ICANN
Transcription ICANN Johannesburg
NCSG Outreach & Strategy Meeting
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Rafik Dammak: Okay and thanks everyone for attending today meeting. I know that it's quite early in the morning but thanks anyway for coming.

So the purpose of the decision is kind of, let's say, a discussion and trying to prepare for the day. For the policy forum, I understand that the focus and policy discussion, and so we will have, I think, fewer decision than compared to other meeting format.

So for today, I think we really start with the working group session. So the first one will be for the new gTLD Subsequent Procedures and that will start in less than 30 minutes. They will have like three hours to go through a lot of discussion of what they did before.

And for those who attend it, the GNSO session is today will include listen to some updates of what's going on. However, for today meeting, it's more like a working group discussion and it's a good opportunity for whoever wants to join to participate.

Yes?

Tapani Tarvainen: I'd like to point out also that right now there is going on discussion about Empowered Community Cross-Community Forum to amend the bylaws amendments, and somebody might be interested in looking at that. So I know some of our members are there and it might be an interesting discussion if you're not into this working group.

Rafik Dammak: Thanks Tapani. And I think that the first time we have this Empowered Community Forum, while the topic is not controversial, and it should be appropriate by the different SO and ACs. But I think it's also good opportunity to attend to see how the mechanism that came with ICANN accountability work will applied and to understand how that will be done in the future.

Other, I think, other important decision is for who is interested in Internet Governance. There is a meeting for the Cross-Community Working Group on Internet Governance.

That group is under discussion by one of (unintelligible) organization which is the GNSO because there was some question about its structure and what it's doing. However, it's still, I think, important to have such a space for the community to discussion what Internet Governance matters that are impacting ICANN.

So it's not all Internet Governance issues, but ICANN, as an organization -- the ecosystem -- it has a few kinds of threats -- if we can say that. And so it's important to have space for the community to work on those issues.

I will finish and then move past to Martin or Tapani to continue about the remaining session.

For us today, as NCSG, we have our Policy Committee Meeting, why it can be seen as kind of internal discussion meeting. But I think it's a good opportunity to see how we -- as a group -- we go through those topics and try to build a position and strategy when it's possible. So we will go through several topics like in relation to the GNSO Council Public Meeting tomorrow, so the motion.

And it's important to remember that as a group -- the NCSG -- we have a voting right within the GNSO Council. And that's why we have to discuss and see how we would vote - I mean our representative there should vote.

Yes?

Tapani Tarvainen: Thank you Rafik; Tapani speaking. I want to highlight that this policy committee meeting is actually (unintelligible) most important thing that NCSG does here because the policy committee comprises of our councilors who actually get to vote in the GNSO Council and that's where we decide how we vote -- what we're going to do. So that's the place to be if you are interested in seeing how NCSG actually does.

So (unintelligible) too modest, I'm sure it will be. That's the place to be, so come there. And if I pick up some other interesting things, it might be interesting to some.

I know that the (Unintelligible) also GAC's Human Rights and Internet (Unintelligible) session. It might be interesting to follow. Of course, it's a GAC session, but you might want to know what the GAC it up too. It's an open session. And human rights are definitely one of our key interests.

And yes?

Rafik Dammak: No.

Tapani Tarvainen: No we can't.

Rafik Dammak: That's one of the problems.

Woman: (Unintelligible).

Rafik Dammak: The problem - that's one of the problems with the GAC that the working group are not open and they do more. So their activities and the way that we don't know exactly what they are discussing. It's the same like the public fifty (sic) working group and so on.

So first I have a concern, for example, that the GAC kind of takes a lead on the end of (unintelligible) and not be open to other because we are coming from -- most of us here are coming from --the (unintelligible). And I think we have the right or so to discuss those matters, so.

(Rita Mata): Hello? I'm (Rita Mata). So membership selection is public, like do we know which GAC is there, or?

Tapani Tarvainen: We know very little about the internal (unintelligible) to the GAC. And this is actually - that's one reason we might want to consider that when they actually open some open session, that's one of the few reasons is we have to observe how they operate.

(Rita Mata): It seems like - I'm sorry. At least like some criteria is like small islands. So do they describe this or not? Like who can be members? Has to be developing countries up until certain population?

Rafik Dammak: No, all countries, I think, has to be U.N. members can join GAC. There is actually an interesting development going on that some (Hamrik) and (Native) tried requesting the right to participate in the GAC. I don't expect that will happen but legally, it's not entirely obvious so it may be an interesting

development if that happens. But for the time being, I believe they have to be a U.N. member or some other similar criteria (unintelligible).

(Rita Mata): (Unintelligible).

Rafik Dammak: And they - whichever countries choose to participate because it's cost (unintelligible) to come here, so it's usually the rich and powerful countries -- the usual suspects who do get too. But all countries have a right to participate.

And also it's openness is pretty much up to the internal dealings with the country, how much they want to tell their own borders of where and what they do.

So you might want to find out who's your representative there, and if they are, then ask field government at the GAC.

Okay, other things, also another GAC session you might want to be concerned about, there's a GAC working group on the protection of geographic names in future rounds. So new gTLDs, that's a pretty hot topic.

Again, it's at the GAC session, but we might want to hear what they have to say about it if you have nothing else at the time. The geographic names, I guess if you don't know what that means, then like top-level domains that refer to some area, that's not official operation of a country.

Initially, again, I can only reserve (unintelligible) operations if I'm by ISO. But some countries have been arguing that they should have some kind of veto power or right to reserve first like for less-formal less-official or longer relations of their names.

Martin?

Martin Sutton: Yes, on these matters, the new gTLD process (unintelligible) at least contemplates an idea of territorial names being important for community, so they are usually part in the Guide Book of terms that are relevant for communities, and therefore, have to go through a special process where communities are being taken into account.

And usually, the application has to show that he's able to come into agreement with the community to use that name in a way that is going to be available and accessible to that community so that that community is not deprived of that terminology.

I think one of the most famous cases for that is Dot Amazon and Dot (Unintelligible). They have different results and it's very interesting to see why those results are different.

So it is part of how territorial names are being discussed to understand as well as where they are now. And GAC countries coming with a sort of veto is definitely a new thing that is not or has not been in the past.

Countries did intervene in this process for territorial names by making claims and helping support comments -- at least from my case in Argentina, -- (Unintelligible), Chile. The governments were very active on defending the community, but they didn't have a special (unintelligible) to veto those sorts of things. It would definitely be something new.

And I don't know if anyone wants to waive an opinion on that. Should we give the GAC the power to do this?

Tapani Tarvainen: Okay, I must add that there is besides the GAC team, there is at 5:00pm a cross-community session discussion on these geographic names -- top level Session 1. And that's where we actually get to speak if we have something to say, so that's the place to be for that.

Rafik?

Rafik Dammak: Okay, thanks. Since we are talking about Geo Names, I see maybe I think Bruno is here and she worked on the topic from the last week (unintelligible). Maybe she can give some insight here.

Tapani Tarvainen: So I know Kathy Kleiman just walked in. We were just discussing the Geographic Names and top-level (unintelligible) and for the GAC working session, we might want to sneak in on and the cross-community discussion in the evening.

You want to, Kathy, give us a brief presentation? Okay, what do you want it to be? Okay, please.

(Rena): Hi, this is (Rena). I'm still - I don't think I'm at the position of giving a NCUC position - sorry - until (unintelligible) beginning starting to get to get acquainted with the whole, like, discussion. So I've been trying to read into all the materials so far, but (unintelligible).

Yes, so the whole thing - if I'm not wrong, please someone correct me. The whole thing has been the discussion regarding the use of the ISO Country Name List either like making a good thing for using it at the second level, or discussing Geographic Names at the top one, so other than the two character country codes. So this is pretty much been all the discussion.

And the working group has prepared a straw person that is going to be some sort of conciliation mediation professional at both sessions serving this week. And the idea is to discuss all the proposals we had at the webinar, that there was a webinar at the end of April, (unintelligible). So, yes.

The idea is to do the follow-up on the webinar and on the proposals and come to a conclusion in which you can have all the community agreed on the whole thing. So, yes.

Kathy Kleiman: Hi all. Sorry to be in the wrong room; I went next door. Isn't that where we were yesterday? Okay.

So good morning. We heard Phil Corwin in Council yesterday who is with the Business Constituency, but he also represents a number of registrants -- business registrants though.

And he was furious at the Geo Names proposal. He said that they're trying to reserve names plus rivers plus towns plus anything. He said that also the cultural names be reserved. And basically, the intrusion into -- for lack of a better word -- free expression, but he didn't use that term, but that was what he thought was enormous.

I don't know. I think we should have - I mean it looks like they're going to decision here and we probably should have a position here on this.

Tapani Tarvainen: Yes, I think it's rather curious how they fight over the ISO to (unintelligible), and the second level, those are in use. And of course one example, there is F-I Dot S-E exists. You know, F-I is Finland, S is Sweden, is this is actually some finance organization in Sweden. And nobody cares for it; it's not a problem to Finland. But some countries are more concerned.

Maria?

Maria Farrell: Hi, good morning everyone. Please, can you state your name for the transcript and also speak into the mic because online participants cannot hear at all.

Tapani Tarvainen: Thank you for highlighting that Maria, so this is Tapani speaking.

Kathy Kleiman: We're talking about strategies. Should we even be on a transcript?

Tapani Tarvainen: Well this is Combined Strategy and Outreach Session and this - well, it is public be it that as it may.

Woman: I think despite it being quite urgent, I think, today being the session, and yes, there is some strategic that needs to be well fought, any kind of perhaps position or further observation from this is urgent because I have never seen a GNSO working session with people sitting on the floor. And that was for the 45 minutes that Geo Names was in discussion.

So you had like three or four people sitting on the floor behind the GNSO Chair completely out of the ordinary.

So my first question would be why?

Tapani Tarvainen: Yes, that's a good question. But before going deeper into that, I want to look a bit more into other things we have today because we don't have much time.

And perhaps the big thing today from our perspective is the GAC Session again, but this is an open session -- a cross-community thing I think that GDPR and its potential impact.

GDPR -- for those who don't know -- is the General Data Protection Regulation for the European Union -- which is coming in full force next May. And which, in effect, harmonizes the data protection regime within Europe and in particular enforces rather heavy fines for those who break the rules.

The rules are such not all that different from what the old directive implied, but the directive always leaves it up to the members to implement, and it had no (unintelligible) as it were.

And the key concern we have and is the big thing fighting about is this RDS or replacement for WHOIS because the current WHOIS is just pretty much

(unintelligible) and obviously violates the GDPR, so something has to be done.

And there has been a working group working for quite a long time on RDS -- which is the new Registered Directory Services that is supposed to replace the WHOIS. And I must say that the working group has not (unintelligible) it should have given the time.

There was yesterday a cross-community session about this. It was a very good discussion, but they did highlight -- rather obvious -- that progress has been way to slow.

And I'm kind of afraid of what will happen, actually, is that come next May, European registers will simply switch off WHOIS.

And also, this particular panel is interesting because they refuse to let any of our members to join. We offered Stephanie Perrin who is our RDS expert to the panel and she was rejected. They don't want to hear us.

So go there, take the mic if you can and speak up. This is our concern; not only governments.

Kathy Kleiman: I think they also didn't let (Peter Kimpy) of the Council of Europe speak. So it's a very strange group.

But I'm not sure the RDS is moving as slowly as people think, but I didn't get into the session last night which I heard was explosive.

I mean it's like the ground is shifting underneath them and laws are changing. So what the vast majority of Americans want -- American companies want and American law enforcement wants and American - sorry, that's a big piece - and private security wants -- has become illegal in half the countries in the

world as of 2015. I mean the ground has shifted underneath that working group; it's fascinating.

Tapani Tarvainen: Yes, lots of course has been made, but still the ground -- at least regulation -- is not entirely surprising really. Even though European directive actually dictated all the more so the same (unintelligible) and things. But it was simply ignored because it had (unintelligible).

The big difference here is that now there will be heavy sanctions for those who violate them and that's why it is becoming serious.

And yes, lots of progress has been made but quite a lot of it has been just arguing about what "Do we have to comply with this law, how can we work around it," that kind of stuff.

And in Copenhagen, some interesting discussion on this (unintelligible) Americans argue that if we have to follow European laws, then we'd have to follow Tanzanian laws and whatever else that they don't know about -- which buds well.

Kathy Kleiman: But if we're looking - I mean have we talked about, just briefly, even the traditional position of NCUC and TSG -- and I don't want to speak for NPOC -- which is that we support fully the privacy laws -- both for individual as well as organizations because many organizations are political. And NCUC over the years has supported the idea of privacy because in the United States we have privacy for organizations because people were, you know, in the 1950s and before, tracking down organizations that were based on ethnicity.

But the NAACP big big cases in the United States -- organizations that were based on race, ethnicity -- were tracked down based on their addresses. And so those addresses could be removed from the directories like telephone directories. So we have a different type of privacy in the United States based on speech and protecting the speaker even if that speaker is an organization.

So just wanted to let you know the traditional position for 15 years out of NCUC and then NCSG is projecting privacy -- in case there was any question.

Tapani Tarvainen: Yes, that's actually pretty much the key issue is attention between country different traditional approaches to privacy between the United States and Europe.

Eventually you see - and I think NCSG position has pretty much forever been that we support privacy. And in this particular battle, we side with the Europeans more or less. Of course, accept noting that the European law, there is no information, so the position of organizations takes some debate.

But as you noted, practically organizations and the information about them is (unintelligible) information anyway or a lot of the case. So we have to try to push - the Board made that kind of, actually, artificial limitation there.

Let's move on to the other stuff we have. Most of the things - well, if you look at the agenda, you see there is a GNSO informal Council session. But I'm afraid that's closed; it's only open to Councilors and their Chairs.

Rafik, do you have anything to add?

Kathy Kleiman: I was - I'm sure you already talked about Subsequent Procedures before I came in. I…

Tapani Tarvainen: Yes, we mentioned it briefly. If you want to fill in, go for it.

Kathy Kleiman: Yes, there's a big session today -- a big face-to-face session with the facilitator. And I was kind of wondering who in the room would be going because we don't have a lot of people monitoring subsequent procedures.

But we need to be there. There are important things - they're talking about like closed generics and vertical integration. Closed generics is the idea of giving a basic -- not a brand name, so not a Dot Microsoft -- but a Dot Search -- although that's already delegated -- or a Dot Cloud. There was a big fight because a lot of companies have come in to apply for those where they would own one company would own all the second-level domains.

And the big one was Amazon -- which wanted Dot - not just Dot Amazon, they wanted Dot Book and own all the second-level domains.

And ICANN -- at our insistence actually -- held a public comment on that and heard from all over the world that said, "Wait a second. We're book sellers, we're book publishers. You can't own Dot Book." So Dot Book, Dot Search, Dot Cloud, Dot App all got opened up and became open generics rather than closed generics.

And now there's a movement to reclose them because it's a very valuable to own the basic term of your industry or your organization.

And so that's one of the things they're discussing today. Vertical integration is registries owning registrars, and so just two of these on the agenda today.

Tapani Tarvainen: That's a good point and that session is starting in about two minutes in the next door. So I guess we'll have to close pretty soon unless somebody has some final comments.

Rafik? Any questions from anybody?

(Osma Mistakem): Hello, my name is (Osma Mistakem) from Nigeria. I started to work three months ago in the IDN -- the group from (unintelligible) (unintelligible) IGN.

Okay, so concerning this Geographic Names, I have a quite issue that I don't know exactly by which was can solve it. For instance, you know, (unintelligible), there is something like to claim my country, to claim my river.

But when it's translated to the other languages, it remains a thing. So is process taking into account this diversity of languages, you know? That is the issue I'm trying - I'm a newcomer, so I'm trying to understand what is going on or it is on behalf of my government to say, okay, this one, we called it (Mike) in my language, this, but the other guys called it blah-blah-blah.

So they have this right to say blah-blah-blah, Dot Something like that on behalf of me? Okay, so just one question from myself. Thank you.

Tapani Tarvainen: It's a very good question which means we don't have a good answer. But keep asking it; maybe somebody will.

So as I said, we have like now one minute to go, and actually, not even one. So let's close this session and move on to the beat of the day. Thank you, everybody, for attending.

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