BARCELONA – NextGen Presentations
Monday, October 22, 2018 – 13:30 to 15:00 CEST
ICANN63 | Barcelona, Spain

UNIDENTIFIED FEMALE: I'd like to welcome our returning NextGen Ambassador Alumni. Sarah Ingle, ICANN 61. Desara Dushi, ICANN 58. And Razoana Moslam, ICANN 60. They're here to support us and be our mentors for our brand new ICANN NextGen members.

We're going to start right away with Anastasia Sendrea from Belgium. Anastasia?

ANASTASIA SENDREA: Thank you. My name is Anastasia Sendrea. I did a masters degree in EU International Relations and Diplomacy at the College of Europe in Bruges. I looked at the emergence and the growing of the EU as an international actor in the sector of international Internet and digital relations.

So, EU as an international actor, there's a great body of research dedicated to this because EU is not a state. EU is a strange kind of animal. It's not an international organization, per se, and it's not a state, but it has increasingly started to participate in international relations as an actor and this is allowed because the EU, as a [inaudible] authority has acquired more and more competences since its formation.

So, as an international actor, the EU studied in the context of sectorial governance. And this is what I looked at as well. Usually, it is studied – there's a lot of dedicated research as to how the EU has increased in visibility as an international actor involved in environmental politics and competition policy in the global economy through its competition policy, as an international actor in protection and promotion of human rights, in agriculture, etc.

But, I felt during my studies that there is not a lot of talk about international relations that deal with Internet governance or with the management of digitalization. So, this study is allowed because of a legal principle that the European Court of Justice has stated that is called info internal info external, which means that if the EU has internal competence to regulate and to act in environmental policy, for example, or in its market policy, then it has the right to do so to represent its interest internationally. So, then it's not a member state. It's not a competence of member state, but it can be also a competence of the EU or sometimes an absolute competence of the EU.

Bearing that in mind, I started to look at the internal EU policy that now has graduated into the so-called digital single market EU policy with this commission, but such portfolios that target digitalization or target the management of digitalization, they have been called [the road] to information society or media and audio/visual that also had tangential policy action targeting digitalization. They have existed in the European commission policy portfolio since late 80s.

So, I thought a great case study at the moment would be to see how the data protection, the personal data protection policy in the EU emerged and how it allows now to engage internationally.

Let's see. I think there's more to this. There's something missing. Ah! So, there are some points here that seem to be missing. I'm sorry about this. Why does it keep moving? Sorry. Yeah, but it didn't move. So, I am on this slide now. Okay. So, would you be able to stop it from moving? Because I can't seem to click the right button here.

Okay. So, I will just keep on talking about the EU data protection policy, which emerged in the late 80s and it emerged – I was curious to see to what extent the development of this policy were motivated by other international sources because there were other international sources that already were dealing with the subject of personal data protection at the [OEC] level, at the Council of Europe level. Then, the EU also proposed its data protection directive which got adopted in '95 and it allowed the EU to already have a key, [gain] legislation that would later allow it to come up with the GDPR, with the General Data Protection Regulation of last year.

The motivations for that were also internal as well as external. If there were external … There was an external movement at that time. It was all about interoperability of data and the EU was trying to complete its internal market and there were certain states that were afraid that if they have to – were afraid that other countries from the same market do not offer the same high level of protection of data as them. So, we're talking about Germany and France. And if you ever become curious

about the EU, you should know that everything that moves in the EU is because Germany and France wants it.

So, my conclusion to my research is that data protection directive in '95 was a result of policy import of both upload and download of policy and policy promotion. And later on, more than a decade later, we are in a situation where technology has changed and there are new motivations to revise this legal [inaudible] which prompted the EU for several reasons, both because of emergence of pervasive technology but also because of globalization and plenty of other reasons, EU comes up with the GDPR.

The GDPR is crucial because never before, except in one policy, has the EU had the same – expected the same kind of effect. So, we're talking about competition policy. It was only in this competition policy that the EU regulatory state had unintended effects all over the world through its regulation which raised the idea that EU emerges as a global actor, as an international actor through regulatory effects, through effects of it being a regulatory state.

The GDPR is the second case in which companies all over the world or actors all over the world are afraid of fines and they are afraid of punishments, of legal punishments, that was only before that practiced in EU's competition policy.

This, in a way, I'm trying to make – I have … If we look at this in the context of the geo-politics of the Internet in which you have different countries that promote different models of digital actorness in the world where we talk about different values, there is also a value

conversation whether we talk about Internet sovereignty or Internet freedom. So, if you think about China or Russia, there are different models out there of actors, of international actors, becoming increasingly present and unavoidable through their model than the EU raises now, raises itself and emerges as a regulatory actor. The perfect example of that is the GDPR.

The GDPR was not done naively and it was not formed as an instrument with unexpected, unintended effects that happened before with the competition policy. So, the EU drew on that and knows that now it has regulatory power that has an influence all over the world because the EU market is big and size matters.

In this context where, as I said, there is talk of geo-politics of the Internet, the EU emerges as an actor through its regulatory power. I think we can go to the next one.

So, this is the case. You probably all heard about it or you are following it as we speak with the EPDP process in ICANN. This is the first case that I think will be decisive. This is thought for further research that will be decisive and will showcase and will give further material for operationalization of EU international actorness. It is the case of a global organization that is ICANN having to comply with an EU regulation. And this was not something that the commission or the European Parliament thought about when they designed this instrument.

But it's a case in which it's not a firm or a company or another state, but it's an international organization. This also affects the way in which EU

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represents itself externally, because even here at ICANN, we have representatives of the European institutions, and unlike many times before, because of the GDPR, they are here now with a coordinated position and they are here now to speak with a single voice, which also structurally and institutionally is a proof of the emergence of the EU as an unavoidable international actor. So, they are flexing their muscles from Brussels.

This is about it for me. The next slide has my coordinates. If you have any further questions, do not hesitate to write me or ask them now.

UNIDENTIFIED FEMALE: Thank you, Anastasia. Are there any questions from the audience for Anastasia? Any questions from the NextGen? Okay, thank you for your presentation. Oh, there's one from the audience there.

UNIDENTIFIED MALE: [off mic].

ANASTASIA SENDREA: Yes. Well, it seems that ICANN has gotten – it's clear it has gotten on board and its priority is to be GDPR compliant, which is also decisive. So, it shows that the EU is not some strange large of institutions in Brussels, that is very complicated to understand. But it is also … When people now internationally will speak about the EU, they will have something else in mind. They will have almost like a state … One actor in mind and not a couple of institutions.

I think that – well, ICANN is obviously doing its best. I think a lot of people were surprised to see that the European Data Protection Board gave ICANN a year because, at the beginning, I think they said that ICANN has to be compliant by the date of entering [inaudible].

So, it's good that a year is given, of course, because it's in the interest of everybody and I think that ICANN will find a way to be compliant, because otherwise, there will probably be first jurisdictional problems and then other kinds of political, international challenges.

UNIDENTIFIED FEMALE: Okay. Thank you so much. So, a couple of housekeeping notes. Sarah will be timing you ten minutes. So, when you're down to two minutes, she'll give you a little two-minute sign. Also, please refrain from using your laptops and phones during the presentations. I would greatly appreciate that and I'm sure the presenters would appreciate that as well. It's your choice to sit at your current position to present or stand. It's totally up to you.

KATRINA SATAKI: [inaudible] time. Yay!

UNIDENTIFIED FEMALE: Can you hand Austin the clicker, please? Austin, you can speak into your mic and that will activate on the camera. Our next presenter is Austin – how do you say your last name? Is it Ruckstuhl?

AUSTIN RUCKSTUHL: Yeah, very good, Ruckstuhl.

UNIDENTIFIED FEMALE: Okay. Austin Ruckstuhl is our next presenter of the United States. Austin?

AUSTIN RUCKSTUHL: Hi. Like she said, my name is Austin Ruckstuhl and I am originally from the United States but I am a PhD student in Belgium, so that's why I'm a NextGen this time. I'm not going to use this microphone, so I'm just going to put it down here. Thanks. And am I clicking or telling someone? I'll just say next slide. You can take this, too. Keep it simple. Sorry for sitting down if you can't see me, but it's just more convenient.

I'm going to go quickly. I don't really have anything amazing to present. My slides are right there. That's okay. I'll give you a little background. I'm a PhD fellow at the United Nations University Institute on Comparative Regional Integration Studies. It's call UN UCRIS is the acronym. The UN University is based in Tokyo, but there are 14 institutes all over the world and it was created to be a thinktank for the United Nations. So, it's the only UN agency not funded by the UN. We get our funding from partner universities or sometimes governments of the countries that we operate in.

The project specific within the UNU that I work on is called Global and Regional Multi-Stakeholder Institutions. So, I come at Internet governance from a multi-stakeholder research perspective. I'm a social

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scientist with a background in international relations and political science. You can go to the next slide, please.

That's the name of the project. We call it [Gremlin] for short. It's Global and Regional Multi-Stakeholder institutions but we just pick and choose the letters we want to make a funny acronym.

There's just a few points about the project. Like I said, we look at multi-stakeholder processes at the regional and international level and really we're focused on the legitimately and effectiveness of those processes as multi-stakeholderism, if you want to call it an ism, becomes more popular. We are comparing two different cases. Half of our team is looking at Internet governance and the other half looks at trade. But, we do it, like I said, regionally and internationally, so we look at perhaps EuroDIG and EU trade agreements with third-party countries, third countries, and then at the global level, the WTO versus an organization like ICANN. You can maybe go back for a second. Yeah, thanks.

So, it's a five-year project with eight researchers in total. This picture is from an event we did last week with a member of EU Parliament and a representative from the commission. We partnered with the Internet Society. So, we also do policy reports and events to discuss multi-stakeholderism at the community level. Now you can go to the next slide, thank you. Maybe click again. I think mine aren't showing up either. Okay, you can go back to the other slide. That's unfortunate.

On this slide, it was supposed to show a graph which maybe you can pull up on your computers later if you want to. Oh, you can see it. There were 42 cases that I considered. So, it's a small case study comparison

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of what I identified as 42 organizations or fora that are active in the Internet governance space and I've kind of given them … I've measured them on all these different indicators. It was a mapping exercise at the beginning of my PhD and I've compared their different multi-stakeholder processes and how they define multi-stakeholderism, how they implement it and all these other variables, what spaces they work in.

And this was to show you that, over the years, based on their date of origin – just one variable from this mapping exercise – you can see that … It's a plat graph, so you can see that it's much more organizations being formed all the time. It's something that we all know but I just mapped it out graphically that it's a really burgeoning space with more and more institutional actors claiming to be multi-stakeholder. Now you can go to the next slide.

So, this is just a sample of that. It's really got 42 of these, but each row is just one institution, so it's like the IETF, IGF, WSIS Forum, the GAC. And I did break down within ICANN the individual supporting organizations because they are not all operating the same, if that makes sense. Multi-stakeholderism within each of those might be perceived differently, so I wanted to track that.

I measured different things like government involvement, some arbitrary which quantitative researchers would not appreciate, but some arbitrary values that I assigned such as whether or not they are rule-making or they're more discussion forums, things like that. So, this

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is just a tiny piece of that, that I pulled out just to sort of represent the data set that we had. You can go to the next slide.

Again, the chart is missing, but I have five variables where I operationalized what I think of as transparency, that being consensus, whether or not they have – are they consensus-based, open meetings, web cast, public listservs or open listservs where community can get involved in the policy development process as well as offering fellowships or support for members who can't afford to attend meetings or engage in the policy development process.

So, from that, you can also see that in my plat graph that's not there, we have an increase in transparency as time is going on as well. It's just something that is kind of interesting to me because organizations maybe are becoming more transparent, but what does that say about multi-stakeholderism more specifically? So then you can go to the next slide.

I developed four models of – you don't really have to get into the basics of them, but there are four models of multi-stakeholderism that I identified that I think are different. This is something that's also been discussed pretty broadly. The French ambassador recently said it at the European Commission about two weeks ago at the HLIG that we are not all discussing the same thing when we talk about multi-stakeholderism.

So, I think you have the membership model which is more like the European Commission or the Council of Europe or things like that saying we are multi-stakeholder but we consult with others, so it's more of a consultation-based model in the top left. The strong board model

is what I actually call ICANN which is kind of controversial to present that here, because at the end of the day, the board does have final say within this multi-stakeholder process. A community model which might be something more like RIPE or some of the regional Internet registries that are consensus, bottom-up, and they don't really have a board that approves or disproves the policy as it comes about. Then you have the discourse model which is more just the IGF which also claims to be multi-stakeholder but with no outputs. So, I think it might be better for the academic literature as a social scientist to start distinguishing these models and not talking about them all as one thing. Next slide.

My final point is where I'm going with my research is I'm going to look into case studies. So, how can we look at whether or not multi-stakeholderism is working or is it effective? Article 19, as some of you probably know, is a human rights organization. It's an interesting case study because they're pushing the same agenda through a lot of these Internet governance fora that I mapped. They're really trying to do the same work in IETF, ICANN, and RIPE. That's why we have the graphs up there or the icons.

They were successful in the IETF with getting a request for comments on human rights through that process. As we know, the ICANN board is probably about to approve the human rights initiative thing that's going on within ICANN and they were not successful within RIPE.

So, if these are multi-stakeholder processes that have similar actors and similar representations, why are some issues successful in some cases and not in others is my next big question that will take more of a

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deep dive maybe ethnographic approach to sorting out what's really going on here. What are the key variables in a multi-stakeholder process?

I feel like it could be – a hypothesis could be strength of the actors involved. So, if somebody has a better personality who is representing the same issue within ICANN, but the person in RIPE maybe doesn't have those leadership strengths or the advocacy skills or training perhaps, they're not as knowledgeable and they're quicker, they're more apt to concede the point and not continue pushing within RIPE. I don't know. But these are interesting questions when we discuss multi-stakeholderism, in my opinion. Next slide, please.

That's the end. There's my contact information if you have any questions, any thoughts on multi-stakeholderism, particularly or human rights or any other case studies that you know of within this world of Internet governance that would be interesting case studies to look at across multiple Internet governance fora. Thank you so much.

UNIDENTIFIED FEMALE: Thank you, Austin. I just want to remind everybody, since these slides are obviously not coming out as we wished, that all the presentations have been uploaded into the schedule. So, you can find them there and see them as they're supposed to be seen.

Are there any questions? Anastasia, I know you have a question for Austin. Go ahead.

ANASTASIA SENDREA: Yes. I was just exploring the chat. But yes, it was more about the project, the [gremlin]. I was wondering what's the purpose of studying trade and Internet governance in the same project? What's the expected tangents? What's the expected value of those two?

AUSTIN RUCKSTUHL: That's a really good question. To be completely honest with you, it's the researchers who pitched the project and got the funding for it. It's their expertise. Because in fact, trade does not often use the word multi-stakeholderism in the research. They tend to consider it civil society participation, so that raises a lot of questions about are those two things the same? It's actually a very [contentious] issue within our project. But I think you could kind of pick a lot of different areas, right? Even environmental issues. It just happens to be that these two institutes that are involved in it, the [VUB] and the [inaudible] in Belgium, it's their expertise in these issues. So, that's the best case study for us, which is not a good academic answer to that question, but yeah.

UNIDENTIFIED FEMALE: Go ahead.

SABRINA WILKINSON: Hi, my name is Sabrina. You mentioned that there was a potential for you to engage in ethnographic research. I wonder if you can comment on any sort of observations you've had from that perspective while you've been at ICANN the past few days.

AUSTIN RUCKSTUHL: Yeah. So, that actually … I kind of just glazed over ethnographic because what I might actually end up doing is called participatory action research, if you're familiar with PAR, which would be me being engaged with Article 19 and trying to push something through in a place where they've failed and writing up the experiences and then publishing that in a way that other NGOs around the world or whatever it is through whatever multi-stakeholder process could then take from that experience.

It's a very controversial strand of the literature, so feel free to come criticize me for not having variables or whatever you want to do, but I'm a social scientist. It's also controversial within IR. International relations tend to focus on states and I really look at trans-national advocacy networks and non-state actors. I'm a constructivist. I'll just label myself. So, yeah, as far as ethnographic field work, it would be a lot of digital [inaudible] as well because you can participate in so much digitally which is a really burgeoning part of ethnography, as you might know. Happy to talk more later.

UNIDENTIFIED FEMALE: Are there any questions from the audience? Okay, thank you, Austin. Our next presenter is Christina. Is it Kalogeropoulou?

CHRISTINA KALOGEROPOULOU: Kalogeropoulou, yeah.

UNIDENTIFIED FEMALE: Okay. Christina, please proceed.

CHRISTINA KALOGEROPOULOU: Hello, everyone. I am another graduate student philosophy in the University of Athens. I will try to show how social sciences and philosophy and academia in general can help in actually constructing a new model of thinking regarding digital policy. I don't have for the slides, if you can.

So, the multi-layer mechanism of Internet governance and the political, economic, social, and legal implications that the digital media are creating are at the epicenter of discussions.

So, the discussion, though, if we observe how it's taking place, it usually starts from an [epimedium] sort of model. And I will tell you a story to understand what exactly I mean with this.

So, in Plato's Protagoras, we have these two twin titans, Epimetheous and Prometheous, and they were responsible to distribute the traits amongst the newly created animals. Epimetheous wanted so much to be responsible to distribute the positive traits and Epimetheous was like, "Okay, fair enough, do it."

So, lacking foresight, though, because this is exactly what his name means – after, thinker – he distributed too quickly all the traits and when he reached mankind, he didn't have anything else to give.

So, long story short, Prometheous comes because he is the forethinker and he said, "Okay, I will give them fire and I will give them the letters." Anyway, these are details. The point is that this little story is important because following the example of Epimetheous, that thought comes later after the action, Internet regulation is based on that model. We are usually basing our policy decisions on the apparent effects of digital media, failing to first set the rules which then will guide the use of technology.

We're slowly realizing the effect of this impulsiveness and Anastasia spoke a little bit about GDPR, because GDPR shows exactly that. That this tendency for this basis [inaudible] to a more Prometheous approach, data protection by design. Can we go to the next slide?

So, new media creating a volatile environment, and for the digital policy to be able to respond effectively, we actually need new interdisciplinary foundations and research. I believe that social sciences and philosophy can be active participants in that and they can actually bridge the gap between technical knowledge and theory, and these two fields can work hand in hand into actually bring productive results.

Take ethics, for example, as I point out there. It's a very interesting field because it actually tries to understand the ethical issues that technology arises and they have a critical dialogue on these matters.

So, I believe that theory in technical knowledge should work hand in hand. We can go to the next slide. Drawing from the writings of a professor of philosophy in digital ethics, Luciano Floridi – we cannot

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see. Anyway, I will try and demonstrate an example of how the general concept of personal data can be thought on another basis. So, until now, if we can go to the next slide …

Until now, the general idea behind regulating data follows a sort of economic approach and data is being treated as ownership in the sense that it is like my house, my car, or my keys or my belongings. So, we need to agree if it is bought, sold, in general commercialized, and the only thing that we can agree is it's susceptible to transfer in storage, and based on that, digital policy is regulated.

But now, other issues arise. For example, what happens with public data? Like the footage of a CCTV that it can be used without someone else's apparent agreement. So, this shows a little bit that treating data as ownership is a bit weak, I could call it.

Philosophy information comes to suggest another approach that could be adopted or it could be discussed, actually. Future discussions could be oriented around that. This is like a philosophy of mind approach, which means that data is not my ownership anymore like my other belongings, but in fact it constitutes me and is treated as an extension of myself and around that agreement, digital policy could be based upon.

So, if we start treating data as our physical self, then we sort of grasp better and we understand the effects of a bad regulation. For example, if we treat data like we treat our heart or our lungs or part of our body, that we have agreed that we cannot sell, we cannot exploit, then a new foundation of how we are regulating things can start.

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In that sort of thing – also, the right to be forgotten makes sense because having a philosophy of mind approach behind that is we sort of understand that we don't want to forget but we also don't want to recall again and again and again something as it does not really help in effective management of our responses, and forgiveness which is actually remembering without recalling necessarily is a means of effective memory management and memory management can be crucial to fruitful discussions between nations, individuals, societies, and therefore should be thought upon.

So, all these issues are interlinked together and it sort of shows that if we base our laws and our policies upon a deeper foundation of thought, it will have another – the result could be completely different.

So, data protection laws focus too much on the moment when data is collected, but hardly at all on what happens after it has been obtained and how, why, or for what purpose that data is processed.

We need to recognize the right to privacy, for example, that it is more than data protection, but it's about identity, reputation, autonomy and informational self-determination, even.

But, this realization will [inaudible] from a different way of thought, and like Marshall McLuhan has put it, the medium is the message in a society, and in the sense that the message is not so much important as the effect of the new media that we will have on our society. And each society introduces new media, but a careful approach should be followed, so as in the 21st Century this whole digital media not to have

bad effects and to be used with a most positive extent they could be used.

That's what I wanted to point out. I think it's completely different if you base first thinking and then planning your actions instead of just treating the symptoms of a larger disease. Thank you. That was it.

UNIDENTIFIED FEMALE: Thank you, Christina. Are there any questions? Go ahead.

DAVID: Hi, David [Marglin]. I'm with ICANN. Actually, I identified myself earlier. What you're studying, do you think it's more of a transcendence by the Internet that is leaving the body and physical completely behind or do you think that it's an extension of the physical world in extending and enhancing and having an added tool?

CHRISTINA KALOGEROPOULOU: There are a lot of different approaches, but my personal view on the matter is that, first, we need to start asking what exactly are we and how do we define ourselves. For me, for example … When you're in a digital space and you have a lot of data of your own that actually show your preferences, you can dive into psychological analysis and results or they can create the profile which is similar to who you are in the real world, then it's sort of an extension, not that – because there are also other approaches about what is the real world and what is reality in all this, but I think we should treat it a little bit more scientifically and say

that instead of writing something that sort of links various different aspects of ourselves, we just leave traces of ourselves. That is how I am treating it.

[DAVID]: Thank you.

UNIDENTIFIED FEMALE: Any other questions? Go ahead, Sarah.

SARAH INGLE: Thanks, Christina. That was really interesting. This is Sarah Ingle, one of the NextGen ambassadors. I like the idea of forethought and incorporating that into policy making and I was wondering if you had any ideas of what that might look like in practice, just because we're increasingly seeing this move towards data-driven policy and using that in terms of big data or predictive analytics or things like that to guide decision-making.

So, I was wondering whether you see data as a part of that forethought, and if so, how? Thank you.

CHRISTINA KALOGERPOULOU: I think data can be really useful in that sort of way of thinking. But on the other hand, I really believe that we should engage more scientists from various different fields, like social psychologists, for example, to understand what sort of impact on a human, the fact that we are

constantly in front of screens might have. This alters the brain. It alters the way we're processing things, the fact that there is information anywhere, everywhere. It also changes humankind. I think that if you set aside psychology, neuroscience, the field of neuroscience is very big because of that, because they're approaching … They're trying to approach technology in that sort of sense, I think, and I think it's very important to continue that. We can use data to help us in these sort of researches.

UNIDENTIFIED MALE: Thank you. My name [Ferdosi]. Because I was late, I don't know if I still [inaudible] or a bit misleading here, but I'm kind of curious how do you see if – because, for example, for personal data, some people, if I cannot say, many, still thinking that the personal data or [inaudible] about himself or herself, it is actually what is still embedded with their body. It's not, for example, what is written or what is available online, how they see the speakers. Maybe in Western, yes, but maybe, for example, in other cultures we just may [inaudible] when they already study abroad, that kind of – it's not a misunderstanding but it's more about culture itself because culture and [inaudible], it's what makes the policy later become legal and then regulation. That's why the harmonization, for example, for regulation and so on is not easy because it's direct by the culture itself.

So, what I ask here, how do you see the approach of how people can see personal data information in uniformity, rather than in this area more

like this, or this area more like this, because it's really influenced on how the policy and the legal works, in every country, I guess. Thank you.

CHRISTINA KALOGERPOULOU: Thank you. So, by no means – I don't want to disregard the factor culture. Culture is very important regarding what policies you're going to follow and regarding how you're going to approach the individuals. It's different if we are in the west, between the east. And all these are sociological matters that we should also take on board regarding how we're treating data. That's what I mean by not exactly setting rules for everybody. I mean, we can set rules for everybody, but without disregarding all the differences that will actually make important decisions upon the policy roots.

So, I understand if – from my understanding, you're asking if we should set international rules or we should also consider the small communities.

UNIDENTIFIED MALE: Yeah, because since Sunday and then, for example, there are some sessions about uniformity model and so on. It's always people think that this is good, but others think this is bad because it's from different perspective. Then, for example, when collecting the data and processing data, it's also sometimes not only by the culture but also sometimes the ideology of the country. That very much is the [inaudible] when you are not the same page even if you collect as many people as you can. I think it's still not effective.

CHRISTINA KALOGERPOULOU: Yeah. I see the problem but I'm more thinking of a foundation that is based on … Like human rights, for example, that it's not basic rules as a basis and then link them with specific cases because I understand that regarding these sort of discussions, a lot of different approaches could come.

For example, my personal approach to this is, for example, whoever is leaving their data, they should know. They should have the right to transparency. Apart from that, they should be able to choose if they want to sell their data, if they want to exploit them or not. That sort of thing.

Transparency I think is very, very important in the discussions because if you don't exactly know what's going on, then you cannot exactly understand all the policies or the way to think around matters. Then you cannot actually then put them in smaller boxes that have to do with culture or politics or all these discussions. It's difficult, I think. I don't know if I answered. Maybe not.

UNIDENTIFIED MALE: Yeah. You are answering. I guess it means we need time, because for example, the awareness for even, for example, the government. They have the awareness, but if the citizen, they think that to show their data with privacy, it's a good thing. It's a bit like why the government wants to do this when we got to actually [inaudible] like this. So it's giving, for example, the industry who are actually don't feel like, okay, why we

need compliance, to comply with, for example, regulation that has been discussed already, just been produced by the government.

So, I think the problem is how to build the same mind, not just for the government, for example, but also for the society in this case, which is I think needs time and so on. And maybe not only concentrated on one region or two regions. I think it's more like, I don't know. Even in some countries they are scattered around in islands which is more difficult. Thank you.

CHRISTINA KALOGERPOULOU: Yeah. I agree. I agree. That's why I believe that interdisciplinary approaches are very important because if you have a person who understands law, who is also in an environment that has to do with new people, at the same time they can speak to other people.

All [this matters] I think they lack in-depth discussions by various different people, so the discussions remain within, I don't know, the policy makers or just … So, they don't understand why they … They don't really understand most of the things why they happen. They don't make them enough personal to actually engage, so I think that if we start engaging, of course [and it's time], we are going to start posing new questions and answers I think.

UNIDENTIFIED FEMALE: Okay. Thank you so much, Christina. We're going to move on to our next presenter, Jan Dohnal. How do you say your last name?

JAN DOHNAL: It's Dohnal.

UNIDENTIFIED FEMALE: Dohnal. Okay. Jan?

JAN DOHNAL: So, hello, everybody. My name is Jan Dohnal and I prepared for you a presentation concerning the topic UDRP and geographical indications and if their relationship is somehow complicated.

Concerning my personal introduction, I have a law background. I'm interested in intellectual property law, and I'm focused on trademark law and especially domain name disputes. During my short and very simplified presentation, I will use the following acronyms. So, World Intellectual Property Organization is WIPO. Geographical Indication is GI. Uniform Domain Name Dispute Resolution Policy, UDRP. ICANN, of course. European Union, EU. United States of America, US. And the last one Agreement on Trade Related Aspects of Intellectual Property Rights as famous Agreement TRIPS.

The presentation will have the following structure. At the beginning, I will describe you and explain you the basic terms, which are really important. Then, I will move to analyze the first UDRP element and it wouldn't be a proper presentation concerning the legal regulation without the deep case law study.

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So, first, we need to work with the division of intellectual property law between copyright and industrial rights. And industrial rights with can divide more in between trademarks, geographical indications, or patents.

So, trademarks. A trademark is any sign or any combination of signs capable of distinguishing the goods or services of one undertaking from those of other undertakings. We can have a word trademark, a graphic trademark, or also combined trademark.

Then, we have geographical indication. And of course, this is not my mistake in my presentation [inaudible]. So, geographical indication as a separate category of IP rights basically describes the link between the goods and the territory, so it's different than trademark. For example, famous world examples of geographical indications could be Champagne from France or gorgonzola cheese or cheddar cheese and so on. [inaudible] in our presentation.

Geographical indications are in Europe, in EU, protected as a sui generous system. It means a system developed for many years and it's of its own kind. But, on the other hand, in the United States, they have nothing like a specific and unique geographical indications protection. They are protecting all these things as trademarks. They are protecting them as a collective or certification marks. This is the basis of the problem which I will talk about.

This is an example from the products as the EU is certifying goods for geographical indications examples. Maybe you already saw it. The most typical one is in the middle, PGI (Protected Geographical Indication) or

protected designation of origin. It can be on beer, for example, from Munich and so on.

UDRP sets out the legal framework for the resolution of dispute between domain name registrant and a third party. It was implemented by ICANN already in 1999. It's a dispute resolution system for generic top-level domain name. It means dot-com, dot-org, or dot-net.

Why is it obligatory to use it? It's implemented in the contract of the domain name, of the person who is doing the registration of the domain name and the registrar.

So, example. Practical. Why do we have the UDRP rules? Imagine the situation that you worked really hard, you created the brand, and then somebody is coming and registered your business name under every domain name extension, so [inaudible]. So, practical example. Let's say you created the company – or the very famous example. You could register a domain name cocacola.nz, for example, as a country code. Coca-Cola will be notified because of their monitoring system very easily and they will try to cancel this registration.

And they have two options. First of all, they can go to the court in New Zealand, in this case, to start the official national legal proceedings or they can use UDRP rules as an alternate of dispute resolution system.

UDRP has three elements which must be fulfilled in order to trigger UDRP proceedings. The first one is that the domain name is identical or confusingly similar to trademark or service mark in which the complainant has rights. Secondly, you have no rights or legitimate

interest in respect of the domain name. Thirdly, your domain name has been registered and is being used in bad faith.

So, as you can see, I'm analyzing the first element of UDRP rules. It says trademark, but what about these geographical indications which are protected in a different way in Europe? Of course, Americans don't have problems with this because they are protecting everything under the trademark system. But, in Europe, that's not the case.

This element also does not cover, for example, your family name or company name which is also somehow registered. It was also WIPO. WIPO mentioned in particular geographical terms used only in their ordinary geographical sense except where registered as a trademark would not as such provide standing to file a UDRP case. So, the only way as geographical indication holder how to trigger UDRP proceedings is to prove unregistered trademark rights which is unbelievably complicated and very expensive and time-consuming.

It was already noticed by WIPO back in 2014 that there is this problem and they were debating on the topic with ICANN. So, maybe you are asking why I am talking about this now. I want to show that this problem is really serious on some relevant case law from last year. I will go directly to the famous GI holder which is Champagne.

Basically, you probably all know that if you are going to make wine somewhere else than in a specific region in France which is called Champagne, you cannot call your product Champagne if it's not produced in this area.

Somebody registered this domain name, champagne.co. What happened? There is a CIVC which stands for Le Comité Interprofessionnel du vin de Champagne and they are the holder of the GI protection and [inaudible] producers of champagne are using this. They were basically not able to cancel this domain name or to transfer this domain name to them. So, today, if you will go to this domain name, it's still active but it's not relevant to the real champagne producers.

So, to quickly conclude my presentation, I believe that GI owners in the EU are [indirectly] affected under the current UDRP rules. Maybe it should be changed. That's it. Do you have any questions?

UNIDENTIFIED FEMALE: Thank you, Jan. Any questions from the audience? Okay, we'll start from you. Go ahead.

JOAO PEDRO DAMAS MARTINS: Hi, João Pedro speaking. My question is what is your view about the challenges that the new generic top-level domains raise in this case? I believe we also briefly talked about it, but the problem with it is that you have to go under different procedures in order to get back the domain or at least secure in a way that it couldn't be used against the trademark.

So, are there any other different implications within, for instance, the systems that take responsibility for it? Would it make it more slow to go through these disputes? Thank you.

JAN DOHNAL:	Lovely question. Thank you. I will start with the comparison of the situation in EU and US. The thing is that we in the EU, it's a very sensitive topic for us and a political topic protect our geographical indications because there is a huge financial value in geographical indications.
	So, as I mentioned, UDRP rules are being used for domain name issues, only for generic top-level domain names, dot-com, dot-net, and so on. But, if I will compare it, I will use a comparison not with a new one but with the country codes, for example, dot-CZ which stands for Czech Republic or dot-EU. You are not obliged to use UDRP rules. It depends.
	For example, Czech Republic, there are specific rules developed on the basis of the UDRP rules or concerning domain name, dot-EU, again the UDRP rules are not being used for dispute solution but European Commission rules are used. And in these rules, in Czech Republic or in EU, the first element is different. It says that there is not – the trademark is not needed to be registered but also [inaudible] rights could be violated by the domain name registrant or these company names and so on. So, in the Czech Republic and in the EU, our rules [inaudible] dispute resolution rules, are broader than the UDRP rules.
	Next questions?
UNIDENTIFIED FEMALE:	Hello. I am [inaudible] and I am from India. I was part of the NextGen in ICANN 57. Thank you for your presentation. I am from a technical background but I remember during my NextGen, there is – the dot-

amazon was a very big issue that was going on because Amazon is actually a US technical company. They had applied for dot-amazon domain gTLD and there was strong opposition from the Brazilian and Peruvian government.

Since I'm not very aware of this, I would like to know, does this fall under the UDRP? And if any other information regarding this. Because the documents that were submitted by the Amazon company were strong and they were [approved]. However, due to the strong opposition from the governments, there was a strong debate going on. So, any updates regarding this. Thank you.

JAN DOHNAL: That's a very nice question as well. Thank you. UDRP rules, as I described, my study concerns, for example, this champagne.co or Godzilla.[inaudible] and so on. But, of course, another issue is when you have geographical indication at the end of the domain name. For this, it depends which rules are being used and I don't know details about this. I only heard. But I'm not sure which rules were assigned for this system, so I cannot answer.

UNIDENTIFIED FEMALE: Okay. We're running a little short on time, so I'm going to ask the NextGen to hold their questions for Jan for after the session. Thank you so much, Jan.

Okay. We're going to move on to our next presenter, Jana Misic. Jana?

JANA MISIC: We are very short on time and we also have João coming up, I'll try to be very quick. My topic is Internet fragmentation and I will just very briefly have just a very wide overview of my master thesis and a part of it. Why? Because my master thesis concern was about the Net Neutrality issues and the [free basics] debate, particularly how the negotiations went down in India.

So, as this is content regulation debate and not in ICANN's scope of work, I will just very briefly mention that, but not too much. Next slide. Thank you.

So, I study global studies and the way I look at this is from a bit of a different perspective, because at the University Leipzig, we see global studies as kind of this new field that arose in the 90s as globalization took on a different turn and kind of sped up.

And as many people think that this is globalization for the first time, through global studies, we can take a different [inaudible] perspective and see that this is not a transparency new process.

This is useful because it can give us some pointers on how certain processes throughout history, throughout technological developments that had a big impact, how that went about, how the policy was made, how negotiations went and so on.

So, there are three main parts that global studies looks at and how it analyzes any process or actor or different stakeholders and so on. It first says that we are living under this current global condition, which

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basically means a very particular world order. In this world order in which we have this entangled connections and we are kind of zooming in from one another, but then yet, trying to preserve our own values and norms and ideas and identities, these two processes come from it. They're called de-territorialization and re-territorialization.

The first one basically just simply says that as we are all being globally connected, we have to give away a part of our power, a part of our sovereignty and we have to de-territoiralize to get into the global flows.

However, while that is happening, at the same time, we are experiencing a process of re-territorialization and this is an attempt to take charge and to take some control over these global processes. So, we have very typical examples. Very quickly, everyday example is migration. So, de-territorialization is that we all move around. We travel and we work and everything else. But, that's why, on the other side, we have very clear immigration laws and we have very clear policies that try to still take the reins of this process. Next slide, please.

So, we're talking about the Internet. I wanted to see how this reflects and what perspective does this give us on analyzing global Internet governance and how does negotiation and policy happen here.

So, we've heard all this Internet fragmentation or fragmentations and balkanization and splinternet terms being around and everyone. We've already talked about Professor [Millet] and his [clouds] and so on. This is a quote from his summer school in EuroSIG this year. "Internet is globalization on steroids." It's an interesting comment, because yes, we

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do see Internet speeding, speeding, speeding up the globalization than it did before.

But, however, the question of is it really fragmentation that we're seeing? Because as most people just think globalization is this unique uniform process, is Internet really this unique fragmented linear, it is happening, we're splitting, we are having different boundaries being built up and that's just the way it is? But, how do you go about it from a policy or from a political science perspective?

His argument is that it's an alignment. To me, that was not – we don't call it fragmentation. We call it alignment. But, the way I looked at it in my thesis on the debate on Facebook's [free basics] in India, from this global studies perspective, was a bit different. It was through these two terms that I had previously mentioned, de- and re-territorialization. Next slide, please.

There are these two ideas, that the Internet already is and always will be fragmented from the get-go when you think about it, because the Internet itself is a network of networks. It is a network of different autonomous systems that communicate with one another, that decide what packages they will get, what they will block, and so on. They're very selective and they're very fine-grained. They are kind of self-governing parts of a whole.

But, on the other hand, you have this [dualism] where the Internet is not fragmented and it will never be because these autonomous systems do speak exactly the same language and we are all agreeing. We're using DNS and you have TCP/IP so we need to preserve it and we need to be

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resilient and we need to evolve from it. That is what we talked about – well, that's what we also heard this morning at the opening ceremony. Next slide, please.

So, when you look at a policy and what happens on two side, the typical argument is that, on one hand, we have this network effect that built up the Internet the way it is, simply because the more people who use it, the bigger the network gets, the more benefit it is to be a part of it and just this – the value of the network effect and its efficiency is something that will preserve the Internet the way it is.

But, on the other side, we have the re-territorialization process that happens in this argument and that is where I looked in India and how this Net Neutrality and [World Garden] was avoided. Actually, this year, you will probably know this better, how the new policy on Net Neutrality is very strong and very much resonated globally and how the actors negotiated with this amongst one another. Now I'm kind of rushing.

So, we just have a few examples here. Here, are filtering. So, what I looked at was specifically on the use of open design, inclusive access, and empowering use and how that was translated between the different actors in the debate and I looked at that global studies perspective and analyzing particularly the process of making [techno-politics] whether it's [techno-national] politics or [techno-globalism] and why this decision was brought, that Facebook does not allow to continue with [free basics] there.

So, then, we just come up with the question of what comes next? We all heard about it's a new global [inaudible]. We have examples of that. IANA transition was successful. On the second hand, we also have the talks about the new cyber [inaudible] organization, which is talked about, [not there yet].

So, [inaudible] multi-stakeholder approach is where we are right now and it's going there. As I said, IANA is a good example. Then, we have some theoretical ideas of how we can deal with these communities and stuff and how we can imagine new settings in which different communities would arise around the same issue of preserving the Internet as one global unified secure and resilient. That's it. Thank you.

UNIDENTIFIED FEMALE: Thanks, Jana. Any questions for Jana? Let's start with the audience first. Go ahead. Yes. Make it brief.

UNIDENTIFIED MALE: This is interesting with some new terminology for me. I want to know from your view how do you see the Internet is fragmented? Because apparently not every part around the world is already connected to the Internet. So, the connectivity. If we want to not make it [inaudible], I think that's something that we should address.

Then, even when we, after connected, do we have enough critical media, so that people can utilize more for positive rather than for negative? Because it's like winner get more or the gap between rich and

poor people. That's also why, the thing that Internet actually creates a lot of opportunities, but on the other hand, also creates more gaps.

So, for example, we see [inaudible] for texting the e-commerce company where the government [inaudible] texting actually only can catch the [inaudible] company, but they don't have the power to do it for the company [abroad].

So, this is I think also maybe one factor that can make the Internet still fragmented. How do you say about this? Thank you.

JANA MISIC: Well, I think you raised a few points. Thank you for the comment and the question. So, on the first account of access, access is such – and I forgot to mention this, but fragmentation, there are two types of it. Actually, there are more types of it. But, when we talk about everyday fragmentation we usually talk about fragmentation of the Internet, which is more [content wise] as opposed to on the Internet which is the technical layer and [of the] Internet would be the applications layer. So, these two types of fragmentation on and off the Internet are not the same as a digital divide. That is another issue of social aspects that arise with increased digitalization of society.

So, the access, as such, is definitely an issue that everyone is working towards. ICANN, as well. Internet Society, IGF, WSIS Forum and so on. So, access is something that everyone is heading towards, whether from commercial viewpoints such as Facebook's project or from an institutional point of view. That's on the first account.

On the second account of thinking about haves and have nots and losers and winners of digitalization, that is a very, very wide and complex topic and we can talk about it a bit more, if you want. I think that it definitely creates a certain … This divide between the north and the south and the amount of access through different types of fragmentation. But I think that there needs to … Obviously, there needs to be a very difficult, but yet very simple, answer and that is a balance between protecting its own citizens but being part of the global community. I hope that clarifies a bit.

UNIDENTIFIED FEMALE: Okay. Thank you so much. I'm going to ask for other questions to be held for after the session. We have another session starting in here in about 15 minutes and I want to make sure that João gets his time. So, thank you so much. That was a very good presentation.

Our next and final presenter is João Pedro. You are up.

JOAO PEDRO: Actually, it's João but nobody really … That's Spanish.

UNIDENTIFIED FEMALE: All together, everybody. João!

JOAO PEDRO: João, yeah. So, I hate to be the one that's between you and the coffee break. The good news is that I'm going to be speaking about

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engagement and we'll try to go a little bit quick about it. My name is João Pedro. I am from Portugal and I'll be speaking about [inaudible] experts of the Internet world as one of the potential digital roles of young people.

So, when we think about Internet governance, we are always … The idea of multi-stakeholderism, about bottom-up approach, we see it as kind of general of the way we do Internet governance. It's in different scopes within institutions which is the case of ICANN, but also as a way of connecting and dealing when different institutions are together.

I do also know that, in the back of our heads, we are still thinking about how successful these approaches can be. Sometimes, it's difficult to really know or understand the time effort that we put on towards the benefits we get. This is because we have different backgrounds from governments to civil society, to private sector, but also because we … Well, in a good way, we do speak different idioms, but not only idioms. Some of us speak technical. Others perhaps more legal, and even economics.

This is also because about the interests we have. We are all at the same table and perhaps sometimes proposing different solutions for the same issues. I think this is a little bit what causes or why it's so difficult first to define consensus and then to actually reach it.

So, the solution is in this room. I do believe that the solution is young people. Why? Because young people are digital natives. I am happy to be the last one of these presentations because you did an awesome job

showing that young individuals who want to be digital leaders have, in some sense, capabilities in different areas.

These different areas also do reflect in different digital roles. In the specific case of this presentation, it will be the multi-stakeholder bridges but there's also others, such as the influencers and so on.

So, why is this important and how could we implement it? The multi-stakeholder approach, as we all know it, is already a very powerful mechanism, but there's always a place or there's always some opportunity to improve it. I do believe with some formal way, such as guidelines, could definitely point out the need for these stakeholder bridges.

Of course, to put the young people in this kind of tough spot of being connecting different stakeholders involves preparation and this preparation, in my opinion, is already involved in the activities we take part on. The NextGen case is a very powerful example, but as a practical example, I brought the Better Internet for Kids project youth ambassadors of which I'm part of it. It's under the [InSafe] Network, the European Network of Safer Internet Centers.

Basically, we learn from young people the issues and concerns that young people have when they go online. The other mission or the other objective is to bring those issues directly to the stakeholders.

Why do I think these skills translate directly to the Internet world as a potential multi-[area] expert? I have a technical background. I study computer engineering, but I still have to somehow translate this to a

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non-technical perspective or in a way that everybody at the table is able to understand the issue and perhaps some kind of solution.

This also means that I have, or this kind of approach has, the openness necessary to understand new perspectives and that's something I do believe will improve discussions and perhaps speed up these processes at reaching consensus.

I do finish with a little bit of a challenge. For the young people in the room, I do ask you to stand up, especially if you want to be a digital leader. I do believe it's important to do it. So, could you please stand up if you want to be a digital leader. That's why I'm already standing.

Unfortunately, I do also have a challenge for the people who don't think they're young, but I do believe they are also. Unfortunately, I'm sad to see there are still so many people, there are few people seated which is to accept this new approach.

It's always a challenge to see new people at the table, to see new people at the discussion tables. We are not taking your jobs. As already told to me, the thing we want is to do Internet a little bit better and we do think that we can contribute in different areas, with different roles, and I think multi-[area] experts are one of them. Thank you. And I do get a round of applause with you all standing.

UNIDENTIFIED FEMALE: Thank you, João. Any questions? Okay, I want to thank everybody for joining us here today and remind everybody that we have another

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round of presentations tomorrow at 1:00 PM and invite you to join us again. That's it. Thank you so much. Thank you!

[END OF TRANSCRIPTION]