to the DNS. That's a pretty tricky road to navigate.

However we did partner with SIDN which is the ccTLD for the Netherlands. And in trying to make this more formalized, make this more concrete saying what are the services you provide in the provision of TLDs or of domain names what kind of impacts can those have and how can we assess them? So hopefully we'll be able to continue this research and then feed it back into the CCWP as a form of discussion for - and also a place we – like you said it's very hard to find information on ICANN Web site. They don't – it's very splintered the way that these conversations happen. They happen in pockets and even though they might be directly related we might never see each other. We're passing in the night.

So the CCWP could offer a place for all of the people who want to consider how to incorporate human rights impact assessments, how to discuss human rights impacts more broadly to come together, share research, share best practices, centralize on how to move this forward and then go back to their respective pockets.

Bruna Santos: Thanks. We'll have (unintelligible) or do you want to finish this?

Stephanie Perrin: Just to say that in the context of privacy impact assessments which many countries they're mandatory now and in the context of regulatory impact assessment that the company legislative drafting in parliamentary regimes there is a like there's a drill that you go through. So for instance if I'm bringing in a regulation then I have to do a human rights impact assessment according to the national charters. So that's again you're not going to find that in the ICANN Web site. But there's nothing really earth shattering about this. And we can just lately act like ICANN follows the rules on these things. Yes?

Bruna Santos: Farzi?

Farzaneh Badii: Hi. Farzaneh Badii speaking. I just wanted to say that if you could kind of engage with NCUC and NCSG more about your work and if you need help with the volunteers I think it would be good as we both like have this kind of two-way road that we get an update from you and then we can also update you from – I know I understand that this is a cross community working party so you have to consider all the other community members I suppose. But if we could get more updates and also we are working a lot of privacy at the moment. So if you could just to support what Stephanie said if you need help with that or if you want to bring Stephanie to say something. I mean I don't want to put more work on Stephanie because she's already exhausted but just to say a couple of words then because I think in the CCWP there other members of the community and then there – that would be in another avenue for NCSG to talk about privacy.

Collin Kurre: Well so the NCSG is one of our biggest and most vocal supporters as in supporting freedom of expression, privacy, et cetera. We are having a session tomorrow morning at 8:30 if anybody wants to come and continue this - the conversation. It's going to be an hour and a half so we have a lot to talk about. And there other members from other constituencies that are – in other parts of the community that are coming as well. And we really need to – it's important to stress the value. I think this is something that we all agree upon in this room but remember to take this outside and to be talking to other

people and expressing your concerns and your desire to move this forward to other parts of the community.

Stephanie Perrin: As many of you will have noticed there's a heck of a lot of conflicts in these policy meetings because we're trying to pack so much on the agenda. If we could have a little Slack channel between the privacy and human rights then we can goof off and follow you silently of course and maybe send you some messages over Slack. I think that might be a really good approach to this because we do that sometimes, you know, particularly in the GNSO meetings. We have a kind of full channel on Slack...

Collin Kurre: Right.

Stephanie Perrin: ...so we can go okay what next guys and I think that might help.

Collin Kurre: Okay definitely.

Man: Do we have time for one more?

Bruna Santos: Wait. This is Bruna for the record. We can even form a channel on the exact work that you're doing just so people can join you on the Slack so...

Collin Kurre: That is we could have focal points from each SO and AC to kind of bring their perspective and as well kind of have like a more like a task force to see how we can move this out. That would be really useful.

Bruna Santos: Moving on we have like two more. (Unintelligible) and then (unintelligible) yes.

Woman: Okay.

Man: Yes. I was just going to stress that the thing they said is very interesting because it's really the first time that such an impact assessment is drafted,

directed to digital rights in that sense right? And then the privacy impact assessment as Stephanie and Farzi referred to it are - can really be good tools. And want to remember and part of an update to you also that Internet (unintelligible) everything the (Cadis) project that has been developed by UNESCO might be another interesting input. It is broader of course in scope but it – there are points that touch DNS system. And the evidence that is there in ICANN in Abu Dhabi we had a session with (Guy Berger) concerning Internet and it was (unintelligible) indications. And I think Nigel Hickson promoted and I was at the session. Me and (Martina) remember we were there and we noticed the lack of connections between Internet (universe) (unintelligible) indicators and STGs.

We highlighted that on a comment. The comment was taken. It's in the draft. We did in our personal capacity because it wasn't something directly connected to DNS. So but the comment is incorporated there. And I think this is another connection that we could explore as a source for the work that Collin is – I'm definitely willing to learn and engage a bit more in that.

((Crosstalk))

(Anna): I'm (Anna) (unintelligible). So about from of the human rights impact assessments would the framework of interpretational they include things like enforcement mechanisms and remedies where some process that already exists is (unintelligible) say the right to privacy or free speech or anything like that?

Collin Kurre: So the UNGPs are formed at these three pillars which is that states have the obligation to ask respect human rights, companies have the obligation to protect human rights and then both have the obligation to remedy human rights violations. So I think that that would be the natural thing that would follow. Once we have kind of mechanisms in place first we need to develop mechanisms to kind of assess potential impacts. But I think the remedy would be the really natural subsequent step. After we kind of get this ball rolling in

each SO and AC then there could be a process, you could envision a process of trying to snuff out how once potential impacts have been identified what kind of mechanisms you could develop to remedy that.

Bruna Santos: Thank you very much everyone. Rafik do you want to do your comments right now?

Rafik Dammak: It's okay. So I just wanted to maybe historical background it's that not just NCSG as a contributor, it's we are the structure that supported from the beginning the Cross Community Working Party that we introduced to the other stakeholder group and constituency and to introduce the (unintelligible) - the people to different leadership and also give that in-kind support for the meetings request and to organize the call. So that's great example.

It's not just one of the contributors. We are really the supporter for the CCWP. So that's why I agree with Farzaneh about taking more updates as to what's going on and so we can help better. Myself I can take the blame. I kind of disconnected on what's happening lately in the working party so...

Bruna Santos: I think - this is Bruna for the record. Moving on to transparency we'll have Michael on the floor right now.

Michael Karanicolas: Hi everyone, Michael Karanicolas for the record. So just to discuss some of the transparency issues that we've been dealing with transparency is something that we keep hearing every ICANN meeting. And everybody says how much they love transparency. Transparency's such a core value. It's so important to all of us.

And that rhetoric is very, very popular and as a result of how often that phrase gets thrown around it's really important to engage and actually push for strong transparency standards and for people to practice what they preach. So I'm going to divide this kind of quick introduction into what's going on into two kind of baskets. One of them involves access to information and

ICANN's response to information request and the other one is about open data and the information that they're pushing out there.

So if you want to think conceptually of all the information that ICANN holds there's some data that they push out there proactively and they put on their Web site and they deliver automatically as soon as it's generated or at regular intervals. And then there's the rest of the information which is sitting inside that is potentially accessible if you file a request. And I'll start with that latter basket in the requesting system because that's where there's been more progress and it's easier to deal with. So I'll start with a quick question just to get a sense of the room.

Who here comes from a country that has an access to information law? Good there's - it's 80% of the countries in the world so a lot of hands going up. ICANN has its own version of an access to rights information law. It's called the DIDP, the Documentary Information Disclosure Policy. And it was designed in some ways based on national level access to information systems but there are some divergences as well. So you have heard a little bit previously about Workstream 2. You will hear subsequently a lot more about Workstream 2. But one of the main tracts of Workstream 2 which is a policymaking process to perform certain key issues at ICANN was transparency. And within that the main area of focus of the transparency sub group was to improve the documentation document transfer information disclosure policy to improve ICANN's rights information framework.

I was the rapporteur of that subgroup. Originally when I started with that subgroup I was paired. My co-rapporteur was a VP from 21 Century Fox which again is I like to bring up because it's kind of illustrative of, you know, strange bedfellows and how ICANN can push you into very unusual alliances or collaborations. And actually when that person was left I ended up working closely with someone from the US Council for International Business. So again it somebody with a pure digital rights activists background. Those are

weird collaborations but we both agreed on the transparency side so we were able to get some good work done.

Essentially through the Workstream 2 process we developed some very strong recommendations for reform based on very best practice that are found in strong national laws around the world taking examples from India, from Mexico, from Serbia, from strong rights information systems that have been passed at the national level. And we used those to build in recommendations for reform. Those recommendations have now been wrapped up as part of the Workstream 2 process and they're before the board right now. So that reform process is basically almost done. There's not a huge amount of area for intervention.

However but and I will also say kind of building on what I – something that I mentioned when we had our outreach sessions over the weekend the fact that within I guess about a year we've gone from starting the Workstream 2 process to developing these recommendations and now on the - basically on the edge of getting these recommendations implemented which is going to take – which is not quite a sure thing but it's almost there because it's really at the very end of the process, that's an indication of the level of impact that you can really have at ICANN. And I know it's – I've heard that it's atypical example of how quickly we were able to do that but as somebody like me who started to get in involved in ICANN I think in 2015 to jump into a process like this and then immediately start to impact change that's really cool as an activist. And somebody that came at, you know, like I've been involved in other access to information campaigns that have gone through years and years and years.

We were to - my previous organization was trying to get an access to information law passed in the Philippines for about eight years unsuccessfully. Spain, Sri Lanka took well over five years to get that law passed. Pakistan we've been trying to get law reforms there for eight or nine years now so as an activists I'm very used to banging my head against the

drawer again and again and again and again before it opens. And, you know, Workstream 2 was maybe an exceptional example in ICANN but I do like to show that it is an example of how you can really impact change and get policy because of how the multi-stakeholder process works. You really can feed policy positions into the process and see them through so it's really cool.

So the Workstream 2 recommendations for the DIDP for ICANN's access to information system are almost past. They're very strong. The one area - so there's not a lot of engagement to be done there specifically although I would encourage everybody in this room go to the DIDP Web site and file a request. If you want to know information file a request, get that system moving, make them have to implement it properly because that's key to the system success.

The one area involved in this that we didn't get and that remains a topic of discussion is transparency at ICANN legal. ICANN has their own counsel. And a very common complaint that we were hearing from the beginning was that there's a lot of opacity on how that functions and that attorney-client privilege gets applied to a lot of information that ICANN has that is of critical interest to the community. We had a lot of intense battles on that specific issue in the working group and it's probably the only area at the end of the day where we didn't come out with a very strong recommendation.

Where we ended up with is was with a recommendation for there to be another process specifically on transparency at ICANN legal and there was also a minority position which was part drafted by Robin essentially providing some additional recommendations. So that issue is very much open and is still being discussed and that's a major area of engagement going forward. And as the Workstream 2 recommendations get - move towards implementation and we see the conversation ongoing that's going to be an area of further engagement. I can't tell you at the moment exactly how to get involved because we're kind of in that weird situation where we're – the recommendations are wrapped up, we're waiting for them to be approved and then we'll move onto the next phase in the process. But when that starts up

there's going to be a huge amount of scope for intervention. And again it's an interesting opportunity to collaborate with people that maybe you wouldn't naturally collaborate with. So that's the access to information side.

The other basket to talk about is open data proactive disclosure information. ICANN has two initiatives ongoing right now, the open data initiative and the information transparency initiative. There's an awesome session discussing both of them tomorrow at 10:30 to 12:00 in the main ballroom which I'm going to be chairing and I'm - have a lot of prep to do for that. But the point is is they've got these two initiatives that are ongoing to basically revamp ICANN's Web site, they're open to data offerings, everything about how they deliver information to the public.

So we heard complaints about accessibility. We heard complaints about how difficult it is to get the information that you're looking for. This hits to the heart of that. This is what ICANN is supposed to be doing to remedy that problem.

So are they good doing a good job? Are they not doing a good job? Do these initiatives have what people are looking for in terms of that boost to accessibility? Come and have your voice. And seriously if you – as part of that discussion we're going to get updates from both the ODI and the ITI in terms of what they've been doing, what the final product is supposed to be looking at. Like make yourself heard as to whether you're satisfied with that, whether you want it to go in a different direction, whether there's different things that need to be addressed because fundamentally these are initiatives that need to be pushed forward by community engagement.

So tomorrow's session is an excellent opportunity. Go check out the Web site now, read up on the background of what they're doing and come prepared to say I'm happy with this, I'm not happy with this, I want this to be prioritized particularly going forward as we're seeing budget cuts. If this is something that people want to see prioritized they have to hear it from the community. So tomorrow's session is a good example for that and there's potentially

going to be further examples as these initiatives for feedback for these initiatives move forward. And I'm already seeing hands going up so I'll stop talking there and open it up for questions.

Bruna Santos: Thank you very much Michael. We will have Stephanie yes.

Stephanie Perrin: Thanks very much. That's a great update on what you've been doing and this is great work. I've got a question and a comment. The question is and thank you for circulating the results of your last DIDP and if other people are firing them in we'd love to see them, at least I would. I'm curious. But it looked like ICANN was actually crafting a document to respond to your request which is a deep concern all on old (atip) coordinator, you know? I know that trick. You're not allowed to do that so your comments on that would be appreciated.

And I don't want to sound overly cynical because once I get going on the RDS I can get really, really depressing. But there's a lot of steam behind this. And part of the reason that there are some unlikely candidates in there pushing for it is because these two values, privacy and openness are often in contention. And if they can prove that it is the fundamental gestalt of ICANN that we are open and that we have full transparency it acts against the ability to protect registrants rights in the privacy fight. So I just want you to be – make you aware that if you hear me droning on about that it's not that we don't want transparency. We just don't want another pile of ammunition against us in these fundamental purpose of ICANN arguments. Do you follow what I'm saying?

Michael Karanicolas: So on that, the ITP response I also noticed that that they didn't say here's our documentation. They came out with an answer but it was like four or five pages long. They took 30 days to respond. They used their – the DIDP currently says I'd have to respond within 30 days and they took the entire time..

Stephanie Perrin: It was (unintelligible) after.

Michael Karanicolas: Well but it's also it's incredibly inefficient to respond that way. And you know this as a - what – the typical response on the government side should be when you get an access to information .request in is they say, "Okay find the documents that are responsive, redact out sensitive information so there's privacy stuff or commercially sensitive stuff fine, redact all that out. Here's 50 pages of our documentation. Feel free to wade through it at your leisure and get a sense of how our policymaking process works." Just for context the request was about the selection process for fellows for ICANN 62. Sorry?

Woman: The regional.

Michael Karanicolas: The regional yes fellows. So it's incredibly inefficient that they responded that way because it takes way more time to draft a six or seven page document then to skim through 40 or 50 pages of appropriate documentation with a black marker and then scan all that stuff so they took longer to respond. And it does suggests that this is not – the DIDP is not working the way that it's supposed to work because fundamentally the point of information transparency law, the point of these information requests is to provide unfiltered information. ICANN could send out a press release saying, "We did XY and Z. Here's how everything we do is awesome," right? That's what governments do, that's what ICANN does, that's the normal thing that institutional does. And the point of the information law is supposed to be you get to cut through that filter and find the actual documentation showing the process and you can make your own judgments as to whether it's been good or bad or week or whether there's other things that needs to be done.

If ICANN is coming back with new press releases in response to a DIDP that's a fundamentally problematic approach. It's inefficient but it also does not properly serve the function that the DIDP should be doing. Now that's a policy question that's not really listed in the letter of the DIDP. So that's not in the recommendations but that is certainly something to follow-up on. That's

another reason why it would be great to get more people filing DIDP requests because I would like to know do they do this every time they get a request in? And that also explains something about why they're complaining about resource allocation because they're doing this in a way that requires 20 times as many resources as it should. But is it something they do every time or was this – were they a little more careful because they know that I'm the rapporteur for transparency and so they wanted the whatever? Did that affect the process, something like that?

Stephanie Perrin: I would argue that you need to get the documents and, you know...

Michael Karanicolas: Completely.

Stephanie Perrin: Here's a confession. I'm a total packrat. I have an entire box of disclosures from the Canadian Procurement Department that basically does contracting because it is remarkable what you get. You not going to get contracts from ICANN I bet. And I would like to offer that I can cull through my collection and show you exactly how transparent governments are.

And this goes for - I mean obviously I am a Canadian not American but the same thing in the United States. You – this is in the trade agreements now. Now you've got to be able to know how your governments are spending money. And I think we should be demanding the same kind of results here.

Michael Karanicolas: There is an open contracting recommendation in the Workstream 2 Transparency Report so we'll see where that goes. That – it has to be done in fairly broad terms. It's open contracting. You can write your own. You can write - it's a big policy to develop but there is an open contracting recommendation in there so that is also going to be a conversation that's going to be happening.

I do also want to respond on what you mentioned in terms of the try privacy verse transparency thing because, you know as somebody who's been active

on both sides of that as you have I think that there's less conflict on those two or less direct conflict because fundamentally I see personal privacy as an exception to access to information on where you redact that out and they need to deliver the rest of the documentation.

Woman: (Unintelligible).

Michael Karanicolas: It's a fairly straightforward thing. But the problem comes in that debate does get misused a lot. And we heard it most recently I think it was yesterday or whenever the GDPR session was where somebody from the IPC set – stood up and said, "Well, you know, fundamentally we believe in transparency for the Whois database." That's not transparency. That's not what transparency means. And it was infuriating as a transparency activist to have that argument appropriated another way.

So I do think that it's very important to understand the conceptual of distinction because transparency doesn't mean – transparency's not this blanket term that just says it's a free-for-all and everybody gets access to everything. There – that's an incredibly radical understanding of the term that's totally out of step with functionality what – with functionally what transparency advocates talk about which is having managed systems of access that respect legitimate rights including privacy. And so I don't see an actual tension there but I do see an important - it being very important to frame the debate properly and to push back when we hear those kinds of misappropriations.

Stephanie Perrin: Trust me, Stephanie Perrin for the record I push back but they're very good at ignoring me and, you know, if you - I'm not trying to draft you here. Oh yes I am. If you join the RDS working group that I could send you a Skype, "Michael they're talking about transparency. I have hollered bullshit for the last hour. Would you kindly just pop up, you know?" This is how we have to work because we're understaffed, you know? We really are.

Michael Karanicolas: I can make myself – I can't commit to being a very, very active participant but I can make myself appropriately available for summons under those circumstances definitely.

Stephanie Perrin: Think of yourself as a fireman. You know?

Bruna Santos: Thanks. So we're moving. David do you still want to make your comment? We're being kicked out. We should of been kicked out of this room already though.

David Cake: I can keep it really short just 15 seconds. I just wanted to say that my understanding was that all requests that are received pursuant to the documents - Documentary Information Disclosure Policy are published on the ICANN Web site along with the response. So maybe we could take a look for those other requests that are being submitted to see how they respond. I'll leave it there. Thanks.

Bruna Santos: So thank you very much everyone. We're adjourning this meeting for now. Unfortunately we were unable to have Rafik speaking on the last two.

Woman: (Unintelligible).

Bruna Santos: But hopefully we'll address this issue during the second part of the meeting in the afternoon. Thanks everyone. We can stop the recording.

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