

NARALO GA Meeting

(Held March 3, 2009)

Legend

Name: First name of member of group

Name?: If we think we might know who's speaking but aren't 100% sure.

Male: Unsure of who's speaking, but know it's a male.

Female: Unsure of who's speaking, but know it's a female.

Name: [French 00:29:52 - 0:31:06] We will identify a foreign language in square brackets with a time code for the beginning and end, so that you can quickly identify those passages. At the top of the transcript, we will advise you of the name(s) of the foreign languages you'll need to search for. For example, some transcripts may contain German, so you'll have to search for "[German]" instead of "[French]" to find all the passages. The speaker identification is the same convention as all the others. i.e. If we know the speaker's name we'll include it, otherwise we'll put a question mark after it, or if we can't even guess, then Male, Female or SP.

List of Participants

Important Note: Please note that this should not be considered to be an "official" list of the attendees. This is just a list of the participants that we were able to identify during the transcription. There may have been others present that didn't speak and some people may have participated that were not on the official list of attendees published on the internet.

Brendler, Beau
Bruin, Garth
Chartrand, Monique
Daley, Dharma
Diaz, Eduardo
Giza, David
Greenberg, Alan
Leibovitch, Evan
McKnight, Glenn
[Oul], Louis
Reiss, Seth
Seltzer, Wendy
Shearman, Gareth
Thompson, Darlene

Evan: Mind you, it is being recorded, so I guess we have no choice. Okay, I've been asked to read a series of housekeeping announcements. Not optional. Well, just in ca-... in case you weren't awake yet, in case you weren't awake yet.

Male: [Inaudible 0:00:16].

Female: Oh, really.

Evan: Okay. To prepare for the closing session, we've been videotaping and taking photos of all At-Large activities. We will be videotaping three people at the end of each session today, to highlight three outcomes from the progress made in the General Assembly's Working Groups and Thematic Sessions. If you are selected to participate in the videotaping, we will need to you to stay a few minutes after the session to record your comments. We're still missing an interpreter handset from the opening session at the Sheraton on Sunday. Please recheck your bags and make sure it didn't accidentally get tucked away. ICANN will have to pay a high cost to replace this item, therefore we would appreciate your assistance to return it if found to any... return it, if found, to any Summit staff. And please make sure you return all headsets used today. Irrelevant because we don't have translation in this room.

There are four Summit briefing documents available for all the RALOs at the At-Large conference desk located just outside the Summit office in Alameda Six. If you're a member of NARALO, you'll find these documents in your Alameda meeting room. Why? Because we're the ones that asked for them.

There are binders located in the materials tables in the working group sessions. Please take one to place all the working group handouts and materials in, if you'd like it.

For those participating in the GNSO User House meetings, lunch today at 1:00. There will be shuttle vans leaving from the Mélia at 12:30, 12:45 and 12:55. With a little bit of luck, we should be done by then, so anybody who is part of this is invited to attend that. Shuttle vans will depart from the Sheraton coming back here at 1:55, 2:15 and 2:30. And also please do not forget to sign in on the yellow notepads in each room. It's necessary to sign in each time you enter the room.

Actually, with few exceptions, there had been a concern at the beginning that a lot of people were going to take the opportunity this Summit to come down and do cheap tourism. I've been especially happy, especially within our region that that hasn't been the case and people have been showing up at all the meetings. Attendance has been pretty good and we've already received comments from some very senior staff in ICANN that the Summit has more than exceeded their expectations. It was a big gamble when they put the money into... I think the budget is about half a million dollars for the Summit, maybe more.

Female: Yeah, between five and six hundred...

Name 1: Yeah, more than half a million dollars for the Summit. And there were serious concerns within the Board whether or not they were going to get value for that money spent. In terms of what I've seen going on in the working groups, not only my own but most of the others where I've been able to talk to people, the end result has been extremely positive. Dharma's poster session at the Sheraton that we had the other night been extremely well attended, it looked fabulous. And we just got confirmation today from Stacey that there is space allocated at the Sheraton to have a compact version of that being made available down there.

So, with that out of the way, I'd like to welcome you all to the General Assembly of the North American Region. And what I would like to do first, in terms of introduction, is I'd like to go around the table and essentially asking you each to give a little bit of background on yourself, on your ALS, and then at the end of this, you need to tell us your favourite movie.

Female: Oh [chuckles].

Evan: We're human beings here. Okay, so if you have a top two, you can say both.

Garth: I'm Garth Bruin from KnujOn, and I've had the pleasure of meeting some of you, I haven't met everybody. This is my first meeting at ICANN and I'm very happy to be here and so far, I'm pleased with some of the activities and work we've done. My organization takes abuse reports, mostly spam and junk mail, from any consumer anywhere in the world and we process it for the purposes of policy enforcement and to analyze the infrastructure for breakpoints, bottlenecks, to figure out where the policy is working and not

working, and then to try and get it fixed. And my favourite movie, I would have to say, is Jaws. I will watch it every time it comes on.

Monique: [French 00:04:59 to 00:05:11].

Female: You know that we don't have translation.

Monique: I know, but I'm asking if someone can translate it. Nobody? Ah, Louis can, if it's necessary, I can try to speak English but it's not really fluent. So...

Male: Your English is better than our French.

Monique: Okay, so I thought we had our mission in English on our site, yes, I have it. So, we are in ALS since about... two years now, is it possible? Yes, two years.

Male: September or [inaudible 00:05:44].

Monique: Yeah, that's it. So, we are a community group in Québec, Canada. And our mission is support civic participation by promoting information literacy, appropriation of information and communications, technology and contribution to their development. And my favourite movie, it's La leçon de piano.

Male: The house of what?

Monique: La leçon de piano, from Jane Campion. That's it.

Beau: Hi, my name's Beau Brendler. I'm with Consumer Reports WebWatch, which is part of Consumers Union. They publish Consumer Reports magazine in the US and Canada and we have about seven million subscribers in both countries. I've been here with ICANN for about two years. A lot of the work that we do is related to e-crime and fraud and phishing and consumer protection in those contexts, and we're going to be launching a new, hopefully, launching a new e-crime dedicated blog in a few months, which we're looking forward to. And my favourite movie is Crimes and Misdemeanours.

Glenn: Good morning, my name's Glenn McKnight. I'm a new member of the At-Large group. I work with an organization called the Foundation for Building Sustainable Communities. You may have been at the poster session, I had a

slideshow... that I had as well, but I'll hand out some literature on the organization as well, for you to have some background. I have a real speckled past. I've managed the VulNet program for the federal government, which was an initiative to outreach the not-for-profit organizations in Canada, and I focused on Southern Ontario, and we provided ICT to not-for-profits. So, over the last ten years, I've worked with a lot of not-for-profits to help them become wired, as we'll say, look at security issues, look at the way they actually get their mission out via the Web. We are currently doing three projects that are in ICT which are with the Foundation. One project is called [WOAM 00:08:09], which got the WSIS award, back in 2003. We were doing an inter-generational project called Oshawa Remembers, which is an audio story-telling site, and the third thing is [FOS 00:08:22] IT business development, in collaboration with Invent, which is in ten countries in Eastern Africa to provide assistance in creating a business syllabus for new [FOS 00:08:34] business. Favourite movie... the movie's called 1900, by the director Bertolucci.

Louis: My name is Louis [Oul 00:08:54] is a Québec. I will start with my favourite movie so it will give you an idea of the mood in which I am. My favourite movie is Top Secret. I don't know if you've seen the movie. I've seen it nine or ten times and I still discover other ways to laugh at the jokes that I see in that movie. So, second point, I've been studying in cinematography, so don't ask me any comments on any other movies because the meetings won't be over at 8:00 tonight. So, to come back to our point, I'm president of ISOC Québec and we are running, actually, a few projects, or we have been, in the late 18 months, I would say. One is the governance of contents on the Internet and protection of the youth. So, this is a major concern and the study's available in both French and English, translated by ISOC in English. A second concern is... we're finding some solutions to a project that we call Connect-Québec which allows regional communities to access high speed wireless internet services, so we are working very closely with Telcos, communities, and municipalities, governments and regional forces who are willing to put some time in launching such projects at any level. The third topic that we are very preoccupied of is educating technical resources to maintain services in the regions. We found out that there might be an awful lot of universities and colleges and special schools but there is a deep lack of technical support for the services that we've been launching. So, we are

searching for joint ventures with companies, with schools, in order to make sure that we can develop services in the country more efficiently and more supported. I'm a newcomer at ICANN, so I'm here as... said Evan, I'm studying here because I don't know very much about all the ICANN meetings. New At-Large, of course, and I think there's an awful lot of promises that might come. We didn't succeed yet to realize that much because... I'm talking about ISOC Québec because we're kind of brand new in the group, so I'm looking forward to realizing projects with any other RALOs and any At-Large and any ISOC community and any ICANN community [chuckles]. Thank you.

Evan: Okay, my name is Evan Leibovitch. I'm involved with... I'm a director of the Canadian Association for Open Source. I'm based out of Toronto. I've been heavily involved in Open Source and open systems now for the better part of... more than 20 years. So, we've been involved in trying to promote the use of open source software within Canada and elsewhere. I helped create an organization called the Linux Professional Institute, which helped to enable the commercial use of open source worldwide. And I was very proud as a part of that organization to lead a delegation of 22 people to WSIS where we handed out about 9,000 CDs and were very effective, I think, in helping to promote open source there. We've been in ALS since the San Juan meeting when we were part of the original MoU. And my favourite movie depends on my mood, it's either the Blues Brothers or Fifth Element.

Darlene: Hi, my name is Darlene Thompson. I'm the Secretary-Treasurer of a tiny little non-profit group called N-CAP, that's based out of Iqaluit in very, very far Northern Canada. N-CAP looks after running public computer access sites across Nunavut and training youths up in ICTs and actually, general public as well. Other than that, I'm also the rapporteur for the North American RALO. Favourite movie, that's so hard because I like so many of them. I'm waffling between Casino... no, not Casino, Godfather II and any one of the Aliens movies, so what can I say?

Gareth: Good morning, I'm Gareth Shearman. I'm representing TeleCommunities Canada which is a national umbrella group for support for community access and community networking. It was begun in the early 90s, in the days of the freenets as a national support organization for them. A group of us also started a freenet in Victoria, one of the first in the county in 1992. That's still

is operating today and is supporting, is acting as a not-for-profit ISP and supporting people accessing the Net. And TeleCommunities Canada's interest in all this is we see our mandate as including a lot of the issues that... in the ICANN purview, certainly some of the abuses that ICANN is struggling to deal with, and some of the other ALSs are concerned about, are things that we and the people who we support, are also very concerned about. We were another one of the ALSs that started in Puerto Rico when NARALO was formed. My favourite movie, I guess I would have to say, was 2001.

Seth: Hi, I'm Seth Reiss, I represent the Intellectual Property and Technology section of the State Bar. I think we're the second American ALS. So I was back in Puerto Rico with these folks. As far as I think the interests that I represent, I mean, I try to involve my organization in ICANN issues, although they tend to be too busy to pay attention, but I view the interests that my section would be here for is consumer issues as well as small business issues. Issues facing both individuals and small businesses in dealing with the Internet and also the... Hawaiian groups, in Hawaii, have certain traditional and cultural rights that interplay with intellectual property and that's also relevant to the work of ICANN, so that's probably the reasons that I'm here. Favourite movies, I probably don't have one but the ones that I've enjoyed in the past are 8½, A Man Who Fell To Earth, Last Picture Show, and Slumdog Millionaire was good. Thanks.

Dharma: Hi, I'm Dharma Daley and I've been credited with an ALS that Youth Helping Youth, it sounds fantastic, but it's not my ALS. Emerging Futures Network is really just a social networker of sort of do-gooder, Web 2.0 technology folks who asked me to get involved here as an AL-... represent them at ICANN because I have a background in representing grassroots groups and liaising with grassroots groups in other spaces. And what that means is that for pretty much all of my adult life I've been involved in trying to get grassroots... representation of grassroots perspectives into policy on communication rights, which includes starting out with community radio and the experience of community radio, getting involved in spectrum policy, localism that needed consolidation and the nature of the work that I do is... could be bracketed as participatory action research. I spend a lot of time meeting with low-wage workers and issue mapping with them, what their communication issues are. And how policy might... how their issues should be involved in policy. Just all kinds of non-traditional groups to try to entice

them to get involved in policy and also to make sure that their issues are represented and understood by people who care about that stuff, that are advocates, so... that's why I'm here.

Eduardo: My name is Eduardo Diaz, I am one of the ALSs that participated in the formation in Puerto Rico. I'm the person of the International Society of Puerto Rico, which is basically the only organization in Puerto Rico that is... like, why should [it helping 00:18:53] with the Internet within Puerto Rico. All their groups have very specific interest. One of the things that we used to... we're instrumental in doing in Puerto Rico now, is we were able to get a CIO person reporting to the Governor of Puerto Rico so we can start working with all these different agencies that are doing things all over the place, to see if we can get going within that respect. We have also... we have a group of about 100 members, on and off, there is ad-hoc, so we participate in different activities. One of the main projects that we have for this year is we're working on the re-delegation of our work, ccTLD in Puerto Rico to make it more open. Right now, it's being managed by only one person and we want to be able to... all the people to participate in setting the policies for this. Thank you. Oh, the movie I like is Grease. Wow.

Dharma: I'm always looking for movies I can watch with my kids. The Triplets of Belleville came up last night, I really like that movie. The Three Triplets of Belleville, it's a fantastic movie everyone should see. How do you say it in French?

Male: [French 00:20:30].

Alan: I'm Alan Greenberg, the NonCom appointee for North America to the ALAC. I'm also the liaison to the GNSO. In real life, I spent most of my adult career working at McGill University. I taught computer design and computer science. I ran all of the technology infrastructure at the university, computers, campus networks, telephones, stuff like that. My current life, I support the use of technology in developing countries, working for donor countries who are providing aid. Recently, I've been working for Sweden, the Netherlands, and I'm currently writing a national policy on technology and development for the government of Germany. Ah, I don't watch a lot of movies. I have a number of favourite ones that are all weird movies. They include Men in Black, Blues Brothers, Beetlejuice, and my most recent one, if you want a more traditional

movie, there's an old one, 25 years old, called Educating Rita, a Michael Caine movie, really good. And my most recent one which I recommend if you don't get offended too easily, is Zach and Miri Make a Porno, which I was very dubious about, but the local newspaper said it's been rented a lot, it's really good. It starts slow but it's got to be the funniest movie I've seen in ages. If you rent it, watch the outtakes, some of them are better than the movie [chuckles].

Evan: Yes, we're creating a movie working group as a result of this. I hope you don't mind my inclusion of that but, I mean, we are human beings here, and there's an awful lot of very heavy duty policy work, but we're all individuals and it's good to know a little bit about each other as we move forward because, you know, we're volunteers here, and I think it always helps to be more like a community than just a bunch of people churning policy. Anyway, our agenda, we're going to cover everything but it may not necessarily be in the order you have, because things are going to be shifting depending on when our various ICANN staff resources can come in and brief us on things. We've requested briefings on a number of things such as the RAA, GNSO improvements and so on, and so we're going to try and do other things on the agenda in anticipation of some of those staff people coming in.

So, what I'd like to do is... since agenda item #3 is services briefing, we're going to put that on hold until the appropriate ICANN staff people come in to assist with that. And the next thing I want to go to is item #4, which is... we called it Reports and Performance Review. One of the things that has been very important to me is the performance issue within ALAC in that we've found there to be a number of times where quorums are broken, there's not enough people to do things and the very daunting task of what ALAC has to do falls on a very small number of people, two of whom are in this... three, well... two of whom are in this room and the third is about to find out, since Gareth has been on the ALAC fairly recently.

So, performance has been a very significant issue with us and so in fairness, that should also extend to Darlene and myself. So, in addition to everything else, what I'd like to do is essentially give a very small statement on how I think things have gone within the last two years, but also, I'm hoping to get some very frank discussion from everybody on how you believe NARALO has progressed in the last two years, what we could be doing better, what we

should be doing better, and specifically, if there's any issues with the performance of the two people that have been trying to run the show, we need to hear it.

Female: I'd like to chime in there too because I know that around a table like this, it would be really hard for anybody to be able to sit here and go, well, Evan, I think that you could have improved by... that's going to be really hard. Now, we do have the metrics, we can always say, well, Evan and Darlene have been at this meeting, that meeting, whatever, but as many in the ALAC have pointed out, just the numbers aren't necessarily the things that tell. So, what we also need to do, I think, is for all of the chair, secretary, ALAC liaisons, is get performance measures and to say, here's what we would like to use as performance measures to make it fair and transparent for everybody. What do you think, Evan?

Evan: It's fine, I guess, the issue is finding out what the metrics are. I think our attendance records at meetings have been pretty good, I don't necessarily think that's it. I mean, if you want to go by what NARALO has accomplished over the last couple of years, I think we actually have a pretty good track record especially compared to progress of some of the other regions. We have made policy proposals that have made their way into ALAC, we have initiated a number of things going on and in fact, Alan, you can help and talk about some of the things that NARALO has been able to put into ALAC that have seen their way through in some cases. I think we took a very proactive stance on things like domain tasting. And you know, we have only been around two years, I think we've done a reasonably good job in getting beyond simply talking about processes and that we've actually been able to talk about substantive things to do about ALAC and ICANN in general.

In terms of metrics, I'm not sure of numeric things, you know, how many policies we churn or that kind of thing, in terms of how to grade us as a region.

Female: No, I'm not looking at that.

Evan: What?

Female: It's graded as [inaudible 00:27:58] [audio cuts out 00:27:58 to 00:28:01].

Evan: Okay, so in terms of the metrics for that, what did you have in mind?

Female: A discussion. What should they be?

Evan: Okay. So, can we go around the table and just find out from each of you what it is you expect of... what you expect of NARALO and to what extent that has been successfully or unsuccessfully delivered. This time we'll start at Alan's side.

Alan: Thank you. I guess I have a couple of preamble statements. Within the North American region we had a number of problems in terms of performance. Part of that is, in fact, the metrics, that sometimes do not represent reality. When the last set was published, I, who I think I'm pretty good about attending meetings, came within one meeting of not meeting the target, just because of the small number of meetings in that section and I happened to have other life events which get in the way. So, the metrics themselves are not all that good. Overall, I think there's absolutely no question that the North American region has out-performed any of the other four regions, by almost any of the metrics of real contributions. That being said, it's due to a very small number of people and if those... less than a handful of people had not been active, we would have been at the bottom of the pile. So, I think the trick is we need to get more people actively involved. In terms of criticism, I think the only criticism that can be levelled at us and at individuals is people who go off emotionally too quickly without thinking about issues and some of that, I think we need to slow down a little bit. That doesn't mean we don't end up coming out with things but frame it properly. But overall, I think we've done a good job. We've had some problems, we need to address them. I'm not sure I answered the question.

Eduardo: Well [inaudible 00:30:29] I participated a couple of times, but one of the things that I found, I mean, I always read the conversation going back and forth, I'm very happy to say that if it was not because of you two, or maybe another couple, that this thing would have not moved the way it moved, I [lived for the 00:30:47] NARALO. Anyhow, there were some things that were discussed in this main list that I really didn't have the knowledge about, to properly participate or how do you say, [inaudible 00:31:02], to provide input into this discussion. So, I think this summit here is the first time that I have been in ICANN that I really understood some of this... price... I mean, this, what

ICANN is all about, especially in this meeting that we had the first day. So, I'm pretty sure I will be able to help more in participating, mostly in these conversations that happen in our mailing list. But I think in talking to other RALOs, like Alan said, the issues that are being discussed here are more in tune to what we are supposed to be doing because they are... other RALOs that they discuss only policies, and who is going to [we 00:31:48] where, in which positions, and stuff like that, which is okay to discuss for a while but not all the time.

Dharma: Well, in terms of what you're asking, I feel that I don't have very much insight or thoughts about what good metrics are for your performance. Overall, what I think would be ideal is if we could move to identifying issues that are really of concern to North American users and seeing how you can push those metrics, that we are measuring ourselves in terms of progress on specific issues that we've targeted, as opposed to how many meetings or that kind of thing. None of those things are important to me, personally.

Seth: So, this is our opportunity to comment on everything? Oh, okay, all right. First of all, I want to extend my appreciation to the development group because my participation has been fairly low, I can't dedicate a lot of time and on principal, I won't try to keep up with those lists, I find that just too time-consuming, I hope one day we have something more efficient, but I do thank you for allowing me to continue in this group, notwithstanding my limited time and participation and you know, I found being able to come to the Summit very personally rewarding and so I do appreciate that.

I want to complement Beau, I find his participation very helpful particularly because he'll sometimes highlight something that's going on and say, hey, do you know we have this going on? And that helps me because I can still do something meaningful at a low level, whereas if it's just trying to go through those lists, trying to figure out what's going on, it's... I just get lost. So, I want to say that. I appreciate that.

I appreciate Darlene and Evan's time. I think they've really dedicated a lot of time and done a good job carrying us on when the rest of us can't participate to that extent. Evan, I think if you would invite comments more at the beginning of the telecoms and reserve your views towards the end, as a Chair, I think that's helpful. So, that would be a constructive comment, but I

do appreciate everything you've done. Um, what else? And I agree with the comment about the tone of the list, could be more constructive and less aggressive sometimes. That would be... I think, helpful, to all of us although I appreciate everybody has an individual style. So, those are my comments.

Dharma: Great. Just to clar-... I just want to clarify, Darlene, the way that you captured my statement, is actually not accurate. I care a lot about metrics and spend a lot of time trying to understand how metrics in terms of policy. What I'm saying is that I would like the metrics to be tied to how we push policy, not how many meetings we show up to, but how effective we are in terms of accountability to Internet users. Okay?

Darlene?: And just to interject, that's why these notes are going up on the board here. I'm not perfect [chuckles] and sometimes, your mind goes "bloop" and you're going, oh man, what did she just say? So, anybody, if I don't get it right, just correct me and then it will be right in the minutes.

Gareth: It's been an interesting and steep learning curve to find out what's all the issues and the nuances of them, in this. I try and keep track of all the email lists that are important to us, it's not easy. I have also tried to join in most of the conference calls. I've managed to do fairly well at that, although I certainly haven't been able to do all of them, and I certainly appreciate the work of Darlene and Evan and Beau. I think they have, collectively, particularly the three of them, have made... and plus Alan, as well of course, made sure that the North American RALO has been effective.

I am taking on this new position with some trepidation, wondering how I'm going to do but I feel strongly about some of these issues. And so does our organization, so I'm willing to give it a try. I think that's about all I mean to contribute at this point.

Louis: I guess, Seth, you made the point that I would have liked to make. The guys who have been contributing have been doing great. Of course, I've read everything that has been written, all the emails, of course, I didn't like an awful lot of them. Of course, we have to upgrade our discussion lists somewhere where we will feel more comfortable to intervene. Of course, I would like to answer some of the emails less than two weeks later, where I feel out of bounds once in a while. Of course, we will need some input, I

would like NARALO to become bigger because of course, those guys who've been doing a great job, they can't contribute more than they have been. And of course, some of us like Seth mentioned, I don't think... and Alan, you said it too, I don't think somewhere in between twelve and two in the morning I would be very useful to contribute sometimes. Of course, I'm very preoccupied by what NARALO will be doing in the next coming years. Of course, I think that it's a good idea, it's a good plan, and of course, I hope that we will find some way to be more constructive in the way we've been. But we are a very young group and it's normal. Kids are always, you know... I will say it in French and I will leave you the pleasure to search in the dictionary. [Inaudible French 00:39:00].

Male: Can you spell that?

Louis: T R N N I N T. Oh, right. [Dis 00:39:14] disturbant, really, disturbant, and it's normal. So, we will grow up and I think that, so far, we've been doing great with the resources that we have, and this is going to be my last point. We need some more resources to be more effective. And I don't know how we're going to do that, but we definitely need some more resources, from ICANN, from anybody, I don't know. We need to work on that and find some way to be a close group and to work effectively.

Glenn: I'm in accord with most of the things that have been said, I don't think we have to deal on some of the criticisms. But from a new person to the process, sometimes when you're reading the list serves, it feels like you're listening to a party line conversation, and the people are gossiping about somebody and their relatives, and you really don't know the players, so it's kind of interesting. But despite it, I think it's spirited conversations, and I think some individuals, and I've had... I phoned these individuals because I thought they were on certain individuals tangents, and I thought, well, kind of interesting, but myself, I've had some trouble, I've been quite busy with a number of projects with the federal government, so I don't think I've been as active as I should have been recently, but after coming to this ICANN meeting, I've actually got much more inspired and I feel that there's more purpose to participating with the activities that I see and I'm very impressed with everyone around the table.

I think we all share the same passion for providing our services, in one way or another, all of us have a gift to provide. On the issue of performance review, I've had experiences, being board members, where I've had to review the Executive Director. And some of the metrics were... yes, the Executive Director had great attendance. I'm sorry, I'm sorry, I don't care. You know, if the job's being done, it's great. But there has to be a link between performance reviews, metrics, to the strategic plan, there has to be some kind of benchmarks that are achieved and from my perspective, I don't know what those benchmarks are for this organization, particularly this At-Large, I don't know if it's achieving its mandate. So, I'm a little in the dark. So, to say that this At-Large committee is more performance-orientated than the other ones, I don't know. I can't say, but I know it's a [rancorous 00:42:17] group, but that's my comments.

Gareth: Compared to the way things were coming together in Puerto Rico, which was my first meeting, and Los Angeles, I think the improvements in NARALO have been dynamic and excellent. And I would, of course, echo what other people have said about liking to see more attendance. I think another thing that would be good would be if there's a way that we can recruit some people with some institutional memory, I mean, I don't think we can necessarily get Carl or Bob to join the NARALO, but you know, it would be nice to have some people like that on hand, even in a consultant type of fashion. Because I feel motivated when people write in, especially Danny or some other people like Derek Smythe or whatever, I feel like we need to respond...

Female: [Inaudible 00:43:22].

Gareth: It's okay. I feel like we need to respond to what they say, and I don't necessarily have the capacity or the experience to know whether we should be spending time trying to figure out, you know, pretty much everything Danny says seems to wind up becoming a policy statement of NARALO and I don't think that's a bad thing. He just knows everything very, very well. So, I spend a lot of personal time doing research trying to figure out if what he's saying makes sense, and blah, blah, blah. I guess the other comment I would just make is that I think the performance requirements for ALAC are non-sensical but I do appreciate the way that Evan and Darlene handled some of the controversy surrounding them. You know, it continues to be a bit of a burr in my bonnet that we all need to remember that we're volunteers, and ICANN,

in a sense, needs us, we don't really need ICANN, and for a volunteer organization, to take a look at that chart of ALAC performance, it actually overall looks very, very good. But there are a very large number of people on ALAC who do nothing. And until we develop a way to deal with that, I think there's going to continue to be some problems there. But I don't, overall, I think my feelings are very positive. Oh, yeah...

Monique: Okay, so I'll try again, my English. I would like to add my appreciation of the [role done 00:45:05] and to all involved, as I said. A special thanks to the staff and to Darlene, especially, who encouraged me to participate. And I agree with Dharma, that we should move to identifying issues that are of interest to users. And as Glenn said, the Summit is a great source of inspiration. Thanks.

Garth: I'd like to speak for somebody else to start with. I was here early this morning and there was an Australian gentleman who came in, Australian gentleman who lives in Canada, and he wanted to thank Evan of encouraging him and inviting him to this, but he wanted to go over to the Sheraton to attend some meetings. Does it ring a bell?

Evan: Yes, if anybody was at the GNSO session yesterday, he stood up and basically called the entire new GTLD process one big shame and a cash grab. And he chastised the people in the process for essentially, you know, that the process was full of contracted parties and vested interests, with really no care for anything except people making money and ICANN growing. And he was really concerned that there was nobody caring about the interest of the individual Internet user. The moment he sat down from the mic, I basically corralled him and invited him here. It's a shame he couldn't be here. He'd actually have a lot of good comment. I've got his card and he's not going to get away so easily.

Male: [Resident of Canada 00:46:55].

Evan: Yeah, he lives in Vancouver. I don't have his name, I've got his card.

Garth: But one of the points he wanted to make was he really respected and appreciated the work that everybody within these different sessions was contributing and he was a little disturbed by the fact that we are separate from

the meeting over at the Sheraton. And he was puzzled by that. Those were his points.

As far as my points go, like I said, I'm fairly new to this. And I'm playing catch up. And I want to thank Beau for encouraging me to join and for meeting with me in Yonkers, New York and listening to all of my babble. And it's been a good experience so far. And as far as attendance recording, even though that sounds like a phantom, annoying metric, as my father said, half of life is showing up for stuff. And you can't participate unless you're there and it's difficult to record all the work and commitment that we all do. Sometimes, recording that you were present at a meeting is a vital statistic and because nobody in this room is a full-time, At-Large person, it's not our primary employment, we have a lot of other commitments, and developing metrics for this is difficult.

Darlene?: Darlene gets busy taking notes and then all of a sudden has no opinion because she's like "uh". I too think that this Summit is an excellent way to perk us all up and get us going and inspire us. Other than that, I think this is probably a topic that we'll just have to keep revisiting, you know, until we get it right and some year, we probably will.

Evan: Okay, I guess I'll take the opportunity here to say my piece and if it's not written down, that's okay too. I've been really happy with what has happened with the last two years since we first met to assemble this in San Juan. We've got a very dynamic bunch of people and we're fortunate, in a sense, that we have within NARALO, people with a deep history of ICANN. Some people who were involved in the early days when there were At-Large direct elections to the Board and have a very deep history of ICANN. Your timing's just about perfect.

Female: Impeccable.

Evan: I'll state my own disappointments and my own pleasures. I've been very happy to have been a part of making the Summit happen. When we first got together in San Juan, we recognized that one of the big problems was a lack of information and a lack of understanding of ICANN culture, which is very different from the kind of civil society and normal life people have had. It's a very strange beast and very difficult sometimes, to make your way around. I

think the Summit has done a very good job of explaining to people about this beast that ICANN is, and it's important to know that, for us to be able to really be able to make change happen.

My big disappointment, I guess, is that we don't have anyone here from our individual user constituency.

Female: Yes, we do.

Evan: Well...oh, okay, sorry, okay.

Female: I share your disappointment that we do not have enough members here.

Evan: Yes, and that, in fact... NARALO is the only region that from its very beginning sought to empower and encourage the participation of individuals who are not members of ALSs. Some of them have been extremely vocal, I'm a little concerned that we haven't attracted more. As a matter of fact, general outreach has probably been one of my larger disappointments. We've got a lot of people and there's a number of you that have joined since NARALO was originally formed, but I would really like us to be much bigger and more diverse. And I'm happy to have seen that in the ALAC review that they're recommending to have more resources extended to use Carl's term, out to the edges, which effectively would enable us to help do outreach, encourage more people to get involved, the same kind of thing that attracted us to join, people like Jacob Millhouse, who did a phenomenal job at the beginning but right now, I don't think that there's anybody replacing him, at least for our region.

Anyway, on the whole, I'm extremely happy. We have, as has been noted, energetic debate from time to time and I share Alan's concern that every now and then, we need to slow down, consider things a little bit more carefully, as we move forward, you know, [which hips 00:52:34] to take, maybe the emotion out of some of the things that go on. But on the balance, I think we've done really good. And I thank all of you for helping us make this happen because it's one thing to chair a group but there has to be something to chair. And I think we've... uh, and so, I'm really happy that you've been able to take time out to come here because although your expenses have been paid, you've all been pulled away from other things and in some cases, you're not getting paid for the time here and for the time that you're not

spending doing your own work, and I really appreciate the effort that you're taking to come down here.

Alan?: Just two very quick comments. On the issue of metrics, we can debate for a long time how important attendance is and what the cut-off points should be. I think one of the issues has been when the numbers are zero, in terms of participation or showing up at any meetings or answering an email, there's a problem, and I don't think it takes an awful lot of insight to realize that you've got to at least show up occasionally to find out what's going on, if you're going to be an active participant. And I'm talking about email lists, not only conferences and things like that. So, yes, metrics are difficult to work with and don't always reflect the right thing, but they do have some value, particularly in the tales. And the other comment is just a personal one, the little diatribe we had on UGTLDs before, there's an awful lot of that but the process included an awful lot of consideration of user needs and things like that, that wasn't just a cash grab, so again, I think we need to take balanced positions.

Evan: Okay. Well, our timing is good because just as finished this round, we're honoured to have with us David Giza who's the Senior Director of Contract Compliance with ICANN. And we have on our agenda a discussion of the RAA and issues of contract compliance which has been a recurring discussion issue within NARALO and please, could you come and...

David: Sure, actually, I have a little PowerPoint presentation on my data stick, so if there's a laptop that I could just plug into and maybe somebody could run that for me? Thank you.

Female: Did you want to run, do you want to sit here at my laptop? You sure can.

David: No, no, that's fine, I can just stand and talk to the group. You know, once we just boot up the presentation. Good morning, good morning, everyone.

Evan: If you'd like to sit down at [inaudible 00:55:31].

Female: Yeah.

David: Usually I like to stand.

Evan: The only issue is this gets recorded.

David: Okay.

Eduardo: By the way, what is the RAA? Is it register?

David: Registrar, register, accreditation.

Eduardo: Accreditation is the last thing, okay, thank you.

David: Good morning, everybody. My name is David Giza. I am the, actually, the new Senior Director of Contractual Compliance at ICANN. I joined ICANN four months ago, in this new, strategic role inside of the organization. And so, just to give you a little bit of background on who I am and why I've joined ICANN. I've actually been a practising attorney for almost 25 years, but in the last 10 years, I've been working in the Ethics and Compliance field, principally as an Ethics and Compliance Officer for Snap-on Tools, which I think many people know as a publicly traded company based in the US. I actually set up Snap-on's ethics and compliance program. And then, after doing that for about five years, I was recruited away to join Hewlett Packard in Palo Alto, California. And HP asked me to join them to actually re-architect HP's global compliance program. A third of that program focussed specifically on contractual compliance with federal, state and local and national governments as well as with commercial contracts involving various HP suppliers and customers. And so, I've spent about two years at HP actually rebuilding their contractual compliance program as well as their total global compliance initiatives. And then was recruited away recently to join ICANN. And so, I joined ICANN in November and Kurt and Doug and Paul and others asked me to essentially take the good work that has been performed in the contractual compliance area, and for some of you who know, that's about two years worth of work that's gone on in Contractual Compliance, to take that work and actually improve it, enhance it, and take it to the next level.

And so, what I wanted to do this morning was to first give you some specific background, and that's perfect, thank you, some specific background on our program, to help level set you around some of the terms, some of the words and phrases you've heard, and then to talk to you a bit more specifically about the Registrar Accreditation Agreement, to talk to you about the pending amendments to that agreement, and then to, quite frankly, answer any

questions that you might have about how our contractual compliance program operates.

So, let me start with this slide first. Coming from the commercial sector, my approach is to develop a business strategy as the fundamental foundation for what we do going forward in Contractual Compliance. And so, that business strategy, in my view, requires our Contractual Compliance department to help our registrar team and our registry team build and maintain strategic and collaborative contractual relationships. In the past, I've heard criticism that the Registrar Accreditation Agreement, for example, might be slanted, let's say, in favour of registrars and perhaps not as strong as that agreement can be overall for ICANN's best interest or benefits. And so, what we're attempting to do through some new processes is to first amend our Registrar Accreditation Agreement, and I'll talk to you more about that in a minute, so that when we can, we will have greater enforcement tools. And actually, business processes in place to use those tools to enforce contractual obligations upon registrars who choose not to comply with the terms and conditions of their contracts.

I can tell you that with registries, we're in a much better position because, I think, registries in general have paid attention to and have closely followed and maintained their obligations under their contracts with ICANN. But that's not to say that there isn't room for improvement. Contractual compliance as a goal is intended to move those relationships forward and to actually make our relationships stronger and again, more collaborative, with registrars and registries. And the reason for that is because, quite simply, in my view, a rising tide lifts all ships. And so, the registrars, the registries, ICANN, this group, I mean, we're all in this business for the benefit of registrants. And so long as we never lose sight of the fact that it's the registrants who are our customers and that those are the individuals that we serve, I think we can all find new and, I believe, innovative ways to work together, particularly in the area of contractual compliance.

One way to accomplish that is to use leading... oh no, could we stay on the same slide? To use leading edge compliance tools. There are some phenomenal software tools available today that ICANN has not yet acquired. And there are other software tools that are being developed that would actually help to enhance how we track, monitor and then report out on our

contract enforcement activities. I think, for those of you who have reviewed some of our work in the past, and for those of you who have had the opportunity to look at our semi-annual contract compliance report, you'll notice that that report contains a variety of metrics, but those metrics, quite frankly, aren't robust enough. We need to actually improve some of the areas in which we gather data concerning contractual compliance. And in using some leading edge technology tools, tools that I used at HP and at Snap-on, those tools will help us provide more information, data reports and actually a different set of success metrics around contractual compliance that will help the At-Large community as well as registrars and registries understand their obligations, perhaps more clearly than they do today.

And then finally, that last bullet point. My mission and our strategy, is to focus on the contractual terms and conditions with registrars and registries that really matter. If you've ever had the opportunity to read our Registrar Accreditation Agreement or if you've ever had the opportunity to read our Registry Agreement, you'll notice that those agreements are written in very heavy legalese, by lawyers who are very good at what they do. But those agreements, written in legalese, are difficult to deploy and to actually enforce in the business world. And so, in the business world, what we want to do is take the key contract terms and conditions, and I think Garth sitting to my right, knows what those provisions are. Take those key provisions, and then develop a business strategy to enforce those terms and conditions against non-compliant registrars.

And so, for example, last year, we conducted an insurance verification audit of registrars in an effort to determine if they were maintaining the insurance requirements that they agreed to in the Registrar Accreditation Agreement. That audit identified that there were over 100 registrars who had not complied with their insurance obligations and we initiated a follow-up procedure to draw those registrars into compliance and to do that in a way that doesn't create an unnecessary business burden upon them, but reminds them of their original obligation to ICANN. One example, it may be a little higher or lower on the spectrum of Contractual Compliance enforcement activities, but it's an activity that is important, particularly if there is a registrar failure and you're looking to the insurance that the registrar has to essentially provide some coverage or some continuing funding for obligations that the registrar was required to provide.

So, if we could go to the next slide. So, what is it we do? And what we do is we, again, we manage these relationships. Today, there are actually more than 950 registrars, 16 registries, we manage those relationships from a Contractual Compliance standpoint. And so, we're attempting to continuously monitor, audit, engage in dialogue with registrars, in various areas that we already know, some registrars are very weak in, in terms of how they perform. But on the other side of the spectrum, we know there are some registrars who are very strong and who actually do pay attention to and use their best efforts to comply with those terms.

Eduardo: I ask a question?

David: You can, yes.

Eduardo: If I'm a registry, am I obligated to sign a contract with ICANN?

David: If you're a registry?

Eduardo; Yes.

David: Yes, if you're a registry, all registries have entered into written contracts with ICANN.

Eduardo: Yeah, but my question is, am I obligated to do it, as a registry?

David: Well, I mean, if you want to do business as an accredited registry, or as an accredited registrar, ICANN accredited, then yes, you would be required to sign a contract.

So, investigating claims of non-compliance, what does that mean? Complaints come to us in various forms, in particular Garth is one individual who has been very active in bringing to our attention various, who is, inaccuracy claims. But there are other, what I call customer service type complaints, that we receive as well, through a complaint intake system that's actually starting to be designed more like a customer profile or management tool, that we can use to again, collect data regarding claims of non-compliance, and then route that data to the appropriate person in our compliance department so that he or she can actually use some of the investigative tools we have to contact registrars, more often than registries, and investigate those claims.

For example, in the case of inaccurate WHOIS information, we have a separate system today, called WDPRS, which is the WHOIS Data Problem Reporting System, and I'll be chatting with you about that in a few minutes and talk to you a bit about some of the enhancements we've made to help facilitate the intake of WHOIS inaccuracy claims and then actually facilitate the transmission of those claims to non-compliant registrars, and actually get the non-compliant registrars to take some action and do something to investigate the WHOIS inaccurate data and then report back to us what action they've taken to try and correct those inaccuracies in the WHOIS data. And I can tell you that that's a mixed bag of success, as you would imagine.

Conducting audits. We have one auditor on our staff at the moment, William McKelligott. He's based in Washington, DC. And William is principally responsible for undertaking the various audits of the contractual provisions that ICANN performs today, and I'll talk to you a bit more about that in a minute. We do try to communicate what we're doing, to be open and transparent through ICANN's website. We provide reports, we used to have a monthly newsletter but now we're going to change that to a quarterly newsletter so that we provide more robust and we think, more comprehensive data, than when we were trying rush out to the community on a month-by-month basis. And the website is continually updated with information on our activities so that you can stay abreast of and work with us when you see opportunities for us to improve contractual compliance.

And then finally, we are working, as I said earlier, looking at new business processes, new software tools, and actually trying to reach out to Garth and others to develop a more strategic and comprehensive approach to compliance. I view compliance as a process. A process where you have to crawl before you walk, and you have to walk before you run. And we have crawled and we are now walking, but before we can actually start running, quickly, in compliance, we need to make some capital investments in our team. Capital investments around automated systems and tools, as well as additional staff so that we can be prepared to respond to the contractual compliance challenges that lie ahead. Not just with existing registrars and registries, but also with new registries and registrars as part of the new gTLD program that may be launched as early as this coming December. Next slide, please.

So, here are three key things that I think are important. Improved WHOIS enforcement efforts. And I'm sure Garth will ask about and we'll have a dialogue around those enhancements that have been made to our WHOIS Data Problem Reporting System. But the idea behind the WHOIS Data Problem Reporting System is that if you, as a reporter in the community, discover inaccurate WHOIS information, this software tool allows you to report that WHOIS inaccuracy in a report that you file with ICANN by using this enhanced WDPRS tool. And that tool is available on our website and it's literally a tool you scroll through, you enter some data in various data fields, there are a few drop-down boxes, and then you click and submit the report to the compliance team. I can tell you that we received over 12,000, over 12,000, WHOIS inaccuracy reports through this system this past year.

And we realized that the system as originally designed in 2002, you know, was really not robust enough, nor was it efficient enough to address the volume of complaints we were receiving, as well as the category of complaints that we were receiving. And so, ICANN made some enhancements or improvements to the WDPRS tool and those enhancements or improvements were released to the community on December 19, 2008. And actually, with Garth's help, and with the help of others, we believe that those improvements will actually create more value for registrants and for users at large, when you find WHOIS inaccuracies and then want to report those WHOIS inaccuracies to ICANN.

Is that tool complete or perfect? No. Will there be additional enhancements? Absolutely. And we would like your input, if you choose to, your input in how to improve and enhance that tool so that we can actually forward complaints to registrars and then have registrars contact registrants, and have registrants update their data, and then have registrars actually report back to ICANN that they've done that. Not only have they done that, but what have the results been, as a result of going out to those registrants and asking registrants for updated WHOIS information. That's not to say that a registrant can't still provide false or incomplete or misleading information. We know there are bad registrants out there as well as bad registrars but we're hoping over time to develop the kinds of processes and tools that weed out the bad actors and put ICANN in a position to not only identify them but then with your help and the help of others, take action against those bad actors, to draw them into compliance with this particular process.

Enhanced outreach? One of the reasons why I'm here today is for you to get to know me. To give you more information about what we do, and for you to ask questions and get involved, quite frankly, with our contractual compliance work. We've had workshops at previous ICANN meetings in Korea, Paris and Rome, to increase awareness of what we're doing but to also talk a bit about these registrar accreditation agreements and some of the proposed amendments to those agreements. Amendments to those agreements that would actually provide more compliance tools for enforcement purposes, if and when those amendments are adopted by our Board.

And then finally, we meet pretty regularly in Washington, DC with registrar and registry representatives in order to maintain and enhance our political relationships in DC and we try, when the time permits, to do the same in other areas of the world as well. And then finally, I am a new addition to staff, having been here for four months, and then William McKelligott is also a new addition to staff, having been here a little more than four months.

So, the ongoing work really requires, in my view, the help of everyone. And I think you've heard earlier yesterday, that ICANN wants to reach out to all of its constituencies and to solicit your feedback and your support for what we're trying to do to improve contractual compliance. We believe that one way to do that is to begin to focus on WHOIS data accuracy. We know that data accuracy has been a big issue for over ten years, and there's been quite a bit of debate in how you define accurate WHOIS information. And so, we are in the initial stages of conducting a WHOIS data accuracy study and as you would imagine, the first step is to define accuracy for purposes of the study.

And so, we've just constructed some definitions that we'll be sharing during this meeting with some of the constituencies, registrar, registry and IPC. And then, we'll be asking them to give us some input and some feedback on those definitions. And then once we have their input and feedback, those definitions will be posted and they'll be available to you and others to look at to see, you know, if you agree or disagree with how we have defined accuracy for purposes of WHOIS.

Something you should know, or maybe you don't, is that the US government, the General Accounting Office, GAO, actually conducted a WHOIS data accuracy study of its own, back in 2005. And that report and information is

available to the public through the GAO website and so, what you'll find, is that our particular study here, will be actually replicating some portions of that prior GAO study in an effort to update their data which now is about five years old. But in that study, we found that there were some compelling conclusions drawn around patently false WHOIS information and ultimately, what action you can take, because that's why you conduct a study, what action can you take, to improve the quality and the accuracy of the data in the system. Not only for law enforcement purposes, but also for the benefit, I believe, of registrants and the communities at large.

A privacy [proxy 01:15:36] registration services study is something that we're just initiating now as well. And the idea there is to simply begin by identifying the number of registrars who actually deploy privacy and proxy registration, organizations or offer services in their business models. We're trying to get a number, essentially, a number that would help us identify the percentage of registrars that offer that service, and then from there, we believe that the GNSO Council will be directing and/or the ICANN Board will be directing staff to review the feasibility of, and then costing out, the various WHOIS studies that are currently being discussed, debated and reviewed between the GNSO Council and the GAC. And so, in the future, I believe that you'll see more WHOIS study related work, not just around those two topics but around other topics involving how WHOIS data, for example, is used by law enforcement agencies, and to what extent WHOIS data, you know, forms the foundation for other business activities that occur on the web today.

We are planning on our shop to develop a gTLD, a new gTLD compliance action plan. We don't want to launch the new gTLD program later this year, or next year, unless we have a compliance plan in place that we can execute and manage the risks associated with the launch of those new gTLDs. And so, what we'll be doing this year is forming a cross-functional team inside of ICANN and we'll be asking others, and probably Garth will be on that team as well, we'll be asking others to work with us to actually perform a risk assessment and to identify the risk involved in launching the new gTLD program and by risk, I mean contract compliance risk, ranking those risks, high, medium and low, and then developing a strategy to mitigate or reduce those risks as the new gTLDs are rolled out to the public, again, later this year, or next year.

I think by having a compliance plan prepared and then communicated to the community, you'll know exactly what we're planning to do to manage those contractual relationships with the hundreds or thousands of potentially new entities that can be involved in the new gTLD program.

Domain name transfer policy? That's a policy that ICANN has developed, it's on our website and it's one way that we have attempted inside of Contractual Compliance to get some consistency in terms of how domain names are transferred between registrars, particularly registrars who have either been terminated or registrars who have been de-accredited. The emphasis of that policy is to protect the interest of the registrant. And we focus on that, I think, very intently, and where and when that policy is deployed, we work very closely with either Iron Mountain who escrows registrar data or we work through other escrow arrangements to get data transferred from a de-accredited or terminated registrar to a new registrar, so that the activities of the domains can be preserved in sort of a seamless fashion.

A compliance program risk assessment? One of my to-dos is to take this up one more level and to actually re-examine and re-assess the entire structure of ICANN's Contractual Compliance program. Not just a risk assessment on the new gTLDs but a much broader based assessment to make sure that we are addressing the highest and most pressing risks associated with our contracts with registrars and registries. And you can actually learn more about all of this by clicking on that link, of course, not in the PowerPoint presentation, but by clicking on that link on our webpage where we've just recently published our 2009 semi-annual Contractual Compliance report. I'll forewarn you, it's about 35 pages, it's a very detailed, and I think, comprehensive report, on our key activities over the last six months, and that should give you a very good feel for and understanding of what we've accomplished and what we plan to do in the coming fiscal year. We can go to the next slide, please.

And you know, at that point, I just want to say thank you at the moment. These are our team members. And you can see from this list, Stacy Burnette is our Director of Compliance, [Calio 01:20:08] is a Compliance Audit Manager, William is our Auditor and then Constance Brown is our Compliance Program Specialist. And the five of us are, what I view, as a little high performance team, working principally... four of us working principally

out of Marina del Ray, California, and William working out of Washington, DC. My plan, as part of this coming fiscal year, is to increase our budget, and if you're interested in just how much of an increase I've asked for in my budget and what we're planning to do, you'll find the FY, 2010 Fiscal Year Operating Plan and Budget posted on ICANN's website. And you can literally click on that and scroll through the budget document and you can see exactly what we're planning to do in the compliance area in terms of new hires, new software tool acquisition and how much money we're actually planning to spend. And I can say, you know, I can say conservatively that we're looking at, at least at the moment right now, at about a 30% increase in capital invested in Contractual Compliance, to make the kinds of improvements and enhancements that many constituencies have been asking for. And so, presuming that budget is approved, I'll have the sufficient capital and tools to get the job done. If that budget is not approved or if it's reduced then I'll be hamstrung in terms of how effectively we can deploy our operating plan for the coming fiscal year. So, I would encourage you to read the budget and encourage you to provide any feedback on the budget because it's an essential business tool that helps our Contractual Compliance team get our work done.

And I just want to close briefly on the RAA amendments and then take some questions. So, I think many of you know that we have contracts in place with registrars. And every registrar has a contract with ICANN. And those contracts were developed by ICANN's legal department and registrar team many years ago, long before I arrived. And the way that those contracts were constructed, the agreement, I believe, was perhaps not as well-balanced as it should be. And I see Alan laughing, but I'm trying to put that politely. In terms of just simply saying, the agreements favour registrars. And because they do, it creates some difficulty at times when we attempt to enforce obligations against registrars. And so, working collaboratively with registrars, and I give them credit, working collaboratively with them, a set of amendments were developed through a working group, literally, at the direction of Paul Twomey, as a first step in improving the overall content of the Registrar Accreditation Agreement with respect to certain gaps or issues that needed to be addressed, and compliance was one of them. And there are several registrar accreditation amendments that address the type of compliance tools that we're required to have in order to get the job done.

So, for example, let me just give you a real simple one. In the current Registrar Accreditation Agreement, we can actually request that a registrar produce its books and records for a review but we don't actually have audit rights, per say, the kind of typical audit rights clause that you would see in a standard commercial contract. That clause doesn't exist. And so, under the amendments, we've actually created now the equivalent of a commercial audit rights clause that would be deployed in the Registrar Accreditation Agreement going forward, in order to strengthen ICANN's ability to conduct a variety of audits in order to improve contractual performance of registrars. That's an important step. And the registrar accreditation amendments, the Registrar Accreditation Agreement amendments are posted on our website. It's a very lengthy read. And many of you may know that the GNSO Council is currently discussing and reviewing a motion to adopt those amendments and I believe the GNSO Council will be voting on that motion tomorrow and if those amendments should be approved by the GNSO Council, then they would go to the Board, ICANN's Board at some point in time, and then ICANN's Board would take action on those amendments.

And if the Board were to approve those amendments, then the amendments would literally roll back down the ladder to ICANN staff. And then ICANN staff is responsible for implementing or executing those amendments in our contracts with registrars going forward. So what does that mean? Does that mean that those changes, if the amendments are approved, does that mean that those changes will be automatically, immediately incorporated into contracts with registrars? No. Actually, the way it's foreseen at the moment, is that as registrars renew their contractual agreements with ICANN, presuming the amendments have been approved, that would be the opportune time when those new changes to the contract would take place. And quite frankly, there are a large number of registrars and Garth may know this better than I do, but there are a large number of registrars that are actually renewing agreements with ICANN in the coming two years. So we're at that sort of tipping point in time, where if we can secure the registrar accreditation amendments, we believe we can then have a stronger and a better Registrar Accreditation Agreement in place going forward.

But that's not the end of the story. Quite frankly, that's only one phase of... continuing phases of work that are required to modify the Registrar Accreditation Agreement. And so, the intellectual property constituency, the

business constituency, and others, will tell you that those amendments haven't gone far enough and that they need to... the agreements need to be amended even further to accomplish the highest contractual compliance goals of ICANN. And I do agree with that statement, that there will be another phase, I suspect, of amendments to the Registrar Accreditation Agreement, to improve, again, its overall content, quality, and enforceability for purposes of basically getting parties to do what they agreed to do. You know, in very simple business terms, when you enter into a contract, you not only obtain rights, but you also agree to certain obligations. And generally, you do so in consideration for other good and valuable things such as money. And you do that with the intent of performing under your contract, and if you fail to perform, there are usually consequences. In ICANN's case, the consequences today are de-accreditation and termination of a registrar but there are no fines, there are no penalties, there are no sanctions, there are no other enforcement tools that allow us to do more to enforce those obligations other than to de-accredit or terminate, and in some cases, the de-accreditation and termination process can take quite a substantial amount of time to complete. And so, we're looking for ways to change that and to actually build in not only those enforcement tools but to build in time periods that actually accelerate enforcement and actually help us help registrars perform their obligations under contracts.

So, I know I've probably taken more time than I was allotted but I wanted to give you as comprehensive and as complete... a overview of our work, and I would love to take questions from the group and answer them, and go forward from there. So, Alan, why don't you start?

Alan: Three things, by the way, you mentioned that the various constituencies are not... we're not happy that this didn't go far enough, At-Large was one of the groups that was most vocal on that, so it's not just them telling us.

David: Thank you.

Alan: Regarding your budget, I have no prescience as to whether it's going to be accepted or not, I would point out however, to anyone from ICANN senior staff that spending many, many, many millions of dollars writing policy is useless if someone isn't making sure that it's followed. And ICANN spends

many, many millions of dollars, if you just look at the gTLD process alone, never mind the other ones.

Lastly, you've been talking about registrars. In the individual user market, resellers are a major factor.

David: Hum, good point.

Alan: And I understand completely that ICANN has no contract with resellers, however, ICANN has contracts with registrars. It's general contract law that a registrar or any party in the contract can't remove their obligations to follow the rules simply by subcontracting, which is effectively what a reseller is. And ICANN's continual answer of we don't have any contracts with them therefore we can't do anything about it, go to the registrar, which sometimes, you can't even find out who the registrar is unless you are a real technical aficionado, is just not satisfactory. I know the new amendments have some reference to reseller issues in, but it's an attitude issue that has to change, not just the words in the contract. The specification of resellers in the RAA amendments takes a factor of contract law and makes it more visible but it's an attitude issue that I think is important.

David: And that's a very good point. Our team has not previously invested time with the reseller community. And I think there is an opportunity as we enhance our compliance work to invest time with the reseller community, and to look at registrar activities with resellers, essentially the way you've just described them, in a pure, subcontracting relationship. Generally, your key contract terms and conditions will flow down to a subcontractor. And where ICANN can insist that key contract terms and conditions of the RAA be flowed down to subcontractors, much like you would find in a GSA multiple awards schedule or any other US government contracts involving prime contractors and subcontractors, there's an enormous value, because then you get consistency and predictability in terms of how those resellers perform.

Alan: A quick follow-on. From a user's perspective, they don't know the difference. Yes, if they're smart enough they'll look for the little ICANN sign which only registrars can have and not resellers. But a typical person wanting to set up a website or something, does not understand the difference. The resellers

don't make it easy. And ICANN has to start thinking of the marketplace for domains, not just the registrar that they have a contract with.

David: Thank you. That's a great suggestion. I'm taking some notes.

Evan: Beau, then Garth.

Beau: Thanks, this has been very enlightening and inspiring presentation in some ways. I wanted to ask...well, I wanted to bring up two things. One is... is there a, this is really just out of curiosity because I don't know, are the actions that you're taking, or the improvements in the arena that you're taking applicable to the ccTLD world, that's something about... question of [inaudible 01:31:53] on my part, because I don't necessarily know, but that tends to be one of the areas where a lot of the abuse problems are. And second is in your strategic vision for trying to make compliance part of a business plan, I would suggest more emphasis on, or some emphasis on better communications, because I think a lot of regular folks look at ICANN as something like the... you know, using the old attorneys trick of being transparent by flooding the world with a gazillion documents that no one's going to read. And we, sort of, sit in the position of hearing constant complaints from users and generally, what they say is that they don't feel listened to, and you hear that over and over and over again. So, the communications really need to be, I think, a fundamental part of what you're doing... or improving communications as a fundamental part of your business strategy for compliance improvement.

David: Thank you, and if I can respond to the second question first. I completely agree. We need to enhance and improve, and we're actually working on putting our quarterly newsletter in what I call "plain speak". So that there is a better way in which to communicate the work that we do and the results that we've accomplished. Because you are right, flooding the user community with documents just creates more confusion and doesn't provide the kind of clarity that helps any of you understand what we've actually accomplished. And why we're doing it, and ultimately, you know, what the results of that are. So, we will work through a revised quarterly newsletter. You will see, over time, it won't be immediately, but you will see revisions made to our Contractual Compliance program as described on the website. And again, we're working closely with our Corporate Affairs department in an effort,

again, to streamline those communications so that they are more usable and more understandable. And I would really welcome anyone's input in terms of... if there is a particular document or a particular, you know, newsletter or message that we've communicated to you, and it's not clear, you know, contact me. You can contact me and you can give me that feedback directly. You now know me, although it's only been for less than an hour but you know me. And you have my contact information and so, use it. And let's work together to make sure that we're communicating clearly with you, so that you understand what we're doing.

To the first point, ccTLDs are on the list, right behind our registrar and registrar compliance work at the moment with gTLDs. But it's on the list, but we don't have that plan completely developed at this point.

Evan: Garth?

Garth: Thank you, David, this is a good exchange. To follow along with what Alan has said, policy is useless without policy enforcement. And policy enforcement is useless unless there is an effective process behind that enforcement. There are two areas within the RAA that I'm very concerned with. Last year, we did a study to determine the accuracy of the posted registrar contact information on ICANN's site. And what we found were dozens of registrars had no contact information whatsoever, dozens of registrars were pretending to be in one country and were really in another, and we also found that there really aren't 900 registrars, there are more like 500. Because there are four very large companies that control an obscene number of accreditations. So, we reported all of this to ICANN and I was very shocked when Stacy told me that there is no provision in the RAA that demands a registrar produce their ownership or contact information. And I know of no other industry in the world that affects this many people or handles this much money, that allows this level of secrecy among its contracted parties. And I've proposed language for the... to be amended, the language that was developed by ICANN staff to address this issue does not address the issue, it's very watered down. It needs to be rewritten.

The other area of the RAA that I'm very concerned with is Section 3.7.8 that specifically goes to the way that registrars are supposed to verify their registrant's information. And in law, very often, the issue is about one little

word. And in this section the little word is the word “or”. So, from the registrar’s perspective, they can determine if the submitted registrant information is valid when applying or at any point later. And this basically, I think, gives the registrars an opportunity to do neither, because neither one is verified. If we change that word “or” to “and”, they will be required to do both and that will be easy to determine. That’s all I have to say for now.

David: Okay, well, thank you, Garth. I do appreciate those comments and again, as the new person in charge of Contractual Compliance, I can tell you that as we go and examine our program and look at risk assessment that lies ahead, part of that work will include areas where issues have been brought to us but haven’t been responded to. And so, where you have raised an issue with us, we’ll make sure that we examine that and do what we can from a contractual compliance standpoint to respond to you and address that issue. And certainly, if that’s through the next phase of amendments, I’m certainly interested in working with you to accomplish those goals. Again, I guess I’ve got here a little late in the process because the RAA amendments have a history ahead of me, and those amendments are now sitting in a position where the GNSO may take action as early as Wednesday, and we hope they do, quite frankly, because we feel that having at least some amendments is a start to building a stronger relationship. But to your point, it doesn’t go far enough and we’re willing to work collaboratively with all the communities to go into the next round of amendments and make additional changes to the Registrar Accreditation Agreement.

Evan: Steph, you’re next.

Steph: Yeah, I have the impression, either from reading RAA sometimes or listening to somebody that it’s possible to amend current RAAs without waiting for a renewal, if you go through a process. Is that true and is that being taken advantage of?

David: As I understand the amendment process today, there are a couple of ways in which the RAA can be amended. The most common way is for the amendments to be discussed as a matter of policy by the GNSO Council. And then the GNSO Council, should they choose to adopt those amendments, would pass that recommendation on to the ICANN Board. And then the ICANN Board would decided whether to adopt those amendments

based on the GNSO recommendation, and when that happens, as I understand it, those amendments become binding on registrars through the process that I described earlier of including those additional terms and conditions when their agreements are renewed. So, that's one option.

The other option, I believe, is that the Board could take action without receiving an amendment, without receiving a recommendation from the GNSO Council. But were the Board to do that, it would not carry the weight of policy, and I believe it would not be binding on registrars, and so then, registrars would have to voluntarily enter into those amendments to the RAA at the time their agreements were up for renewal. And that presents a problem. Because if the amendments are not binding on the registrar by force of policy, then we'll find ourselves in a situation where we might have to actually provide and negotiate incentives with registrars to actually enter into amendments to their agreement, because they're not required under the agreement to do so.

And so, we're working through those issues. Our policy team and our registrar liaison team is working through those issues. And perhaps, I think, in the future, there may be other ways to change or amend the agreement, as the communities come together and collectively discuss other ways in which to create binding amendments on registrars through the Registration Accreditation Agreement. I hope that answers the question.

Evan: Okay, next, I've got Gareth.

Gareth: Yes, thank you, Evan. I must say, having listened to your presentation, I find it very encouraging because I certainly have noticed that much of the concern and the issues that have been raised on the various lists that I follow have been concentrated on these very issues. And there are especially... I don't know whether you've noticed the screen as you've been talking, it's been scrolling up with long streams of information and questions and comments from some of our remote participants, and some of these individuals follow this very, very closely. I don't know, Darlene, whether you can scroll back or not, but [chuckles].

Darlene: I don't have control of that screen.

Gareth: Oh, that's fine. But I would just bring some of these issues to your attention. As someone who is involved in a couple of organizations who act as registrants for both gTLD and the ccTLD domains, I have certainly, personally, noticed some of these issues myself, so it's an area that does have to be taken much more into account by ICANN, and I'm delighted to see that there seems to be some attention really being, starting to be paid to it. So, thank you.

Darlene: I'm showing you this long screen of [inaudible 01:42:45] questions and [inaudible 01:42:47].

David: If there's a way to provide me with a copy of those questions, I will take those back to my team and then we will, you know, respond back to those who have asked those questions today, so that we can close that communication loop.

Male: [Inaudible 01:43:08] becomes permanent record.

David: Oh, it does? Okay.

Evan: Yeah, in addition, yeah, so essentially what's happened is Danny Younger has been putting through a whole bunch of explicit clauses from the RAA that I guess he takes issue with the level of enforcement of them.

Male: Well, I think [inaudible 01:43:29] maybe explained to me that [inaudible 01:43:32].

Evan: Anyway, next on the list, is somebody who's joined us since and hasn't told us their name but we'll get to that later, Wendy Seltzer, who is the ALAC Representative to the Board of Directors, and who is an individual participant in NARALO. Go ahead.

Wendy: Thank you, Evan. I want to reiterate that I am speaking here only as an individual member of the North American RALO and wanting to...

Male: [Inaudible 01:44:08].

Wendy: To [raise 01:44:10] some other aspects of the Registration Accreditation Agreement and the web of contracts that are important to registrants and I've always argued that privacy is a necessary complement to data accuracy. For too long, it's been the case that the best way to preserve privacy or anonymity

in a domain name registration is to give inaccurate information and I still believe that there should not be a required speech registry mandated by ICANN, which isn't to say that I don't believe there are roles for Contractual Compliance... uh...

Male: [Inaudible 01:44:53].

Wendy: In particular, I've heard complaints that people are using the... that some registrars are using the WHOIS data accuracy updates as a way to lock registrants into... away from transferring their names. That they send that out within a short time period, before the domain expiration, telling people update your WHOIS data or you'll lose your domain name, then when people try to transfer their name upon its expiration or shortly before its expiration to a new and cheaper registrar, they're told no, I'm sorry, we've locked, for your protection, we've locked your domain name registration because the WHOIS information has recently changed. So, that is impacting many consumers, particularly individual users of the Internet who find themselves with less freedom of contract than they'd like. Well, that may be. If that meets the terms of current contracts, then we need to find a way to tighten those contracts against similar loopholes.

David: Thank you for those comments. Quite honestly, I would need to look further and more completely into that topic. I don't have an answer for that today. But I certainly would consult with my staff and be happy to respond back to you. But I don't doubt what you're saying is accurate, I just don't have the facts or the information here in front of me to agree. But I would certainly take that as an action item and put that on our list. We have a long list of activities around contractual compliance and that's clearly a topic that needs to be reviewed and examined, and if necessary, addressed through an amendment in the contract.

Evan: I'm going to come in with two questions to be asked on behalf of Danny Younger who's participating remotely. And the first of his questions is do you have any information on how many domains have actually been deleted as opposed to valid complaints to the WHOIS data problem reporting system? What's the track record of the complaints?

David: I don't have that specific statistic with me today.

Evan: Ballpark?

David: Even on a ballpark, I wouldn't want to venture a number because it's not information that is routinely tracked or reported through our WDPRS system. So, if I were to give you a number, it would just be a guess at the moment, and I really would not want to venture a guess.

Evan: Can I ask why it's something that you don't normally, doesn't this strike you as something that should be routinely reported?

David: Oh, absolutely. It's just that we don't have that information currently reported to the community, but it should be. And that's part of our, you know, request for automated software tools, to assist us in actually doing some additional data analysis and creating some additional reporting capabilities inside of our team.

Evan: So, there have been so many done that you need an automated software tool to keep track of them? I mean, that would be good if that...

David: I don't think that's the case. You know, it probably is a small number, and if you're pressing me to guess, I wouldn't want to go on record as giving you a number because I don't know specifically.

Evan: The other thing that Danny is asking about is about the clause regarding third-party beneficiaries. And how this relates, I guess, to resellers and so on. Could you comment on a clause, he's quoted 510, this agreement shall not be construed to create any obligation by either ICANN or registrar to any non-party to this agreement. Could you comment on this particular clause and how it may relate to resellers and other things like that?

David: I think if you define a reseller as a third-party, but a third-party that is not a beneficiary of the contract, then they could be excluded by virtue of that definition. But where third parties are beneficiaries of agreements, clearly there should be some enforcement mechanism allowed to reach out to that beneficiary of the agreement and hold them accountable to some, if not all, of the rights and obligations. Typically, what you would find is that a third party might actually become a signatory to the agreement but where the third party is not a signatory to the agreement, I think, there has to be clear language in the agreement that indicates what the responsibilities are with respect to

those beneficiaries. And I'd be willing to investigate that further with our Legal team to provide a more precise and a clear answer.

Evan: So, can I ask you to follow up with us at a later date, hopefully sooner rather than later, regarding these two issues?

David: Absolutely.

Evan: As well as numbers regarding the numbers of domains deleted.

David: I'll take those as action items.

Evan: And I had Alan wanting to add a follow-up question.

Alan: Two things. The first one is we've been told a number of times that there are a large percentage, and numbers have been quoted of registrars renewing in the next two years. We also know that the process of getting this approved by the Board may take a little bit of time. The Board doesn't meet daily with a changing agenda. It would be really useful to know the number of registrars renewing on a month-by-month basis for the next few months because I would hate to see the Board defer the decision by three weeks and then find out that 10% of the registrars had renewed in the interim period, and I'm told this summer is going to be a busy period for renewals, so... Not necessarily us having that information, although I'd like to see it, but the Board having that information, preferably by the... for the next few months, by the Council meeting tomorrow, would be very useful.

The second question I have is really for Garth. In talking about things like verification of users that are registering, we're currently living in a world where you can buy a domain for \$9 a year and it gets turned on and put into the route, essentially immediately. I don't think we want to go back to \$150 domains which take three weeks to deploy and somewhere in between, as we add more responsibility to registrars to do things like verification and depending on what we mean by verification, that can be both time-consuming and moderately expensive, how much are we willing to give up on the cheap and fast that we have right now, to enable that? And I don't know the answer, I'm just pointing out that there are trade-offs involved here.

Garth: Thanks Alan. I don't think that the verification I'm talking about is going to place any kind of financial burden on the registrars. The kind of verification that is missing is really just basic form verification that is on any standard electronic form on the web, which verifies the format and verifies whether everything has been entered properly. That's the kind of verification I'm talking about up front, because over and over again, what I see are registrations with blank fields, registrations with completely absurd, illogical information.

Alan: I'd suggest you make that clear when you make the statement because when I've heard the statement a number of times, I've thought of something far more in-depth than that.

Garth: Yeah, just to be clear, the data that I look at, I guess you would call this a subset of the WHOIS record. And the subset that I'm looking at are people who have deliberately forged their registrations because they're engaged in illicit activity. Not ordinary people trying to hide their identity to avoid abuse.

David: Alan, I will talk to Tim Cole and Mike Zupke and see if we can obtain that information for you before tomorrow. I would suspect that they probably do have that information available and so I'll reach out to them later today.

Evan: Okay, we're getting towards a long time with no caffeine for people here, so I'm going to cut it off at two last questions. One from Glenn and I've got a question from Danny as the last word.

Glenn: Thanks, Evan. Quite early on in the questions here, I was curious that you were saying that you were doing some planned workshops, or you've done some planned workshops. I'd be curious if you have any projected North American workshops and you did ask for our participation and I'd be curious to see how you want to invite us to participate in these workshops and give our feedback at them.

David: Thank you. In fact, our proposed budget for the upcoming fiscal year which starts in July, does include money to conduct workshops both in North American, Europe and Asia. And we're open, actually, to the location of where that workshop would be conducted in the US and so, if this group would like to make a suggestion or recommendation, we will definitely take that to heart. And you will find that there will be a workshop, largely designed

to go in-depth on several of the key topics that we've talked about today. An opportunity to meet the Contractual Compliance staff, as well as other interested parties in topics such as the WHOIS Accuracy Study, WDPRS and the RAA amendments as well as continuing audits and enforcement actions, particularly with respect to e-crime. And I think many of you know that there is a discussion regarding e-crime tomorrow afternoon. I will be on the panel for Session 3, talking more specifically about what ICANN policies and what contractual provisions are useful in the e-crime discussion. And then, I believe there's a workshop right after that panel discussion that will explore what the role of ICANN should be with regard to e-crime going forward. So, if you're available, I would encourage everyone to attend those sessions tomorrow.

Evan: Okay, and the last question from Danny who has graciously pointed out Clause 5.3.2.1, that suggests that if an organization has been convicted of a felony, that that's immediate grounds for termination and he marks the specific example of OnlineNIC that has been convicted and yet has had no action taken against it. Could you please tell us why?

David: Well, first of all, I want to thank Danny for stating that absolutely in accurate terms. And in fact, Contractual Compliance has been in discussions with our Legal team around what actions we intend to take here. And we certainly feel we have sufficient evidence at the moment to move forward, as Danny suggests, to terminate the Registrar Accreditation Agreement. But interestingly enough, I believe the OnlineNIC situation involved a default judgement here in California, or I should say in California, and OnlineNIC its principal operating base is in China, and I understand from our Legal team that there is some work underway right now to actually put our arms around the US operation of OnlineNIC and there may be a court order here in the US shortly that will provide more clarity around the assets and operation of OnlineNIC in the US but from a contractual compliance standpoint, we certainly feel that we're at a point now where we can take action and we're actually developing a plan to do so.

Evan: I guess forgive me for not being a lawyer and understanding the nuances of this, but why does seeing their US assets have anything to do with termination? I mean, termination means they're not allowed to sell domains anymore. I mean, that strikes me as something that doesn't require auditing

their American resources, let alone their Chinese ones. And so, could you give an idea why that even enters into this?

David: I believe the RAA was entered into with OnlineNIC in California and so, it's a US-based agreement that is subject to enforcement under US laws. And we don't believe that OnlineNIC has a valid and up and running business in the US. And so, although there is an agreement in place, they are terminating their US operations would not have a significant effect on their global business outside of the US and so, we're looking for ways to reach beyond the shores of the US, into China, where they are principally organized and operating. And in attempt to determine what compliance tools are viable to us under a US-based agreement. And I don't have, again, I don't have the complete answers for you because we're just now conducting discussions with our Legal team.

Evan: My only follow-up is that now that things are getting more global and there's more use of the Internet outside of the US, how is that going to affect your operations going forward? Sounds like this is going to get more difficult, not less.

David: I would hope that that wouldn't be the case. I think our Legal team is very sensitive and very aware of the fact that these agreements, although formed in California, and formed under US laws, that those agreements are intended, and should be, enforced globally. And so, I do believe that there are ways in which that can be accomplished but I don't want to provide any legal advice or any legal opinion on that prematurely. I'd much rather wait for our Legal team to come and chat with us about how, going forward, we'll be able to be more aggressive and I think more thorough as a result in terms of the contractual compliance enforcement actions that we engage in. So, I'm not giving you the answer you're looking for but I'm telling you the truth in terms of what we need to do with our Legal department in order to be prepared to address those issues as they arise in the future.

Evan: Is there any documentation about these procedures coming?

David: I believe so. I think if you look at the new gTLD Registry Accreditation Agreement, I think you'll see a variety of enhancements in that agreement. And then, I do believe that under the RAA amendments there are at least

contemplated, if not already identified, opportunities to do exactly what you're saying but again, I don't have the amendments in front of me and so I don't want to misspeak if that's not the case. But I can find out. And then get back to you.

Evan: Okay, on that note, I'd like to thank you for coming. You've given us a lot of your time and hopefully everyone here knows a lot more about the situation than they did before.

[Audience claps]

Evan: And so, we will take a short break and come back and handle the rest of our agenda.

Female: Fifteen minutes, okay guys?

[End of Audio]