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DURBAN – ALAC Policy Discussion - Part II  
Tuesday, July 12 2013 – 14:00 to 16:00  
ICANN – Durban, South Africa

OLIVIER CRÉPIN-LEBLOND: Right. Good afternoon everybody. This is the At-Large... I'm on the wrong page. That's good. This is the ALAC Policy Discussion Part II. And welcome back everybody. It's a long walk over to lunch and back, but I'm glad we're all back here.

We've got an agenda which isn't too full this afternoon, but which we wanted to keep quit open so as to bring discussion and brainstorm a little bit. And the agenda as it stands today is first the At-Large policy development ALAC working group relations.

The At-Large policy development ALS engagement. And then at the end of the afternoon, at 15:45 we will have an update from IANA by Elise Gerich. Now, the first two items are somehow slightly modified, because we've already discussed these in Beijing in prior meetings, and so the suggestion was made that rather than having very framed discussion about ALS engagement, etcetera, which we already have touched on.

First, working group relations, I think we've pretty much have got very good working groups at the moment. We've had a lot of positive feedback regarding the work of this community, and that's primarily because of all the work the different working groups do.

And there is a good relationship between the ALAC and the working groups, and I hope the RALOs as well. And this is where I wanted to

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bring in the RALOs and find out a little bit from the RALO chairs, what their point of view was with regards to the policy development that we do in the different RALOs, and how that relates to the strategic initiatives that ICANN, strategic lines that ICANN has defined.

But also the strategic lines that this committee that the ALAC has defined, and the points that we really tried to push forward. So we have most of the RALO chairs here, some were not able to be here but we found replacement in the meantime.

And I understand the one RALO chair that is not here physically is actually following us remotely, so we will let him speak a little bit afterwards as soon as we have a green light that the connection works. We will start first with... I guess we can start with APRALO, since I've heard from Holly Raiche, that she is eager to share with us how policy development takes place in her RALO, what could be the challenges that you would have.

How you relate that policy development over to the ALAC. I invite you all to also have a look at the At-Large policy development page that we have, which is where we put most of our work regarding statements. And I think Matt might be able to add this over to the chat and see how that relates to your RALO and whether you believe you have enough input from your At-Large structures into this.

And how maybe we could improve this. Let's start with Holly Raiche.

HOLLY RAICHE:

Thank you Olivier. I'm finally going to say Holly Raiche for the transcript records, just in case. I've actually had a chat today and the day before,

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and probably the day before, with some of the APRALO members. I have the privilege two vice chairs, Satish and Siranush.

What we've done in the past, which is perhaps not as productive on our APRALO calls, has been simply to let Olivier go through what the outstanding policy issues are, who is the pen holder, what it's a little bit about, and it's not gone further. What I've actually talked to Siranush and Satish about is starting to assign topics to individual RALOs who put their hand up and say, "Listen these are the issues, what we need is feedback from you."

And then spend about 10 minutes of the call, at least, explaining an issue and listening to feedback. The next APRALO meeting is tomorrow, and one of the first things that I will be doing is going through all the issues that have been raised over the past three days.

There are some important things. There is some actual issues that we talked about, including the WHOIS and the EWG. There are the consumer metrics. There are the issues that have been talked about with IDNs and gTLDs to get everybody across what it is about.

Another very useful source is draft beginner's guide for... I'm talking too quickly.

OLIVIER CRÉPIN-LEBLOND: Holly. Well two things yes. One, you are talking too quickly. It's Olivier here. Second problem is that you're using all of these acronyms and I've heard several times today, from all parts of ICANN that using these acronyms makes it ever more complicated and difficult for people to understand.

So if you can [AUDIO BREAK UP 0:27:10 – 0:27:59]

HOLLY RAICHE:

...that. There is a beginner's guide to ALAC which will help people understand, in words of one syllable, what the issues are. I can't think of any more of the issues, my head – I'm blank.

But a report back to... And then to actually go back to the individual ALSs and say, "Now we're going to ask for a hands up. Who is going to do what on policy?" One of the items for discussion tomorrow indeed will be, Satish talking about meeting strategies.

We also had some feedback from [? 0:28:43], in Beijing. He went back to all of the attendance, because it was an APRALO meeting, and said, "What is it that we can do better?" So I want to go through those recommendations that he makes and find out how we can put those particular and four particular strategies in place to make sure we listen to each other.

I think the final thing that I will be doing tomorrow, aside from now having new ICANN regional manager... And Heidi, I do want to ask if we can have everybody here, anybody here from APRALO who wants to be attending that meeting [AUDIO BREAKUP 0:29:28 – 0:29:31] okay.

I'd like to meet with the ICANN... We'll have a new ICANN regional vice president, he will be here at 7:15 and if he can stand around, I would like him to be introduced to APRALO, and have his own thoughts on what he would like from us and what we would like from him.

Is that a start in the conversation?

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OLIVIER CRÉPIN-LEBLOND: Thank you very much Holly. Yes, that's a very good start. Olivier speaking. I was going to put you on the spot actually, there were three policy issues which APRALO was most interested in, was most likely to respond to. What would they be?

HOLLY RAICHE: It... She says two seconds. I would say that perhaps the biggest issue for the region, and that's because there is so many languages, it has been IN variance, it is a very complex problem. But it is one that has really taken the imagination of just about everybody.

The second one that has absorbed a lot of time has been all of the issues that relate to WHOIS in the RAA. I know that Alan and I don't necessarily agree on some of the things there, but there are a whole range of issues we have to deal with that they're thrown up by that, including issues about what do you mean by privacy?

What should be the restrictions on privacy? Prompt policy. Issues of, if you've got law enforcement access to the information, is a police person in Durban the same as a police person in Syria when they ask for information about people? How do you actually deal with those issues?

So to me, there are a range of issues that are really critically important. I think another sort of sleeper, but it's something that Rinalia was talking about, what do we mean by public interest? It is a...

It's an issue that has been debated at the highest levels of ICANN, and the conversation that I had today indicates that basically nobody has come up with an answer. And I think it would really be nice if we can have input from the RALOs on what they think it means.

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OLIVIER CRÉPIN-LEBLOND: Thank you very much Holly. And I was looking around the room and if there were any other APRALO members, and I see Sala is sitting there. Do you have any other suggestions as to what your region, not you, your region is particularly interested in?

SALA TAMANIKAIWAIMARO: General feedback from the ALSs, particularly in terms of one of the challenges that we've had in communicating request for input in terms of a policy processes, is... I think we feel that sometimes it's – we get swamped with information. Yes Holly? Raise your hands if you think yes.

Okay. She's nodding. And they also feel that some of the issues, even the webinars and conference calls have been organized in terms of too sort of explain the matter. There is a general consensus all of the ALSs is that the – we feel scared to approach the issue, let alone read page one or turn to page two.

So forget about getting policy input from the ALSs in that particular sense. And I think that's probably why in a sense we're really putting the accelerator and focusing on how we can actually build capacity, particularly in terms of the policy constructs, and that sort of thing. Thank you Mister Chair.

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OLIVIER CRÉPIN-LEBLOND: Thank you very much Sala. So the next person is going to be Garth Bruen from NARALO. Always NARALO dealing with policy development. And what are your key subjects?

GARTH BRUEN: Thank you Olivier. This is Garth Bruen, Chair of NARALO. This is my first year as chair of NARALO. This is my first year as any kind of elected officer within At-Large, and I have really taken this year to analyze the way that the region works, the way that it takes information in, and gets information out.

I've spent a lot of time directly connecting with our ALSs to get their particular concerns on the record. We have developed what is called an ALS Spotlight. And on each monthly call, we have one of our ALSs, a representative, provide a presentation, a video, or a review of some burning issue for everybody to see.

I think that this is the best way to get all of our concerns into the daylight and to get them started on a policy track if needed. The way that I see my role is in bringing these policy issues from the ALSs to this committee and to ICANN as needed, because that's how I started out.

I started out with bringing issues that concern me and concern a large portion of the community, as Holly already mentioned, in terms of dealing with compliance and related issues. This is something that we have been pushing hard on. Something also within our region that ties into our recruitment and outreach efforts, is ensuring that our entire community within North America is actually getting representation within At-Large.

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And at the moment, it really isn't. There are vast portions within North America that we have not reached out to. There are diverse communities within North America that we don't have on the record. If you look at detailed maps of Canada and the United States, you will see very, very large cutouts for Native populations, sometimes they're called reservations or Tribal areas.

And these areas really have their own governments, their own societies, and their own ways of doing things. And they use the internet and we need to get them onboard. We also have a very large disabled community within North America, and they all use the internet too.

In some cases, people depend on the internet because of their disabilities, because they are home bound, because they have mobility issues. These people are not part of our discussion. We have people with vision and hearing impairments, and they find ways to use the internet.

We don't know how they do it. And this is something that is actually very, very important to me. So we've been creating lists of organizations to target for recruitment, and get on the record. And these are some things that are very, very important to us and the region, as well as privacy issues, and collection of personal data, and entities both public and private use that data. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Garth. If there were three policy issues that your region was really onto at the moment, which ones would they be?



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**GARTH BRUEN:** I think just summing up kind of the three ones that I prattle on about is, compliance, access to – for a diverse community set, and then privacy issues.

**OLIVIER CRÉPIN-LEBLOND:** Okay. Thank you very much Garth. Next shall we... I'm not quite sure whether we're cutting this session, because we have Elise Gerich joined us. So you're sitting right behind me. I could feel that you were close. We'll split this because unfortunately Elise has to run immediately afterwards.

She was supposed to be here in like an hour's time or something, but we're glad you're here and we can push you forward. I think we have about 15 minutes with you or so? 15 minutes? And you're going to give us an update from IANA.

And last time we saw you was more than a year ago. So there must have been something going on in IANA in the meantime, and I'm looking forward to, and this community is looking forward to hear about it.

**ELISE GERICH:** Thank you very much. I really appreciate... Can you hear me? Am I close enough to the microphone? Okay, is this better? All right. Thanks. I really appreciate the invitation to speak and there seems to be a mix up on the time. I received an invitation that said 14:45, and your agenda says 15:45, and I do apologize that I'm early.

But I appreciate you letting me speak anyway. So the last time I was here, we were just getting ready to respond to the IANA functions on RFP requests for a proposal from the US government, and you all had some very good questions and suggestions. And we did apply for the

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proposal, and we won it, and the proposal was – or the new contract was signed in June of 2012.

And so we've been executing against that contract. And I would also like to thank ALAC because part of the contract was to put out some public comments on performance standards, and complaint processes that you can use with the IANA department, and some other issues.

And ALAC has been very, very generous in making comments to those public comments, and we've appreciated it. Particularly we had some on performance standards from you all. And those reports, and the analysis of the comments have been posted on the ICANN website.

And we are going to be executing against some of the comments and proposals that you made. So we certainly appreciate the feedback, and the input, and the attention to that. We currently have a... Go ahead.

OLIVIER CRÉPIN-LEBLOND: Elise, sorry to stop you here. Would you be able... Because we do have a number of new people in the room who weren't there the last time that you spoke to us, could you just briefly in one minute give us the bottom line on what the IANA, what IANA does? What it is effectively, and then you can fly forward with your updates.

ELISE GERICH: Gosh, isn't this awful? I just assume that everyone speaks the same acronyms [laughs] and notes, so I apologize for that. So the IANA stands Internet Assigned Names and Numbers Authority. And the IANA function has existed since the 1980s.

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At that time, it was executed primarily by, or implemented by, a single individual by the name of John Postel. Once ICANN was formed, and John Postel was one of the early founders, the IANA function which had operated as a peer and part of the internet engineering taskforce, which was developing the IP internet protocols, when that was formed, John Postel brought the IANA function into ICANN.

And so ICANN has been operating the IANA function, which has three primary functions. One of them, to allocate IP addresses to the regional internet registries. One to maintain the registries of internet protocols, and these are the protocols that are developed and standardized by the internet engineering taskforce.

And the third is to maintain the information in the root zone. And so that's the foundation of the domain name system. So anytime there is a new TLD, such as all these new gTLDs that will be coming along, the IANA function is the last step in creating the new gTLD so that you can actually use those names.

As for ccTLDs, those are the country codes, we've been maintaining the information that delegation records, for the ccTLDs since their inception. So I can pause here and see if you have any questions about what the IANA itself does, for those of you who were less informed in the past.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Elise. The first question is one which is asked by, well which I've heard asked so many places, and where is your kill switch? Your turn off switch?

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ELISE GERICH: It's in my purse, no [laughs]. Just kidding.

OLIVIER CRÉPIN-LEBLOND: No, let's go directly, Garth Bruen.

GARTH BRUEN: Thank you Mister Chair, Garth Bruen, Chair of NARALO. The last time that you met with us, we found out that you were using holiday cards to test the contact information of different ccTLD operators. Have you replaced or improved the system?

ELISE GERICH: No, we have not replaced that system, and we actually don't think it needs all that much improvement, because we've had very good success in getting the returned cards and then reaching out to those top level domains and asking about the information.

And it's a very light-weight system, and it's kind of, I think, friendly in one way because it doesn't nag people badly. What we do is we send out a holiday card, or greeting card, and people are happy to hear from us, and if they don't get the card, they don't know that we wanted to reach out to them.

And then we reach out to them to make an update to the information that we had in the database. So I don't know what you would like to suggest, but we found it to be light-weight and friendly.

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GARTH BRUEN: Thank you. Is the information about the success of this available so people within the ccTLD community, specific countries, could review that and see how their ccTLD is performing?

ELISE GERICH: No we've never really posted any information about who didn't respond, or whose information is out of date, which I think is the crux of your question. We are going to be posting information of other types that we received in the performance standards public comment responses.

And so there will be other kinds of information available about ccTLDs and gTLDs. I guess I hadn't ever really thought about publishing the fact that we got a bounced postal response, but we do internally analyze those.

Some of them came back inadvertently, and when we reached out we had the right address but somehow the postal system didn't respond.

GARTH BRUEN: So, this is my last comment. How does the postal card test the email address and telephone numbers of the operator?

ELISE GERICH: So it doesn't test the email, and email is fundamentally tested in a different way in the sense that, if someone wants to make a change to their domain, they can't. Because if their email address doesn't match up to the email address we have and how we receive the request, they can't make the change.

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So no, we don't test that their email is working. What we're more interested in is that we have the correct name and the right postal address, and at that point in time, we can update the information. Because usually what happens is they say, "Oh, I'm no longer doing that role."

And so what we need to do is get them to change through the system and give us the correct information.

GARTH BRUEN:

I'm sorry, that requires a follow up too. So you're telling me that if a ccTLD operator wants to insert a new domain into their zone, they have to have a valid email address? Because that's the email address I'm talking about.

ELISE GERICH:

Okay. So no, we don't do anything with the second level domains. All we do is with the root, the top level. So for instance, in Canada, dot CA, we only receive requests from the administrative contact or the technical contact for dot CA, to make changes to the name servers of dot CA.

We don't do anything with com dot CA, or university dot CA. Those domains are done by those registries themselves.

GARTH BRUEN:

So what kind of changes would trigger a test of the email address for a ccTLD operator?

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ELISE GERICH: So for instance, we will get a request to change the administrative contact for a top level domain, a cc. And that request could come from the technical contact to change the administrative contact, or it could come in from the administrative contact to change the administrative contact.

And if it comes in from an email address that we do not have on record, that requests cannot be executed and we therefore have to do more research and reach out to the other three contacts that we have on lists to see why we're getting a request from some unauthorized email address.

Is that confusing? Or...

GARTH BRUEN: Then context is not confusing. The actual policy as it would be documented, I mean it would be interesting to see.

ELISE GERICH: So the fundamental documentation for the policy come out of RFC 1591. And the ccNSO right now has a framework of interpretation working group, which is looking at the current interpretation, the more modern interpretation, of our RFC 1591. And so it is documented, what policy we follow and implement, and we are waiting for the outcome of the ccNSO to see if that will make any changes to our implementation.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Elise. I see Sala has put her hand up.

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SALA TAMANIKAIWAIMARO: Just before I ask, I was just wondering if she was finished her presentation? If she has, then I have a question.

ELISE GERICH: No, I had stopped to ask if there were questions on the IANA functions, and so I wasn't presenting any further, but I can present more now.

OLIVIER CRÉPIN-LEBLOND: Rinalia Abdul Rahim.

RINALIA ABDUL RAHIM: Thank you Chair. Rinalia Abdul Rahim for the transcript. Thank you Elise for indulging us. A part from ICANN, which entity in the world right now has the capacity to serve this IANA function? The second question is, what will be the requirement to serve this function?

And the third question is, yesterday we had a discussion with the SSEC about the signature key rollover. And I understand that the first part of doing that is to do a manual rollover. And I was wondering who actually does that? Thank you. In case you know. Thanks.

ELISE GERICH: Okay. I'll try to remember all three questions [laughs]. But the first question was, who else in the world could serve this role? And the request for proposal to which we responded, was an open contract bid. And so I don't know who else might have been interested.



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But I'm assuming that anyone that was willing to meet the criteria that was put out in the request for proposal, could potentially do that. So I wouldn't want to hazard a guess who would do it. I would mention that the request for proposal and the resulting contract is a zero dollar contract.

So anyone who is willing to do this type of function or to respond to the RFP for this contract, has to be willing to do it in the public interest for no numeration. So the second question was, oh, the requirements. Okay.

So the requirements were primarily to host the technical facilities, the servers, to be able to establish SLAs with the primary, I guess, internet protocol organizations such as the ITF, which is the standards group. The regional internet registries and then the TLDs to be able to service them and maintain records in a database.

So it's primarily to implement the systems to maintain all that information and keep it up to date, and have redundancy and resiliency so that the rest of the world has access to all of this information. And then the final one was, I forgot...

Oh, the KSK rollover. So the KSK rollover, or the key signing ceremony rollover, is of interest because it's one of the things that secures the chain of trust for the domain name system for certain TLDs. And so the root as it's the top of the chain, and if it should need to be replaced, say it got corrupted somehow or something like that, you'd like to have a process and a tested process that allows you to roll to a new secure system.

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And so, that's in planning right now to see what it would take. The private key, the KSK, hasn't ever been rolled for the root. And since the entire domain name system depends on it, we don't want to just say, "Oh, let's put up a test scenario without looking into the risks."

And making sure that we have a very documented and, I guess, full proof is the best way I can think of it, process in place. One that everyone realizes that we would be executing so that all the best minds have a chance to comment on whether or not this process will cause harm, or will it be a good contingency plan and a good chance to show that, yes, we can roll this over in a safe and productive manner without harming the internet.

Well, it's a combination because the key... The way the root – the DNSSEC works for the root is there are two keys. There is a KSK and a ZSK. And so it's Verisign and ICANN that would work together to do the key rollover, it's not just us.

OLIVIER CRÉPIN-LEBLOND: Thank you Elise. Salanieta.

SALA TAMANIKAIWAIMARO: Salanieta Tamanikaiwaimaro for the transcript. And I know that you don't have much time, so I want to ask the two questions. The first one is this, I note that IANA comes under the US Department of Commerce. Does it?

ELISE GERICH: Not really.

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SALA TAMANIKAIWAIMARO: Not really?

ELISE GERICH: IANA is a department within ICANN, and ICANN bid for the IANA functions contract. So if we had lost that bid, I wouldn't exist, somebody else would be doing it. But so, we're not under – we don't work for the NTIA, it's one of the organizations with whom we have a contract.

SALA TAMANIKAIWAIMARO: I suppose what I was trying to extend was this... You have IANA, you have UTIA, you have the Department of Commerce, and I also note that even within IANA there is extensive reliance and dependence on RFCs. Particularly when it's in relation to re-delegation and all of that.

The concern I have though, is I note also that at the same time USPTO is under the US Department of Commerce, Patents and Trademarks Office. And I noted that not too long ago there was a RFC on the DNS. And a few months down the line, you have Verisign attempting to patent it within the USPTO.

Now, there are significant discussions happening in other working groups where there are discussions in relation to ISOs and the other one, which I will not name, but this for me poses significant implications in terms of potential conflicts. And so, I'm very, very curious as to IANA's and NTIA's perspective on the matter, and whether they will

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actually approached by USPTO or that they were consulted in terms of that particular patent.

That aside, that was first question. The second one, is very specific...

OLIVIER CRÉPIN-LEBLOND: Could you let Elise perhaps answer the first question, and then you can have your second, if you want.

SALA TAMANIKAIWAIMARO: If she has time.

ELISE GERICH: Yes, if you notice, I forget the first one when I get the second one [laughs]. So no, I can say that the IANA department and ICANN was not approached by anything that had to do with this patent request.

The IETF, the Internet Engineering Taskforce that standardizes the internet protocols has a non-patent agreement activity. And so therefore any work that is done within the IETF is not allowed to be patented or if you are beginning a work and you put in a proposal, you have to state up front that this is a company's contribution that will be under patent.

And in most cases, the IETF has not gone forward with those standard works, because it's an open standards body. So I can see where there might be a perception that the US government is somehow working with companies to patent standards, which is what I think you're trying to say or ask, I haven't observed that.

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And in fact, the IETF itself has rules against it, and from the IANA department's perspective, we certainly have not been involved or asked.

OLIVIER CRÉPIN-LEBLOND: Next question Sala...

SALA TAMANIKAIWAIMARO: Actually there is a follow up to that, and then I'll get to my second question.

OLIVIER CRÉPIN-LEBLOND: We do have a queue so, and... Go for the follow up, and then we'll come back to you afterwards if we have time.

SALA TAMANIKAIWAIMARO: Right. Very quickly, therein lies two potential conflicts. The fact that first of all, you have ICANN and Verisign managing the root key. And second of all, Verisign who has been an active player in IETF, knowingly violates IETF procedures to try and patent that. That's the first comeback.

The second question that I have, actually wasn't meant to be a comment, just a response. The second question that I have is in relation to... I'm sorry. It's really late at night for me back home. The second question I have is in relation to country code re-delegation.

Noting that there is a RFC in relation to the matter. And there have been instances where there are certain respected stakeholders within

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the community, who have held the views that governments are wrong to be legislating some of the re-delegations.

And it was very interesting in the African DNS forum, when I think the AFTLD mentioned that governments have no business in taking back the ccTLD. Now the issue that I have is, in the region where I come from, which is the Pacific, you have dot PW, which is Palau managed by central NIC.

That have been known to be maliciously abusing... I mean, the dot PW has been known to be spamming all kinds of people. And in fact, it was recently reported in the last Symantec report. And so, according to reliable sources within ICANN, despite numerous complaints, dot PW has not been able to address this.

So there is a legitimate concern where ccTLDs have been abused. And going back to the RFCs, I also note that the ccNSO is working on reviewing, and strengthening, and making clear some of the processes of re-delegation. And I'm just curious as to IANA's position as to what the [? 0:59:55] would be for legitimate re-delegation. Thank you.

ELISE GERICH:

So the IANA follow the existing policies, and right now there is an existing policy, RFC 1591, and we implement against that. And as you noted, the ccNSO is now got a framework of interpretation working group, where they're looking explicitly at RFC 1591 to try and make it clearer as to how they think that should be interpreted.

That interpretation may or may not change our implementation policies depending on what they decide. It could very well be that they'll say that the interpretation that we've been following for years is the correct

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one. You mentioned a lot of issues that happen locally within a TLD domain, within a country.

And those are issues that, in fact the RFC says, should be resolved locally. And so the IANA does not get involved in being a compliance arm, nor a police arm, or a mediator arm in local discussions about who should manage the ccTLD. I hope that answers your question.

SALA TAMANIKAIWAIMARO: It doesn't, but I'm happy to take your card and email you offline.

OLIVIER CRÉPIN-LEBLOND: Thank you. Let's go back to your presentation, or your update, I guess. And I'm sorry to have interrupted you, but it's good. It's provoked some dialogue and we've learned a lot. So just before that actually, I just forgot, Carlos Reyes has a – remote participation moderator, has a question there from remote participates.

Although I do note that it might be a question which is similar to one of Sala's questions. Carlos?

CARLOS REYES: Carlos with a question from Phillip Johnson of ISOC Liberia. "There are so many ccTLDs that are managed or operated outside of its community. And At-Large structure for example in this region, Africa, has an interest in leading a ccTLD delegation and re-delegation process, within its community. Where should this ALS begin and lead the process? At the national level, at the regional level, at the level of IANA or at the ALAC level?"

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And second, what assistance technically can IANA provide to such an ALS?”

ELISE GERICH:

So, the question I’m going to repeat what I think I read and understand. I believe the question is, if you want to do a re-delegation, how do you go about it? And the way the rules are, the rules being the policy that is set up, is that whoever is going to receive the TLD has to work with the current operator to come up with a transition plan, and have support from the broader community, which means the community and the country.

And there’s two kinds of re-delegations that happen. One is a friendly one, which I just described, where the organization that will become the new manager of the TLD is working very closely with the current manager of the TLD.

And then there is the other kind, which are – the word is going to sound hostile, and that’s what it means, it’s a hostile re-delegation when someone wants to manage the TLD, and the current manager doesn’t want to give up the TLD. And that’s what I was trying to say earlier is that this is not something that the IANA can help with.

If there is two organizations that cannot agree within a country as to who has the legitimate right for the TLD, that’s something that the internet users, and I’m using that term very broadly, because that includes the user community, or if you have an internet society, or you have a civil community, or the engineering community, or the government.



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If those communities can't come together to decide, then you have a difficult situation. But there have been many examples where the governments, and civil society, and the internet community in countries have come together to make up a decision on how to select who should be the operator of their TLD.

So it's not easy. It's like a lot of things where you have to work together and gain support, and then work through the process. From a technical perspective, the IANA is a very small department, and we're mostly administrative in the sense that we manage the changes and maintain the databases.

We do have a technical group that reviews transition plans to make sure that there will be a smooth transition from the current operator to the new operator, because obviously if the TLD already exists, you have several second level domains and many users that are dependent on that top level domain.

So it's important that there is a transition plan that takes into account the migration of the current users to the new operator, and we do review that and will provide some guidance if you need help.

But the best way, especially within the African continent, there are many groups APNIC, not APNIC, AfriNIC, the African TLD organization, so the AFTLD, others have been very helpful in helping countries to negotiate this. So I hope that answers the question.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Elise. And then let's then go back to you for the rest of your update please.

ELISE GERICH:

Yeah. Actually, the interactive questions are more fun than my updates, but thank you. So the rest of my update was that we do have a public comment out right now, which is for the user instructions for applying for internet numbers. And we certainly would appreciate it if you are interested in that.

Please do keep in mind that our role is to hold kind of the pocketbook of numbers, I'll call it a pocketbook of numbers, we're kind of like the bank for numbers. But the only people who can withdraw numbers from us are the regional internet registries.

So we have a really small clientele. And we ran out of the IPv4 addresses that we could hand out in 2011. So all we have in our pocketbook right now are our IPv6 addresses. The other type of numbers that we do hand out to the regional internet registries are autonomous system numbers.

And so it is a very hierarchal kind of structure where we hold the numbers on behalf of the community, the regional internet registries have their own policy making bodies, and they make up local policies on how they'll distribute the numbers that they receive from us.

And then when they get together, they also make up global policies where all five of the regional internet registries agree. So for instance, recently there was a global policy on what to do with IPv4 addresses that have been returned to the IANA.

So we have a very... I shouldn't have said I don't have any IPv4 addresses, I have a handful, I have about one slash eight, they are used

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addresses. So I'm in the used IPv4 address market right now [laughs].  
That's kind of a joke [laughs].

OLIVIER CRÉPIN-LEBLOND: Are they kind of worn or are they still in good condition?

ELISE GERICH: They are a little tattered around the edge, but [laughs]. They're not in big blocks, so you can't aggregate them in your routers, sorry. We're just being silly now. I'm sorry. But anyway, so all five of the internet registries worked within their local communities, each local community came up with a proposal of how they would like the IANA to distribute these, and how we would distribute these, and when.

They then all came together, all five of the different policies, and they negotiated with each other to come up with a single global policy that they then submitted to the ICANN Board for ratification, and that's the policy that IANA and my department will execute against.

And there is a trigger, and when that trigger is reached we will then distribute based on a formula, the IPv4 addresses equally to the five regions, and that's the policy they came up with. So we really don't really do too much unless somebody made up a policy [laughs].

OLIVIER CRÉPIN-LEBLOND: Thank you Elise. One thing which I've had recently with some friends who were in the APRALO region, for years I have been saying, "Oh, we're running out of IPv4 addresses." And I can't remember when, last

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year was it? I told them, “Ah! That’s it. Asia Pacific Region has run out of IPv4 addresses.”

And yet, now they laugh at me because their computer still works.

ELISE GERICH:

Well I think he just did in May [laughs]. So let me answer that one. I think it’s really important that we should, when we talk about the internet, and I mean the in capital letters, internet. The internet is not just IPv4 and it’s not just IPv6, the internet has two addressing families.

And the internet for our future is going to have two addressing families underneath. And there has been a lot of work in the technology areas, in internet service providers, to make sure that they have mechanisms that allow these two families to co-exist.

They don’t inner-operate because standards weren’t built that way, but they do co-exist. And especially in the mobile phone industry, a lot of dual stack, that means they are using both IPv4 and IPv6 technologies together, allow you to have this expansive use of the internet for mobile phones.

And one of the things that ISOC, and I don’t know if you all have ISOC chapters in your countries or not, but ISOC did a really wonderful thing about a year ago. They had the IPv6 launch. And at that IPv6 launch, a lot of vendors signed up to permanently support IPv4 and IPv6 to make the internet truly running on both families.

And content now, which is the big thing that people mostly are worried about. Well, if I have an IPv4 address, I can’t get to any content on my

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favorite website. Or if I have a IPv6 I can't get to content because all of the content used to be on an IPv4 site.

Most of the content providers now are dual stacked, so that they are serving all users, whether they are coming in over IPv4 or IPv6. So my only message is I would like everybody to think of the internet as having two address families. It's not just a v4 internet or it's not just a v6. And in the future, it's going to have two address families for a very long time.

OLIVIER CRÉPIN-LEBLOND: Thank you. Rinalia Abdoul Rahim.

RINALIA ABDUL RAHIM: Thank you Chair. Rinalia Abdul Rahim for the transcript. Elise, I'm curious, all the regions RIRs are allocated the same numbers, or blocks, of IP addresses. And yet, regions are not the same size and I would imagine that demand would not be the same either.

Is horse trading allowed amongst the RIRs? Thanks.

ELISE GERICH: So yes horse trading is allowed, but I think there is only two – and I should introduce [Huntz Peter 1:13:25], who is here behind me. He's on the ASO, the Address Supporting Organization Executive Counsel. So if I say something wrong, he can correct me. I won't feel badly.

But he can also answer your questions even more in depth. I believe it's APNIC and Aaron, those two regional address registry areas have a transfer policy that they've ratified between them. Not all five RIRs

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have ratified a transfer policy, so the horse trading is dependent on whether or not each individual RIR has agreed with another RIR.

But the other thing that you said was that they get equal sized blocks. There has been mechanisms to preserve the IPv4 addresses as IPv6 became more available in the general public. And those mechanisms had formulas that meant that you had to have used a certain amount of your addresses space before you get more address space.

So there was a fairness but there was an inequality, if you know what I mean. So it's not like everyone got an equal sized, five times a day. They would get their fair share based on their usage patterns. I just wanted to make sure that you realized that it's not an equal distribution every time.

It was an equal distribution because of the global policy, when we got down to the last five slash eights, at that point it didn't matter whether you needed a slash eight or not, you got one. And that was in fairness to hand out the end of the addresses in equal portions.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Elise. I think that we've pretty much run out of time with you. 15 minutes went very fast and you probably have to run. Any additional information before you go?

ELISE GERICH: No, I would just like to thank you again for being – participating in the public comment stuff, stuff is not a very good word. We do take all the comments to heart. We may not adopt all of them, I apologize for that,

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but it's really good to open our eyes to different perspectives on the way we do our job, and we appreciate it.

And so we look forward to more comments to the other public comment periods that we have coming up. Thank you very much.

**OLIVIER CRÉPIN-LEBLOND:** Thank you very much Elise. [Applause] And just for the record actually, the ALAC has commented a handful of times, less than a handful of times, on external processes to ICANN. And one of them was the renewal of the IANA contract, were we actually set some, not rules, but certainly benchmarks as to which – how the organization that was going to have the contract needed to behave, and to what standards it needed to reach.

Okay. Someone killed themselves behind us. All right. Let's go back to the previous discussion we had, the RALO policy development and how they relate to ICANN. I have asked Matt to do a little update on what we have heard so far from NARALO and from APRALO.

Just a few notes. The questions that were asked from the RALO leadership, leaders where what was the policy... What was the strongest policy that your RALO was interested in? And some also touched on process effectively.

Matt is it possible to do this so that people remotely can see us as well please? No. Okay.

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MATT ASHTIANI: Hi this is Matt for the record. No that's not technically possible, but what they can do is I put the link to it in the AC, and then they can just reload the page after...

OLIVIER CRÉPIN-LEBLOND: Not for them to do it, for you to be able to so... Because at the moment, it's on the internal screen, but I don't see anything going over to our... Point the camera at Matt while he is typing, yes, probably not. Okay.

Well, whilst you're trying to do this, you'll have to listen as well at the same time. Because the next person to speak is, I believe we have Wolf Ludwig from EURALO remotely. Wolf, can we hear you?

WOLF LUDWIG: Can you hear me properly? I can hear you clearly.

OLIVIER CRÉPIN-LEBLOND: You're very, very, very faint.

WOLF LUDWIG: So I'll try to speak up a little bit. It's Wolf Ludwig for the transcript. First of all, sorry for not being with you at this time in Durban due to some problems I have circulated via the list. Coming to your question Olivier. The situation at EURALO, in regards to the question is, we address the issue at our last General Assembly some time ago, end of June in Lisbon.

Where we had a first face to face General Assembly with almost around 90% of our At-Large structures present. And we discussed issues of how to improve and reach in our European community. At one point, what clearly came out again, only a few people or ALS representative, let's



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say the inner circle at EURALO, participating in regular policy development rounds at At-Large.

So it's a huge gap here in the region among those insiders and the broader community of members. And there is a need to bridge the different levels of participation between the usual suspects, let's say around eight people who are participating regularly, and who are contributing on a regular level, and the broader community.

And we still have to work on this in the next couple of months, how we can better include those ALSs who are not very present at our regular activities. As one element, or one step in this direction, we defined five semantic priorities for our region.

Sematic priorities such as policy...

OLIVIER CRÉPIN-LEBLOND: That' policy...

WOLF LUDWIG: ...what is policy matter of high relevance in Europe, if you follow up on the prism debates at the moment, you will see that there is a lot of confusion in Europe about data not guaranteed – data protection, etcetera. So we have very high standards here in Europe which are not very respected at the moment.

So privacy and data protection is one of the regional key priorities, and whenever it comes up in the ICANN context we can supply special advice on the matter. Another one is, DNSSEC where we have some

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expertise on the regional level as well. And another one is consumer concerns. What is a general issue of At-Large?

There is still a lot of work to be done to improve EURALO's performance in regards of policy input, etcetera, and to include [porter 1:22:47] portions of our membership. That's all for the moment. If you have any questions, please let me know.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Wolf. If I could ask any other members of EURALO here if you have any other additional policy issues which you might wish to bring forward as to.... But I think we pretty much touched on all of them. Privacy, data protection, consumer concerns.

Certainly some commonality with some of the other regions as well. Was there also a concern regarding capacity building?

WOLF LUDWIG: Was there a question Olivier?

OLIVIER CRÉPIN-LEBLOND: Yes Wolf. Concern about capacity building as well in that region?

WOLF LUDWIG: Well, let's... Wolf Ludwig for the transcript again. Well, let's say capacity building is not considered as a key priority for our region, because a lot of our members on the national level, on particular issues, aren't considered experts by themselves.

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Capacity building maybe in the region, be relevant for some countries of Eastern Europe, and that different problems compared to Western European countries also for historical and cultural reasons. English is very common working language in Western European countries, but it's not necessarily the case in Eastern European countries due to the fact that they had the Iron Curtain in Europe two decades or a little bit more ago.

And therefore it's a language issue in some Eastern European countries. And it's also a question of existing civil society structures which are not the same in the East, in the West here. And therefore capacity building in countries like the Ukraine or like in Moldavia or other Eastern European parts, maybe an issue but not for the Western or Middle European parts.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much Wolf. I think we might just add a line then in the process side that we really have a different needs, I guess, in Eastern Europe and Western Europe with regards to these matters of capacity building. Is that correct?

WOLF LUDWIG: Yes.

OLIVIER CRÉPIN-LEBLOND: Fantastic. Thank you. So the next person who can speak to us is Aziz Hilali on behalf of AFRALO. Thank you very much Wolf.

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WOLF LUDWIG:                      You're welcome.

AZIZ HILALI:                      Thank you Olivier. I will speak in French if it's possible. So to answer your question Olivier regarding AFRALO, I'm going to sum up... I'm going to start by talking about the new gTLDs. As you know, very few applications came up.

17 applications coming from Africa, and we thought about it, this is an issue for us. And if you're really interested in the process, and in the problem that we do encounter in our area of the world, you can go and look at the statements that we do publish during each and every ICANN meeting.

Following the joint meeting that we had with the officers from AFRALO and the African community that is very present in ICANN, so we analyzed the situation and we talked about it in a statement in our declaration. We're asking ICANN to reinforce the communication with developing countries, particularly with Africa.

We need to bring awareness, we need to communicate more, ICANN needs to communicate more and build capacity in Africa in developing countries. Many Africans are noted that very few registrars are in Africa. I don't know if you know the number, only five of them are accredited registrar, only two of them are really working and functioning and operating.

And we have a statement regarding that point. There should be a will from the ICANN, and we see a will to have more engagement in Africa,

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and to get involved in Africa with a real strong African strategy. We're going to talk more about it tomorrow during our meeting.

We feel that Fadi Chadé is really interested in what's going on in Africa, and this is very encouraging and we hope to have more African registrars. We are also working in our area to build capacity at the virtual level online.

We need more capacity, we're liking it – always the same people. We have very good participation but it's always the same people that do talk and intervene. And we noted that there is not enough knowledge of the policies and the technical issues at ICANN, and that's why in Dakar in 2011 we did organize some training sessions.

And we did a survey, and for in that survey we noted that there was a need, a strong need. And thanks to staff, the ICANN staff, which was very helpful, we were able to do three webinars recently that... The last webinar was last month, and it was very well made.

Lastly, we work in Africa on our essential issue. I don't know if it's related to ICANN policies are not, but we're talking about in [? 1:29:59] in North Africa, we're talking about freedom. Freedom with internet. The new governments, after the Arab Spring, wants to control the internet. This is a very serious issue.

Personally, my ALS organized in Marrakesh, Morocco, there was a very interesting seminar and we noted that there is a will coming from the new government to control, and to have jurisdiction, local jurisdiction, over the internet. The access is also an issue, connection issues, connecting to the internet is not always easy.

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We see an evolution in Africa and the Middle East. There is pretty good coverage and access now, three figures, four figures in some areas. You can look at language use as well. For instance, with Arabic, I saw that on one side, on one very good website, I read that Arabic is four figure increase.

So there are other issues regarding access to information and security and so on and so forth. Lots of issues.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Aziz. Regarding the AFRALO policies, what are the three main points? Olivier Crépin-Leblond. Talking about those policies.

AZIZ HILALI: Well, awareness. GTLD, knowledge of the gTLD, putting together the Africa initiative with Pierre at the helm, and to encourage the industry, the internet industry to be growing in Africa.

And also capacity building, I have to say it.

OLIVIER CRÉPIN-LEBLOND: Olivier Crépin-Leblond. Does ICANN work with you closely so that we do improve the situation?

AZIZ HILALI: As of today, everything is coming from us.

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OLIVIER CRÉPIN-LEBLOND: We're back to English. Matt, I noticed that one of the lines which you put in process, the challenge of government control of the internet access to any information, might need to move over to policy, since it's probably more likely to fit there.

Anyone online who wishes to add anything or on the table? If not, then we can move to LACRALO, hopefully, if we have someone who will be able to speak to us. Silvia.

SILVIA HERLEIN LEITE: Thanks Olivier. I'm going to speak in Spanish please. Thank you. This is Silvia Herlein, the secretary for LACRALO. I am replacing Jose, he is participating in another meeting. And regarding your question Olivier, we are always having in our region – or we always use in our region the word said by Wolf.

Out of 42 ALSs that we have in our organization, there are many few ALSs that participate actively. But we always looking for new ways to motivate people, for them to participate in the policy development, we are always sending newsletters and reminders documents on the statements that are being commented, that they are posted on the ICANN webpage.

We have a problem on the 22 days to be able to reply and organize, or draft a statement on behalf of that LACRALO. Sorry for speaking too fast. Especially, because half of our communities are Spanish speaking, so when we have the possibility of having the documents that are open for public comment, quickly in Spanish, our community is very sensitive and they express themselves.

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One of the ways that we have found to motivate people is open in our LACRALO Wiki a page, where we post all the documents, or all the statements drafted by LACRALO as a model or template, so that people can see that this is not such a difficult thing to do.

This is not a forum, it is just a question of posting a comment regarding what they think, and it's a question of expressing their experience. Nowadays the community is speaking about the WHOIS issue, of course, this is – I think this is the same issue for the other RALOs.

Carlton sent us the version of the document in Spanish, so this contributes to the participation of our members. They are expressing themselves because they are talking about the problem, and we are debating the regarding the fact that we believe it is necessary to issue an official statement from LACRALO.

So nowadays we are working on that. Thank you very much.

**OLIVIER CRÉPIN-LEBLOND:** Thank you very much Silvia Herlein Leite. With regards to policy in LACRALO, what are the three hottest items as far as policy is concerned at the moment?

**SILVIA HERLEIN LEITE:** Well, thank you Olivier. I think first we characterized ourselves by focusing on the training of our members because we are always looking for higher participation and engagement. So the training side goals that have been implemented for one year and a half in our teleconferences are very important.



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We are also working on, special working group on the creation of level and course for ALSs, for incoming ALSs. That means future organizations being part of LACRALO and the existing ones, because we have also noticed lack of knowledge, of general knowledge, as Fadi said, regarding to what is ICANN. To understand what is ICANN to some of the organizations.

We have organizations that have been with us since 2005, and ICANN has been developed a lot over these five years. So we are providing these course that we are going to share, we are going to share the knowledge and what we have done with the new online platform that ICANN will be launching globally.

So today, we are going to have our meeting with Chris and with Nora to be able to communicate and to provide them with what we have done in our region, and what we did as a previous step for these leveling course that we are organizing is also organizing a survey, to know exactly what are the real needs and the main needs of our organizations regarding the world of ICANN.

And also I think, I don't know if there are three points that I can provide, or can give you, but everything is interconnected with how to motivate and hot to make the 42 organizations to get them onboard, and for them to participate in the decisions of ICANN and ALAC in general. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Silvia. So let me try to rephrase this slightly. Regarding policy, I think I was trying to hone in on whether it was

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WHOIS issues, or privacy, or open access, or the topics or new gTLDs, for example. Is there anything that stands out in the region with regards to that?

SILVIA HERLEIN LEITE:

...Silvia. Yes, Natalia is providing some help, and at present, as I commented, the main issue that we are speaking about is WHOIS. WHOIS and also the new gTLD within our community has created some sort of fear in the advance of the new gTLD.

And we are providing material according to the queries that we have received, and we have all of these comments in our discussion lists. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thank you very much. So we've known gone through the five regions. Is there a question somewhere? Or... Ah, there is, Fatima. Do you wish to read it?

MATT ASHTIANI:

Hi this is Matt Ashtiani for the record. We have a comment from Fatima which is, "To complete Silvia's comments, in LACRALO we are discussing the new WHOIS and the geographic regions framework."

OLIVIER CRÉPIN-LEBLOND:

Yes thank you. Fatima Cambroner for the record. And also ALAC strategy. I see Eduardo Diaz, go ahead Eduardo.

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EDUARDO DIAZ: This is Eduardo for the record. With the geographical regional framework, is she referring to this new working group results that are being commented now about how ICANN is divided by region? Is that what she meant by that?

OLIVIER CRÉPIN-LEBLOND: Thank you Eduardo. Is that a yes? I see Carlton Samuels.

CARLTON SAMUELS: Carlton Samuels for the record. Yes, Eduardo, the geographic regions final report is out, and Fatima has been keeping an eye on that, I know, for the longest while. So I know that she is interested in that. Just to make a plug that we are having a seminar here in Durban, on Thursday.

I think Thursday at noon, if my memory serves, and we are inviting all of you to show up and perhaps get a last chance of making some contribution to that report. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much Carlton. And we've run out of time for this part of our session, but what we do have now is a Wiki page which has all of the priorities of each one of the regions. So as an action item, and as a follow up, I think it would be good if – this is, I guess, the action item from this part of the meeting.

For this page to be emailed to all of the RALOs, each one of the RALO... And then for the RALOs to pretty much, I think, expand on what we have here as headers what their strategy is. And it will be interesting to

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find out during our monthly calls, in I guess the RALO reports, what their progress is with regards to policy and with regards to process.

Oh, and I note that Wolf Ludwig also adds, “Geographic regions framework will be an issue for EURALO as well.” So maybe we can add this as well please. Great. So now we can move to the next part of our afternoon, and that’s forward thinking of WHOIS.

We’re about 50 minutes late, but we’ve got about 20 minutes to go through this. And I hand the floor for this, is it Evan who is going to be taken us through this? Evan, you’ll have to provide very, very brief background because I was not there when this came up. So...

EVAN LEIBOVITCH:

Absolutely, absolutely. Well, since this was an outgrowth of the regulatory issues working group yesterday, and it started with a discussion with the EWG work to do, which is directory services or the next generation so to speak.

And as we got into a discussion of that, there were some comments, including some of my own, that essentially said, by all means, let’s get ICANN and encourage the development of the EWG work and the next generation directory services work.

But at the same time, before we declare that the system is broken and let’s fix it, we have yet really to demonstrate that the current WHOIS is totally broken, because it’s easily argued that it’s never really been put into place as designed.

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And so one of the things that we wanted to do was somewhat of a more overarching statement, rather than just saying yes to the EWG, and essentially saying, “While we encourage this kind of forward thing, we also want ICANN to finally make WHOIS work the way it was designed to work before we get into this new system that has so many complexities, so many unknowns, so many unanswered questions.”

So as the AI out of that, there is – I believe there is still one month comment period on the EWG. So the idea of being is to, after Durban, create a comment for the EWG, but also one that indicated our interest in making sure that WHOIS was given a chance to operate at its full potential before giving up on it.

And essentially, a comment was also made at that point that perhaps we should do something at the public comment period on Thursday, to indicate not only our attitude, but our intention to submit a statement. That’s... You wanted a quick background, that’s it.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much Evan. So now basically we do have time to discuss this a little bit more and see what path forward we can pursue. And I see some movement on my left, that would be Holly Raiche.

HOLLY RAICHE: First to say, I think there of a variety of views that I had a little chat with Alan who thinks we’re on the wrong track. That’s okay. That is what debate is about. I have drafted a bunch of dot points that will support what Evan has said, that start by saying if we look at the WHOIS review team final report, there were a number of things that they highlighted...

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Sorry. Am I talking to close? There are a number of things that they highlighted which is problematic. Obviously, WHOIS inaccuracy, obviously the difficulties with compliance, obviously the difficulty people have, end users have, in finding WHOIS information about a particular domain name and other things.

And it's worth going through that report and saying, "These are high level issues that have been identified." Some of those have been addressed in the range of amendments and changes made that were passed by the Board on the 20<sup>th</sup> of June.

And that's what Evan is referring to really that we have just applauded the Board a week ago saying, "Well done. These changes are important." And then to turn around and say, "Yes, but we actually that a system that potentially dumps out some of those things is even better." We don't know. So we're having...

What we're trying to come to is, that higher level, these are the things we want to achieve, these are the issues that were identified by the final report. And some of them may be achieved by the changes that were approved by the Board. But certainly there are additional things that EWG has proposed that if implemented, potentially address some of those issues.

But there are a lot of unknowns. There are unknowns as to how effectively the amendments to the ERA will be implemented, but there are also a lot of unknowns as to who and who the EWG recommendations will be taken on board. So if that sounds like a whole bunch of question marks, it is.

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OLIVIER CRÉPIN-LEBLOND: Right. Thank you Holly. I just need to sort of frame this. Olivier speaking. Are we planning to write a statement with questions? Or a statement with answers? Because one of the feedback that I have received from the Board is, everyone asks them questions but very few people are ready to provide them with answers.

So if we have a solution or an answer or suggestions to make, I'm all for it. If we have questions and say, "What are going to do with this? What are we going to do with that?" That will just add to their blood pressure.

I see Sala and then back to you Evan. You have a direct answer. Can you... Okay. We'll have Evan first and then Sala.

EVAN LEIBOVITCH: I remember we've been told constantly, don't just criticize, come up with something that should be done as opposed to constantly saying what shouldn't be done. We got it. And in this sense, what should be done is essentially what is already being done.

Between the changes to the RAA, between the template for WHOIS accuracy, between things that are very, very recently initiated, ICANN has equipped itself potentially to make WHOIS work the way it was designed. In the discussions that we've had at many, many meetings with the compliance, a lot of the discussion has gone back to, well the tools aren't in place to allow them to do this.

Finally. We now have a RAA that perhaps has put some new tools in place. We now have a template for WHOIS accuracy. It's not a matter

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of prescribing something new to be done. We want to make sure that what is in place is actually done, and executed, and carried out.

And if it does potentially what WHOIS was designed to do properly will work, and if it's done, and if it's properly implemented, and if appropriate compliance has gone along with it, then perhaps it's not as necessarily as broken as the EWG plan suggests.

Since we are going into a situation where arguably there is not – there is a problem with compliance and there is a problem with enforcement right now, there is absolutely no guarantee, no assurance, that whatever we go to will be any easier to enforce or more likely to be enforced.

So designing something based on the unenforceability of something now, to something else that is unenforceable, to me doesn't seem to be a great leap forward. So the purpose behind... And maybe... I hope this is coming across as simply as it is intended to be, because what we're prescribing is not something new.

We're prescribing an opportunity to give what was just put in place a chance before trying to redesign it and re-envision it. ICANN, over the last month, has given itself the ability perhaps to make WHOIS work the way it was intended, with good compliance, and a good template for ensuring accuracy.

If that is actually put in place, then perhaps the trust that has gone away from it perhaps can be brought back when the system can be shown to work as it was intended.



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OLIVIER CRÉPIN-LEBLOND: Thank you Evan. Sala Tamanikaiwaimaro.

SALA TAMANIKAIWAIMARO: Thank you Olivier. Sala Tamanikaiwaimaro for the transcripts. Just very quickly, a brief thought on the matter. First one is in relation to moving forward, there is an element of retrospection which is needed, and sorry. Can you hear me now?

Yes, in moving forward, there is an element of retrospection which is needed and critical, and with that I draw our attention to, I suppose, the outstanding studies that were due to be given to the community on various matters pertaining to WHOIS, that was commissioned by the GNSO upon the request by the GAC.

That's the first one. The second one is, again, it's something we – I had raised, I'm sure, in Prague. But I think more and more so, we're beginning to see, particularly in terms of WHOIS, challenges in relation – particularly in relation to law enforcement. And I think increasingly recently this year, there has been an increase in DDOS attacks all across the world.

And government website in my region, the one that I can't name off the top of my head, that just happened – at least was published in June, was South Korea, and that sort of thing. And so in essence, noting that there had been much – much has been said in terms of WHOIS accuracy.

I was really, really pleased to note that there was a general – I feel that there seems to be a general consensus in the pockets of places, I mean in the different places that I've been going to different rooms where this

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has been discussed, where there is a general feeling that everyone wants WHOIS accuracy.

And I suppose in terms of issues, the way forward particularly for regions in the world that have issues in relation to privacy, as particularly Europe and that sort of thing. I think one of the things that would need to be considered and worked upon would be how much to disclose and to whom that can be disclosed and that sort of thing.

And I apologize if this is out of [? 1:53:17], but I was just looking at the title, forward thinking on WHOIS and I thought that I would just put my comments up there for the record. Thank you Mister Chair.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Sala. And I think that a lot of what you've laid out is actually some of the work, or the work, that the expert working group is looking at. Let me just play... And there is more, there is more, but some of the work that they are doing.

EVAN LEIBOVITCH: Sorry. Olivier this is Evan. I was simply thinking that in terms of the fact that now there is a framework for proxy services that are capable. And now that Fadi is talking about a licensing model. The concept of being able to license proxy services, and give them terms of service and standards of service, and that kind of thing, still allows the current WHOIS system to be put into place, and be made to work.

In the kind of thing that you're talking about, where you're mentioning that you've heard calls for WHOIS to be made more accurate and

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WHOIS to be made more better, does not necessarily mean that people are calling for WHOIS to be replaced or WHOIS to simply be made to work the way it was designed.

And that... Without answering that right now, that is what the discussion yesterday and the statement that is being envisioned right now, had in mind.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much Evan. Holly and then I would like to ask a few more questions.

HOLLY RAICHE: I think the other half of what Evan said, which his play is let's let what we've just applauded, let that work. But I would say that the EWG proposals go a bit further, because what is talked about is having a central repository of unauthorized data, but that is accessible.

Now that has process in mind, the point is that if you put all the data in one place, it's easily accessible. And do you put it in the United States? Do you put it in the Camden Islands? There are those sorts of issues.

One plus on that, however, is that right now, under the RAA, everything that is a component of WHOIS data is made absolutely public, or it hides behind a privacy proxy server. What a graduated system of access does, is allow a certain amount of data publically to be available. Additional component of that, to be made available only to those people who have use for it and are using it for a particular purpose.

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And then an even higher level of test that says there is some data that nobody gets access to unless they are highly accredited and to it's an accountable transparent purpose. So there are some things that the EWG has proposed that are not part of what we approved, that are improvements on it.

And that if we say that we want it, reject the EWG, we're going to lose those benefits as well as the disadvantages. There is a real debate, but it is not just say we need to have the ERA work.

OLIVIER CRÉPIN-LEBLOND: Thank you Holly. Carlton.

CARLTON SAMUELS: Thank you. I was a little reluctant to come out full bore on this because I'm a member of the EWG. But, I will tell you, the EWG proposal goes way beyond what exists today in the WHOIS. And it behooves us to look at the proposal. Here is what we know now, the Board commissioning of the EWG did not relieve compliance and all the other structures in enforcing the existing rules. Did not.

It was very careful to say that this was going to be a two channel approach. We were going to look at improving current WHOIS situation by putting in enforcement. And if you look at the RAA 2013, use that as your guide, you will see what the attempt is.

But the Board also recognized that in a new disposition, there was some other issues that need to be tackled. One of the issues... I was actually quit astounded at how soon such a desperate group of people got consensus and principles. What we established first was a set of principles that would guide the work.

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And actually, I was very pleased to be a part of that because the principles laid down actually enable us to put a framework of what a new generation of registration services, data services, should be. Holly put her finger on several of them.

The first one has to do with scaling. As it is at the minute, if you look at the compliance record with respect to 22 gTLDs, we know that they are working flat out. And we know that they try very hard to do what they have to do, but the current structure is simply not scalable to handle 19, 30 new gTLDs.

That's just a fact. And so that was one challenge. What do you do to scale for handling so many new source of registrant data. The other challenge was this, we do know that in current disposition, you can have behind unregulated proxy and privacy services.

That was a big issue, and the question was, what do we do about that? I'll be the first to tell you that we still need more and better information about privacy proxy services, and that is why we came to the community and asked question, say, "Tell us what you think we have done so far. Tell us if we're in the ballpark with this

Give us some ideas about what bothers you." And I'm urging all of you not to abandon the process, simply continue to work and exchange information. There is a plan. We are not providing answers to everything.

What we're providing is a framework around which the policy development process could move ahead more rapidly than not. So please, I'm going to insist that you recognize that we are not making

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policy, but what we're certainly doing, and what we would wish to do, is to provide a framework within which the policy development can continue. Thank you.

**OLIVIER CRÉPIN-LEBLOND:** Thank you very much Carlton. And we are running out of time on this subject. I just wanted to ask two quick questions. One to you Carlton, what is your time scale? When would the expert working group provide results, final report? When would any implementation from the expert working group take place?

Or will it then go into a PDP and then implementation afterwards?

**CARLTON SAMUELS:** Thank you for that Olivier. Carlton for the record. We are planning to have a report to the Board by Argentina, by Buenos Aries. And even then, we expect that there are two or three issues that will need to have more work.

The idea is that some issues are so intractable, we have to look very carefully and exhaust all possibilities. So we are going to have a report to the Board by Buenos Aries. We expect the Board is going to push that report into the PDP process.

And then we expect that before going to London, we might have some additional work to do.

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OLIVIER CRÉPIN-LEBLOND: Thank you very much Carlton. So then is my question over to Evan, I have an old car, I'm getting a new car which will be delivered to me after London, so June 2014. In the meantime, do I maintain and continue to put – well, maintain effectively my old car?

That's really what it relates to. You're basically... What you're proposing is that we say, "Don't drop WHOIS now because the EWG is doing its work. Keep on doing whatever you can with the current process, with the current WHOIS." Is that correct?

EVAN LEIBOVITCH: Actually it goes a step further than that. It essentially encourages ICANN to take advantage of what it has recently done. With the new tools in the RAA, with the template for accuracy, and with the potential to use the licensing model Fadi has described to work with proxy services, and to try and eke out every benefit and every potential that exists in WHOIS, before immediately concluding it needs to be scrapped.

At the same time, though, we still need to have the forward thinking. Encourage the EWG and encourage the kind of innovation that it is considering.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you Evan. So you do agree that eventually the work of the EWG and whatever it will design will replace the current system?

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EVAN LEIBOVITCH: Yes. My concern right now is that I don't – I want to make it clear that the impetus for this is not coming out of a sense that WHOIS is broken and must be replaced as soon as possible, simply that WHOIS still has an opportunity to show itself.

We've always had an issue with compliance, now that that is falling into place, we're hearing all the right things, they have all the right tools, so we have the potential to actually see this work the way that it was designed.

OLIVIER CRÉPIN-LEBLOND: Thank you Evan. Alan and then close.

ALAN GREENBERG: Evan, I think the key... And I didn't participate in this whole discussion, so forgive me for jumping in at the end. I think the key word is that as soon as possible. This is ICANN. The only way to get compliance – lowercase compliance, endurance to a new WHOIS replacement regardless of the name, regardless of the details, is through a PDP.

It will require a consensus policy. In parallel with this, there is another PDP that is supposed to be kicked off real soon, because it was supposed to be triggered by the RAA agreement being signed, is a PDP on proxy and policy, proxy and privacy services in parallel.

We're talking about a few years' worth of work at this point, and the PDP may well say let's take, let's pick and choose between the new bits and the old bits because that's the best combination. We've got plenty of time.



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EVAN LEIBOVITCH: Can I suggest as a straw man, let me read out a draft of the idea for public comment that was tossed out and tell me how close you think that is... I have it. It's been emailed to you. It's... Okay. It's been emailed...

OLIVIER CRÉPIN-LEBLOND: And we'll have that as the last thing [CROSSTALK 2:05:24]...

EVAN LEIBOVITCH: Okay. So, I want to get a sense on the table if this is something to do with the public forum or not. This isn't something that we absolutely have to do. Okay. So the statement is, in its current form, Holly suggested it needs some work which is fine, but that's okay.

But this is the first draft of this, "The ALAC wishes to thank the EWG on its work to try and address the problems currently encountered with WHOIS. We encourage the EWG to continue its work, especially to address the many issues still left to be addressed in its proposals."

MATT ASHTIANI: I'm sorry. This is Matt for the record. Evan, can you please slow down for the...

EVAN LEIBOVITCH: You have the full text email...

MATT ASHTIANI: No, no, no. Can you please slow down for the interpreters?

EVAN LEIBOVITCH:

My apologies. The email is from me personally. Okay. “The At-Large Advisory Committee wishes to thank the expert working group to try and address the problems currently encountered with WHOIS. We encourage the EWG to continue its work, especially to address the many issues still left to be addressed in its proposals.

We don’t really know if WHOIS needs replacement because we never fully seen it working as designed. With the new RAA being signed, we expect that obstacles to complete an effective contractual will be greatly reduced. We also see thick WHOIS work in the review team as also enabling the system to finally reach its potential.

So we appreciate and encourage this two prong way forward. Be forward thinking, but let’s make sure we don’t try to fix a problem that is not yet proven to be broken. The EWG and the rest of ICANN may expect an expansion on this comment from the ALAC in the near future.” That’s it.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Evan. And may I just ask that as an action item, you continue working with Holly and with others who have now heard the statement here, and we will be deciding on whether this will go to the public forum or not during our wrap up.

Okay? And this, thank you to everyone. This concludes our session for this part of the work, ALAC policy part two. And stop the recording.

[END OF AUDIO]