ICANN
Transcription ICANN Copenhagen
GNSO Intellectual Property Constituency (IPC) Meeting
Tuesday, 14 March 2017 at 1:45 CET
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http://gnso.icann.org/en/group-activities/calendar

Gregory Shatan: Hello. This is Greg Shatan. I think we'll begin the meeting now. I'm the President of the Intellectual Property Constituency and this is the open meeting of the Intellectual Property Constituency at ICANN58 in Copenhagen.

We'll begin with a introductions around the room. We have guests here as well as members. We'll ask everyone to introduce themselves. You do not need to state that you're a member of the IPC, if you're a member of the IPC. But if you're not maybe say that you're guests just so we don't get confused.

I'll put out some brochures for those who are interested in knowing more about the IPC and they'll be at the back of the room.

So the most updated agenda is now in the Adobe connect room and up on the screen. The earlier agenda is now obsolete.

So beginning with myself I'm Greg Shatan. I'm the President of the Intellectual Property Constituency.

Victoria Sheckler: Vicky Sheckler. I'm the Vice President of the IPC.

David Taylor: David Taylor, Hogan Lovells.

Paul McGrady Jr.: Paul McGrady Jr., IPC Counselor.

Charles Oluoch Oloo: Charles Oluoch Oloo, newcomer on fellowship and Intellectual Property Attorney.

Marina Lewis: Marina Lewis, American Bar Association.

Damon Ashcraft: Damon Ashcraft with Snell & Wilmer.

Anne Aikman-Scalese: Anne Aikman-Scalese, Lewis Roco Rothgerber Christie.

Luca Barbero: Luca Barbero, Studio Barbero.

Jonathan Zuck: Jonathan Zuck, Executive Director of the Electronic Civilization Foundation.

Hugues Chevalier: Hugues Chevalier, IP Twins.

Bradley Silver: Bradley Silver, Time Warner.

Marc Trachtenberg: Marc Trachenberg, Greenberg and Traurig, LLP

Sarah Deutsch: Sarah Deutsch, Mayer Brown.

Brian Winterfeldt: Brian Winterfeldt, Mayer Brown.

Phillip Marano: Phil Marano, Mayer Brown.

Gareth Dickson: Gareth Dickson, Cooley.

Ken Taylor: Ken Taylor, Com Laude

Jonathan Matkowsky: Jonathan Matkowsky, RiskIQ.

Alex Deacon: Alex Deacon, MPAA.

Colin O'Brien: Colin O'Brien, Partridge Partners.

Brian Scarpelli: Brian Scarpelli, ACT the App Association.

Petter Rindforth: Petter Rindforth, Intellectual Property Attorneys (speaking).

Dana Brown Northcott: Dana Brown Northcott, Amazon.

John McElwaine: John McElwaine, Nelson Mullins.

Lori Schulman: Lori Schulman, INTA.

Heather Forrest: Heather Forrest, Senior IPC Counselor.

Mary Wong: Mary Wong, ICANN Staff.

Marcus Jaeger: Marcus Jaeger, Global IP Action AG.

Peter Leuzinger: Peter Leuzinger, Global IP Action AG.

Aleksandar Icokaev: Aleksandar Icokaev, attorney. IPC member.

Marie Acquaviva: Marie Acquaviva, Louis Vuitton.

Luca Grandi: Luca Grandi, BRG.

Daniela Gaidano: Daniela Gaidano, Studio Barbero.

Emanuele Sacchetto: Emanuele Sacchetto, Studio Barbero.

Susan Anthony: Susan Anthony and John Rodriguez who is not (here) but will be here
                 shortly from the United States Patent and Trademark Office.

Julf Helsingius: Julf Helsingius, guest, GNSO and NomCom Appointee.

Stephane Penaceque: Stephane Penaceque,Gandi Corporate Services

Tiristan Verna: Tiristan Verna, IP Twins

Linda Valter: Linda Valter, guest Lakeshore Entertainment.

Nanna Strellner: Nanna Strellner , Denmark Patent and Trademark Office.

Richard Hill: Richard Hill, guest.

Torsten Bettinger: Torsten Bettinger, Tompsen Tramperdach.

Vinzenz Heussler: Vinzenz Heussler, Uni Vienna.

(Austin Betting): (Austin Betting), (AIPPI).

Loren Balman: Loren Balman, guest (of dot) music (go) further.

(Dena Baton):   (Dena Baton), (Baton) (IP) firm.

(Philip Bus):   (Philip Bus) (NAFGATE).

(Chris Ablonky): (Chris Ablonky) (Donna Foundation).

(Jenny):   (Jenny) (unintelligible).

Man: (Unintelligible) guest and also Leader Manager of the (dot .EU)
                    Registry.

(Frank - Zhalt Xude):   (Frank) (Ten Cent).

(Joe - Zhou Liguo): (Joe) also (TenCent).

Brian Conchuratt: Brian Conchuratt, a guest from Corsearch.

(Alvin Kuan):   (Alvin Kuan) with (CSC).

Jane Seager: Jane Seager with Hogan Lovells.

Grace Lindo: Grace Lindo, a fellow.

Sebastian Schwemel: Sebastian Schwemel, a guest from University of Copenhagen Center for Information (unintelligible) law and (unintelligible).

Mary Wong: Mary Wong, ICANN Policy Staff and (unintelligible) lovely techs and all the other staff supporting this meeting.

Gregory Shatan: And -- of course -- to my right is Chantelle Doerksen, Secretariat and incredibly supportive support.

A couple of process notes. There are still a couple of chairs. We have standing room in the back, so first dibs on chairs goes to - go to members of the IPC who are sitting in the audience. But if they prefer to remain in the audience members - guests can come and sit at these chairs rather than standing or leaning on things.

So - and I broke the first rule which is to not say my name at the beginning of my statement for transcript purposes. I'm still Greg Shatan.

Also want to acknowledge the presence of Brian Beckham from WIPO who is suffering from Laryngitis and can't acknowledge his own presence. And also Julf although he identified himself as a guest is the NomCom appointee to the Non-Contracted Party's House and is therefore a member of every stakeholder group and constituency they're from, so a guest who is a member of the family.

In any case let us turn to our agenda and review of the - what's going on in the GNSO Council and emotions from our Senior and Junior

members of the GNSO Council, Heather Forrest -- looking at her phone -- and Paul McGrady.

Heather, please go ahead.

Heather Forrest: Thanks very much, Greg. But no reason for me to go first. Paul can make choking noises when I fall off the edge here.

I'm - look, we really have one motion to discuss on the consent agenda. We have the matter of the - not re-appointment I suppose, but the replacement of Jonathan Robinson as GNSO representative for a coach here on the cross community working group on auction proceeds.

And I posted a few notes about that on the IPC list. The soliciting -- let's say -- other names than Erika Mann. Erika has volunteered for the position. We've had pretty much silence everywhere in the GNSO community in terms of other suggestions to Erika. So that's tentatively the name that's in that motion. I'm for Wednesday, for tomorrow's agenda.

And then we have one matter of substance on the agenda which is the Standing Selection Community or SSC, because we all need one more acronym. And that is a more nuanced question that I think, Greg, if we can take sort of 10 minutes to come to a position here or just air any final views on that would be very helpful if you're willing.

And I'd like to -- let's say -- introduce it and then I'll turn to Paul for perspective too. The Standing Selection Community would have the role of -- on an ongoing basis -- being the vehicle through which

appointments for GNSO representatives to various things including IRTs would be selected.

A (unintelligible) was put forward by Susan Kawaguchi and Ed Morris back in December. We've been tinkering with that since starting with tinkering at the leadership level and then following our January board meeting or our council meeting I'm tinkering with it on a council basis, on a broader basis.

The question that really remains is how we constitute that committee, whether we do that by stakeholder or by constituency. It's something that we spoke about in the February IPC meeting, so this is really continuation of that discussion.

I did put forward onto the table in our council working session on Sunday, which hopefully you received my notes from. And if you haven't and you would like them, please let me know.

I did put forward the suggestion. Mind you I put forward the suggestion wearing my non-contracted party's house hat as Vice Chair of the council and not specifically as an IPC Counselor that we allocate a certain number of seats to each side of the GNSO to each house and that the house internally decides how to allocate those. Of course we all know that would be very, very easy for the contracted parties to do and significantly more of a challenge for the non-contracted parties to do. But this is something that we need to come to an agreement on. We need to get this committee stood up so that it can go through some very important appointment, not least of which is our permanent representative to the empowered community representing the GNSO.

So with that in mind -- to the extent that we can make my idea work of how to allocate these seats within the house -- I think that would be great or any other suggestions that we have as to how to make that work.

Paul?

Paul McGrady Jr.: So a question for Heather I guess then, which is there was some talk about essentially every constituency having somebody and that was one of the plans as opposed to having a certain number that each house divides up. Where are we? I mean is it house division or is it everybody getting one in?

From my point of view, you know, my initial reaction is that it should reflect council, right, that each constituency should have one, and that there - where we have moved - you know, where we have room to move is on how strict we want to hold everybody's fire to the rotation of the actual appointees. And that's kind of where I've been heading conceptually, but I don't want to be out on a plank either.

Heather Forrest: Heather Forrest. Paul, I think -- first of all -- I agree with you that our priority ought to be the constitution of the committee as opposed to for the composition of the committee as opposed to the rotation of appointments. I think the reality is rotation isn't so much of an issue in the sense that the appointment will depend on what it is to which a person is being appointed and there would be certain things for certain skill sets that perhaps a group has better than another. So I'm not worried so much about being burned in that aspect of it.

I think where we left it at least on Sunday was there was a reasonable amount of support for (unintelligible) 7, 8, 9, 10, 11, 12. There's a reasonable amount of support on the non-contracted side or there is support on the non-contracted side for 13, which is 66 and the NCA. That's still a very big group and I don't know how happy the registries will be with that.

So I think really, you know, the original plan was -- or the original numbers, the way that the (unintelligible) man has developed -- has it as either 8 or 11 essentially. And so with 13 we're too - bigger than our highest maximum and I know that the registries really led by Donna Austin are not so keen on the idea of a larger committee that essentially is, you know, council divided by two and very big and this sort of thing.

That's where we left on Sunday. I think what we need is to open the floor and hear people's views so that we have some ideas to go into the informal council session tonight and see what we can hash out. Thanks.

Gregory Shatan: Thank you, Heather and Paul.

We have a hand up from Steve Metalitz who's participating remotely.

Steve Metalitz: Hello everybody. Just two points.

One, I think we should be pushing as strongly as possible for - to ensure that our constituency has a seat on this committee. I'm not quite sure why that means there have to be 13. If we had one for every

constituency I would count that as seven. So - plus some - one for the NCA.

So I don't see why we should bear the brunt of a - an allocation of council seats that we vehemently disagree with and are constantly seeking to change. So I would not approach it in that way.

My second point is I just wonder whether consideration has been given to restricting the charter of this group to only selecting people for reviews and other committees that are directly related to the policy development process since that is the limit of the GNSO council's constitutional authority under the bylaws. So I wonder if that has been proposed or if there is any chance of obtaining such a restriction. Thanks.

Gregory Shatan: Heather, Paul, would you like to respond?

Paul McGrady Jr.:   So I'm going to under-cut myself, because later I'll be giving a speech about not leading with white flags. But this tension between GNSO, the body, and GNSO, the council, is one that - it, you know, pervades most everything that we're working on right now and including some reworking of bylaws language, which I think is, you know, there's efforts under foot, underway to do that.

You know, we can certainly ask for that. I don't think that we're going to get it. I think that everybody else -- except for our little stakeholder group is quite fine centralizing this in council -- and - but if it's something that we as a group want to make a priority and push forward and of course Heather and I will do that.

But, you know, I don't want to oversell our chances and we also need to know whether or not it's something that we walk away from the whole deal over.

Heather Forrest: Thanks, Paul. Heather Forrest.

Steve, I hear you and I channel you and I'm sorry you're not here. I'm - I think - look I advocated every opportunity that I have that this structure is not helpful or appropriate. I agree with Paul. We have to get the thing done and I'm not suggesting we accept a crappy result just to get it done. But my priority is on having the IPC represented on that committee. I think that's the thing we need to go for here. I think that's the battle to fight and Paul wants to put a post-script on that.

Steve Metalitz: And - what I also think importantly it's - there's no requirement that I know of that the committee has to be comprised of counselors. And so it's affective…

Heather Forrest: …right now.

Steve Metalitz: Oh it does? Okay. So maybe that's the point to raise, right?

Heather Forrest: Thanks. Heather Forrest. We could certainly float it tonight. For those who aren't familiar, we do on the evening prior to a council meeting -- at our public meetings -- we do an informal session that is an opportunity for councils to speak freely while they're not on microphones and hooked up and attached to the world and looking foolish. And these sessions tend to be super helpful in that the sorts of questions that we're talking about now can be knotted out in advance as opposed to horsing around on a 15 minute agenda item.

I think this is something we can raise tonight. The disadvantage to that is the result of those discussion - it's hard - it's always a - chasing our tail coming back to the constituency to get -- let's say -- revised instructions on that. So I think what's helpful is to the extent that we have a view on - can we live with option B, that would be really the sorts of instructions that we need. Thanks.

Paul McGrady Jr.: So that would be a high-bred situation where it's managed by council, but people could send members of their constituency instead of counselors, which not only partially accomplishes these goal of not everything being centralized in council, but it also provides opportunity for Heather and me not to push each other under the bus to decide who's going to do this.

Gregory Shatan: Thank you, Paul and Heather.

Our first guest is here. And so rather than taking myself and Anne at this point I'd like to suggest that we pick up this conversation after the break when we have - don't have a guest until 4:25 and can be a little bit more flexible, because we have Jamie Hedlund directly after Krista. So if that's okay with you, Anne, we'll welcome Krista Papac who is soon to be and has been merely appointed as the Complaints Officer. I'm sure she has some thoughts of that, that title being overly negative, but in any sense Complaints Resolution Officer, Krista Papac.

Krista Papac: Thank you. Hello everybody, Krista Papac, ICANN Organization.

My first question is do you have any complaints?

Krista Papac: I'm surprised only found one hand go up.

Lori Schulman: We don't even know why you're here. So…

Krista Papac: Thank you. So yes. Thank you for inviting me and welcoming me to come speak to you guys. And I don't know if you're just looking for some information about what the - well we can talk about title first if you'd like. I like Complaints Resolution Officer better.

So - but I don't - I didn't - I wasn't sure what you guys were looking for, maybe just a brief explanation of what the Complaint's Office is meant to be and kind of what I've - how I think this is going to roll out for a lack of a better word.

Okay. I see nods.

Gregory Shatan: I think that's correct and since it is a new concept and you are the one who is building it out…

Krista Papac: Yes.

Gregory Shatan: …your views on how -- now that it's attached to a real person who can lead it forward -- we'll go and - I will note at the footnote that the IPC has had a few complaints over the years, so it is relevant.

Krista Papac: Perfect. Thank you.

So a lot of what I'm going to say you've probably heard from your end. I'll probably say it differently than him, but it's all generally the same thing.

So the idea of the complaints office is to provide another form of accountability and transparency or another mechanism where complaints that come into the organization can be collected in one centralized location that's centralized as a key point, logged, tracked, and reported back on.

So just to tell you - we get all kinds of complaints all the time. Sometimes they come in - and they take all kinds of different forms. And you could argue that a contractual compliance issue is a complaint. There's a process for that which is managed by Jamie's department. I know he's coming soon, but that's a form of complaint.

There is - some people will write to different personnel in the organization with a billing issue or they'll write - there was something that happened in the opening ceremony the other day, the band that played -- which was awesome I thought -- the - they were - on the audio - the audio didn't record them. So someone complained about that.

And they - you know, they didn't think that was right that they couldn't hear it. It turns out there is - and you guys - this group would really appreciate it. They didn't have the rights to that music, so they couldn't play it. But…

Vicky Sheckler: And it's okay with us.

Krista Papac: Yes. I figured you guys would appreciate that.

So that's another form of complaint. And what's been happening over the years is - and we could talk about all kinds of other examples, but what's been happening over the years -- contractual compliance aside, because they do have a defined process -- but these things come in all over the organization. And they get taken care of in different ways.

And sort of the problem with that is we don't know where the complaint - what - we don't have a grasp on all the complaints that are coming in or all of the issues that are getting raised up.

Also we should be reporting to you guys, so you can see where we're experiencing issues or where people are having problems or don't feel that their problems are being resolved. This - so that's kind of the accountability and transparency bit.

And then the other thing that adds a lot of value is, because it'll be centralized you can - we can start - more easily identifying common threads or trends. So that if there are bigger systemic issues that we need to go look at, you know, the - that the executive team should consider -- not just solving that person's problems or those person's problems, but while we - maybe we need to go look at this overall process and readjust it so that it's working better.

So that's the idea of the complaints office. The - I'm guessing timeline and how this is going to roll out is the other question.

So I think you guys know this, but in case you don't I'm currently lead the registry team that is responsible for working with all the registry operators. It's a pretty big job. There's a lot of them and there's a lot of work that comes out of the registries because of the - their contract has

quite a few requirements in it for them, so - they've already begun a search for a new person. And my boss, Cyrus Namazi, will be sort of stepping in shortly to be the interim Krista and until he finds a replacement.

My team that - my current registry team also and we've been building them - this out -- the people, the process, the infrastructure -- for almost four years now. So they're actually in really good shape, so they can kind of run pretty smoothly on their own which is great.

So the idea that I'm kind of doing a little bit of both jobs for the next few weeks. We haven't agreed on a timeline yet, because all of this happened very quickly right before the meeting. But I anticipate being able to be fully into this job by end of this month if not a little bit sooner.

And then the last bit is -- to Greg's point earlier -- this is a brand new office. There's nothing. There's literally a clean sheet of paper sitting there. So I need to build out a process. I need to build out what was an operational process as well as how we're going to get the thing set out within the company, how we're going to - what we're going to publish, what should those reports look like. Because some complaints they probably don't want every piece of information on our webpage and so figuring out those things is going to take a little bit of time.

But in the meantime it doesn't mean that you can't complain. And I don't think lack of process has ever stopped anybody from complaining, so I am not really worried about that. But I don't want people to think that just because it - you know, we need a little time to get this going, it's just the expectation I'm trying to set is it'll probably

be a little bit bumpy or, you know, wonky -- if that's a word -- while we get some definition and process into place.

So I hope that helped and I'm happy to take any questions.

Gregory Shatan: Thank you, Krista. There's a question in the chat from Paul McGrady and then…

Paul McGrady Jr.:   This is a statement.

Gregory Shatan: …oh a statement. Well...

Woman: (Unintelligible).

Gregory Shatan: …I just - I said, "Greg, please be sure to ask Krista what we can do to assist her in the launch of her new role and team."

Krista Papac: Thanks for that, Paul.

I have no idea yet, but I will not forget this and I'll come back to you if there is something, so thank you for the offer.

Gregory Shatan: Thank you, Krista. David?

David Taylor: Thanks, Greg. David Taylor for the record. It really have to be an Adobe connect to get in ahead of Paul. So learn, learn.

Hey, Krista, the (CCT) review team obviously is very interesting data, so one of my questions now which you just touched on there is what level of detail will be provided of the complaints, because we see some

of the data where we see a number of complaints, but we don't know what the nature of the complaint is. So is there any expectation there about how far you'll be detailing them?

Krista Papac: Thanks, David. I've been thinking about this a lot. Those of you who know me well know that my brain never turns off, so I'm - I have been thinking a lot about - because the transparency - I really believe in this. I think this is a such a great idea that - the accountability and the transparency part I think are very important.

But I also know that, like, if - let's say there's a complaint form that you submit and I collect a bunch of details on that, like, all of that probably doesn't need to be public. But I do know that sometimes - it's important that we publish something that's meaningful, right? And that you can get a sense of what's going on. So I've put some thought into it, but I'm not, you know, I don't quite have it figured it out yet and I want to also make sure I'm working with the organization to understand what our confidentiality and requirements by being that sort of thing.

But I do want to - one of my goals is to be able to publish meaningful data, let people know whether it's complaisance or people reviewing those reports, what the expectation is about what will be public and what won't be public, because I think that will be important. To - people want to be able to come air their grievances and not have everything out there, but also be able to have that transparency for the community. So it's a delicate balance, but I'm confident we'll get it right.

Greg Shatan: David.

David Taylor: Thank you, Krista. I think if I could follow up with a related question, we've heard from Allen Grogan and then some others that there's a tension between transparency and public knowledge and the sometimes delicate and quiet resolution of disputes in an informal manner. Have you thought about how to balance that, not just from the data perspective or from the overall perspective of the work of the office, especially since what you do at the beginning (unintelligible) tend to set the course for what follows?

Krista Papac: Yes. Thank you. I have thought about that a little bit.

One of the things I've been thinking about -- and I think this touches on what you're talking about -- this - I hate to keep using this word, but what is a complaint?

You know, kind of to the point of - here's another example everybody will be familiar with. In the public forum yesterday a gentleman got up and spoke about the t-shirt sizes and I made a note. Is that a complaint? I'm not sure. And there'll be a process for this, but that thing - somebody - maybe somebody from the - I think that - I think it was (Jordon) that responded, but I do -- I don't know this for sure -- but I believe the t-shirts are not something ICANN does. Oh (Sally) responded. I think it's done by the sponsor.

But maybe somebody went and talked to the guy afterwards and it got resolved. Is that a complaint? Do we need to log it? Should I track it? And what's that delicate balance between disputes, which this is - could be considered one, like, how do you do that? And I really don't know the answer, but I am thinking about it.

Gregory Shatan: Thank you, Krista.

Jonathan Zuck.

Jonathan Zuck: Yes. A couple of things to follow on David's comment. I understood from your introduction that compliance is separate from this, that they're going to maintain their independent process and so it's every non-compliance complaint that will be sort of followed through your office. Is that right?

Krista Papac: It is. But if I can just add something to that. I knew when I - after I said that it was like I was not very clear here. So yes. It - that still is separate process (unintelligible) still a separate process. He deals with fairness, issues of fairness. His is a - but (unintelligible) is a confidential process. He reports to the board, I report to the organization. There's a lot of differences.

So all contractual compliance complaints still need to go there. I'm sure they'll write to me, because that's, you know, people write to me now about their contractual issues and I refer them to compliance.

I think something that could happen is, if they're not - if people are not happy with how their complaints are resolved -- or they think the compliance department has - isn't doing something they're supposed to be doing -- I think maybe something like that could potentially end up with me. But it's a situation of I don't know what I don't know.

But -- again -- all contractual complaints need to go to compliance and they've got a very robust process and program and people that are handling those.

Jonathan Zuck: Well we welcome you holding Jamie to task for sure, so if that opportunity arises for you to take that kind of initiative I think you'd get some broad support in a room.

But - so -- again -- on David's thing I think I thought it was a confidentiality. It's more about aggregate data that people would be most interested in, not in the individual details of a complaint and so it's more a question of being able to - I mean I doubt very much somebody in the room is going to be interested in the t-shirt complaint, but if it's -- for example -- a complaint about meeting structure or something like that that for which you would accumulate a sufficient number of them that it becomes a real issue, I think that's when probably folks here would start to get engaged and want to see what those numbers look like.

Krista Papac: Yes. And thanks, Jonathan. And I agree with that. I guess when I'm talking about the confidential - confidentiality part. I do think some of the complainants - they're certain - I think they'll have some sensitivity around what is published and not.

But I do - my vision and again I don't know what I don't know -- and I have learned this lesson a million times over the past four years building out registry -- is - my vision is I think it should - we should be able to get to a place where we can publish meaningful data that shouldn't make people uncomfortable who are complaining. But I just want to be cognizant of the complainants and their sort of wishes to have some level of confidentiality. But -- again -- I don't see it being a big problem hopefully.

Gregory Shatan: Thank you, Krista. Have a question from Paul McGrady.

Paul McGrady Jr.:   Krista, I'd like to file my first complaint which is that Ellen Shankman has not sat down next to Ken Taylor yet and she's making me nervous. Thank you. That's a term of (unintelligible) of course.

One other follow up question that I have. Anne, have you thought about how you might build out the investigative aspect of your job or what will probably soon become a department?

Anne Aikman-Scalese: Thanks. Little bit. I've thought - I - my - mostly what I've thought about that is I need to think about it. So - in fact that's one of the first thoughts I was having this morning when I woke up was trying to get my alarm to start - to stop making me get up.

But I was - I'm not quite sure yet, but I promise you that will be fully thought through.

I'm curious as to whether -- for example -- the February 14th letter to the board from the contracted parties would fall into complaints officer jurisdiction? And if so does that mean that the items that the complaints that the registries have on registrars in terms of interaction with staff would be subject to a confidentiality aspect where those complaints from registries and registers would not be known and generally to the rest of the community?

Heather Forrest: Excuse me. Thanks, Anne. I think it could fall under - I'll take the first part first. I think it could fall under the jurisdiction of the complaints office. I'm not sure I understood the second part of your question, so if you could ask me again please?

Anne Aikman-Scalese: Oh I'm probably confused on - as to whether complaints or confidential or not confidential. I think I may have been mixing up some previous questions. The question really is whether the complaints will be public knowledge at what the complaints are and could, you know -- for example, complaints about staff -- be unknown to the rest of the community?

Heather Forrest: Thanks for clarifying. I - I'm with you now. And that's a good question.

It - and it's - this is -- again -- I have been doing a lot of thinking -- I've already said that -- about the confidentiality and what should be reported. I - that - I think that needs to be sorted out.

So something that comes in - the easy part to that question is if someone submits it through the formal complaints office process we'll build it out so that it's clear that you are entering the complaints office and that this will be a public, you know, this has got a public component to it, a public process to it.

What I haven't figured out -- and again it requires me speaking to some of my colleagues and other departments in the organization -- but what I haven't figured out is if somebody writes a letter to the board or writes a letter to some other department about something they're upset about and they want it to be confidential, like, how should we treat that? And I'm not quite clear on - I don't even know if that - you know, I don't know how to go and dig into that. So that's one of the things I've been thinking about that we need to figure out and make sure we're clear to everybody who wants to send something to us about, you know, lack of happiness that it needs to be clear what happens with those things.

Anne Aikman-Scalese: Just a follow up comment that that could, you know, very well affect the analysis or evaluation of ICANN as a transparent organization and so I would hate to think that just under the (sort-of) rule-breaker label of confidentiality that issues like that would not be known to the community.

Krista Papac: Maybe if I can say it differently, Krista again. Contracts between the two parties ICANN organization and whether it's a registry or registrar. Those are business contracts that sometimes will involve a confidential conversation between the parties and somebody may not be happy - wait, I don't know how all of that fits into the complaints office role. I think it's something that does need to be worked out.

But there are legitimately confidential conversations that could be - someone could be complaining in that discussion and I don't know where that fits in here yet. It's something that needs to be sorted out and I think in sorting that out we need to set your expectations correctly as well as the rest of the community so people are clear on what's in scope and what may not be.

Gregory Shatan: Thank you, Krista. I think that we can see from this that this is going to be a continuing conversation and as with any new function for which there is not even a clear president in other organizations a lot of exploration and I'm sure that we all stand ready to help you good faith and also hope that we will be patient, not overly so, but give you some room to operate as you put it all together.

And I also noted that as you said that you don't know all the different kinds of complaints you're going to see, so of course I would

encourage IPC to let Krista see the full pan, a plea of complaints that we might be able to muster purely to assist her in building out the office.

But I thank you, Krista, very much for joining us and congratulations on the new role.

Krista Papac: Thank you.

((Crosstalk))

Gregory Shatan: Joining us - this is Greg Shatan again for the record. And joining us in the room is our next guest, Jamie Hedlund, also in a new role in the organization. Although he's actually had a few weeks to enjoy being in it as opposed to only looking forward to it. And so I will bring you our Vice President of Compliance and Consumer Safeguards, maybe even Senior Vice President, Executive Vice President. I don't remember how important you are exactly.

Jamie Hedlund: Well it's a much more sexy title than I had SVP Contractual Compliance and Consumer Safeguards. So, I have that to take with me.

So, thank you very much for having me. I saw many of you in - or some of you anyway in Reykjavik and know many of you from elsewhere. I'm Jamie Hedlund. I am the new Alan Greenberg.

Greg Shatan: Or Allen Grogan.

Jamie Hedlund: Or Allen Grogan.

Gregory Shatan: Grogan.

Gregory Shatan: Allen Grogan. For a few seconds this is going to…

((Crosstalk))

Jamie Hedlund: This meeting has aged me a little bit. When you can't tell the difference (unintelligible).

Gregory Shatan: Yes. Now we have a complaint.

Jamie Hedlund: Clearly I'm in the wrong room.

So…

Gregory Shatan: You're among friends. You're among friends.

Jamie Hedlund: Yes. Thank you.

So I am - I've been ICANN for seven years before this let our relationship with the U.S. government. When Allen left this job opened up and I thought it would be similarly challenging.

I am a Lawyer. By training I worked in the government with the FCC and did public policies for Telecom and internet firms before coming to ICANN. Obviously -- while I'm not quite as new in the job as what's her name -- I am still - I am still new in the job and very much, much more in a listening mode than I am in pronouncement mode and I'm sure you will help me from - prevent me from ever getting in pronouncement mode.

But in all seriousness very much look forward to getting your feedback here and elsewhere about contractual compliance and consumer safeguards. What we're doing right. What - more importantly we're - where we could improve.

Next - we had some slides.

Jamie Hedlund: So as part of the budgeting process internally Goran had us draft a narrative about what's the purpose of our organization. This is the part I wrote about contractual compliance. And in a nutshell it's with the transition over and us, you know, sort of independent of the U.S. government that contractual compliance is more important than ever. It goes to the heart of our credibility and legitimacy as a multi-stakeholder organization.

If we don't fill that role and in the event, you know, we know that governments will step into the breach. So it's an opportunity for all of us to demonstrate the -- again -- the credibility of the - our mission.

Since I've started there are three things that I focused on so far.

One is the name of my predecessor. The (unintelligible) transparency. So I - there was (unintelligible) talked earlier about the CCT review team. I'm also on that.

And there's been - there are a number of recommendations that are related to providing greater transparency in both the complaints and (unintelligible) complaint processing as well as in the resolution of complaints. And we take those to heart and, you know, the default is

on the side of transparency. We -- as I've said to the CCT review team and elsewhere -- what's really important is to get specificity in terms of the data and the types of transparency that you want.

You know, it's one thing to say that ICANN is not transparent. That's not really actionable, but it's over the compliance is not transparent, but if you - you know, what data would help you? What data do you think we have that would improve the ecosystem, improve the reputation of contractual compliance? What data do you think is relevant for the community to consider? And tell us how to put it out.

And this is really critical now because we're migrating from one platform to another. And so getting detail as we implement that early on is going to be really helpful.

So, second, another sort of area of focus is working closely with David Conrad's security team and his - the office of CTO and looking at -- you - I'm sure you've heard lots of discussion in this meeting about reports like this (Vanhouse) reports and other reports of abuse -- and trying to figure out what we can do under the contract against that - to help mitigate some of the, you know, infrastructure abuse.

And figure out what we can do to work along with others, with third parties -- whether they're reporters or - and some of the other groups -- that have more clearly within their remit the authority to go after this stuff or the ability to go after it anyway. And I think they're - that's an area where we can make a lot of progress and where things like the CCT RT report will help in cataloging areas of abuse of the new GTLDs.

And then the last is working (unintelligible) feedback on this idea of having a community-wide at (unintelligible) working group on contractual compliance and consumer safeguards. This is sort of similar to what Xavier has for the budget process.

And the idea is not to develop policies or create new contractual allegations or impose them anyway, but rather to have a community-wide discussion on contractual compliance matters. It seems right now that there's a lot of discussion within silos (unintelligible) methodology on both sides and I - and would be helpful - I - the working theory is that it would be helpful to have a community-wide discussion so that, as sort of a stepping stone for additional work or whether it's policy development or contractual compliance. But -- again -- something we're just looking for feedback on, grateful for your alls opinion.

And last - the last thing I'll say is (unintelligible).

Next slide.

Jamie Hedlund: We are hiring a consumer - never mind. It's a (unintelligible) it's just a slide on consumer safeguards. There we go.

We are looking - hiring a Director of Consumer Safeguards. This is a new role. This is a role that was requested by different parts of the community. This person will not be in a enforcement or compliance role. This will be first and foremost an engagement role, engaged with all parts of the community -- first of all -- to raise awareness of existing safeguards.

One of the first things I'll do is to do an inventory of safeguards that exist within the RA and RAA, the registry and registrar agreements. And then facilitate discussions about the effectiveness of these safeguards, what types of safeguards might be more affective or also something, you know (unintelligible) affective and discussion on, you know, again what's within ICANN's scope and what - what's without for those things that are outside of it. You know, figuring out where to - where people can work or where we can collaborate with third parties to enhance consumer safeguards.

Gregory Shatan: Thank you (Jamie) come to the end of your presentation we can open the floor for questions. And I have a question from Ellen Shankman, a question from Jonathan Zuck, a question from Jonathan Matkowsky, a question from Paul McGrady giving (unintelligible) to David Taylors advice that you have to be in the que to get in first. So I'll go with Allen. Thank you.

Ellen Shankman: Ellen Shankman. Thank you very much.

And going back to your last slide in which you discussed the mission statement of contractual compliance. I think there's - I'm hearing a gap between a desire to see more contractual compliance enforcement and the action being taken. And what I'm hearing is that there's a lot of data collection. And while I think that data can be very valuable I think it's only valuable to the extent that conclusions are drawn and an action is taken. And I don't think that the collecting of the data should be confused with being active in enforcement.

Jamie Hedlund: Thanks. I couldn't agree with you more. The - they're - I probably conflated the two.

One issue that's been raised is that we have not been as transparent as we could be with the data that we have or with the rationales for decisions. So that is something - that is not in, you know, that is not a substitute for actual contractual compliance. Contractual compliance is also something that we continue to need to do whether we make all our data public or not that's a - it's a separate issue. But if we do - and we -- as a department -- believe that -- or we know -- that, you know, being transparent as well as enforcing the contracts are important missions.

Gregory Shatan: Thank you, Jamie. Jonathan Zuck.

Jonathan Zuck: I -- not to ever contradict Ellen, I don't want to do that -- but as a proponent of the data collection I think we anecdotally judge the compliance department and they anecdotally defend themselves through the years and I think data would help us to actually understand the rest of the work. It's never meant to be a replacement for us and - so to that end, Jamie, it's a happy coincidence that you're in the midst of a IT transition over the sales force I guess where we can make use of more (unintelligible) expertise and really get a good system in place.

What is the timing for that? Because the extent of which the final report from the CCP is not due until Summer. I don't want a situation where you're halfway into it and you're undoing it. Is there - what - how do we engage a timely manner in trying to provide you the detail that you seek? And when do you think you'll be doing what? Are you going to publish something about that if you don't have the answer today?

Jamie Hedlund: Yes. Next. Now we're - I don't have a timeline for you right now. And I - but I - and I certainly wouldn't encourage, you know, waiting to - in terms of developing the request for data. It's not a one and done thing. We - it's not like we - if we miss this window we'll never be able to get it in.

There is some time before we actually migrate and I will come back with a timeline on the IT migration.

Gregory Shatan: Thank you, Jamie. I - worth noting to both Jamie and Krista that Jonathan's alter-ego is metrics man, so that underlines many of his remarks.

Woman: And we really appreciate it, Jonathan.

Gregory Shatan: Yes. And it really is, you know, looking for a better metrics and better things from which to draw a metrics really is a serious topic. I'm glad that it is, you know, continuing to be addressed in various parts of ICANN.

Jonathan Matkowsky?

Jonathan Matkowsky: ICANN compliance is lucky to have you. I'm excited to have you on board.

I wanted to share with you some of the metrics that I think would be helpful, personal - speaking personally.

Specifically, like, the 2013 RAA and whether or not registrars have responded and investigated abuse complaints is obviously of great concern to intellectual property rights holders.

The types of metrics that I think are - would be helpful to have include from the time that the rights holder submits a complaint to ICANN compliance how long does it take ICANN compliance to generate a reference or a ticket I.D. number from the time the ticket I.D. number is generated to the time that the report is provided to the registrar? How long does that take? And how long does it take to get back to the rights holder from the time that the investigation has been completed? That - those kind of metrics would be super helpful to have.

In terms of checklists that are used in resolving these kind of complaints what could be made available to - so that we are not flooding ICANN compliance with the same kind of complaints without having any insight into how those kinds of complaints are specifically resolved, especially when it comes to compromise domains and malicious registrations and the types of indicators for that activities of critical importance.

And into these world I would say moving on from metrics that with thousands of potentially important abuse complaints that need to be filed there needs to be some kind of API so that these complaints could be made available to your team. So building out an API for these abuse complaints I think is critical to get so that you have the information available to you.

And I'm looking forward to helping in any way I can and work with your team. Thank you.

Jamie Hedlund: Those are great suggestions. Thank you, Jon.

Gregory Shatan: Thank you, Jamie. Next I have Paul McGrady.

Paul McGrady Jr.: Paul McGrady. Hi.

So what's the definition of consumer? And we want to - I think that's an important question, because sometimes in this ecosystem we sometimes will define things in a way that only - we narrow the scope of what we're doing so that it's really only people who are participating in the (unintelligible) industry, right? So is the definition of consumer somebody who buys a second level domain name? Or is it consumer is more broadly?

And hopefully its consumer is more broadly and if so then I'm sure most of us around this table will be happy to remind you that one of the most important consumer protection laws out there is the (unintelligible) laws, right, that keeps consumers from being confused and buying the wrong stuff from the wrong people.

So it seems to me that that being the case -- second question -- what's the definition of consumer -- assuming it's the broad one -- will the person that you're hiring for - to help you with the consumer protection site have a background in trademarks in order to fully understand and help you with that part of the role? Thanks.

Jamie Hedlund: Sure. So we (unintelligible) value in defining consumer, because once you start to try to define it - I mean it's obviously not contracted parties, but beyond that the -- seem to be -- limited value in narrowing it to

certain group it, you know, includes registrants, includes internet users, it includes businesses and I guess it includes intellectual property rights owners as well. So (unintelligible) does. So it, you know, it's all those people.

It would be great to have someone who has intellectual property background. Regardless this person who will have to have the ability to understand intellectual property issues and intellectual property rights owners as consumers.

Paul McGrady Jr.:   And I would say also equally important or maybe more importantly understanding intellectual property owners as consumers, understanding their customers, because that's who we think the consumers are and that's who we're worried about because confused. Thanks.

Jamie Hedlund: Sure. Absolutely. It would extend to your customers as well.

Gregory Shatan: Thank you, Paul.

Do we have any other questions for Jamie as we do have a couple of more minutes with him or if there are other things? I see…

Woman: (Unintelligible).

Gregory Shatan: …Bradley Silver.

Bradley Silver: Hey, Jamie. Thanks. Bradley Silver.
So I think and in addition today, you know, just following up from the discussion we had at the broader meeting on the weekend was, you

know, ways in which we can reduce the number of deficient complaints. You know, there just seems to be way - but we no way - most of the complaints are being dismissed before a first notice is sent out. But some of those we know are not meeting for more criteria. Some of those are not meeting substantial criteria. We were not sure which are - are which (unintelligible) that's not very clear from the outside.

And then -- of course -- you know, having a very clear understanding of what the former criteria are that's in a form of a model complaint could be useful. And then, you know, also having a clearer understanding, if not, you know, maybe as clear as what we would have liked, but about, you know, the substance of elements that need to be presented as well. I mean (unintelligible) you know (unintelligible) so far you can go on that, but that's, you know, as far as you can go would be (unintelligible) further than I think we've gone now.

But that would be, you know, I think in and of itself a big step forward.

Jamie Hedlund: Thanks, Bradley. That makes a lot of sense and that's perfectly - that seems to me a perfectly reasonable request. No ones (unintelligible) appear otherwise, but I don't know of anyone's attention to make people guess their way through the complaint process.

A number of - my understanding is a number of complaints are addressed early on - or dismissed early on, because they were resolved, that we have an informal inquiry period where we work with the complained about party to - and, you know, they may update the who is thing or, you know, whatever and in which case they would - but

again you would be perfectly reasonable to ask for transparency on why that went away.

Bradley Silver: Just a follow-up as well on a response and maybe this is getting ahead, but the response to the suggestion of the ad-hoc working group -- and this is - I, you know, they haven't had a discussion about - this is my own opinion -- I think that discussion between the stakeholders would be great. I don't know if it necessarily has to happen on a regular basis or even on a ad-hoc basis in any set sort of formal setting. I think you know that, you know, we have informal discussions with other stakeholder groups including the registries on compliance issues sometimes…

Jamie Hedlund: Right.

Bradley Silver: …and is, you know, we're finding that there's more common ground.

And, you know, I think more of that maybe could be encouraged, but I'm open - interested to this idea of encouraging broader discussion between the stakeholders (unintelligible) that's would be a value to all of us for sure.

Gregory Shatan: Thanks.

Jamie Hedlund: Thanks.

Gregory Shatan: Thank you, Bradley.

Marc Trachtenberg?

Marc Trachtenberg: Marc Trachtenberg for the record. Hey, Jamie.

So when we're in Reykjavik at the (unintelligible) I asked you about two things and one of them was the - that website (unintelligible) compliance situation, which was a complaint submitted against the registry and the registrar for essentially mass fraudulent registration on a gigantic scale. And, you know, I asked you if you could get more information about that and, you know, provide more information to myself, but the IPC generally and to the community about, you know, what really happened in that situation and what sort of steps were taken and why those registry and registrar seems to just going on business as usual in what's - appears to be a pretty massive compliance violation.

And then the other thing I asked about was, you know, thinking about an approach to providing more information generally about the specific compliance matters and how those situations were resolved, you know, not just that they were resolved. And I think, you know, some of the discussion has gone to more specific data points which I definitely would also like to see. But, you know, some of this doesn't lend itself to specific data points, you know, specific resolutions about complicated compliance issues that don't really (unintelligible) themselves to specific data points and so, you know, I'd ask you about, you know, changing the thinking about providing more information on how the situations were resolved, understanding that there is a balance which their confidential information that, you know, maybe should not be disclosed.

And I just kind of want to get a status report and to see if any progress had been made on either of those questions. You know, and if not

what a reasonable estimate would be to, you know, get an update? And then -- just as quick aside -- you know, because people have jokes about me helping out with the sales force implementation, but, you know, I was very serious when I made that offer and, you know, would be very willing to assist in that effort.

And we talk about things like APIs and the sales force, you know, basically has, you know, built in API generators that you can use to just do (HTP) calls to get the information that you want or submit things, so, you know, that was an earnest offer that I made and I am still very willing to do that.

Jamie Hedlund: So thanks. I still owe you an update on website in Chinese.

On the other issue there is internal discussion about how we - if and if and how we would go about providing greater transparency beyond, you know, certainly beyond what we provide now, but how far we can go in terms of showing what the rational and who it was, because for (unintelligible) any particular decision because then that goes to the parties and the facts.

And up until now there hasn't been that kind of transparency provided. And so that is an ongoing internal discussion and it's going - and it's one that will (unintelligible) will hold with other stakeholders as well, because the, you know, in my own view the pressure for transparency is greater than beyond the - you know, beyond the informal inquiry point that the pressure for transparency is greater than the - any sort of compelling need for a confidentiality.

But that's balanced and, you know, where it's going to end up I don't know, but, you know, I can tell you personally my inclination is toward much greater transparency in the rational, at least - at the very least at the rational for any particular decision.

And then finally thank you and I will let people know about - because it may not be just now, I mean we may need your help later. Although I may have to get somebody from the contracted side as well to helps us just to, you know, balance it out. That was a joke.

Gregory Shatan: Thank you, Jamie.

Have a question from Steve Metalitz in the AC room. "Apologies if I miss this, but what is the time table for filling the consumer safeguards position?"

Jamie Hedlund: So initially I had hoped to have it filled before this meeting and obviously that didn't happen, but we want - you know, we're trying to get someone as quickly as possible. These things always take longer than expected, but the - it's in the budget and the money is waiting to be spent, so as soon as we can get somebody.

Gregory Shatan: Thank you. Are there any other questions for Jamie?

Vicky and then I've got one if we still have time.

Vicky Sheckler: Well I was just wondering for your ad-hoc committee what is your plans for (unintelligible) that and the time table for that? A formal (unintelligible) you know?

Jamie Hedlund: Yes. So there's no time table for formalizing it. I do want to get, you know, something in place sooner rather than later and had hoped to gather, you know, feedback and support for, you know, one approach or another while I'm here. But generally they're for support for holding it, how often it meets, you know, how it's constructed is less - just gotten, you know, less trauma.

Gregory Shatan: Thank you, Jamie.

A question regarding the consumer safeguard's position. You had mentioned that engagement rather than compliance or enforcement was the focus of this position. How will compliance and enforcement relating to consumer safeguards those that - that have already been adopted be ample?

Jamie Hedlund: So the one - so - for example for the safeguards in Spec 11 those will continue to be enforced by the contractual compliance department. It's not, you know, now that we have the compliance guy, the consumer safeguards person who doesn't do compliance, we don't have to do compliance. It's - they're two totally separate roles.

Gregory Shatan: That makes sense.

Any other questions for Jamie? And I'm sure this is a continuing dialog…

Jamie Hedlund: Yes. Please.

Gregory Shatan: …as it has been before. Seeing no questions it's 2:59, so we're right on schedule and I want to thank Jamie very much for joining us here in

our meeting and taking questions, being so responsive and look forward to seeing him - and I think all of us look forward to working with him in this new role and as his department also builds out and grows, and look forward to both Jamie and Krista, you know, being with us and helping us as a community in an ecosystem. So thank you, Jamie.

Jamie Hedlund: Thank you, Greg. Thank you all.

Gregory Shatan: We now have a coffee break scheduled. There is a coffee break outside. I will ask you to get your coffee and whatever edible comestibles you choose and bringing them back to the room, because we're going to try to start promptly at 3:15. Thank you very much.

Gregory Shatan: Hi. This is Greg Shatan. Its 3:13, so if I could ask you to begin to return to your seats so that we can begin promptly at the 3:15. If there's anybody out in the hall, please ask them to come in. If there's anybody standing near where they're sitting, please sit. If you're not near where you're sitting, please go to that place. Thank you.

And it's now 3:19. We are now four minutes behind schedule. I'd like to ask firmly that everyone return to their seats. And to wrap up - and wrap up any side-bar conversations you have. We have an agenda and we have some important additions to that agenda that are coming to us - or right now straight out of the break. So as we end the break we are moving straight to a couple of important guest items. Or items involving guests or important guests.

So thank you all for returning to your seats and for reducing the hub-bub. No reference to Hubba Bubba or whatever it is that (Goran) is calling his project.

In any case first -- although he needs no introduction -- to my right is Markus Kummer. Markus has come to talk to us for a bit in his role as both (incumbent) and candidate for our board seat. But before that someone who equally if not more so requires no introduction, but should be introduced none the less is Glen De St Gery. And where is Glen? Glen, please come forward.

Glen. I want to thank you for the service to the GNSO, to the IPC, ICANN, the community in a way that far out scripts my humble and late starting way here. I - when I first joined the IPC I was amazed at what this guy, Glen, could do. I've learned so much more since then. Both about how much more you can do and who Glen De St Gery really is - I even looked up St Gery. So it, you know, a - both a pleasure and an honor to thank you on behalf of the IPC and I'd like to turn it over to Lori to thank you further.

Lori Schulman: Yes. So everybody who's been around ICANN forever knows, like, Glen is the staple of the group, the bedrock, the herder of many, many GNSO cats and it's very hard to imagine a meeting without Glen sitting there and looking all elegant and gorgeous and we're all exhausted. That's what I remember about Glen, unflappable.

So we have a gift, a token of appreciation for everything that you've done. I think - I hope the gift is very sitting for a Secretary particularly and we're going to miss you and we love you. And we just want to make sure that you always have a little fond memory of your friends in the IPC.

Glen De St Gery: But how very kind of you. Thank you all very, very much. I'm really must moved by this. And I've spent some wonderful times with you too. But I must just tell you right from the beginning -- and this was a long, long time ago in the GNSO -- when we first started recording our meetings I was very proud of setting up a recording system and having microphones and that and one day somebody found me and said, "You've just done something very illegal." So I said, "Oh what's that?" And they said, "You recorded a meeting and none of us were aware of it." So I went to Steve Metalitz and I said, "Steve, please help me. What's happened? This person is -" He said, "Don't worry, Glen, if they take you to court, I'll take them to court." And Steve very kindly then explained to me all the laws around recording public meetings which I've never forgotten.

Also, I see you're a huge group here and this was also something over the years that we knew that we had cater for, the IPC was usually about 150 sometimes. I think some of you is still here who knew those big groups.

But it's been wonderful working with you and all I can say is thank you for all the opportunities you've afforded me and all the learning experiences you've given me and the love and the trust. Thank you. And thank you very, very much for this.

Gregory Shatan: Thank you, Glen.

Glen De St Gery: Thank you.

Gregory Shatan: Use it in good health..

Glen De St Gery: And (I won't take) any more…

Gregory Shatan: Efficient and effective as always. Thank you.

I'll now turn the microphone over to Markus Kummer as many of you know we are looking at the next term of Board Seat-14. (Marc has currently occupies that seat and is a candidate for re-election to that seat. And without further ado since Markus is double booked in the true tradition of ICANN meetings I'll let him proceed.

Markus Kummer: Thank you, Greg, and good afternoon to you all. It but there are a lot of moving parts right now and whether a new legal opinion would be of much value is kind of open to question. I do - you know, I think I heard in the session yesterday some of the data protection commission people -- I can't remember which one -- kind of raising questions about the viability of (unintelligible) who is and of sending, you know, transmitting these - this personally identifiable information in bulk to verifying outside of Europe as opposed to transmitting it on a peace-meal basis to requesters outside Europe which of course has been going on for 18 years without any indication for many data protection authority that this was a problem.

So that's some of the background based on my experience in the thick who is IRT. We did ask for this and for updated opinion of staff decided not to do it and then -- now at the council level -- there is agitation by some council members to do it.

Gregory Shatan: Thank you, Steve. That's very helpful background.

Any questions, Paul? Or any other answers for Paul?

Paul McGrady Jr.: Thanks, guys.

Gregory Shatan: Thank you. Now in terms of our agenda one of the items coming up in the item (unintelligible) are at kind of currently is discussing a CCT review, but Jonathan Zuck, one of our two members and the Chair of the review, is in another session and returning shortly.

So would like to actually ask our - see if our guests can come up now, Marc -- I will butcher the name -- (Vasamel)?

Marc van Wesemael: Thank you.

Gregory Shatan: Thank you.

Marc van Wesemael: Do you have the presentation here?

Gregory Shatan: Did you get this presentation?

Chantelle Doerksen: I did.

Gregory Shatan: Yes. We'll get that right up in a minute. I've asked the - I'm juggling things here rapidly.

Marc van Wesemael: In the meantime thank you to give me the opportunity to talk about what's going on in the - in some of the (unintelligible) especially in (unintelligible).

I think there are a lot of things going on that is of interest of this constituency, so I hope to get some feedback at the end of the session

or in between about what it is - is a good way forward and what else we could do in the future.

We're a bit of a (unintelligible) is a preferred choice for you. But (unintelligible) well I hope at the end this question will be answered.

Next slide please or can I do it myself? Okay.

Yes. That's about the title of the - the real title of the presentation. Thank you. Next.

So we are talking about what's going on in the world is a lot about reputation. Very protective reputation is becoming the currency for doing business. That's what this lady is advocating. It's all about getting an online reputation. If the people trust you they will buy from you, because most of the things go -- these days -- go online.

But who do you buy from? If you have - want a babysitter and you buy - or you order a babysitter online what do you know about this person? So somehow you need to know what's the reputation of (unintelligible) that person is. You get that reputation by people who give feedback on that person. And in the end that person is so well known and that everybody trusts that person and will go along with it.

Yes. Next slide please.

But it takes a lot of time and lot of money to build trust and we all buy from these well-known trademarks. But what could we do? Is there anything - can we take a shortcut to get a bit - this trust a bit faster, with a bit less cost? And that's what we started a thinking in that

(unintelligible) and so we came up with a strategy -- next slide -- about what is the key issue with trust online?

Well most of the time or - it's important that we know the person behind the domain name. There is an issue which is fake identities, people registering a domain name without being the real person. So if we could do away with that we would be a long way towards our goal.

If the I.D. - the identity proves to be fake we can immediately delete a domain name and then the problem should be solved or if the identity is real the person can be sued.

And this is something that the law enforcement people in Belgium where we are located start to understand. In the past they always came to us, "Bring this domain name down." And then next - the next day they were active on another domain name. So now they - we try to tell them, "Look let's see first if the - this person is real." And we ask that person if we can't - if they can prove that this identity or this address or whatever is incorrect. We ask that person to update with their real identity of course. If it's somebody with criminal intention that will be done and then we can delete the domain name anyhow.

But in some cases we have been able to prove the identity of the person and instead of bringing it down the police go and catch them.

So next slide. The actions that we have identified or defined to improve the trust in (unintelligible) are three lines of action. There is the corrective action. Actions which is continuously bad registrations. We give tools to end-users -- all of you -- to identify with us or for us the bad the registrations.

And now we are working also on preventive actions. We want to prevent bad registrations from happening at all.

Yes. And this is a kind of tool we are using inside for - in the first step to chase bad registrations. On a daily basis we have people looking at registrations that have intelligent algorithms behind them and they give us some idea of trust of the person behind - that person behind the domain name is a real person. And (unintelligible) able to click on that middle pie chart, the sector where there's a white dot on it -- yes please -- then you would see…

Chantelle Doerksen: It won't let me click it.

Marc van Wesemael: You can't click on it, but if you click you would see what happens when you would click on it.

Next slide. Next slide. Or the - doesn't it…

Woman: (Unintelligible).

Marc van Wesemael: Yes. Then you would see the - all those people that fall under that sector and if you click for the next slide again we would see then - it's an - it's the data of the persons or the domain names that fall under that criteria. And in this case -- I can't read it from here -- but it's clearly a Chinese name, with street name random letters and the same for all the rest. So that is a clear case of bad registrations and we do that on a daily basis, people looking at it with the help of intelligent algorithms.

So that is the case in bad registrations.

Yes, please. We also do user enablement. And if you would go online on the (YourIt) website you would find -- and you look at your domain name if you have one -- you would see also domain names that look like yours that may be surfing on your success and try to register a domain name that looks like yours.

But we also do it for dot com and for many other (TLD)s. At this point only (GTLD)s. In the future we hope to add also (CTLD)s. And I think if I remember correctly this is an existing case of (unintelligible) and you see that the (unintelligible) is registered to (unintelligible) the I and the L are looking very similar in the domain name and so - but also under dot com and then you see that (unintelligible) also registered under 256 - 57 (unintelligible).

If you would want the whole list, because you only see five per category, that will be sent to the person who owns the domain name. So that only he or she can see it.

Yes, please. And that what's it look like, full reports of this file. Yes, please. With all the data of when it was registered, whether the domain name belongs to you or not and to - a few other data that will help you in identifying the person behind the look-a-like.

Yes. And that also for dot com and the other -- as you can see here (unintelligible) which - and without hyphens are all registered.

Another thing that can help in some cases is whether the domain name is for sale somewhere. This is also what you can find if you go to the

(unintelligible) that domain name it will tell you whether that's domain name is sold on one of the popular websites they sell domain names.

Yes, please. The next step in this user enablement is to improve our matching algorithms to add more (TLD)s, add trademark information as well, add portfolio management, because you might have many more than one domain names and you don't want to do this exercise for each of them. And (unintelligible) data reporting, so if you have 1000 domain names and then you would get a report every month that's with all the look-a-likes that have been registered during the last month for instance.

Yes, please. We are also working together with (UIPO) and they inform the - the purpose is we are very close to finalizing that feature. It's whenever a domain name is registered that is identical to an existing (CTM) at this point and so a community trademark, we will inform (UIPO) who will inform the brand owner or the trademark owner of that trademark. At the same time we will also register - inform the registrants so that he knows that he might have or might be infringing on somebody's right.

Yes, please. Then you will see that also (UIPO) on their website has a reference to dot (unintelligible) when you go on -- I think -- it's the (MU), then you will see a reference to dot (unintelligible) haven't you forgotten to maybe to register also your digital identity in one -- in this case --- dot (unintelligible) of the (TLD)s.

Yes, please. We thought at some point that cybersquatting, because that's what we are talking about here, was the thing of the past. Well apparently not, because with what we know we did some checking

from the last -- I think -- a few months and there you will see this is the graph at the bottom and if you click you could see the bigger one. These are the number of registrations on a daily basis that exactly match a (CTM) trademark. They might be the owner of the trademark themselves, but in some cases -- and that's definitely the case with the big pics you see -- these are not the owners of the trademark. So it's something that really still needs our attention.

Yes, please. Another thing -- and I'm going a bit quick in - over this slides because I don't have that much time -- so there is also - we wanted to have a sort of trust (unintelligible) for the registrant based on a lot of information we have at our hands and we can find the different places we will try to give each registrant a sort of trust score so that everybody can see, "Yes. I can trust this domain name." or "Maybe this one is a bit fishy."

We will also use a self-certification to increase your score if you really want to say I have a 10, it then would be the top score, then you could come online and identify yourself with some proof and get the top score that everybody would trust you. The trust level still remains - the level of trust that the person can be identified and in case of abuse can be found and sued.

Yes, please. We also have remediation, just a quick word. There is an (unintelligible) (ADR) and if you are not aware of it we sponsor the (ADR). Normally the price is $1300 per case, but we sponsor 1000 for each case, which means that in fact to the cost for an (ADR) is 300 Euros.

Yes, please. There is the prevention parts, there is the last parts where we try to prevent that registrations are becoming active or are registered in the first place by certain algorithms. In this case (homograph) bundling that is cases or domain name that look exactly like each other cannot be registered anymore in dot (U). For instance this would be the Latin trademark (ANA), which is the Japanese Airlines. They - if you would write it in small letters you would see the left one, in the middle you have the capitals, and in the right one you have the combination of the two.

Yes, please. If you would write it in (unintelligible) you could take exactly (unintelligible) write the same name, you wouldn't see the difference and it would look like -- yes, please -- the left one in Latin.

Yes. In Greek you could write Alpha (unintelligible) Alpha, which in capital Greek would look like the capitals in Latin.

Yes, please. And the same you could even write another Greek domain name -- yes -- which will be Alpha (unintelligible) Alpha and then (unintelligible) combination of A and the small capital A small and capital A A. And these - all of these combinations are - cannot be registered if one of these exist.

Yes. And the next one. The last one is prevention at all. We are working with the university in Belgium to try to predict at the time of registration whether a domain name will be sued in the future for abusive actions.

This is based on historical information, based on day-to-day (unintelligible) malware or spam. It's used as a self-learning algorithms.

I'm not going into detail there. We are still progressing in our research. And when the domain name is above a certain level of suspicion we put it on a working que and a human person goes looking at it and if the identity of the person cannot be identified or cannot be verified than the domain name will never become active. That's the ultimate goal we have so that abuse (unintelligible) happen anymore.

Yes. Yes. This is just a summary of what I just said here.

So that ends my presentation. I hope I kept it within the 15 minutes I was given and I (unintelligible) would end with this small statement to register your names under dot (unintelligible) benefitting from it. Thank you all for listening and giving me this opportunity. And if you have any feedback I'll be able to (unintelligible)…

Gregory Shatan: (Let's) hear from Marc Trachtenberg.

Marc Trachtenberg: Marc Trachtenberg for the record.

I'm sorry if I missed this in the beginning. It's like - I mean all of this is happening right now?

Marc van Wesemael: (Unintelligible).

Marc Trachtenberg: Sorry.

Marc van Wesemael: Just the last part is still in research. All the rest you can find on our website.

Marc Trachtenberg: So you're actively analyzing all these domain names right now?

Marc van Wesemael: Yes.

Marc Trachtenberg: Suspending them?

Marc van Wesemael: Yes.

Marc Trachtenberg: And…

Marc van Wesemael: Well suspending them - we can - according to our regulation, because we are depending on the regulation from the European commission we can only suspend a domain name when the data - the person behind is not - is fake or the data are not correct. So our vector of attack is always trying to identify the suspicious domain names and then see if we can identify the person. If we can't we can't do anything, but mostly when it's a suspicious domain (unintelligible) it's like data.

Marc Trachtenberg: And so is there a way for us to report these domain names to you as well?

Marc van Wesemael: Yes. Yes. The easiest way for you to get rid of somebody who uses your trademark is to call us. We - the first thing we do is we verify the identity up to calling the person. And if he can't verify his identity we delete it. So that's even the first step and then if that's - if that person would exist and puts - show his identity then (ADR) would be the next step probably.

Marc Trachtenberg: And so you're subsidizing all (ADR)s?

Marc van Wesemael: We have a budget of 100,000.

Marc Trachtenberg: So the first people that get in…

Marc van Wesemael: Yes.

Marc Trachtenberg: …but…

Marc van Wesemael: Well we only - we never have to use the full budget, so…

Marc Trachtenberg: But 100,000 per year?

Marc van Wesemael: Yes.

Marc Trachtenberg: I'm sorry 100,000 Euros or 100,000 (ADR)s?

Marc van Wesemael: (Unintelligible) there is 100,000 Euros that (unintelligible) 100 - 100 yes.

Marc Trachtenberg: One hundred and ten.

Marc van Wesemael: One hundred and ten? Yes. It's about 110.

Marc Trachtenberg: And did you say you were also doing monitoring outside of the dot (EUTLD)?

Marc van Wesemael: At this point only - we look at look-alikes and their dot com and on their old (GTLD)s, yes.

Marc Trachtenberg: And so you can subscribe to basically like a monitoring service that'll monitor for you and notify you and…

Marc van Wesemael: No, we do it ourselves.

Marc Trachtenberg: No, I'm saying as a brain donor. You couldn't…

Marc van Wesemael: Oh - well - in fact if you register your dot (U) domain name you get the rest for free.

Marc Trachtenberg: (Unintelligible) where is this on the (unintelligible) site?

Marc van Wesemael: At the Whois. As you go to the Whois you type - but you have to have the dot (U). That's the catch and that's the interesting part for us. If you don't have the dot (U) you don't get it. But if you have a dot (U) you see all the look-alikes in dot (U), but also in dot com and in other (TLD)s.

Marc Trachtenberg: Whois (unintelligible) so you…

Marc van Wesemael: (Unintelligible).

Marc Trachtenberg: …you basically have a login that you get once you register…

Marc van Wesemael: Yes.

Marc Trachtenberg: …the domain?

Marc van Wesemael: (Unintelligible) you get it online. You get it online. Maybe I could show it if you - but - or we could take it offline and show it if you

like. You go online, everybody can see it. You type - I - you can type (unintelligible) the screenshots were from what you can see online. You can type (unintelligible) and you can see all the look - well the five top look-alikes for (Tesla) and only (Tesla) will see the full list, because you can click on the button and say - and then there will be an email sent to the owner of the domain name with all the look-alikes we have found.

And that's where the win/win comes. For us it's - the win for us is that you would register your dot (U).

Gregory Shatan: Thank you, Marc.

I have a couple of questions and only a few minutes left. So first I'll take Steve Metalitz and then - maybe that's an old (unintelligible) from Steve muted? I'm not sure. I'll take the question from the room.

Man: Yes. (Unintelligible) the record. I have a question. How many dot (U) domain names are registered? And for the -- for example -- if there is a domain name, like, using three of (unintelligible) speech about a trademark and, you know, this complaining sites and all, like, for customers do you also take it down or just like that or there is a process or what's involved? Thank you.

Marc van Wesemael: Thank you for the question. The - as a - first of all there are two point - 3.8 million dot (U)s.

On your second question with the only legal authority we have for taking down a domain name is when the data behind the domain name are not correct. So that's what we check. We call the person. We send

them emails. We - whatever we can do to identify. We have had situations where a domain name which was reported to us as being with abusive or with malware or whatever and we contacted the person. The person existed. Was a lawyer in Berlin. But she said, "I don't have a domain name in dot (U)." And that's also what happens. People - everyone, they know they, they register the (unintelligible) dot (U) with a name that exists from the telephone book or whatever. But then it's easy. You call them, you know, immediately. That's - it's like data. And then we get an email, we ask for information, we get an email from the person and then we can take it down immediately.

So there is a first step that you ask us to verify the identity. We do that always. If we can prove it's a fake identity it's gone immediately. If we can't prove it then there are other ways. There is (ADR) or there is (unintelligible) to whatever. But there we - we don't have (unintelligible) or anything.

Man: Just a quick follow up. You cancel or - the domain or do you give it to the brand owner or…

Marc van Wesemael: We delete the - sorry. In that case we delete the domain name. Only for when there is a court order we can transfer.

Gregory Shatan: Jonathan and then David and then have to be brief, please.

Jonathan Matkowsky: Jonathan Matkowsky. Just a quick question on the - with the laws confining - restricting your ability to transfer, to suspend or delete the domain. Don't you have the right in the registrant, like, agreement to contractually have the registrant agree that if the domain is used for

malicious activity that the - that you have the right to suspend the domain name?

Marc van Wesemael: I'm not a lawyer, so I can't really answer your question completely, but as far as I'm told the regulation of the European commission is the highest level and that is not foreseen in that regulation. But maybe we should talk to our lawyers.

Man: The registrant agrees to (unintelligible).

Jonathan Matkowsky: Right. That's right. But they could still - and have it implemented on the - by the registrars and if it's contractually fulfilled…

Gregory Shatan: We can take this offline and David has a question for - from our (unintelligible).

David Taylor: Sorry. Thanks. David Taylor. And yes (unintelligible) is actually incredibly interesting on the trust side. So I think we would need an (unintelligible) offline discussion for CCT review on that as what's good practice in the (TLD), so incredibly interesting.

And I just (unintelligible) quick to follow your instructions then, ask for the full list for my domain name, (taylor.eu). So how (unintelligible) so it's slow. I did it at least a minute ago, so I can't (unintelligible) what's going on. But…

Man: (Unintelligible) Jon, can you (unintelligible)?

Marc van Wesemael: May I respond to that? Have you looked at what the email address is in the registration of your domain name?

David Taylor: Yes.

Marc van Wesemael: And it's yours?

David Taylor: Yes.

Marc van Wesemael: So you might be sending it to somebody else.

David Taylor: No I'm good. But actually - it's good on that (unintelligible) Whois, but actually kind of (unintelligible) with my question, which (unintelligible) which you may have mentioned when you had to run out quickly on one thing and came back in. But you've got Whois lookups there with the identity or the country (unintelligible) Whois lookups. I can see I have 81 Whois lookups for my domain name and I've got the countries where that was looked up from. The - I don't whether you mentioned that, but that strikes me as very interesting.

Marc van Wesemael: No, I didn't mention that and thanks for doing that.

Gregory Shatan: Thank you both. Thank you all. Thank you, (Mark). (Unintelligible) an interesting thing for our point of view. Always interesting what registries are doing that ties in positively with what we have.

We have three minutes left. So I don't know if there's anything burning. I'm sorry that we did kind of re-jigger the agenda and did not get to talk about policy or comments or working groups, but we can do that on a call. We have a call next Tuesday of the IPC, regular call. Better.

Marc van Wesemael: May I just remind you about that tomorrow at 1:45 we have the (unintelligible) working group, so if you're interested in the questions and have a follow-up please come (unintelligible) before dot two.

Gregory Shatan: Thank you and I'll remind everyone that from 7 to 8:00 this evening we have a reception with the GAC on the tariff of the hall here. If you follow signs for the tariff I think you'll find it.

Also if anybody's interested in the secret music made I'll send an email around about that. It's at the (Soho Flisk Store) 8:30 to midnight. I will be playing the saxophone.

So thank you for all of you participating. Sorry to - Jonathan Zuck who wanted to talk about the CCT review. If there's any other items in the last couple of minutes that we have...

((Crosstalk))

Gregory Shatan: …follow the signs to tariff, you'll end up there. That's all I know.

Chantelle Doerksen: Here. It's one floor up.

Gregory Shatan: One floor up. Thank you all. I will see you at the next event. There's also a GNSO council public meeting other working groups, many things to do here.

END