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BARCELONA – Public Forum 2  
Thursday, October 25, 2018 – 13:30 to 16:45 CEST  
ICANN63 | Barcelona, Spain

BRAD WHITE: Ladies and gentlemen, if you would please take your seats, we'll begin in about five minutes.

Ladies and gentlemen, we'll be beginning in two minutes.

Ladies and gentlemen, welcome to the second ICANN public forum for ICANN 63.

Please welcome ICANN board chair, Cherine Chalaby, who will start this session.

CHERINE CHALABY: Thank you, Brad. Thank you, everyone, for coming back to the second public forum of ICANN 63. For those who are new to ICANN, this is our second public forum or open mic session of the week.

The first one was on Monday.

This session will last 3 hours and 15 minutes, and we will take a short break halfway through it.

I hope you'll take this opportunity to make comments, ask questions, and raise issues that you have worked on or observed during the week we spent together in Barcelona.

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**Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.**

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For those of you joining remotely, I appreciate your patience and understanding as we navigate the issues with Adobe Connect.

My colleague, Maarten Botterman, in a moment will detail how you can still submit questions and participate. And, please remember, this is not a replacement for public comments that ICANN is seeking on various issues and policies. Using our public comment system is the only way your comments will receive proper consideration from the appropriate committee, supporting organization, and staff members.

As I said on Monday, these public forums are very important to us. The Board cannot do our job effectively if we don't hear from you.

Let me remind you to take advantage of the skilled interpreters who are here supporting us.

If you wish, in addition to English, you may ask your questions in Spanish, Russian, French, Arabic, and Chinese.

Please also remember that after the public forum, there will be two celebratory events -- one, I believe, at 1700 hours talking about ICANN's 20th anniversary and one following that at 1830, which is a cocktail reception upstairs in the banqueting hall. I hope we will see you all there.

With that in mind, I now would like to start the public forum. I'm going to pass over to our ombudsman, Herb Waye, who is going to talk about the expected standards of behavior. Herb?

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HERB WAYE:

Good afternoon. And thank you, Mr. Chair.

The ICANN expected standards of behavior is a set of guidelines to remind everyone in the ICANN community how to behave. The standards of behavior aren't just interpersonal between members of the community. The standards also promote ethical behavior, fiscal responsibility, professionalism, consensus building, transparency, respect, diversity, conflict of interest, and so much more. The standards offer a moral compass to everyone participating in ICANN's multistakeholder process, including board, staff, and all those involved in supporting organizations and advisory committees.

Additionally, we have the ICANN community anti-harassment policy. This is a rule. Breaking this rule will result in consequences. As a condition of participation in ICANN, one must behave in a professional manner, demonstrate appropriate behavior, and treat all members of the ICANN community in a respectful, dignified, decent manner at all times including in face-to-face and online communications irrespective of specified characteristics so that individuals of all backgrounds and cultures are made to feel welcome. One must also refrain from harassment of any type. And one must refrain from retaliation. If you have any questions, please review the detailed anti-harassment policy. It includes an extensive list of examples of inappropriate behavior and protects anyone involved in an incident from retaliation. The policy also includes a detailed reporting and complaint procedure. Harassment will not be tolerated and inappropriate behavior will have consequences. We are all responsible for our behavior, and everyone will be held accountable for their actions in this community. Let's work

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together to make this a safe and respectful environment for everyone involved in ICANN.

Thank you. And I pass the floor to Maarten Botterman.

MAARTEN BOTTERMAN:

Thanks, Herb. Important to have said every time again.

I'd like to give you a basic overview of today's session. Basically, we'll have four Q&A blocks that run about a half hour to 45 minutes each.

And, during these blocks, we'll entertain any questions of community interest.

Now, if you have a question or comment, I would invite you to start queuing up after these two microphones. I see somebody willing.

Next slide, please.

As with previous public forums, remote participants may also ask questions via email at [engagement@ICANN.org](mailto:engagement@ICANN.org). So that email address is [engagement@ICANN.org](mailto:engagement@ICANN.org). Once we receive your question, the public forum producer Brad White, who is seated at the front, will read your question out loud. When a question comes in, regardless of whether it's submitted via email or in the room, the Board facilitator -- and that will rotate -- regardless of whether it's submitted via email or in the room, will decide how to best afford you an answer.

If we can't get your answer right away, we will try to get you a response as soon as possible.

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As a reminder again, live interpretation is being offered during this session. So, for those joining us remotely, more information is available on the session's schedule page. For those in the room interpretation headsets are available.

Now let me address the rules governing this session. When you speak, remember three things: Speak slowly and clearly; state your name; and state who are you representing, if anyone.

Next slide.

As most of you know, there is a limited time to any questions or comments. So you have two minutes to ask your question. And that will be enforced by a timer that is projected on the screen behind me.

Board responses will be also limited to two minutes, and one follow-up is allowed that is also limited to two minutes. Please remember we want to hear as many people as possible and the timer is aimed to facilitate that.

So, before we begin, we're going to quickly address two questions that were left unanswered on the public forum number one that was held on Monday.

Brad, could you please read those questions again to remind us?

BRAD WHITE:

Thank you, Maarten.

The first question was from Sebastien.

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I would like to go back to the issue of the meeting format. As you know, I was the head of the working group for the strategies for public meetings. And it said on the same day as opening session -- and went 19 minutes in length -- the Board will hear from the community. SO/AC chairs will join the Board in this session to hear and give brief updates from the community and listen to topics of interest by the community. Did we implement the second part of the recommendation? Secondly, the meetings, the general assembly that we have at the end of the year, supposedly, should last for eight days. It was a strong request to go to seven days. Why are we doing six-and-a-half days with an introduction to have work on the 7th day? It's not possible. It's forbidden. And I think it's missing. And it's not what we scheduled. Thank you very much.

MAARTEN BOTTERMAN: Thank you for that question.

Sally, you have an answer for us?

SALLY COSTERTON: Thank you, Maarten. Sally Costerton, ICANN org, for the record.

The recommendation made by the Meeting Strategy Working Group stated the following: Continue with the public forum at the first and third meeting in the cycle, but evolve the format by splitting the time into two portions with different focus.

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Firstly, a session near the beginning of the meeting agenda for SO/AC updates and to listen to topics of interest by the community then a session later in the meeting agenda for community comment and board response.

We conducted the first public forum at ICANN 55 in Marrakech according to the Meeting Strategy Working Group recommendations with SO/AC reports to the community.

During the planning period for ICANN 57, the Annual General Meeting in Hyderabad, the SO/AC chairs indicated that there was no need to repeat the format. They did not feel it was a good use of time given that they have dedicated meetings scheduled on Tuesday to report to the Board and the community. We have not returned to that format since.

However, staff are happy to ask the chairs again if they wish to return to the format recommended by the Meeting Strategy Working Group for future meetings.

In terms of the duration of the AGM, the second part of the question, on the 17th of August, 2017, ICANN org hosted a call with community leaders and representatives to discuss questions about the criteria for ICANN meeting venue selection and potential updates to the current strategy for ICANN public meetings, which was approved by the ICANN board in 2014.

Community leaders raised concerns about the underutilization of day seven at the Annual General Meeting.

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They also asked that the announced meeting dates of the official ICANN public meetings guarantee constructive use of the participants time.

We had two potential recommendations coming forward for the Annual General Meeting -- keep the meeting to seven days but we organize the work so there is a better use of participants' time on day seven, or reduce the official dates published for the Annual General Meeting to six days while keeping day seven available for the community to hold internal working meetings and wrap-ups.

On the 14th of December, 2017, we opened up public comments to solicit feedback on these incremental proposed changes for the current strategy. The proposed changes were developed by community leaders during the call in August and detailed in a subsequent report.

One of the proposed changes was either a reduction to the six days or a reorganization of the work to make better use of participants' time. Eight submissions to the public comment proceeding included statements on the duration of the AGM. Seven of those comments agreed that the official dates for the AGM should be reduced to six days', and five comments supported an unofficial 7th day for the community to hold internal working meetings. Two comments were expressly against a 7th day of any kind. As a result, the Annual General Meeting was reduced to six days. And then we can give you the link to the public comment summary and report. And we'll make that published in the record of this public forum. Thank you.



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BRAD WHITE:

Thank you, Sally.

Our next question was submitted in Spanish so you may want to put on your headsets. It will be read by my colleague. It was submitted online. It will be read by my colleague Rodrigo de la Parra.

RODRIGO de la PARRA:

Here's the question, comment.

My name is Alexis Anteliz. I am a fellowship alumni in ICANN. I participate remotely from Caracas, Venezuela. I would like to salute the community of Latin America and the Caribbean and Barcelona and members of ICANN for their 20th anniversary.

Very especially I'd like to salute our Fellow colleagues and the ICANN team that supports us in our training.

I know it is very difficult to make a summary of the obstacles and achievements in these 20 years. But I would like to know what has been the most important challenge or obstacle for the Board? And what is the most important challenge to overcome now consider some of the threats in breaking the network, for example, with net neutrality and also in terms of IoT, cybercrime, GDPR, and the WHOIS privacy, new gTLDs, and geo names that are very controversial such as .AMAZON?

Finally, how do you think the blockchain will impact policy development in ICANN to continue advocating for one world and one Internet?

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MAARTEN BOTTERMAN: Thank you very much for the question again. May I ask Lito to respond to this?

LITO IBARRA: Yes. Thank you, Maarten. I will answer in Spanish, so keep your headsets on.

Thank you, Alexis. Thank you for always participating whether face-to-face or remotely.

As for your question, I think there have been some important challenges throughout these 20 years. I would dare say one of them is the generic top-level domain round. Another one is the transition or the process that the community has developed to reach the transition and, more recently, GDPR, the General Data Protection Regulation created in Europe that impacts almost the whole world.

If I had to choose, I would say the transition -- the IANA transition has been one of the most significant contributions that this community has given to the world.

As for your second question, I can say we are working -- the community, the organization, and the Board -- in the strategic plan, the 5-year strategic plan.

There are five strategic areas that I think cover all of the items you have mentioned as examples of potential future challenges. These five areas are security, governance -- including the multistakeholder models and the evolution we are observing -- the unique identifier system that also

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involves this multilingual progress, and more access and a concern that more people are connected to the Internet.

Fourthly, geopolitics where we're all seeing the evolution or the behavior at the world level of these interests that many of them are valid in aspects that are related to the Internet.

And, finally, finance. This has been and continues to be a challenge both for the organization and the community.

I think we are trying to cover, as I said, all of the aspects that you mentioned as an example. And we hope to have your input and also the input of other members in the community to continue working this strategic plan. Thank you.

MAARTEN BOTTERMAN: Thank you, Lito.

Leon Sanchez, anything to add to that?

LEON SANCHEZ: Leon speaking. Thank you very much, Alexis, for your question. Just to add to Lito's response, I'd like to say that within the Board there is a technical community that is in charge of studying and analyzing all of these technological trends that may affect what we do here in ICANN. They're also precisely analyzing how blockchain may be impacted in the different activities that we conduct here in ICANN.

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I agree with Lito, I think the transition has been the most significant challenge that the ICANN community has faced. And there is no doubt that it has been very successful and agile in facing it, even though it has taken two years to develop the whole framework.

I think what's next is thinking about the multistakeholder model within ICANN. I believe this is the most significant challenge that we need to face before us, to see how this multistakeholder model can continue, can evolve, to adapt to the new needs that the community is having and, of course, to develop these sustainable organization model that goes hand in hand with the strategic plan and the financial plan that we have been designing.

I urge you to continue working, to continue providing your input. That is very important as is the rest of the input of the community.

MAARTEN BOTTERMAN: Thank you very much, Brad, for getting those questions back to us.

With that, I am now going to now toss to our first Board facilitator, Sarah Deutsch. Please.

SARAH DEUTSCH: Thank you, Maarten. I'm glad to see such a healthy long line at the microphone. So why don't we just jump right in, and I will invite our first community member to ask your question.

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MARTA BAYLINA:

Thank you. My name is Marta Baylina. Thank you for organizing this meeting in Barcelona, my city.

I'm speaking in my personal capacity as an I.T. law professor of more than 15 years. I appreciate Chair Chalaby's remarks at the opening ceremony regarding the risks of excessive intervention of governments in DNS-related matters.

One of such matters is the increasing trend of censorship attempts. Exactly one year ago here in Catalonia, more than 100 domain names were locked, shut down, or otherwise blocked by registrars, registries, and ISPs upon the request of the police, sometimes with a court warrant; sometimes without any.

Moreover, these entities, many of them, ICANN contracted parties, were asked to check all the domains under their sponsorship and shut down those domains, quote, related to a specific political matter, therefore, not only subjecting them to censorship activities but mandating them to perform censorship on their own.

This has been deemed excessive and warranted and unprecedented in the European Union by a large number of entities, civil society groups, civil rights advocates, and legal academia locally and internationally.

I am aware that the protection of free speech may be outside ICANN's remit; but since this seriously impacts ICANN's contracted parties, I felt that here in Barcelona the ICANN community at-large should be made very well of this. Thank you very much.

[ Applause ]

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SARAH DEUTSCH: Thank you so much for your comments.

Next -- the next community member, please.

CHRIS DISSPAIN: Can I -- just before we do that, Sarah, sorry.

SARAH DEUTSCH: Oh, sure. Go ahead, Chris.

CHRIS DISSPAIN: I just want to say thank you very much for the comments. They don't exactly specifically relate to ICANN's work but your views are acknowledged. Thank you.

MALCOLM HUTTY: Malcolm Hutto for the record. I work for LINX, the London Internet Exchange, a member of the ISPCP. I would like to refer you to a letter the Board received this letter co-signed by the business constituency, the intellectual property constituency, the ISP constituency, and the noncommercial stakeholders group. Collectively, that covers the entire noncontracted parties community. The letter concerned the interim rules of procedure for the IRP which were approved by the Board this morning.

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The letter stated deep concerns that one provision of the interim rules would restrict access to the IRP seriously, indeed so seriously as to contravene ICANN's bylaws.

The IRP is a cornerstone of ICANN's accountability and a crucial element to the compact entered into as a transition away from U.S. government oversight. It's so important that the bylaws set out the purposes and requirements for the IRP in considerable detail and required a bylaws interpreted consistent with those provisions.

The letter sets out in detail how the community thinks this one provision of the bylaws -- the rules is inconsistent with the bylaws and would defeat those purposes and also includes a formal written opinion of independent counsel retained by the IRP Implementation Oversight Team which states that they thought that this one provision of the interim rules is not consistent with the bylaws. Nonetheless, the Board approved the interim rules this morning.

My questions are two. Firstly, what conclusions did the Board reach that allowed it to conclude that the interim rules were consistent with the bylaws, notwithstanding this advice to the contrary? Or did it simply --

[ Timer sounds. ]

-- accept an unreasoned assurance from general counsel.

If I may, my second question: Even having decided that it was possible to approve the interim rules, including the disputed provision, why did

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the Board think it's appropriate to adopt the disputed provision in the face of such serious and broadly based community opposition?

SARAH DEUTSCH: Chris, can I --

CHRIS DISSPAIN: Sure.

SARAH DEUTSCH: -- send this to you?

CHRIS DISSPAIN: Thank you, Malcolm.

The answer to your first question is that -- and I would point you to the resolution and the rationale that our advice, our clear advice, is that the provision in the interim rules does not breach our bylaws. If the Board believed that it did, the Board would not have passed the resolution.

Your second question in response --

MALCOLM HUTTY: Chris, if I could, do you mean to confirm that you simply accepted that assurance?



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CHRIS DISSPAIN:

Well, I will say what I just said again. If the Board believed that the provision in Rule 4 breached the bylaws, it would not have accepted the resolution. And I would ask you to read the rationale, the Whereas clauses and the rationale, to the Board resolution for further detail.

In respect to your second question, this is a bylaw-mandated working group. The process is that the work is done in that working group, and the right place to do the work is in the working group.

The working group chair sent us an interim report and told us that this was the position of the working group.

The correct way for -- sorry, the report itself clearly says there is a dispute in respect to the timing of -- the backstop timing for the lodging of disputes.

It also clearly states that the working group is going to continue to work on that and to try and find resolution. It is in the working group that that work should be done. And in the meantime, based on the advice from general counsel --

[ Timer sounds. ]

-- and the need to have these rules implemented, the Board passed its resolution. Thank you.

SARAH DEUTSCH:

Anne.

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ANNE AIKMAN-SCALESE: Hi, Anne Aikman-Scalese. I'm with Lewis Roca Rothgerber Christie. I'm an intellectual property attorney, member of the IPC, but not speaking on behalf of the IPC.

And my questions relate to a very interesting presentation on auction proceeds this week. They had presented their initial report. Many thanks to Erika Mann and others who have been involved. I haven't been involved very much really. But a couple questions for the Board about that.

One of the solutions -- there are four different solutions suggested in the initial report about how to make grants out of auction proceeds. And the question I had asked was: Which one of these options would limit ICANN's risk so that when a grant is made, it will stick and there won't be a request for reconsideration and there won't be an independent review panel? And how do we limit the risk?

So the answer, I think, that I got -- and maybe Becky wants to address, I'm not sure -- is that there would need to probably be a recommended amendment to the bylaws to prohibit that from happening. Now, there may be folks on one hand that say, Well, we want to make sure that if a grant is made, that it is open to requests for reconsideration IRP.

I guess I'm on the other side of that question. I would rather see that if a grant is made, that it isn't open to being contested by, you know, from those who also requested money.

Second part of the question relating to auction proceeds is that it appears that it's not going to be possible to use the auction proceeds

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for applicant support in the next round. And that doesn't make a lot of sense to me because we have -- we didn't get a lot of great applicant support projects in the first round or community applications --

[ Timer sounds. ]

-- is there any way that we can try to get these funds dedicated to applicant support? Thank you.

SARAH DEUTSCH: Thank you. Becky.

BECKY BARR: Thank you. Anne, I just want to respond. The Board has discussed this. We continue to -- Maarten and I have kept the Board up to date on the discussions in the auction proceeds working group. And as issues arise, we've had some brainstorming.

We do believe that obviously the Board should be accountable for complying with its bylaws and that there may be issues associated with use of the auction proceeds, setting up a panel, those kinds of things, for which the accountability mechanisms and the bylaws are appropriate.

Having said that, with respect to individual grant applications, the Board does not believe it would be appropriate for the Board to act on that and also does not think that it would be a good use of those proceeds to engage in very heavyweight accountability mechanisms.

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We have -- we did ask org to look at it, and the initial conclusion -- and this is all -- we're all still discussing this -- is that -- actually the structures are not going to offer us the solution and that, in fact, if there is a determination that individual grants shouldn't be appealable through the IRP, that we might need to seek some modifications to the bylaws. Obviously those are fundamental bylaws changes and would come to the community in that case.

SARAH DEUTSCH: Thanks, Becky.

Okay. We're --

ANNE AIKMAN-SCALESE: The second question regarding applicant support and possible use, or is that something just subject to public comment?

BECKY BARR: I think it's just in the public comment space now.

SARAH DEUTSCH: Great. Thank you. We're ready for your next question.

AMADEU ABRIL i ABRIL: Okay. Hello. Good afternoon. My name is Amadeu Abril i Abril. And now I'm talking on behalf of CORE Association.

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Look, ICANN is not always subject to legal things or good things. The question is that we need certain principles and standards of behavior because we are based on collective trust. If we all trust one another, this works. If we lose the trust, it doesn't matter what we do; this will not work.

In this regard, without sounding dramatic, things like, how to say, the GDD top bananas going to one registry and that kind of registry directly doesn't help. Even if I personally have no doubt about the integrity of Akram, it doesn't help as a model, as a behavior for this entity to build trust for the 3,000 people around this meeting or 2,000, whatever we are, and all the rest that are following us.

A long time ago, we had these code of conduct after the so-called Peter Dengate Thrush incident. I thought there were rules about this. But now I tend to believe that these were only for the Board and not for the staff. If that's the case, can you explain me why or whether there are any intention to change that? Because I think that having people from GDD and legal, probably not from meetings or communications, moving from side to side from what's in a certain part a regulator to the regulated parties doesn't look nice and doesn't do a favor, even if it's perfectly legal, okay?

And then as I say, to have some time, in a personal capacity I would like disagreeing with my friend, esteemed colleague, and former student Marta with Chris. Indeed we are not about censorship. What happened here, or anywhere else, doesn't need to be investigated by ICANN. But

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probably given the kind of things that happen there and other places where registries --

[ Timer sounds. ]

Sorry, may I finish? Just 30 seconds -- were asking things like close a third level of a domain that they cannot or asking things that technically were impossible beyond the legal part.

I think that it's time for this community to, you know, invite registries, registrars, ISP, law enforcement, and governments to discuss not about what happened but about some kind of best practices of how to deal with shut-downs, be that for political or any other reason because it's becoming a mess and a strong pressure for the contracted parties. And ICANN saying we are only about principles doesn't help. Thanks.

CHRIS DISSPAIN:

Amadeu, thank you. If we may, there was an awful lot packed into that two minutes and 35 seconds and quite a number of questions. So our preference, if you don't mind, would be to take that away, unpack it and respond to you afterwards in writing. Thank you.

SARAH DEUTSCH:

Thanks, Amadeu.

I see we have an ICANN newcomer. First time to the microphone. Thank you for -- thank you for joining the Fellows Program.

[ Applause ]

GEORGE SADOWSKY:

My name is George Sadowsky. I'm a newly departed member of the Board. And I can assure you that for the first time in nine years, I am speaking in my personal capacity.

I want to continue and extend some remarks from this morning very briefly. I have two hypotheses. One is that the fundamental mandate of ICANN is the protection of the identifiers associated with the addressing and the Internet, in particular the DNS.

The second hypothesis is that in the last nine years since I joined the Board, we have had a substantial increase in cybercrime, in people who want to use the Internet as well as the DNS, leveraging the DNS, to make mischief for their own purposes. I think there's ample evidence to support both hypotheses.

So, yet, in my opinion, if we look at the division of the way the ICANN budget is allocated as well as the amount of time we spend on various topics associated with our work here, there's a real mismatch between the distribution of budget and time and effort and the importance of the goals, the fundamental goal of SSR without which if we don't meet that, we don't have anything. We lose trust. The Internet is useless.

Does -- now, here's my question: Does the Board feel that the current distribution of resources and time and attention to ICANN aspects meet the -- sorry, balance with the importance of the goals that it tries to achieve? And if not, what can be done about it?

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SARAH DEUTSCH: Who would like that? Don't be shy. It was an easy question.

CHERINE CHALABY: I'm going to take that. George, thank you for the question. You were on the Finance Committee, and I'm sure you've addressed that issue in the Finance Committee.

But, nevertheless, you bring in a very important issue. And maybe -- maybe in the past the issue of security was, in a sense, not as acute and as heightened as it is today and as we have seen in various discussions on the intensity of DDOS attacks and other security issues.

That actually has to point us towards thinking very seriously about our investment in security and our focus on particularly the SSR issues that you have mentioned. So two things in response to yours. One is our focus has to be on our mission and on security. And you've seen in the strategic planning that that is almost a number one priority that comes up.

In future budget, I do agree with you that we have to direct future budget towards supporting that mission. I don't know if it is at the moment completely in that direction, but it's certainly something that we should do, not only a yearly one but as we do a five-year plan to support our strategic plan, that five-year plan has to take what you just said absolutely into account as a primary focus. So thank you very much for raising that.



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GEORGE SADOWSKY: Thank you.

GORAN MARBY: And I would like to thank George also because he has been a very influential person in some of the things that we have done over the last two years to increase the work with technology issues. I would like -- the easy one, of course, is to mention when we didn't break the KSK. We have the DAAR project, health indicators, ITI, technology days at ICANN, L-root server strategy, which are some of the examples that that -- George has a point. We didn't I can it serious before. And thanks to Ram and George, we have extensive discussions about how to engage in the more broader questions. And on that, we also have discussions now how to engage with the community, how to take the DNSSEC going forward. And for you new guys, he was the head of the committee that hired me.

Thank you, George.

GEORGE SADOWSKY: Thank you.

CHERINE CHALABY: May I also add one more thing, George, which is, yes, there are also funds available in ICANN, and some of them are obviously going to be available for auction proceeds, but one of the clear criteria is to invest in our mission, which is the SSR mission. So everything we do going

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forward has to be tied into our mission and we cannot just deviate from that.

Thank you very much.

SARAH DEUTSCH: And, Leon, I think you wanted to add in.

CHRIS DISSPAIN: George, George. We haven't finished yet.

SARAH DEUTSCH: Come back.

GEORGE SADOWSKY: A responsive board.

[ Laughter ]

LEON SANCHEZ: You know, George, many things have changed since you left. It's not the same ICANN.

[ Laughter ]

[ Applause ]

We obviously appreciate your thoughts, and we would appreciate continuing to have them during, so consider applying for the Fellowship Program.

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[ Laughter ]

SARAH DEUTSCH: Thank you. You can come on up.

ALEXANDER ISAVNIN: Good day. Alexander Isavnin, Russian Internet Protection Society.

Dear Chair, Board, ICANN org, I would like to thank you for organized visit of high-level ICANN executives to Moscow this spring. As we know from the blog post on icann.org website, quote opens, "Through the meetings, Goran emphasized the engagement with diverse communities as an essential part of global ICANN strategy," end quote. Unfortunately, all meetings during this visit were unannounced and had closed, noninclusive, and had no representation from civil society and nonprofit organizations, rights protection organizations and other important parts of community. Even some Russia-based registries and registrars were not aware of these visits and missed possibly meeting with you.

Such secrecy and selectiveness in meeting local participants are truly unacceptable, especially in such underengaged region like Eastern Europe and Central Asia. So I have question: When do you plan to have next high-level visit to Moscow or Russia and conduct meetings with respect to inclusiveness, openness, and transparency?

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GORAN MARBY:

First of all, thank you very much for the question. And I will actually sort of turn around and say I don't -- when I come and visit someone, I don't really see that as high-level meetings. It's me who comes there. And when I come to regions and countries, it's usually the community who sets up meetings for me, and I sort of go where it comes. I was not aware that not everybody in Russia knew that I was coming. Maybe a conflict with the -- something else. I don't know. But next time I -- I don't have any plans to go back there right now, even though it was a lovely visit, but next time I will ask the questions about the meeting setups.

What I also say, I don't think it was any bad intent. I had the pleasure of going -- meeting several people who, as you, asked very hard questions.

Thank you.

ALEXANDER ISAVNIN:

Okay. As follow-up -- as follow-up, I would like to mention some current board members and community leaders already visited Russia. Well, not under the hat of ICANN. So I welcome community leaders, board chair, board members and ICANN staff to visit Russia and Eastern Europe and Central Asia to help our community, community from our region, to join global ICANN community.

Thank you.

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GORAN MARBY: I can have the pleasure to announce that John Crain and David Conrad will be in Russia for the DNS forum at the beginning of December. And that is what I call high-level people.

ALEXANDER ISAVNIN: Thank you very much.

SARAH DEUTSCH: Thank you.  
Marilyn.

MARILYN CADE: My name is Marilyn Cade. Recently, a senior executive with extremely deep knowledge and even, perhaps, operational knowledge, of ICANN's contracted parties and competitive information and details left ICANN to become the CEO of a company that only a day before he left he was overseeing, as ICANN is a surrogate for a regulatory system through its contractual relationships with the contracted parties. I have no doubt he was excellent at his job, which means he holds in his mind much information that is about competition issues and operational issues about ICANN org.

Everyone has a right to work, and I ask the Board not to respond that California is a right-to-work state in the United States. I'm quite aware of this.

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Having an agreement with high-level executives about how competition-related issues and what is called corporate secrets or proprietary or confidential information about the organization is customary in most countries when it comes to at least executive-level employees. It is routinely put into the employment contracts with senior executives. And lobbying contacts and reviewing and contacting staff they have employed, whether it is up the chain or down the chain, and the Board is typically barred for at least a year.

ICANN org and the ICANN Board should understand that many in the community are concerned about the concept called a revolving door. There should be some kind of a cooling-off period and a requirement that there is no contact on behalf of the new --

[ Timer Sounds ]

-- employer with those staff that have been supervised or with the Board that may be misunderstood. Perceptions that don't reflect reality can still harm ICANN's integrity and lead to distrust in our organization, which must fulfill the highest standards of ethical behavior.

CHERINE CHALABY: I'll take. This.

SARAH DEUTSCH: Cherine.

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CHERINE CHALABY: Thank you, Marilyn, and thank you, Amadeu. I think we owe you an answer to this question and we will do that after the break and after this session. So just give us time to respond to it properly.

So thank you very much. Good question. We owe the community an answer on that.

MARILYN CADE: And in follow-up what I will say is in only a couple of weeks, a number of governments who are not necessarily well informed about ICANN will be gathering in a different setting, and there, I know, will be at least hallway conversations about this. So I think it is important for us to have an answer.

Thank you.

CHERINE CHALABY: Thank you.

SARAH DEUTSCH: Thank you.

Yeah.

ROB GOLDING: Rob Golding speaking for no particular group.

The ICANN community has worked hard for many years on policies and processes which cumulatively build on providing for transparency and

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openness within ICANN. And to ICANN's credit, they have begun to put things up for public tender.

Every provider chosen has to be held to a required set of standards, including competitiveness of the bid, meeting the conflict-of-interest policy, and fulfilling various other criteria. These things are good for transparency and, better yet, they are good for the budget.

The role of corporate counsel has been held by Jones Day, the entrenched supplier, for over 20 years. This costs the community millions of dollars every single year and aside from the growth in staff costs, is ICANN's largest expense.

Jones Day does not offer a particularly unique service. Following IANA transition, new gTLD rounds, and other changes within industry, many law firms have the necessary experience to support ICANN. The role of corporate counsel has the direct ear of the Board, a board that we elect and yet we have no say in the role of the corporate counsel. No insight into how or why you chose them.

My questions for the Board are why is this contract, which according to your own published figures for FY2018 so far is nearly \$25 million, held to significantly less rigor and far less transparency than the selection of an office printer?

SARAH DEUTSCH:

Thank you for your question.

Okay. I guess we will take your --



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GORAN MARBY: May I?

SARAH DEUTSCH: Go ahead.

GORAN MARBY: I don't really understand the question, to be honest.

ROB GOLDING: Okay. When will ICANN put out for competitive bid the job of law company representing and supporting ICANN? You have to put out other things for competitive bid. Why is this contract not put out?

GORAN MARBY: We have, I think, 15 law firms under contract.

ROB GOLDING: And this information is published where on your website?

GORAN MARBY: I need to -- I need to understand this question and go back to J.J. and we will answer it after the --

ROB GOLDING: Okay.

SARAH DEUTSCH: Thank you.

Next community member, please.

JOHN LAPRISE: Hi there. John Laprise with ALAC, and I'm incoming vice chair for policy for ALAC.

So I have four quick points, and these do not reflect a statement by ALAC but they do reflect sort of a preliminary crystallizing consensus. I'd like everyone to just pay attention.

So first of all, everyone in the community should read RSSAC37. I've said this in many venues, but the RSSAC37 report for planning is fantastic and an excellent planning document.

Secondly, we appreciate the restoration of the reserve. Yay. We are, or at least I am more positive about the EPDP situation. I've spoken in a couple of venues about my concerns but in listening to sessions at this ICANN meeting, I am comforted to some degree. So I'm guardedly optimistic at this point.

Finally, on be subsequent procedures. We are developing an improved mechanism for new gTLDs, but it is unclear when and how those procedures should be used, when a new round is to occur and under what conditions and to whom those TLDs are released to. So that's a concern that is brewing in ALAC right now.

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So thank you for listening.

SARAH DEUTSCH: Thank you for your question.

Alan?

ALAN GREENBERG: Too many tall people in this organization. I'll stand on my toes.

I'd like to ask a clarifying question first to make sure I understood an earlier answer. I believe in response to the question on meeting length, number of days, the answer was for the AGM the seven days originally recommended was reduced to six public days plus a day that could be used for AC/SOs. I see Sally shaking her head yes.

I'd like to point out I think it's not appropriate for one part of ICANN to say, "We will have a six-day meeting plus one day for AC/SOs" and another part of ICANN to say, "Oh, yes, you can, but it has to only be a half day because we won't pay for anyone to stay overnight," and not everyone can leave after a 6:00 p.m. meeting.

So if we're going to have rules, let's have consistent rules and make sure we can use them uniformly.

Thank you.

And just to be clear, ALAC was told we could not have a meeting for all of Friday.

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Thank you.

SARAH DEUTSCH: Thanks for your comment.

FIRDAUSI FIRDAUS: Thank you for the opportunity. My name is Firdausi. I am a newcomer, so maybe the question, it's not as advanced as the previous ones. Could you point it out or maybe specifically direct me to do you think there will be other more extra works that needs to be done by ICANN by, I don't know, specific organization or division or anything that needs to be done by ICANN as a part of digital economy ecosystem? As we want the digital economy to be more focused on economic sharing rather than expanding the gap between the regions and the poor.

And the second one, maybe this is more related with ICANN work, especially in domain names, I want to know about the conflict of cyber sovereignty that needs to be taken, like, in priority, and maybe refer to some cases as well, and maybe if there is a link, somebody that I need to contact, it would be very helpful. Thank you.

SARAH DEUTSCH: Thank you so much.

Cherine.

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CHRIS DISSPAIN: I want to just briefly mention on your second question on cyber sovereignty which goes to basically jurisdiction in cyberspace that one of our -- one of our ex-board members and ICANN colleagues Bertrand De La Chapelle runs a very successful project on this, including this issue. It's now in its third year, I think, and there is a yearly meeting. The next one is in Berlin in May. But there are mailing lists and websites you can go to, and I'm sure that we can arrange for you to get access to that. So thank you.

FIRDAUSI FIRDAUS: First one? First question?

CHERINE CHALABY: So with regards to the first question, you should know that ICANN sponsors many outreach events. More recently, there are DNS workshop held in various parts of the world. And I have attended a couple of those, and you should see how -- how important it is to local communities who see the digital divide and who are very committed to learning more and improving their skill so that not only they improve their own -- their own standards and their own participation in the digital economy but set the scene also for future generations to come.

So this is -- this is something that has been undertaken through an outreach program.

I don't know if I've answered your question fully, but I thought that's what I understood your question to be.

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Thank you.

FIRDAUS: Thank you.

SARAH DEUTSCH: Thank you.

Sebastien.

SEBASTIEN BACHOLLET: Good evening. I am going to start saying that we have some tools that we have to interpret, and I would like to hear Russian, Arabic and Chinese in this microphone as well, and Spanish as we heard recently. So I would like you to hear some French as well.

I am convinced that we need to use these tools, and I would like to hear other languages that are not just English, Spanish, and French.

So I came to the microphone because I have the feeling that after Alan Greenberg's intervention, there was no answer; that he was not even told that he is going to be given a later answer. And I think he does deserve an answer. And if you cannot give an answer right now, maybe you can give it to him later on.

Thank you.

The question is why is it that we need to remain in six days and a half and another part of ICANN said we could organize a seventh day

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completely. There are two points of view, and then we are obliged to depart on Friday, at meet day, and we actually should have a new organization for At Large and ALAC.

Thank you.

CHRIS DISSPAIN: Sally, could you comment, please?

SALLY COSTERTON: Thank you, Sebastien. That's it. No more French.

You raise a good question, of course. And there are a number of issues that have to be considered in this, which include cost.

So, as Alan alluded to, the more supported travelers that we have to keep in a city, we need more room rental; we need more hotel rooms; we need more per diems. We also need to keep the staff. So any meetings of this type have to be supported by staff for a full day. This is a consideration. So I just wanted to make sure that this whole room was aware that it's very understandable why the question is being asked. But, like many things in ICANN, it will be an issue of prioritization on these resources, both human and time and also money.

But I'm happy to take this offline if others want to discuss it and take it back into an SO/AC planning discussion for an ICANN meeting. So that is a place with the SO/AC leadership group where this can continue to be discussed, if the community wants. But I just wanted to make the point that it is rather complex. Thank you.

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SARAH DEUTSCH: Thank you, Sally. I think we have one more question at the mic. And I think we have an online question as well before our break.

MALCOLM HUTTY: Thank you. Malcolm Hatty, from LINX and the ISPCP. An impromptu question, really.

This concerns staff participation in community consensus processes.

When the Board adopted the interim rules of procedure for the IRP this morning, they also invited the IRP Implementation Oversight Team to move as quickly as possible to final rules of procedure.

As a member of that team, it is my personal impression that that team could have completed its work a lot earlier but -- if it had been working only with members from the external community.

However, the team also includes a considerable number of staff members from the legal department and from ICANN's external counsel who have been joining that group not as expert advisors or staff support but as full community participants and who have been acting as a block and very vigorously to seek that their view should prevail on how those rules should be written, a view that is at variance with many on that team.

So my question is this: Is it normal for staff to engage within community consensus processes en masse as full participants? Are there any guidance to staff in relation to doing this? And do you think



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that maybe community consensus processes could be helped if staff acted in a supporting role rather than seeking to act as a coordinated block to ensure a staff view in a community consensus process?

SARAH DEUTSCH: Thank you. Goran.

GORAN MARBY: Could I be honest and frank back?

Of course we have rules for that. And I'm very proud of my team who work so diligently to make sure that we follow those procedures. We're not part of the community.

What happens sometimes is that what we interpret, for instance, bylaws or laws and others, we are seen by some that we're not -- that we're taking sides.

And I feel very sorry to sit here and defend my team who is working so hard to do their utmost to support the community.

It's not an easy task to sit between -- sit in a meeting and sort of draw the line in the sand between participation and facilitation.

We all do mistakes sometimes.

But I have to admit I have a strong belief in the team that participated in that group and every other group. So yes, we have very strong rules. And also admittedly we sometimes have community members who want us to be part of that discussion. Thank you.

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MALCOLM HUTTY: If I may follow-up, though, I did not mean that as any attack. And I have the greatest respect for the professionalism of the individuals involved.

However, in that team, it is the case that the chair has decided that those staff members are community participants and that their view is included in the consensus call.

GORAN MARBY: Thank you.

SARAH DEUTSCH: Thank you.

I'd like to give the opportunity to our person online to get their question in. Brad, do you want to read that?

BRAD WHITE: Sure. We have a question from Kristina Hakobyan from Armenia.

Are there any requirements to become a ccTLD manager, or can any company apply? Does ICANN follow the ccTLD manager in the way to be properly represented in the network such as domain name, Web site, content, DNS management? Thanks in advance.

SARAH DEUTSCH: Chris.

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CHRIS DISSPAIN:

Thank you, Sarah. There are many different types of ccTLD managers around the world. Some are governments. Some of them are not-for-profit organizations. Some of them are academic institutions. Some of them are still the individuals to whom Jon Postel said, "Would you please run this territory?"

There is no restriction on the type of organization. However, there are very significant and specific technical requirements that need to be met. And, in order for -- if a new ccTLD appears because a new country is created, the applicant for that ccTLD has to go through a rigorous testing process. And, of course, if there is a retirement of a ccTLD manager and a new ccTLD manager put in place, the same thing applies. And incumbent ccTLD managers are monitored to a great extent by the network, generally.

I think that probably covers it other than to say, if you really want information about ccTLDs, there are two things you should do.

One is to start by reading RFC 1591, which is the RFC that covers the delegation of a ccTLD and retirement and transfer to a new manager.

And you should also read the information on the ccNSO Web site pages contained within the ICANN Web site.

Thank you.

SARAH DEUTSCH:

Thanks, Chris. Before we take the next question, I'd like to pass the Board facilitator role on to Matthew Shears.

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Thanks very much, Sarah.

MATTHEW SHEARS: Alan.

ALAN GREENBERG: This is not a question. My first statement was worded as a statement deliberately, because I wasn't trying to initiate a confrontation or a debate.

Of course, any decision we make has financial implications. And the decision may be one I like or may not be one I like.

The point of what I originally said was I don't think it's appropriate for one part of ICANN to make a decision about community activities that says you can do X and other part of ICANN says no, you can't do X.

I want consistency across the group. You can have the battle and the discussion in a private room. But, when it becomes a public statement, it should be something you stand by across the organization. Thank you.

MATTHEW SHEARS: Thanks very much, Alan.

There's no one at the mic. I really do -- yes, absolutely. We're going to deal with the Akram question now.

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GORAN MARBY:

Some things don't cost money, by the way. I decided to thank you, again, Alan. You can pay me later.

Marilyn, the reasons why we took a little while -- I'm Swedish. I -- where are you Marilyn? There -- I wanted to have a specific language from -- Amadeus. No. And Marilyn. Marilyn.

Sorry. It's the last day of an ICANN meeting.

I wanted to check. Because, when I talk about California employment law, I want to get things straight. Because otherwise my legal counsel won't be happy. So sorry about that. I'm going to take a step back and talk about it.

So we talk about a revolving door, which I want to push back on that one. My understanding, the last time someone left from the executive team and went sort of into the industry was five years ago, four years ago or something. And he's still active in the community, which I'm very grateful for.

And, before that, I -- my understanding was back in 2012 where a chairman of the board left.

So that's not -- that doesn't say to me that we have a really revolving door. So I want to push back on that narrative for second.

The other thing is more personal. I worked closely with Akram. He's a good friend of mine. He meant a lot for me, and he was a very important part of our executive team.

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When we were notified he was leaving, we made sure that he went out immediately. I understand it was very early in the process. And that was also important for us to handle that in a professional way.

I also want to say that the second he left, we also took decisions so we could continue the operations of GDD. We were having Cyrus heading up the department, which I'm really happy for, and also asked David Conrad to take care of IANA operations.

California -- I mean, important for us in that instance is to make sure that we continue the operations of the org.

Akram displayed very high integrity during his employment with ICANN. And I have a very high expectation he'll continue to uphold that responsibility.

But the thing is also that the California law -- and here I have to sort of read -- "Either the company or the employee of the company can terminate" --"either the company or employee can terminate their employment relationship at any time with or without cause and with or without advanced notice."

California state employment law does not allow employers to restrict employees from future opportunities.

That's sort of where we are. We have confidentiality agreements in place. I don't want to make this too big an issue. I think it's important to ask questions. And the questions we received, I think it's sort of also the basics that a person like Akram who has been with us for such a long time and an important part of our org actually left. He had a very hard

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job for eight years, and I think we should thank him for his service.  
Thank you very much.

MATTHEW SHEARS: Thank you, Goran. Marilyn.

MARILYN CADE: Thank you, Goran.

My name is Marilyn Cade. I'm wanting to say three things. Do not make this personal about whether or not we trust an individual. That is not the point.

It also is not a loyalty test of whether I trust someone that I've known longer or shorter. It's about the organization. I made the comment about sometimes perception can be as harmful as reality.

Finally, because we are not in a U.S.-centric environment, I want to comment about what the revolving door means. It is not about whether we have a revolving door at ICANN. It is about the concept of a revolving door which creates lack of trust. And the revolving door concept exists in many countries and cultures where executives routinely come into an environment which may be government or business. And then they may rotate into another role where they take information with them.

Sometimes that happens when business people go into government. And it happens when government people come back into business.

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But there are expectations of a cooling off period in many, many countries for governments. There are also expectations of a cooling off period in many industries.

So I don't want to make this about an individual who I also have a huge amount of respect for.

I want to make it about how we ensure that we do have the highest standards of integrity not only by practice but also by perception.

MATTHEW SHEARS: Thank you, Marilyn.

AMADEU ABRIL I ABRIL: Three things. First, please know that I completely agree with Marilyn Cade. It's not the first, but it's not that often. Second, sorry, you remember there are things I cannot accept. Don't tell me that this only happens every three years. I don't think that you would accept that every three years we don't pay the registry fees or that we don't implement (indiscernible)decisions. But it only happens, you know, every three years. That's -- I mean, that's not acceptable.

And the third one is I think that you're not right. If you're not, you've been told something completely wrong by lawyers. The first rule is never ask a lawyer what you can do. Tell a lawyer what you want and ask the lawyer to implement it. Ask the lawyer how to do it.

The fact that California law says A, B, or C has nothing to do with our discussion here. There are ways -- I give you one against me, my



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interest. You can impose that on the registry and registrar's contracts, if you want. And we'll accept that. Because it's in the collective favor of the community building interest. We need ICANN to work. And we don't need these kind of answers, frankly.

MATTHEW SHEARS: Thank you for your comments.

Next, please.

[ Applause ]

JACQUES LATOUR: Jacques Latour. And I'm with CIRA, and I'm on the any subject line here. So I'm on the SSAC. I'm part of DNSSEC workshop program committee. I deal a lot in the meetings.

And the question I have is about Adobe Connect. A lot of the presentations we do are regular size widescreen. The application crashes often, and it makes it very difficult for us to present the content and to engage with the community when we can't put slides up or when Adobe Connect can't show its own Adobe content. It's really frustrating. So we need to do something about this to make our job easier in presenting. That's it.

MATTHEW SHEARS: Is there anyone who would like to respond to that?

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GORAN MARBY: I wonder if Ashwin is in the room. Then I will ask Ashwin to address the last question. Thank you.

ASHWIN RANGAN: Thank you for the question. We have been looking at alternatives to Adobe Connect ever since we had the incident about six or seven months ago. We're currently using it in test mode with a couple of different operations here within this facility.

We're yet to confirm that this is something that can scale to the levels that we need with the concurrent usage that we have.

We'll continue to test it. And, when we arrive at a conclusion, we'll be sure to share it back with the community. But there are community members who already using it. And we're seeking feedback and taking that in as we go through the process. Thank you.

JACQUES LATOUR: Thank you.

MATTHEW SHEARS: Thank you. Before we go to the next question, I do encourage you to come to the mic. This is a great opportunity for you to comment and to ask questions. Thanks. Next, please.

ELLIOT NOSS: Yes. Elliot Noss with Tucows. I have a comment. And it's a comment on the point that Marilyn and Amadeu were raising.

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I want to, in the spirit of dialogue and discussion, come from the other side of that point.

I think that one of the most important elements of the multistakeholder process is it is a relook at the way that governance has been done at a nation state level and to, hopefully, try to acknowledge and change some of the failures in nation state governance, which we see all over the world today.

I worry that a cooling off period is a fig leaf to create the perception of lack of conflict without real impact.

My experience of it, particularly being participant in the telecom industry, is that it is artifice. You see people move from government -- sorry -- from business into government with no cooling off period. You see people move from government into business with a cooling off period that is essentially artifice wherein they receive individual consultant fees or other means of compensation to ride them through the cooling off period into a fat seat on the other side.

In multistakeholder, we get to take a fresh look. So I'm talking about my experiences. Others are talking about theirs. I think that's right. But, when it comes to something like a cooling off period, maybe, rather than be worried about the perception, we should actually in this community dig into the substance of the issue and see whether cooling off periods are actually effective or whether they are, as I perceive them, simply fig leaves for some of the worst corruption that we see in governance. Thank you.

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[ Timer sounds ]

MATTHEW SHEARS: Many thanks. Nobody at the mic, so I'm going to ask Brad if there are any remote questions.

BRAD WHITE: There are no remote questions. I would suggest that we take our break a few minutes early and everybody be back in the room at 3:25, at which time we'll have a presentation about ICANN 64.

MATTHEW SHEARS: Thanks very much, Brad. So back in the room at 3:25.

[ Coffee break ]

AKINORI MAEMURA: Okay, committee members, please take your seat. And board members, please take your seat. Thank you very much. Back to public forum 2. My name is Akinori Maemura, ICANN board member, and I am actually one of the local -- local host committee member for the ICANN64 Kobe meeting. I have one question. Have you -- have you visited the ICANN64 Kobe booth which was on the ground, ground

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level? Thank you very much. Thank you very much. I think -- I am sure that you get -- get the Pikachu chewing gum and then the cracker and the Kobe information which -- which beautifully colored, both day enjoyment and the night enjoyment. So I am -- I'm really happy to bring one ICANN meeting for -- to Kobe.

Let me join introducing Hiro Hotta. I think you're familiar with Hiro who is one of the awardee of the ICANN Multistakeholder Ethos Award. And then he will introduce ICANN64 Kobe on behalf of ICANN64 Kobe local host committee. (Non-English word or phrase.)

[ Applause ]

HIRO HOTTA:

Thank you. Thank you, Akinori. Not so many people here. Has everybody left for Kobe?

[ Laughter ]

All right. Let me introduce the next ICANN meeting venue, Kobe, Japan, on behalf of the local host of ICANN64. By the way, this local wear is called "Happi." Follow me. Happy!

[ Laughter ]

Okay. First, please watch videos that lead you to city of Kobe and the conference venue, please.

HIRO HOTTA:

Okay. In July 2000 Japan hosted the 6th meeting in Yokohama. After that, for 18 years everybody has asked me, when will Japan host ICANN meeting next time. Now, I can answer. It's in March 2019. ICANN64 will come to Japan again.

Let's move to a brief introduction of the local hosts for ICANN64 Kobe meeting. The local host is kind of unique. It's composed of community members in Japan. No specific organization is the host. But the community is the host. That's why I didn't mention the name of the company I work for. Professor Jun Murai, who is one of the community leaders in Japan and also was one of the founding member of the ICANN board, acts as the chair of the Kobe meeting local host committee. He's unfortunately cannot make it to join you here. Instead, please watch a short video message from Jun Murai.

JUN MURAI:

This is Jun Murai. Kobe is the first Internet Society (indiscernible) held in 1992. People still share the great memory of Kobe as a initial gathering of the modern Internet. As for this time, I am very much excited to welcome ICANN64 in Kobe, Japan.

[ Applause ]

HIRO HOTTA:

Most of you may not know that Barcelona and Kobe are sister cities. One of the successful Japanese companies Rakuten, which is led by Hiroshi Mikitano born in Kobe, is intensively linking Barcelona and

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Kobe, just like us. Let's watch this video welcoming you to Kobe, please.

HIROSHI MIKITANO:

This is Miki from Rakuten. You guys are in Barcelona, and I wish I were there as well because we are the main sponsor of FC Barcelona and very many businesses with FCB. And I heard next year ICANN will be held in Kobe which is my hometown. And I also have a football team over there called Vissel Kobe, and this year we hired one of the greatest midfielders, Andres Iniesta, from Barcelona. And so he's playing for our team in Kobe, and maybe I'll be able to make a chance to meet you all with Andres if you guys come.

I started Rakuten 22 years ago with younger partners. As a matter of fact, most of them were the students of Professor Murai. I think he should be presenting this video to you at this moment. And since then, 23 years, we have been growing our business, mainly thanks to you guys' effort to provide very stable Internet platform. And maybe if you come, I may have an opportunity to present what we have achieved at this moment because we are planning to launch our mobile Network Operator next October.

Anyhow, Kobe is a beautiful city. Of course, we have Kobe beef. Food is excellent. It's the sister city of Barcelona. And, of course, it's the conference to talk about the Internet policies and technology and so forth. But I'm sure that you -- and if you bring your family, it is going to be very, very enjoyable experience. So looking forward to see you in Kobe next year. Thank you.

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[ Applause ]

HIRO HOTTA:

It was the last video message from us. Thank you for your time. Please come to ICANN64 in Kobe and also feel Kobe with your own eyes, ears, tongue, and your whole body. We look forward to seeing you in Kobe, Japan, next March. Thank you.

[ Applause ]

AKINORI MAEMURA:

Thank you very much, Hotta San. Now, the public forum is resuming. If you have any question or comment which is -- need to be raised in here, please queue up to the microphone.

All right. Thank you very much. Then I -- now I need to -- need to toss to Lito Ibarra, the next facilitator for the public forum. Thank you.

LITO IBARRA:

Thank you, Akinori. Can we go to the first gentleman in line, please? Thank you.

J.C. VIGNES:

Good afternoon. My name is J.C. Vignes, representing Uniregistry. During Monday's session of the public forum, you told us that the board was ready to act, quote, quickly once the subsequent procedure PDP is over. While quickly is encouraging, many of us remember that the board approved the new gTLD program in 2008 in Paris and the actual



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submission of applications only happened four years later, after six versions of the Applicant Guidebook. Waiting a similar amount of time would see the launch of TLDs ten whole years after the last round.

Like our Neustar colleagues, we know companies and cities willing to apply right now. We believe that dot brands and gTLDs, because of their low contention rate and key eligibility criterias, are a perfect candidate for a fast-track process and that they should be allowed to apply using the 2012 AGB to avoid repeating the delays of the previous rounds. Thank you.

LITO IBARRA:

Thank you. Anyone? Avri, please.

AVRI DORIA:

Thank you for the question. As most people, I would also like to see not -- things not be delayed much. But one of the things about doing the quick round that people ask for, the fast-track round that people ask for, is that the gTLD -- the GNSO rather has not recommended that. So for that to happen would require the GNSO to make a recommendation.

Now, at this point that would also be rather difficult because a lot of the mechanisms that were used in that, the EGB, the application process, are not.

Now, when we talk about trying to make it happen as quickly as possible, what we're talking about is that the board and GDD are talking together about looking at the work that's being done in the -- in the

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subsequent procedures PDP and trying to get as much of the groundwork prepared as possible so that the gap between the time that the recommendations are ready for the board to approve and the time that the procedure, the subsequent procedure, which I guess will probably be a round or something similar, can start immediately. And that parallel action that has some of the prep work happening while the policy is still being firmed up is what we mean when we say we're ready and getting ready to act as quickly as possible.

So, sorry I can't sort of say yes, we can have rounds, but as you probably know from the subsequent procedure, as soon as we say who's ready for a round now, just about everybody, the brands, the geography, the communities, the developing economies, they're all ready for their round now. So we'll do the best we can really. And believe me, I'm trying to avoid having that four-year gap again.

J.C. VIGNES: Thanks, Avri. We are ready, indeed.

LITO IBARRA: Thank you, Avri. We go to Goran who wants to answer a previous question. Thank you.

GORAN MARBY: Yes. And then -- first, I'm going to start, and then I'm going to ask Becky to help me. It was a question about Jones Day. And I have to -- sometimes when you sit up here and you get the questions, it takes a

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while to understand why you don't understand a question. And what tricked me off was the \$25 million Jones Day because I didn't recognize those numbers because we don't have \$25 million in last year's legal costs. It's actually all our professional services cost. You can see that in the budget per department, so that includes anything from legal costs to cleaning, which I have been told Jones Day doesn't do for us. With that, I will leave over to Becky.

BECKY BURR:

Thank you. Just a bit more on this point. ICANN does indeed have numerous law firms. Jones Day is not in any way the only law firm. And -- but it is one of the law firms. And the law firms that ICANN works with are selected based on the requisite skills that they have, depending upon the issue on the table, global reach as necessary required for ICANN. And a significant due diligence is conducted every time a law firm is engaged for a project to make sure that we have the right law firm for the right purpose handling those issues.

The procurement guidelines, ICANN's procurement guidelines do specifically call out the circumstances in which contracting directly with a vendor or service provider without competitive bidding is appropriate, and among the other exceptions to the requirement for competitive bidding, specialized services including law firms, economists, and other highly specialized group are exempted from that. And then just to put a point on ICANN's -- on Goran's statement, the budget documents do break out professional services by department so that information is available. But the \$25 million figure

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combines professional services across the organization and encompasses dozens of different kinds of vendors for a large variety of services.

LITO IBARRA: Thank you, Goran and Becky, for clarifying that question. Back to the line.

RON ANDRUFF: Good afternoon. My name is Ron Andruff. And I want to welcome, first of all, all the new Board members who have joined the Board. Fresh Board members bring fresh ideas. And I can tell you myself for one, and I'm sure most of the community, are very excited to have you all there. So thank you, and thank you for your service.

I wanted to just come back to our chairman's opening statements. And Chairman Chalaby said that we were going to be looking towards doing -- looking at the various issues of our organization and in the spring, if I'm not mistaken, we're coming to start to look at the whole organization and really look how can we make it better.

This is meeting 63. I think I have got about 57 or 58 under my belt so I speak with some knowledge of how PDPs work and committee work and so forth happens. And one of the things that occurred to me that while we aspired in the beginning to the highest level of consensus -- five levels of consensus, and we aspire to the highest one -- it's admirable. But the reality is if we were to consider -- and I'm bringing this up at this forum so that the community might think about it and

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socialize this idea. But if we were to step back to the second highest level of consensus, general consensus, as is used by the Supreme Court in the United States, for example, that would allow for dissenting arguments to be brought forward in a written form that would inform the discussion and the arguments but it would also allow the majority to move things forward. And we might find ourselves as an organization with less hung juries on PDPs and less frustration with our community.

I for one know that when you pound away and pound away for days and days and hours and hours on these calls and then you end up with no satisfaction, it's hard to join another working group. It's hard to go on and continue.

So I would just put that out there for the community to consider that maybe we might want to move to a model that allows an informed debate but one where the majority would rule and the -- those that felt dissent would be able to comment in a written form to inform the discussion. Thank you very much.

LITO IBARRA:

Thank you, Ron, for your contribution.

Next, please.

ELLIOT NOSS:

Elliot Noss from Tucows. I would like to speak about the interaction between the reserve fund, the contingency fund that arose out of the new gTLD program, and the auction proceeds. I may run over my two

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minutes, but the line is short and the time is long so I will do this for the first time in many years.

I was a member of the CCWG auction proceeds group. And I was -- you know, we had much discussion about whether the auction proceeds could or should be used for the ICANN reserve fund, the 12-month operating reserve.

We understood today -- we were informed graciously that the Board intends to make a one-time award from that fund later today.

I admit to much dismay about that. Something that I have said publicly is that I thought two things. First, that the CCWG auction funds were and should be the most dear dollars in the organization. They are the one chance that this organization gets to do good works explicitly for those who can most benefit from them.

We have a long queue of people looking for ways that ICANN should spend their money. It is appropriate to the mission that is -- I understand that. But these dollars are the dollars that we get the great gift of being able to do good works with.

I was -- and because of that, I have been calling repeatedly for the replenishment of the contingency funds to first come from what I was calling the litigation reserve from the new gTLD program.

Xavier was good enough to spend some material time with me walking through some of the details. And I had two misunderstandings, and I want to share both with the community because there could well be others who share these misunderstandings.

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The first is that what I have been calling the litigation reserve in the new gTLD program is not in any way limited to litigation. That was the way I understood it through the process. I absolutely defer to Xavier and to the long public record that this clearly was not limited just to litigation but to other unexpected expenses.

Second, my second misunderstanding was that this was actually a segregated fund appearing as a contingency on the balance sheet. It is not. But it is covered in the notes and reporting that is done on an annual basis. So I believe, if I understood him correctly, we do get to see what recourse has been made to that -- I don't want to use a technical term, but to that set-aside.

He also informed me that there were still legitimate contingencies. I think that's a matter for staff --

[ Timer sounds. ]

-- its auditors and the Board to decide together. I don't intend to get in the middle of that view.

But what I can clearly ask for, having now understood technically what is going on is that if the Board does choose to take money from the auction pot -- the pot that is, again, the first time in 20 years that we can explicitly do good works -- if they intend to take money and move it into the operating reserve, that they view that as a loan or as a borrowing against that still what I believe was \$75 million set-aside.

You may need that \$75 million set-aside, and you can borrow this \$32 million. But you also may not need it. And if you don't need it, please

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make it explicitly part of your resolution this afternoon that you will put it back into the most important pot that we've had in our 20 years. Thank you.

[ Applause ]

LITO IBARRA:

Thank you.

Goran? Ron?

RON DA SILVA:

Yeah, I'll take it.

Elliot, thank you for your comments. I think there are a number of folks in the community that would align with your position in particular on the auction proceeds and the use of those funds.

In fact, the input we got in deliberating how to go and replenish the reserve fund included that input and it included actually a pretty large spectrum of input. Some suggesting larger amounts; some suggesting lesser amounts; some suggesting none at all. So clearly there's a diversity in input and positions on whether or not the auction proceeds should be considered for replenishment.

As we explained earlier, we certainly took that into consideration and tried to strike a balance between that and creating a task for the CEO to kind of meet a balance out between those two.



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I think on the other comment about the gTLD balance, you're absolutely right. We do -- we have been regularly reporting on the funds that were -- the original funds that were collected through that program and the expenditures that go against that. That's clearly not limited to just litigation. There's a huge amount of expense that has gone against that activity. And you're right, we've been reporting on the aggregate of those expenses over a number of years and the remaining funds that were collected through that program.

And similarly to the input that we received on whether or not to use some part of the auction proceeds, we, likewise, received pretty brought spectrum of input on whether or not to touch the gTLD funds.

And we've been, I think, as a Board for a number of months, especially -- I think our last meeting we talked about returning some of the fees that were associated originally with the new gTLD round.

But the remaining balance we don't feel comfortable that now is a time to consider doing any of that because there are still expenses that are ongoing. There are still potential litigation costs --

[ Timer sounds. ]

-- that are associated with executing that program. So it's, I think, premature to consider doing anything with that other than using those funds to pay for the remaining part of that activity.

And then I think your last comment about whether or not we should consider a loan against the auction proceeds versus what the Board had made a decision earlier today about, which is to just make a deposit

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out of the auction proceeds' balance and move that into the reserve fund, it's good input. It's certainly something that, you know, if we had that kind of direction from a large portion of the community, we would have considered that as maybe something to look at. And we can certainly take it as advisement now as a subsequent decision that maybe the Board can entertain.

But we have looked at, we feel, all the options and the input from the community and look to strike a balance between the options before us. That's the decision and the rationale behind what we did earlier today.

I think there are others that want to respond as well. Lito.

LITO IBARRA:

Thank you, Ron.

Goran.

GORAN MARBY:

Yes. A short comment, as we said earlier, the money was -- the money was set up for many different reasons. And just to give you -- not you maybe, but overall, when we talk about the risk, when we calculate everything that could go sort of good or bad without the legal, we end up with about \$75 million left. And that sounds -- that is an incredible amount of money.

Just to give you one, so far on .AFRICA we have spent between 5 to \$7 million. We're not done yet.

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It is -- we try to treat this -- I mean, the risk of being wrong, if we do something wrong means that we can have very big risks. So some people might say that we are overcautious. But I'm rather overcautious than end up actually creating a problem for the multistakeholder model itself, which is one of the reasons why the plan is the reserve fund.

And I'm not saying that only as the CEO, which I have to say that, but I think in the discussions we had on the new gTLD program -- and we don't have to agree. But I think we agree on one thing, is that we should not risk the ability for the multistakeholder model and ICANN to go on. And then we can talk about the money going back and forth because I know that you share this thing for us.

My last comment.

LITO IBARRA:

Cherine.

CHERINE CHALABY:

I think that every discussion about money generates a lot of emotions and a lot of strong feelings because naturally people feel if you take money from one pot, put it in another pot, the first pot is less and so on. So that's clear. So I respect the point of view you put forward.

My personal view is consistent with the view said here, is that what's been put on the table is a fair and balanced proposal. As you remember in the consultation paper that went to the community, we mentioned

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there were four sources of funds. One is increasing fees. The other one is the new gTLD leftover funds. By the way, there is no legal fund for it. There is only the money that was collected at the beginning of the round. And that is money that has been decreasing. There is no identification of a legal portion to it called a legal fund, so I just wanted to correct that notion. And then there is the auction proceeds. And then there is ICANN org.

We came to the decision that we would not raise fees because I think the majority of the community said don't do that. We came to the decision also do not touch the new gTLD leftovers for the question mentioned here. And I don't think the Board can credibly after so many years saying, you know, we're not going to touch this money, touch this money, suddenly we take the money and put it in the reserve fund. I think that is not acceptable. And we have to stick to the principles we set ourselves. So that was.

So we were left with only two options, the auction proceeds and the -- and ICANN org.

And I think we've come with a balanced approach which is roughly 50/50 with pain on both sides. Let us all remember that when we took money from the reserve fund --

[ Timer sounds. ]

-- to fund the transition, right, we did it and all of us kind of almost agreed to it. Nobody said this is a loan that you have to repay the

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reserve fund or anything like that. So when it was okay for us, we took the money out.

But we took a lot out. We took 36 million out, and that really depleted the reserve fund. You mentioned about doing good work.

Well, I would say that doing good work is ensuring the financial stability of ICANN. That is absolutely good work we should do, and I hope you would agree with that.

So it is a difficult conversation, and we had to make some decision. And I feel that this was a fair and balanced decision. Thank you.

LITO IBARRA: Becky.

BECKY BARR: So I just want to say that we also do agree with you about the importance of using the auction proceeds that are not being devoted to the reserve fund to do good and to thank you in particular, Elliot, and all of the members of the CCWG on auction proceeds who are working so hard to make that a possibility.

LITO IBARRA: Okay. Thank you.

Next.

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ELLIOT NOSS:

If I could, briefly. I feel like there are two things I wish to clear up because I think that in some of the comments you've put out a strawman or I didn't communicate well.

I did use the word "borrow," but I did not intend to have it set up as a loan but as a contingency. So I wish to be very clear. I think it's open to you as a Board to say in the event that in your judgment, staff's judgment, you do not need that other contingency, you've run through your risk assessment -- I tried to be expressed. I do not in any way to get in the middle of your judgment as staff or Board. In the event as a contingency that there is money left there from the \$75 million or, you know -- remember, we're talking about 32 taken, I believe it is, 75 left. That gives us room for a good eight more .AFRICAs. I hope we're not going to have an eight more .AFRICAs. But in the event we do, there's still \$32 million left.

So as a contingency to set it aside, what I've described in no way risks the stability of the organization, in no way changes the choice you've made this morning. It is a contingency. So we all agree that we want the organization to continue to do the work that we've all worked together to do for so long and if then, please put that money back in that golden pot. Thank you.

LITO IBARRA:

Thank you, Elliot.

Next question. Thank you.

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KIRAN MALANCHARUVIL: Hi. My name is Kiran Malancharuvil. I am the outgoing IPC secretary and policy council and associate for Winterfeldt I.P. Group, speaking on behalf of Winterfeldt I.P. Group and not the intellectual property constituency.

We wanted to take the opportunity here at the public forum to thank the community for the collaborative spirit that has been evident at ICANN63 with regard to GDPR WHOIS issues. We believe that at this meeting, we have worked together to move the ball forward on a number of key areas.

And I just lost my notes. Just a minute. You'd think I'd know this.

We want to thank the community for recognizing the need for access to nonpublic WHOIS and the important challenges that many are facing. We want to thank the community for beginning to recognize the increased risk of harms facing vulnerable persons on the Internet as a result of WHOIS data no longer being available or useful as supported by the anti-phishing working group and M3AAWG survey of cybersecurity professionals.

We appreciate the frank and often spirited conversations about the datasets that have been presented from Appdetex and MarkMonitor which presented concerning statistics about the challenges we are facing with requesting nonpublic data.

And we want to thank the community for being willing to discuss the data and to give concrete suggestions about how to overcome some of the challenges with requesting data.

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Yesterday, the Commercial Stakeholder Group met with the Contracted Party House and had what we believed was a very collaborative conversation with both sides appearing to be willing and ready to work on some guidance to both contracted parties and to requesters to achieve reasonable access per the requirements of the temporary specification.

[ Timer sounds ]

We hope that there will be at least -- Can I go over, please, since Elliot went for 30 minutes? Thanks.

[ Laughter ]

Appreciate that. We hope that there will be at least modest gains in success rates and corresponding mitigation of Internet threats with shared these shared business processes, which may in turn be interpreted into the temporary specification as concrete guidance.

I want to acknowledge again as I did in the first public forum that we understand and appreciate the legal risks involved with all of this and restate our willingness to be cooperative and collaborative in understanding how mitigation of risks need to happen for all community members.

Finally, by its name, the temporary specification is just that. It is temporary. And it is of paramount importance that the team on the EPDP come to a quick, permanent solution in their policy processes and overcome any resistance of progress or attempts to go backward.



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I think the majority of the community is ready and willing to get to work to deliver a solution, including for access to nonpublic WHOIS data now and permanently for the future. And I want to thank everybody for this meeting.

LITO IBARRA: Thank you very much for your comments. I don't see any -- Ron?

RON DA SILVA: Yeah, just briefly. Thank you for bringing that forward. Obviously it's a lot of work for the community, and you're absolutely right, there's participation all around, and that's exactly what we need.

LITO IBARRA: Thank you, Ron. Thank you.

If anyone has any more questions -- I know, I know. I've seen, but if somebody has any more question, please line up at the microphone, please.

And we --

KIRAN MALANCHARUVIL: I have another comment in my personal capacity but I'm going to get behind.

LITO IBARRA: Yes, please, the following gentleman. Thank you.

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STEPHEN DEERHAKE: Hi, Stephen Deerhake representing myself as a member of the community. I would just -- with all due respect to Elliot, I have a somewhat different view on the use of the auction proceeds with regards to augmenting the reserve fund.

I'd just like to thank the prior board as well as the new board members who deliberated with the prior board as well as Xavier and his team for coming up with a solution, at least in my mind a partial solution. I feel much better knowing that this transfer is going to happen, and we seem to have a solid path to complete replenishment, at least the one-year level.

Thank you.

LITO IBARRA: Thank you.

Ron.

RON DA SILVA: Thank you for that. And I hope it I am straits that we do have diversity in this community.

LITO IBARRA: Okay. Thank you.

Next.

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KIRAN MALANCHARUVIL: Me again, Kiran Malancharuvil, this time speaking entirely in my personal capacity as a woman and as a mother.

As you have heard me say in many public forum over the past five years, I am the single mother of a four-year-old little girl named Lilly, and I have to tell you that it is extremely difficult to participate in this space as a mother of small children and especially as a single mother of a small child. In fact, there's actually a baby here. I don't know if you saw. And at ICANN whatever number in Los Angeles in 2014, I also came with my 12-week-old daughter.

The reason why I'm speaking to you again today is because I have brought up numerous times the need to explore a solution to allow women and mothers to bring their children to ICANN meetings and to participate robustly to ensure that our important voice as part of this stakeholder community is heard.

I heard this week, to my great surprise and satisfaction, that RIPE NCC provides child care at their meetings and that it was movies and games and art and food with licensed child care professionals. And I wonder again, why can't ICANN provide something like that? And to be clear, I'm not asking ICANN to pay for it. I'm only asking for ICANN to plan for it, to put it out for the community, to ask us many months in advance whether or not this is something that people in the community need. We can raise your hand and say, yes, I will come if I can bring my child, and I will pay X amount of money to make sure that she or he is well cared for at an ICANN meeting, so that I can come to these --

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[ Timer Sounds ]

-- meetings and I can participate without the incredible emotional, financial and physical burden that it causes me and my family members and my village and my friends and my child-care professionals, this incredibly complex web of people that's required for me to come to these meetings. I am one of only a few people, I think, that participate at ICANN with children of this age who that don't have a partner to help them care. And I really want to make this statement more robustly than I ever have before, because it's becoming harder and harder for me to participate, and I'm just not sure I can continue to keep coming to ICANN meetings unless you guys start taking my request seriously. I think it is easier and cheaper than you think it is to provide this service to women to ensure our voice in the stakeholder community.

Thank you very much.

[ Applause ]

LITO IBARRA:

Thank you.

CHERINE CHALABY:

Can I say thank you very much for bringing this to our attention, and I have just spoken to our CEO and he promised to investigate and try and respond to your question. Thank you very much.

[ Applause ]

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LITO IBARRA: Ron?

RON DA SILVA: Yeah, just a real short additive comment. The majority of single parents are, in fact, women, but I would argue there are probably single parents that are fathers out there as well that may also benefit from this.

[ Applause ]

LITO IBARRA: Before going to the next question, I will toss the facilitation job to Avri.

Thank you.

AVRI DORIA: Thank you, Lito. Yes.

WERNER STAUB: My name is Werner Staub and I have a comment related to the recent comment we had extending the number of IDN domain names supported by the .SPORT top-level domain.

In working on this subject with ICANN staff, we discovered that actually there are rules that we don't quite know why they are there anymore. And this is of course natural. And IDNs are such that no person in the world speaks all those languages, so we don't know. But there was an assumption initially when IDNs were contemplated, which was that

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registrations were supposed to go through without being seen by anyone, and that machines were supposed to be in charge of figuring out if a certain string was supposed to be okay or not.

The idea that there might be in a registry such as is the case of .SPORT to look at every single registration request and actually make sure that there's no string that can cause problems. This wasn't even contemplated.

Now as a result, if we want to extend, as it is in this case, necessary to many languages the registry, we have to face additional registry testing for each language with the additional challenge that there's actually not many people in ICANN who will be able to do that testing. And those domain names, in this case sports disciplines in many languages, are dictionary words that are quite well understood in the respective languages, so it shouldn't be necessary to build systems and test systems and go through a very difficult process if you just want to serve the community well with the words that deserve to exist as domain names.

AVRI DORIA:

Thank you for the question.

In terms of looking for an answer, Akinori, I just saw you raise your microphone, so perhaps --

[ Timer Sounds ]

I know we may look to Cyrus also.

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AKINORI MAEMURA: Thank you very much for the question. Therefore, it will be clarified by Cyrus, do you?

CYRUS NAMAZI: Thank you very much, Werner, for your question. I'm not exactly up to speed on the specifics of this one, so I want to suggest you and I take this on the side, and I'm happy to follow-up with you to understand the issue and help resolve it for you.

WERNER STAUB: Okay.

AVRI DORIA: Thank you. Okay. Next person in line, please.

RUDY DANIEL: Rudy Daniel, ICANN63 Fellow.

Let me take this opportunity on behalf of all the ICANN63 Fellowship attendees, who number some 41 from 38-plus countries, to thank the community, the ICANN organization and the Board for making it possible for us to attend this, ICANN's 20th anniversary and your general meeting.

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On a personal note, the take-aways from this meeting and the opportunities for face-to-face interaction is certainly to be valued moving forward into the future.

Thank you.

AVRI DORIA:

Thank you very much and very happy to have --

[Applause]

-- the Fellows here and happy. Thank you.

Please, next.

EDMON CHUNG:

Edmon Chung from .ASIA speaking for myself, I guess.

Actually, building on what Werner alerted the Board to in terms of IDN, I don't know the specifics on .SPORT so I won't be commenting on it, but I am observing a worrisome trend. We have gone down a path of looking at IDN and IDN variants, especially IDN variant TLD, in a very technical manner, which is I think a right manner; however, we are getting into a place where some of that work may be overengineering. And what I mean by that is saying that there is certain cases where I'm looking at it and it's possible that certain things, like string similarity, that might be better handled elsewhere, not in an IDN variant concept that is being lumped into an IDN variant concept. And that is somewhat dangerous. And we are tasking, we will be -- the danger there is we may



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be tasking linguists and engineers with the -- with the job of trying to determine string confusabilities, and that's where I think, you know -- those are things that, you know, there are trademark lawyers, there are trademark experiences that we can draw from to handle some of those situations, and we shouldn't overengineer how we deal with IDN variants to try to cover those cases.

I'm not saying that -- I'm just bringing alert to the Board that I'm seeing this little bit of trend, and I think what Werner pointed to is a little bit towards that direction as well, but I don't -- I'm not calling for any particular action right now, but I'm just alerting the Board to this.

Thank you.

[ Timer Sounds ]

AVRI DORIA:

Thank you very much, Edmon, for that. Akinori, would you like to add something? Thank you.

AKINORI MAEMURA:

Thank you very much, Edmon. Thank you very much for sending that - - you know, let us have attention to that issue.

It is -- you are pointing a very good point, and, yes, the IDN is a little bit complicated and need the variety of the expert to deal with that.

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And then we -- as you know, and as you have already involved in that kind of discussion, we are still working with, that. But we are now close to the goal.

Thank you very much for your further participation and suggestion to us. To please give me your -- give us your idea for the better setup of the IDN.

Thank you very much.

AVRI DORIA:

Thank you. I just want to check on comments from remote. There's a little signal light but I can't tell if it's on or off. I have a head shake that there isn't. Okay. Thank you.

Marilyn, please.

MARILYN CADE:

Thank you. My name is Marilyn Cade.

When Steve Crocker left last year, when he completed his last term as chair, I went to the microphone and asked the ICANN Board and staff to organize a 20th birthday party in celebration of the fact that ICANN is 20 years old. And as I recall, Steve turned to the meetings team and said something like, "Make it so."

When I returned to the next meeting, there was a concern that perhaps it would be too expensive to do, and as I recall, I went to the microphone

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and said what it takes to have a birthday party is balloons, candles, and a cake. And if we can't afford the cake, I'll bake it myself.

I got a bigger laugh then.

[ Laughter ]

Thank you.

[ Laughter ]

The reason I wanted to take the microphone now is I wanted to thank ICANN org and the Board for making sure that we are having the 20th birthday party here in Barcelona. We'll have a short celebration coming up, and it will be hard for everyone to be recognized that was involved in the days and years that led up to ICANN.

If you look around this room, I see people who were involved in 1996 and 1997, who were involved in organizing the international forum on the white paper five regional meetings. I see people who were on the first ICANN Board, when we only had ten board members.

So I hope everyone will recognize how special this time is and how meaningful it is that we are back in Barcelona. We were in Barcelona 20 years ago when we all lost Jon Postel, and I hope we will all celebrate how far we've come because in fact we have come a long way, and I hope to see all of you at the 20th anniversary party.

[ Applause ]

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AVRI DORIA: Thank you, Marilyn, for that. We have another community member am in line. Please.

MAOULIDA MMADI ISSIHAKA: My name is Maoulida Mmadi Issihaka. I'm from the Comoros. This is my first participation at ICANN. I am representing the Comoros Island at GAC. And I would like to take this opportunity to thank ICANN for helping me to participate in this meeting.

I also want to thank the host country for welcoming us in Barcelona. I want to ask ICANN to reflect -- to further reflect, and I would like to thank you because I know that you reflect on that, but you need to take into account underserved regions because there are regions in the world where Internet is a luxury item, and the access to the Internet for some people is really difficult.

So I would like to remind you all about this. I would like to remind this to ICANN.

Thank you very much for this opportunity, and thank you again for supporting me to be able to participate in this meeting.

Thank you.

[ Applause ]

AVRI DORIA: Thank you very much for your comment, and thank you very much for reminding us about the need to serve the underserved communities.

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Is there someone else that would like -- Chris and then Khaled.

CHRIS DISSPAIN: Thank you, Avri. I just wanted to say thank you to the gentleman from Comoros and to say that .KM is a member of the ccNSO, and we discuss in the ccNSO helping our underdeveloped colleagues as much as we can.

Thank you.

AVRI DORIA: Thank you.

Khaled.

KHALED KOUBAA: I would like to thank you in French. And you don't have to apologize because you're expressing your point of view in your mother tongue. That is our duty, and I invite you to express in the language that you prefer.

Thank you.

AVRI DORIA: Manal? Okay. I see Manal and Goran's -- I mean Manal. Please go first.

MANAL ISMAIL: Thank you.

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Just to thank the GAC representative of Comoros for your interest and for your active participation ever since you're very first meeting, during the GAC meetings but also at the public forums. So thank you very much.

AVRI DORIA:

Thank you.

Was there another comment? No?

Okay. I see no one else in line. Therefore, I pass it back to Cherine. Thank you.

GORAN MARBY:

Just on the question -- during the day we haven't received any question about it from here, but I still would like to do -- because we understood there's been a lot of questions and some sort of discussion within the community, so I would like to make a statement and now I have to follow a script which is not always very easy for me. But earlier this week after our trip from the leadership of the GNSO flagging an issue within the Rights Protection Mechanism PDP Working Group, I have assigned John Jeffrey, J.J., our General Counsel, to look into the issue surrounding this matter. I did this following a request for assistance from the GNSO leadership in the past few weeks, actually.

We understand that there have been disputes within the group, and it's more or less been stalled for the last seven months. Since assigning J.J. on Monday we received a letter from a community member's lawyer.

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J.J. had already started interviews with the community members involved to try to understand the issues behind the complaint, and we consider this letter as a part of this review.

I also involved J.J. to help to assist the community. ICANN org takes this issue very seriously. The review will be conducted with the goal of helping the work of the -- to proceed forward.

I have problems reading a script.

Thank you very much.

CHERINE CHALABY: Thank you, Goran. Brad, any online, any other questions?

BRAD WHITE: No questions online.

CHERINE CHALABY: All right. Well, thank you very much and thank you everyone for your participation. I also would like to say thank you to my colleagues on the Board for your facilitating the sessions.

And a great thank you to our language services professionals for providing the access and opportunity for community members to speak and follow along in the language they are most comfortable with.

And, to the ICANN org meetings team and for staff, thank you for making this all possible.

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I think we have now concluded the formal part of ICANN 63.

But don't go away just yet. We have two events to celebrate the 20th anniversary, one which will take place in this room at 5:00 and one which will take place in the banqueting hall right upstairs at 6:30.

So we'll take a break now. And please come back at 5:00 pronto so we can start the celebration of ICANN's 20th anniversary. Thank you, everybody. Thank you,

[ Applause ]

**[END OF TRANSCRIPTION]**