

NATHALIE PEREGRINE: Good morning, good afternoon, good evening. This is the LACRALO Monthly call on the 19th of February, 2013. On the Spanish channel today we have Carlos Vera, Adrian Carballo, Antonio Medina Gomez, Aida Noblia, Erik Huesca, Sergio Salinas Porto, Sylvia Herlein Leite, Natalia Enciso, Juan Manuel Rojas, Vanda Scartezini and Guillermo Zamora.

On the English channel we have Carlton Samuels, Dev Anand Teelucksingh, Cintra Sooknanan, Olivier Crépin-Leblond, and Evan Leibovitch. We have apologies from Alberto Soto, Humberto Carrasco, Javier José Pallero, Alfredo López Hernández, Fatima Cambronero, Phillipe Boland, Niran Beharry. And Gilberto Lara sends his apologies.

From staff we have Heidi Ullrich, Silvia Vivanco, and myself, Nathalie Peregrine. Our interpreters today are Veronica and David. I would like to remind all participants to state their names before speaking for transcription purposes and speak at a reasonable pace for the interpreters' sakes. Thank you very much and over to you.

SYLVIA HERLEIN LEITE: This is Sylvia Herlein Leite. Thank you very much, Nathalie. I welcome you all to this second monthly call of the year 2013. It is 23:09 UTC. It's a pleasure to have you all here; we have a great participation and attendance so that's a very good thing for the beginning of this year.

There are no standing action items, therefore we will start with Item #3, this is our Capacity Building cycle. As you all know this was started last

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year. In this opportunity we will discuss a topic, this was the most voted topic on the survey done in January in the LACRALO community, and the survey had great participation and this is something good for this 2013.

The topic that was selected has to do with the digital divide and internet users in the Latin American and Caribbean region. And to speak about this topic we have an old user of the internet, he has helped lots of people to become internet users. His name is Sergio Salinas Porto, we all know him. So in his formal presentation he asked me to say that he is the President of Internet Argentina, Vice President of FLUI and he's also Communications Secretary and Director of the program for the digital divide in Argentina, CTA. That's all, so having said that I give the floor to Sergio. Sergio, you have 30 minutes. I will be showing you the time and helping you with the reading. If you want to make questions please post your questions in the chat while Sergio's delivering his presentation.

SERGIO SALINAS PORTO: This is Sergio speaking. Thank you very much, Sylvia. I had my hand up because I didn't know if before starting with my presentation there is any possibility of adding any new topic to this agenda or if it is at the end of the agenda.

SYLVIA HERLEIN LEITE: This is Sylvia Herlein Leite. Yes, Sergio, the agenda is closed. It is always closed five or six hours before the call and any topic that needs to be discussed should be stated at the end of the agenda.

SERGIO SALINAS PORTO: Sergio speaking, thank you very much, Sylvia. I don't know if there is any possibility of showing my presentation? Otherwise I can proceed without my presentation.

SYLVIA HERLEIN LEITE: Sylvia speaking. Silvia Vivanco, do we have the presentation?

SILVIA VIVANCO: What you should do is a screen share of a presentation because you are the host, so you have to open the screen and click "share my screen" so that you can control the presentation.

SERGIO SALINAS PORTO: Sergio speaking. Perfect, do I have to do this? It is me the one who has to do this or Sylvia?

SILVIA VIVANCO: Silvia Vivanco speaking, any of you.

SYLVIA HERLEIN LEITE: Sylvia speaking. Sergio, are you sharing the screen?

SERGIO SALINAS PORTO: Sergio speaking, yes, I am downloading a program but I'll be ready in a minute. Sergio speaking. Well, Sylvia, I cannot upload the presentation, can you please help me?

SYLVIA HERLEIN LEITE: This is Sylvia speaking. It seems to be opening right now. Sylvia speaking, are you all seeing the black image on the screen showing that the information is being uploaded?

SERGIO SALINAS PORTO: Sergio speaking, okay, there it is. The topic of today's call is a topic that we have been discussing for a long time in the association I belong to. This is Internauta Argentina – the digital divide, or as we say digital ownership which has to do with the use of new technologies and the development of technologies. And the person who already has the knowledge is the owner of that knowledge and that tool.

Ideally for us, this is a kind of tree. We need to water this tree every day in order to build knowledge by means of commitment, involvement in order to create capacities or build capacities between “[BRAC]-esque” students. The teacher gives information and gives tools to acquire knowledge. There is something said by Nelson Mandela, and this is education is the most powerful tool that can be used to change the world. If we as members of organizations of the civil society want to [build], well, we need education because without education there is no possible way for change.

When we speak about internet and when we speak about the access to tools, we understand this is more than a [logical] tool. The internet has become an indispensable tool for the social inclusion as we have been discussing in the past. So I cannot think of having a better scenario to build or create citizenship based on education and the application of knowledge by people.

Here we have three necessary participants, or at least these are the ones we have been working throughout this time. On one hand we have the state, the present state – a state guaranteeing the possibility of the organizations and people gathering together so that they can build or create these educational links to civil society in which we are working. And companies, companies have a role with their activities, with their business responsibility and the way in which they provide support to the civil society by creating strategic alliances with the state in order to achieve goals in order to narrow the digital divide.

When we are speaking about statistics, here are some of them: we see how the pie is divided in the Americas, and you see that 51.8% of those who are incorporated to the digital system are in North America. But when we consider the rest of the Americas – in this case this is the part of the pie where we belong to, well the division of the pie is 49.2%. So this means that on one hand the share of the number of users has been increased but this also shows that there are lots of people who are outside this system. We are happy when these numbers increase but we also know that there is a segment of the population that is outside the digital issues.

So we need to double our efforts for those people to access, quickly access the systems. Why? Because this will guarantee not only quality but employment-generating resources for vulnerable populations and so on. So a strategic view for this has to do with the digital strategy. This is something important. I am also showing this information that has to do with accessing new technologies and internet users, and thusly years ago this was not so. When we teach people, people incorporate internet to their lives but there are many people who only

use certain tools on the internet. But with the passing of time and with the use of the broadband and other technological tools such as cellphones, well we have more internet users in our region.

This is a very important piece of information because since June, 2012, we have more than 528 million internet users in the Americas. I was talking about digital natives – those are the ones who are the owners, the users... Please, allow me to apologize for speaking too fast. I know that our interpreters are making their best to translate their words.

But I was saying that for us, there are three types of segments: the digital natives, those who were born in 1995 onwards – they are about 20 years old, these are our kids in Argentina and they were born surrounded by digital issues and they have a fluent contact and a natural contact with technological tools. For example, I have a case of my nieces, my nieces are small kids and they know how to manage their cellphone and use their cellphone. And once you see them using the phone or the cellphone as well you see that they can handle it with no problem. So this has to do with their possibility of being surrounded by digital tools.

Then we have the digital migrants. At least in my country we, for example, saw the origin of the color TV for example – in the past it was black and white. In the past we used old phones and that process, analogical process, turned into a new access to technology. But some of us were migrating to this new technology. So I consider myself, for example, a digital migrant. I had or I used analogical technology and now I use digital technology. I remember that someone said in the future, in every kitchen of every house there will be a computer, and

that was said not long ago. And when I heard that I laughed, I said “That person was crazy!” I thought that person was crazy but undoubtedly I realized that well, this is now becoming true. Today we have at least one or two computers at home for example.

And then we have the digital illiterate and that is the person who due to reasons of age does not have access to changes and who is outside the tools or who is outside formal employment, and that person did not have the opportunity of accessing training. So those digital illiterates are outside the possibility of using new technology. This is why it is important, because it is important to highlight the social scenario. You cannot think of anything but computing and the use of internet because this is not just a matter of zeros and ones or databases – now we need to speak about the social scenario related to this.

This social scenario allows undoubtedly the development of people, and as I said at the very beginning this will deepen and will contribute to education and there will be a direct link between the progress of a region or a country and these tools. Now, this type of education will allow us to have initiatives. Some of the items you see here are the guidelines of our capacity building structures. On one hand we train people for the use of automatic tools. These give the opportunity for people who are not working in a formal employment, and it also helps old people, elderly people to start using these new technologies.

INTERPRETER:

We are not receiving Sergio’s presentation. This is the interpreter, Sergio has disconnected.

SYLVIA HERLEIN LEITE: Sylvia speaking. Sergio, can you hear us?

SILVIA VIVANCO: Silvia Vivanco speaking. Yes Sylvia, Sergio has dropped and we are dialing him back.

SERGIO SALINAS PORTO: Sergio speaking. Hello, can you hear me? This is Sergio speaking. So can you see the presentation? So when we speak about a [plus] we are talking about the empowerment by the community. We generally work with pairs or hand-in-hand together with young people and other people. We have seen how communities have grown from our intervention and from the intervention of other fellow organizations.

The training for the use of computing tools is also important, and we have doubled our offer. We are now working on issues related to the training on automatic tools. We are inserting people into a new world, into a world related to development; for example, they can learn to write HTML or other languages. They can develop a software for example, apply it to different tools, and based on that... We do this with poor communities in our country and we have been working with certain issues related to entrepreneurship. We want people to work together so that they can achieve or they can create a business.

We have a group of young people and elderly people working on the employment structure in Mar del Plata where I live, so these were people out of the formal employment. So they created a comparative.

The objective of this new business was to generate a structure where they copied or photocopied papers for university and they started working with students at the national university. And now students buy their recordings and the materials they create for university, so they get the information and they provide students with information for their classes.

On the other hand, and this has to do with the social functions of these tele-centers or these technological centers as we call them here, this is the opportunity that we have to link with the state. We need to take into account that we need to be present in places where the state is working by means of microbusinesses and by means of these tools communities are given the opportunity to develop marketing campaigns, for example.

Now in terms of the participation within the society, well, we need to speak about the creation of a viable alternative for poor people. Bolivar said that any educational act was a political act, and this has to do with the foundations of the civil society I think. Everything, any education act has to do with a full political act with the civil exercise of teaching and of participation. In this picture you can see here, there are people from the community creating a training center. These centers are created by the community and led by community leaders.

For example, here you can see people, elderly people, and here you can see young people participating as well. I don't know if I have enough time but the experience that we have accumulated throughout this time has been really a lot. We have been working on issues related to free software. We have migrated all these trainings to free software, so

[Presie] is an example of free software. So throughout this time we have been giving people tools for them to start acquiring digital tools, and this is the objective, the main objective in order to narrow the digital divide at least in the Argentine Republic. Now I open the floor for questions, so any comment or question is welcomed. Thank you very much.

SYLVIA HERLEIN LEITE: This is Sylvia speaking, thank you Sergio. I don't see any questions but if you do have a question please do raise your hand. We still have twelve minutes for this part so you can make all the questions if you wish to do so.

Antonio Medina raised his hand. Antonio, you now have the floor.

ANTONIO MEDINA GOMEZ: This is Antonio speaking, thank you Sylvia. Thank you, Sergio, for sharing your vision. I would like to ask you with this dynamic that you're presenting here, there are two scenarios that I think are important. With the risks that you see at the level of the privacy of (inaudible) on the one hand, and then on the other hand what is the position of governments or what is your position regarding open source software? Thank you.

SERGIO SALINAS PORTO: This is Sergio speaking again. Antonio, I will ask you to make the question again because I didn't really hear it. Unfortunately your voice is very loud.

ANTONIO MEDINA GOMEZ: Antonio speaking again, okay, here's my question: I want to know your position as a President or as a head of the association called Internauta, what is your position in relation to the privacy of users in these times that is signaled by something that's a lot more complex and this is very (inaudible). And secondly, in connection with the popular intervention of government to control the internet, what could be, how could this freedom be?

SERGIO SALINAS PORTO: Sergio speaking again. Well, Antonio, first of all we understand that the internet should be free, that there should be a possibility of access that should be an ir-restrictive access. We really value activities of civil society with respect to freedom and with neutrality, neutrality on the network. This for us is essential and it has been part of our tools and it has been so for a very long time. I am on that page.

I don't really understand what you mean with your first question and I think it's actually related to the second one, is that correct?

ANTONIO MEDINA GOMEZ: Antonio speaking again. I want to know about the impact of the use of internet on citizens.

SERGIO SALINAS PORTO: Sergio speaking again. Well, the issue of privacy is a very concerning issue for us. We have seen how many times people have attempted to try to break with this, people have tried to put users in a very

uncomfortable situation. But we will never stop debating, we'll never stop discussing. We will never stop generating proposals and especially we will never stop defending our rights. We have a right to our privacy; we have a right to the unrestricted use of the internet. We have a right to prevent these tools to be manipulated by states, and we also know that states should be friends and not enemies of people. So we believe the state should be able to participate in the possibility to generate alternatives to the use of the internet, but states should not be allowed to intervene on the rights of the users.

I see there are some questions in the chat room – would you like me to answer them?

SYLVIA HERLEIN LEITE:

This is Sylvia speaking. Sergio, I would like to ask what Eric Huesca said, and he wants to know about these training centers. How do you involve attendees so that they continue to attend, especially when they don't really have very much of an idea about what's going on?

SERGIO SALINAS PORTO:

Sergio speaking again. Well, we start with a very simple thing – we go and speak to the community and we try to define together, and this is a dialog that we start with the community. So we define common strategies and we don't really arrive there as colonizers – we actually join the rest of the people. This is an excellent tool.

The other day I was explaining to one of our colleagues, they are trainers there and before the end of 2012 we had a group of trainers. So we were talking with them about how to handle the communities. In

very poor communities, some people provide us with the best chair that they have and it's nice and dirty, and so what you do is you go and clean it and then you sit down. The person on the other side will take it wrongly, so you have to be aware of the forms; that is, you have to know how you're going to communicate with the people you're going to talk to.

So we tried to agree on the issues that we're going to deal with. We are going to say what are the expectations because in some communities they tell you "Well, you know, now we're working with an aboriginal community and this community is interested in training seniors who actually are used to working in agriculture; and then on the other hand there are younger people who are not attending school yet and they want to know something about computer issues." So these are the people who are interested in getting, starting to work on the fair trade. So if we are going to have fair trade when we're going to remove intermediaries from the middle, one of the things that we need to do is to try to train them.

So this actually exceeds the training that we're giving. So there are people who assumed roles and there are people who will be trained, but they will also try to have the place clean; and other people will get trained but they also will be involved in peer-to-peer work and they will join the rest of the community. So that's our idea. We maintain these technological centers through leadership, and leadership is started by means of the different needs of the community. If the community needs to have a place to speak on the phone or a place to send their kids so that they can learn or get new skills in technology; and at the same time they need a place where they can form some kind of

kindergarten for children – this is the way the community will be formed and the place will not only be used as an educational center but also as their own place so that you can help with other needs that exist in the community. So I’m not sure I answered but this is where we’re going.

SYLVIA HERLEIN LEITE:

Sylvia speaking. I think part of what you answered has to do with what Carlos Vera stated. At the end of the [chat] he says “What is this approach that you think should be established in new strategies to face the digital divide?”

SERGIO SALINAS PORTO:

I think there is an issue or a challenge, that’s the issue of broadband. There are many countries that are, I think Ecuador is also doing something in connection with bridging the digital divide. Venezuela has this, Brazil has this, Uruguay has this and Argentina as well, and this is a project of involvement in new technologies by very young children, and of course this will not go forward if there is no strategy so that we can have them there, we can get the permanence there. So we have to go in that direction.

We need to link very basic issues, very basic technological issues that we are not so concerned about there because we have more access to machines, to computers and our own community technological centers have very old machines and we are still using them. Now, we do need to know how to maintain connectivity everywhere and to have these or to consider these as a state issue.

SYLVIA HERLEIN LEITE: This is Sylvia speaking. Sergio, we have our last question.

JUAN MANUEL ROJAS: This is Juan Manuel speaking, I have no AC room.

SYLVIA HERLEIN LEITE: We now give the floor to Evan who has raised his hand. Evan, please go ahead.

EVAN LEIBOVITCH: Thank you very much to everybody. My name is Evan Leibovitch, I'm calling from Toronto, Canada.

INTERPRETER: One moment, there's a lot of people speaking.

SYLVIA HERLEIN LEITE: This is Sylvia speaking, Juan Manuel, you need to understand that now Evan has the floor and then you will speak, okay? Okay, please go ahead, Evan, yes.

EVAN LEIBOVITCH: I'm sorry. My name is Evan Leibovitch. I'm calling from Toronto, Canada. I'm a Vice-Chair of ALAC and I have an extreme interest in what you're dealing with. This brings a perspective into LACRALO and into ICANN At-Large that's very welcome and very necessary. I have one specific question on an issue that is becoming very important within ICANN right now and that the perspective of you and the groups you're

working with is going to be very important. How do you see the balance taking place between the privacy of people going on the internet and the accountability of people providing information on the internet?

With issues to do with WHOIS and other things that are right now under heavy discussion in ICANN right now, we're trying to deal with how to address the balance between protecting the privacy of people but also addressing the accountability and the openness of people who provide information on the internet who could be in some cases providing fraudulent or misleading information. How would you talk about and how would you deal with the issues of balancing privacy and accountability? Thanks very much.

SERGIO SALINAS PORTO:

This is Sergio speaking. Thank you, Evan, for your participation. You know I appreciate your participation and the fact that you're here is very good for us all because I know you contribute a lot to the discussion within ALAC and At-Large. In our training centers, we provide, that is I don't really want to talk about courses but we do give talks and we show them how they should use the internet properly – what is a good usage of the internet. And the issue of good usage of the internet is discussed as to what extent should the internet be used, when is there privacy, where is it that we should... Or actually, this has to do with the rights that you claim. One claims for his or her rights through respecting the other.

I'm not really sure if I answered your question but parts of the educational structure or the training structure that this technological

centers have is related to the good use of the internet by the elderly and the good use or how to use....

INTERPRETER: We have very bad sound, we apologize. There are a lot of people speaking, the interpreters apologize.

SYLVIA HERLEIN LEITE: This is Sylvia speaking. Juan Manuel, do you hear us? Sergio, do you hear us? Juan Manuel, do you hear us? I think Juan Manuel is not listening to us and we have exceeded the time we had devoted to the training time, so I would like to ask any of you who have a question please do email it to the list or write it here in the chat room and I'm sure Sergio will answer.

Sergio, would you like to say something else?

SERGIO SALINAS PORTO: This is Sergio speaking. I didn't really see that they are having, Erik is saying that they are implementing a community issue, so this is something perhaps that we can raise as a community issue again. But we are working in connectivity questions, wireless connectivity outside that is offline. There is an experience called Buenos Aires Libre and another one called the Mar del Plata Libre where through WiFi people get connected without being on the net and they are a [server] part of the network. And so we exchange files, etc., in a huge community that is being built up and if this experience is okay for you I can talk to you about it.

So this is it. I thank you very much for the possibility you're giving me to speak today before you. That's all, thank you.

SYLVIA HERLEIN LEITE:

This is Sylvia speaking. Thank you, Sergio , it's a pleasure to have you here and we see many people are interested in this issue because it was the most voted issue, so it was great to have you here. Thank you very much for your time and for your presentation. Erik is saying that he would like to give a big round of applause, so you actually do deserve and applause.

So we'll now go on to Item #4. There are many news and Fatima is going to talk to us about the regional meeting in Uruguay. There are lots of things that they discussed so if you'd like to speak, Fatima Cambroner, you now have the floor.

FATIMA CAMBRONERO:

This is Fatima Cambroner speaking; thank you very much, Sylvia. I think ten minutes will be enough. I will try to speak slow for our interpreters. I sent an email to the list, I don't know if you have read it – I sent it on the 6th and 7th of February. There was a meeting, a retreat for the LAC Strategy Working Group... Hello, who's speaking?

Fatima speaking again, sorry for the interruption. This regional strategy for Latin America and the Caribbean Region started in December. We worked with delegates from different communities or constituencies of ICANN from our region, Latin America and the Caribbean Region. So we had this face-to-face meeting to work on the creation of the strategy

itself, and during the meeting in Montevideo there was a great advancement in our work.

In the email I sent I somehow remind the LACRALO region how we worked in that meeting or during that meeting among all the participants because at that time there was no draft about this strategy to share with all the community. We have drafted the vision of our regional strategy, the objectives, the strategic objectives and now we are developing the strategic projects for our region. This document, this draft document is not finished yet. In a few days we will be finishing the document and we will share the document with all the participants in this group and with our communities. Here with Dev we are representing LACRALO, so once we have the draft finished we will submit this draft consultation so that we can obtain feedback to support these strategies.

The idea is to have this strategy ready, or the document ready for Beijing in April, probably to present this document in the meeting in Beijing. And if it is not ready by that time the following month there will be a meeting in our region apart from the Beijing meeting. We have a Wiki page and I think Dev is sharing the link with you – there's a Wiki, a LACRALO Wiki with all the documents that we have been working with. There is a SWOT analysis already created and what LACRALO said about strategic planning was taken into account. So I here thank Dev, Alberto and Alejandro for sharing those documents. They contributed to the ICANN regional strategy and today, this morning we have a third call to discuss some details and to establish deadlines in terms of our future work.

I would like to highlight the great effort and the goodwill of all the participants in the meeting and those participating remotely, because they made their best to have a good result. Up till now we have a draft, a good draft of a very good work and we are considering the interests and needs of each of the communities and constituencies that are part of ICANN and which represent our region.

There are interesting points – for example, something that was being discussed has to do with achieving greater participation by governments in our region in the GAC, so we are discussing now this. We are talking about training, capacity building especially for users, for those who are part of the business sector and the private sector as well and we also know that we have low participation or representation of our region in ICANN. So we are creating outreach and there are some other points that I don't remember now, but if you read the draft you will see them. So please take some time to provide input and feedback because your comments are really important.

On the Wiki you will see the report posted. You will also see many documents that have been uploaded, so any question or comment please send it to me, Dev, Vanda or Alejandro and we will welcome them all. So I see Vanda and Dev, so I will ask them to add whatever they want if I am leaving something behind; and if not I am available to answer any questions here or by email. That's all, thank you very much, Sylvia.

SYLVIA HERLEIN LEITE:

Sylvia speaking. Thank you very much, Fatima. I don't know if Vanda or Dev would like to add any comment regarding this Item #4 on the

agenda? Dev is thanking you in the chat. Your summary was very concise, Fatima. Vanda, is there any comment? Thank you very much, Dev. Dev says he has nothing to add.

So now I think we can proceed with Item #6, and this is the WHOIS update. And now we will give the floor to Carlton Samuels. Carlton, you have the floor, go ahead please.

CARLTON SAMUELS:

Thank you very much, Sylvia. This is Carlton Samuels for the record. Welcome, everyone. I'm just spending a few minutes to update you on what's happening with the WHOIS. I'm going to go fairly quickly because it's a long process, but some of you may recall that there was a WHOIS Review Team that was raised based on the Affirmation of Commitments. The AOC compels a review of the WHOIS construct. They spent a lot of time going through it and they issued a final report in May of last year. And you see the report laid out there.

There are a couple of things that you will see from the report, and we're not going to go into it in detail here. It shows you the scope that they were supposed to do, and the scope was to review the extent to which ICANN's WHOIS policy and its implementations were effective and that met the needs of users, law enforcement; and supported consumer trust. And that was the scope of the Review Team.

The composition of the Review Team was lots of people from all the ICANN constituencies and law enforcement and so on. It was a very balanced set of people and they worked very well. One of the things I

congratulated Emily Taylor on is the extent to which they took to solicit the views of the community. I think that was excellent.

They came out with some recommendations and they have 16 recommendations, and the recommendations covered a barrage of things. The first one was about strategic priorities – it said that the Board ought to consider WHOIS a strategic priority. That will have some implications which I'll speak about very soon. And it goes in several others – that we should have a single WHOIS policy; it speaks about outreach, it speaks about compliance; it speaks to data accuracy and so on and so forth.

So then the Board gets this report; it's compelled to respond to it. Again, the Affirmation of Commitments requests that, requests and requires. So the Board met back in November and they had some resolutions, and again I'm pasting the resolutions in the chat. And in this situation the Board says "Well, we have looked at the Review Team's work." And they acknowledged the fundamental purposes and objectives for collecting, storing, and maintaining WHOIS access, and they said "Well, we need to launch a new effort to redefine what WHOIS is supposed to be and what it's supposed to mean, and it actually says we need to access it to gTLD policy registration data, contractual negotiations, and so on."

And so there were two resolutions. It asked the CEO to launch a new effort and it asked the CEO to continue efforts to enforce existing consensus policies and contractual obligations related to the WHOIS collection and usage and so on. So the Board got into the act, and the CEO then did what the Board requested and one of the first acts was to

form this Expert Working Group to take another crack at looking at the whole WHOIS question. And that's how I became a member of the Expert Group on WHOIS. It came out of, again out of the WHOIS Review Team's final report and its recommendations.

The Board took up the WHOIS Review recommendation to get involved at the strategic level. They passed resolutions back in November of last year and one of the resolutions was that the CEO was supposed to launch a new effort into looking at the whole WHOIS question as a strategic priority; and secondly to continue to make enforcement of existing WHOIS contractual obligations and policy important. So that is the gist of where the WHOIS Working Group comes from. This has been a long story, it's nothing new but where we are in the process at the moment.

So let us talk about what exists today. Most of you will know that the current Registry Accreditation Agreement is the contract that compels the collection of registrant data and the use of that registrant data. And that is covered in Clause 3.2 and Clause 3.3 of the current RAA. It's very clear. It tells you what the dataset, the WHOIS dataset is and it directs what is to happen when you collect that dataset. The problems inherent in this activity is a.) the accuracy of the dataset, and b.) the ongoing conundrum that by collecting the data, elements of that dataset and publicly publishing those as per the RAA and the obligations of registrars, then you are degrading privacy rights of individuals. That's one such outcome of this.

The fact is that if you look at the history of the WHOIS, and the WHOIS Review Team final report gives a pretty concise history of the WHOIS;

and if you want to look at the many ways that the WHOIS data is used then I suggest you see the report that was developed by the staff on the request of the GNSO Council which is an inventory of WHOIS service requirements. And that report goes into detail about what the uses are of the WHOIS data. It goes into details about some of the disabilities of current WHOIS, especially with respect to internationalized domain names' registrations.

So where are the elements that are consistent with both the contract and with the expectations? The new Registry Agreement that is being negotiated defines a service requirement for the WHOIS and it also has an accuracy specification for the new WHOIS in the new Registry Agreement. This accuracy program speaks to what should happen with the data that is collected. So for example, it requires to validate the presence of data in all the data fields that are subject of the WHOIS dataset, which is in Subsection 3.3.1 of the new Registry Agreement. It asks for validation of the email addresses; it also asks for validation of telephone number – in fact, it asks for validation of the several pieces of contact data that makes up the WHOIS dataset.

The issue is becoming even more complex by virtue of the New gTLD Program. Here is what updates: currently, WHOIS data, that is to say the data that is defined in the Registrar Accreditation Agreement that must be collected at registration and displayed in a specific way to ordinary internet users, that data is now defined in the RAA – and there are two places where that data could be kept. The difference is in where the data is warehoused in the registries as opposed to the registrars.

In registries that are called thick WHOIS – all of the registrant data inclusive of the pieces that make up the WHOIS dataset is stored with the registry, in a registry database and there are consensus policies that speak to its maintenance, its transfer and so on. With registries that are thin, and to date there are two main thin registries – and that is the .com registry and the .net registry – most of the pieces of data that constitute the WHOIS dataset is kept at the registrar level. And the registrar is compelled by contract to make that data available for end users.

Because of this [a-normal] situation the way that WHOIS data is treated in thick and thin registries is different. There's also this one issue – if you look at the amount of registrations that are linked to the .com and the .net registries for gTLDs, I'm speaking gTLDs now, those make up the bulk of the registrations, the URLs, the domains that are registered. So there is a real issue between data management and usage between thick registries and thin registries.

The New gTLD Program has mandated that all new registries will be thick registries, meaning that the data for registration data, registrants', will be kept at the registry level and therefore it's the registry that is responsible for its availability and public publications. I am going through this background to tell you why the WHOIS matter has been such a bugbear for all of these years. It is not only because of lack of uniformity in the way the data is treated and collected but also the concerns about undermining of privacy, of personal privacy in the way the data is treated or could be used by anyone who could harvest that data.

This is a short synopsis of what could happen, and this is just the kind of input that this Experts Working Group will be looking at. We are going to be getting together in a couple of meeting before Beijing to see if we can reach a consensus on what the objectives of the WHOIS in terms of registration and directory services is intended for and how we might accommodate the various concerns of the various constituencies. Thank you very much for the time.

SYLVIA HERLEIN LEITE: Thank you, Carlton, this is Sylvia. Thank you very much for your report, it was very complete. And I see Fatima would like to ask a question, so Fatima, please go ahead.

FATIMA CAMBRONERO: This is Fatima speaking, thank you very much, Sylvia. Thank you, Carlton, for this explanation. I always torture Carlton with WHOIS questions so thank you very much for your availability and congratulations for being appointed within this group, this review team.

This is then the question on this issue I would like to ask Carlton. What do you think about .cat that has modified its policies to adapt it to the European Union's policies, the European Union's regulations? So if you could answer quickly please on this issue I would greatly appreciate it, thank you.

CARLTON SAMUELS: This is Carlton. Thank you, Fatima, for the question. We've had a discussion on this and I'm giving you again my personal view of it. The

.cat, as is the case when you have registry agreements, the registry agreements are contractual agreements between ICANN and the registry and there can be reasonable adjustments made to that framework within the context of the way the contracts and the law of contracts operate.

The .cat registry has decided that it is going to make WHOIS conform to the EU data and privacy policy. I personally, if I look at what they're trying to do, it seems to me that there are two things that need to happen. First of all, my reading of the EU data policy makes it perfectly clear that if you have a contract that requires you to provide personal data you have the right to know what that personal data would be used for. And so far as I'm concerned, as long as the contract between the registry and registrar lets users know that the registrant data is required and what it's being used for it is certainly good enough.

I have a sneaking suspicion that we will have to revisit this because any opportunity that is taken to put any kind of hurdle in the way of end users, ordinary end users having access to that WHOIS data I would find not in the interest of end users. The major difference between the .cat situation and the gTLD situation that we are talking about is that .cat is actually restricted to a community grouping, and so maybe you can see a difference in terms of the community. But certainly with respect to a gTLD, a generic top-level domain I would oppose any and every attempt to reduce the rights of users, end users to access accurate WHOIS data. Thank you.

SYLVIA HERLEIN LEITE: This is Sylvia speaking. Thank you, Carlton. Now our Chair, Jose Arcé would like to speak, so Jose, please go ahead.

JOSE ARCÉ: This is Jose speaking. Thank you very much, Sylvia. I am not in the AC room so I would like to thank Sergio for his presentation and Carlton as well, and congratulate Carlton publicly for his new appointment on the team. So this is a good opportunity to say that I would like to congratulate Carlton.

And now I would like to touch on an issue that is not on the agenda but I will mention this briefly, and it's related to the work that this team, the Review Team for the New gTLDs did. And with respect to this group, I first of all would like to congratulate you on the work that you have done. I know it's been a very hard work, and I have been able to understand a little bit more what you do on that team because the two representatives were Dev and Marcelo Telez and Marcelo could never participate in the group and we could never cover that place with anybody else. But knowing the work of this group a little bit more I do want to congratulate you because it has been very difficult work.

If you've reached a conclusion, a good or bad conclusion, we don't really care about the opinion of anybody but you have done a very, very good work. So I would like to congratulate Dev and all of the Review Team. And I do think, if I can take the floor for a couple of minutes, it's good to say something about this work. So that's all, thank you very much.

SYLVIA HERLEIN LEITE: This is Sylvia speaking, thank you Jose. Sergio raised his hand – Sergio, please go ahead and then Vanda will have the floor.

SERGIO SALINAS PORTO: This is Sergio speaking. Hello, do you hear me? Thank you very much, Sylvia, this is Sergio Salinas Porto for the record. I would also like to congratulate the work of this working team but I have some reserves regarding the results. I think the results for the region is important. There were two issues or perhaps three that were important. Sylvia points to the .amazon issue and the .patagonia issue, and we have seen these reflected or so far I have not seen the questions of the region in this group. And I am concerned, very concerned because I have talked a lot with different people who have been involved in this work group and I don't really know if you didn't understand me or if they didn't want to understand me but I am very concerned about the results, especially with the .patagonia and the .amazon.

These are two important issues that are key issues and I believe that if there are users in a country who oppose something then ALAC has to work as a spring when it comes to expanding those rights and not as a hindrance to those issues.

INTERPRETER: It's very hard to understand Sergio.

SERGIO SALINAS PORTO: We should not consider them a company and not give rights to the users. It was a very hard work and I am concerned about the results.

I'm very, very concerned about the results. That's all, I just wanted to raise that issue. Thank you.

SYLVIA HERLEIN LEITE: This is Sylvia speaking. Vanda, you now have the floor.

VANDA SCARTEZINI: Hello, this is Vanda. I wrote something in the chat room because I think that we actually have been working in the .cat a lot, and we talked about technical issues separated from the other issues – and all this was just to make a contribution to this work group. But I believe that we will have in the new gTLDs, we will have many similar situations where there are proposals, there are governance proposals for these new TLDs.

So I believe that as long as there is a specific governance where users are part and they approve this governance, I think that it is adequate because the others should look or should see the cybercrime and I have seen this registered... I actually thought it was registered, all the WHOIS data were properly recorded. I don't think it is necessary to open these users if they understand they should not be [sold], but the persistence, the right persistence or the right existence of all of the WHOIS data that should be available is necessary for the world community. I think this is the main issue that Fatima mentioned. Thank you.

SYLVIA HERLEIN LEITE: This is Sylvia speaking. Dev, you now have the floor.

DEV ANAND TEELUCKSINGH: Sorry, thank you very much – Dev Anand Teelucksingh speaking. With regards to the New gTLD Review Group, well one of the challenges we have been facing in regards to the process is trying to get comments from the At-Large community. And I have to say, there were very, very few comments in the previous months and literally only within a few hours of the deadline that somebody made a request to have a comment on .amazon and on .patagonia, and actually on several other TLDs. So this makes I think it difficult to have an effective discussion and dialog and so forth.

Now with regards to, well I would say the results as Sergio put it, I just posted a link to the community objection grounds. Once the Review Group determined that there didn't appear to be any limited public interest concerns as per the Applicant Guidebook we then looked at the community objection grounds. And the Applicant Guidebook is actually very specific in what is considered to be a community objection. There are like four specific tests that an objection can be heard, and what is critical is that the objector has to meet all four tests in the standard for the objection to prevail.

So and the four tests are on the community, the community involved by the objector is a clearly delineated community. It must be substantial opposition, community opposition to the application is substantial. Targeting – the objector must prove a strong association between the applied-for gTLD string and the community represented by the objector. And there is detriment which says that the objector must prove his application creates a likelihood of material detriment to the rights of the portion of the community to which the string may be explicitly or implicitly targeted.

So what happened is that after the discussion and reviewing the comments that were posted onto the Wiki, and I thank those persons who took the time out to post comments on the Wiki, that when we did a detailed ranking of the community grounds and decided whether based on the comments received whether these four criterion – community, substantial opposition, targeting, detriment – whether these were passed or not. In terms of .amazon and for .patagonia it was primarily the detriment factor that most Review Group members felt that it did not pass that threshold. And based on that we decided not to proceed with drafting an objection statement, because again it's not whether one test is proven – it must meet all four tests have to be proven for the objection to prevail. So that was the reasoning behind it.

Just to mention also with regards to Marcelo Telez, unfortunately due to personal reasons he felt that he was not able to participate and decided to step down a few, well about a week or two ago. So we have accepted his stepping down from the Review Group and it's up to LACRALO to decide whether they want to have a representative on this Review Group given the stringent timelines.

SYLVIA HERLEIN LEITE: Dev, this is Sylvia speaking. I would like to say that we are just about to get to the hour.

DEV ANAND TEELUCKSINGH: Sure.

JOSE ARCÉ:

Thank you very much, Dev. I would like to give the floor to Evan because we are about to reach the top of the hour, and there's also Sergio who will be the last person to take the floor. This is Jose speaking. I just wanted to speak for 30 seconds. Evan, now you have the floor and please be very brief because we are reaching the top of the hour. Evan, please go ahead.

EVAN LEIBOVITCH:

Thank you very much and I will be brief. I simply wanted to make sure that people recognize the very difficult work that Dev has been doing in trying to answer the very specific and very detailed requirements that have been put on this particular objection process. The reason I'm speaking now is to make sure that LACRALO understands that there are two channels to participate in this. ALAC and At-Large has the ability to comment on any ICANN issue at any time and send advice to the Board. If LACRALO believes this is a very important issue, the committee that Dev is chairing is not the only channel that is possible.

The Group that Dev is chairing has a very specific mandate under very specific criteria. If that is not sufficient, and based on the work that has been done so far it has not been sufficient; but if LACRALO believes that an intervention is still necessary, LACRALO still has the ability to raise the issue as a region, to bring it forward to ALAC and to advise to ALAC that this should be brought up as a public interest issue to the Board. That kind of advice is still possible and that is still a channel open over and beyond the work that has been done, the excellent work that Dev and his Review Group have done. Thank you.

SYLVIA HERLEIN LEITE: This is Sylvia speaking. Now Sergio, you have the floor.

SERGIO SALINAS PORTO: This is Sergio Salinas Porto for the record. I'm going to be very brief. With respect to what Dev said I will make reference to just one issue, but I think this deserves more discussion. It's not necessary to have many users; actually there are many users who talked about the .patagonia and this is in the ICANN registry. It is not necessary to have many opinions on the Wiki. It's only one person raising his voice – that's sufficient. But there is only one company that wants to have the .patagonia, so with only one user of the network saying that there are not sufficient rights and there is a fundamental rationale saying that .patagonia is a brand of origin. And in Patagonia there are many people working, selling products, products that are manufactured in the Patagonia region – only with that that is sufficient.

This is something to continue discussing at some other time, not now, that I wanted to say this because I think we should not go around the bush with this. That's all, thank you.

SYLVIA HERLEIN LEITE: Sylvia speaking. Now Jose Arcé has the floor.

JOSE ARCÉ: This is Jose speaking. Just to close, I wanted to thank Evan, just to clarify what is the path that the region has ahead. And then another issue is I understand the points that Sergio is stating but this issue is not on today's agenda and I brought it because I considered the region

needs to discuss it today, and any of us should express and have the opportunity to talk. And I appreciate some things in the Work Group, and it's a fact that they had to comply with the requirements stated on the guidelines in the Applicant Guidebook and their requirements are very clear. Perhaps the problem in the region is the requirements themselves which cannot be controlled by the Work Group. This is something that can be discussed a lot in LACRALO if the region so decides, and we have many days to continue in this.

So thank you very much, Sergio, for your opinions and thank you, Dev, for your clarifications. And that's all, thank you.

SYLVIA HERLEIN LEITE:

This is Sylvia speaking. Thank you, Jose. There are two items pending that were just put out by me. They have to do with the electoral process that we started on February 7th. Everybody received the email where we opened the process and I just wanted to remind you that it goes from February 7th to March 7th, 23:59 UTC. And for those representatives of the candidacies who would like to run for Chair or Secretary of the Region we can continue discussing this because this is an issue to discuss.

And finally we have received a request from an organization in Paraguay who wants to be a part of the LACRALO region. It's called [Civic Technology Education and Development in Paraguay] and for this reason we at ALAC, or ALAC has asked that we provide the information and advice on this organization. So we will open a Wiki page so that people who know about this organization or have more information about it can put it on the Wiki page. And we will also determine a

deadline and within that deadline we will be able to provide advice to ALAC.

We have exceeded our time by six minutes. This has been an excellent teleconference; I would like to thank you all. And as I said at the very beginning it seems that 2013 is going to be a very powerful year. There is a lot of participation and engagement. We are very happy for this, so thank you very much for your time and we will continue to be in contact through the list. Thank you very much, good night and good afternoon. Goodbye.

[End of Transcript]