

ICANN

**Moderator: Maryam Bakoshi
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12:07 pm CT**

Coordinator: Recording has started.

Klaus Stoll: Okay Sam, so stage is all yours.

Sam Lanfranco: Thank you Klaus. Can you hear me?

Klaus Stoll: Yes.

Sam Lanfranco: Okay, I'm living with a bit of an echo, but I think I can ignore that. Okay...

Klaus Stoll: Maybe because there is two Sams connected at the same time.

Sam Lanfranco: Let's see if I can (unintelligible). I can't. I'll live with it for the moment and then when I'm not talking try to sort it out.

Okay, from the very beginning there's been a problem between the two charters – the NCSG charter and the NPOC charter. In the NPOC charter we include the phrase professional organizations or professional associations.

And I think it was meant to catch organizations where professionals had come together for self-education or for civil society/social policy outreach. And we've not been able to allow anybody in if the organization was made up of lawyers or insurance agents or just the rotary club from a community because they're all business people.

I'd like us to sort that one through for two reasons. One is that frequently in the case of things like rotary clubs and so forth, they have a social agenda. The other is to discuss whether or not the self-education aspect qualifies, yes or no.

I would think yes but others think no because they'd like for them to be more knowledgeable about Internet governance and how it impacts on what they do and how they could participate in it from the civil society side. So that's the one that I'd like to put on the table.

Also I'd add to that that there's a pressure on not-for-profits to move towards social business and then we have to figure out how we're going to handle that – big corporation type stuff.

And lastly but I would say keep it separate now, I think we need to come back to how we deal with not-for-profits in entities like China. That's a second issue, and I don't want to put it on the table right now. And I'd like some feedback or comment, and I'll try and get rid of one of my subscriptions here.

Klaus Stoll: Thank you very much Sam. Tapani is there any kind of comment you'd like to make?

Tapani Tarvainen: Thank you Klaus and Sam. Like I said, the point when I look at what the NCSG charter says you have incorporated as a non-commercial entity or

unincorporated operated on a (unintelligible) basis primarily for non-commercial purposes. I guess that's your problem here.

But I do not see like it to - that we will be reviewing or changing the NCSG charter soon, like not within a year. While it might have been in some way convenient to do that thing, at this point, I really don't see it happening. It would be - actually it will be better to do an NCSG charter first and then everything else.

But after this, upload that and then if you want to set up NPOC members, they have to fit within this definition. How much that definition can be stretched to? Well, it's primarily for non-commercial purposes. I guess you would have to bring that to the NCSG Executive Committee for debate or for NCSG discuss it for that matter if there are some borderline cases.

But maybe you could come up with an example, a specific case you'd like to bring in which doesn't fit in with this now. Try to move this discussion forward in that way or at least a well-defined hypothetical case. Sam?
(Unintelligible)

Sam Lanfranco: Okay, can I comment now?

Klaus Stoll: No Sam you can't. Joan you were - did you want to talk? No, Joan had her hand up.

Joan Kerr: Hello?

Klaus Stoll: Yes.

Joan Kerr: It's Joan. Can you hear me? Okay, no Tapani addressed that - you know, it's all non-commercial, so I'm good. I took my hand down by the way, so I wasn't (unintelligible).

Klaus Stoll: Okay Sam if you don't mind, I think actually what - that's why I go first. I think what Tapani just suggested is a very, very good way forward. I think we have a (wee) problem, and the (wee) problem is really how do you interpret primary for non-commercial purposes?

And there is a whole range for example you could still - fundraising to selling things to doing things in order to fund something that's purely non-commercial and things like that.

So the way forward to me would be to have three or four cases described and start discussing that not only in the NCUC policy committee but also throw it out to the wider community, maybe even the board, and just say what do you think is actually the definition of primary for non-commercial purposes, because I don't think that we actually need to change so much or desire to change of the NCSG charter.

Maybe the thing is not in changing the words but in clarifying exactly what the meaning of these words are, what are the boundaries of (it). So my proposal would be to - maybe with the help of Benedetta and other people to have examples and really find out what actually are the boundaries of this primary for non-commercial purposes. Okay, sorry Sam, now you are up.

Sam Lanfranco: Okay thank you Klaus. It's Sam for the record. That's the point that I have been trying to drive forward for the past 18 months. I have tried to drive forward the point that the wording of the NCSG charter and the wording of

the NPOC charter produce a confusion and that the dialogue needs to be to sort out the confusion, not to change the NCSG charter.

I would add that the proposed change – one of the proposed wording changes in the NPOC charter would make the situation more complicated and worse, so we have to address that. But what we need is clarity on understanding here. We don't necessarily need to change, and I don't believe we need to change the NCSG charter at all.

It's not - the rebuttal should not be the NCSG charter. It's not up for review, but the dialogue should be around an understanding of the meaning of phrases in the NCSG charter and the existing phrases and possible new phrases in the NPOC charter after the review. I agree that putting together several simple, short one-paragraph cases and saying this is where the confusion lies, given the existing wording, and we need to sort out the confusion. And I'm prepared to work on it.

Klaus Stoll: That's good. So I just see (unintelligible) are you having any comments? Having to listen to all the time to the people who always have something to say. If that is not the case, what I would really suggest is that we talk about now how to create these case samples and what to do with them.

So I think a good idea would be – thank you (unintelligible) – I think a good idea would be if Sam and Benedetta, would you be interested in working with Sam on this? Is that something staff would be interested in?

Benedetta Rossi: Hi Klaus. This is Benedetta speaking. Sorry I was on mute. I'm sorry, helping with what exactly?

Klaus Stoll: To do these cases, to do one paragraph -- five or six or seven cases, what definitions or real life cases of -- and then to describe what is not for profit or not for profit/non-commercial and how we define that.

And then we have to get this discussion into the NCSG level and also I think on the wider community level because I think the consensus here is that -- at least so far -- is that we don't have to change too much wording of the - especially of the NCSG charter but that we need to be clear about the definition what these words are meaning.

I'm very happy to also work on that and work with Sam on this one, but I think we need a fairly straightforward process on getting that done. So is that something you as staff would be interested in working with Sam on at least on the first draft and then throwing it out to us again to discuss it?

Benedetta Rossi: Sure, I think that's something that staff can help with.

Klaus Stoll: Okay. Sam and Benedetta, how long do you think you need to get the first draft done? Sorry that I nail you on the wall, but we don't have too much time. I would really like to know how we get this going.

Sam Lanfranco: Sam here for the record. I'm trying to think that through. I have three days of intensive conferences coming up and then I have to travel. I'm worried about between now and the 25th how much time I can carve out. I'll try to carve out some time. I'll get part of it. Between now and the 25th I'm under pretty intensive pressure.

Klaus Stoll: Okay, I just see (Lemmie) is typing quite rigorously, and he would like to join the little group. The more the merrier, so you three get together. And let me just to save me some typing, what part of the agenda Avri? I have no idea

what the agenda is because our working group leader Poncelet is unable somehow to join us.

So I'm just (living) here on a (video) of a (prior) and tried to improvise it, especially as we started half an hour late. So do we have - is that a question with the non-commercial, with the definition of what is actually not for profit. I think we are fairly clear on that one, how to proceed. Tapani please.

Tapani Tarvainen: Yes just pointing out that if we are going to discuss the meaning of our interpretation of NCSG charter, it should be done within the NCSG. So if you come up with some text (you will ask), you'll have to bring it to the NCSG Executive Committee or NCSG discuss for wider discussion. It will go well if you come up with this is the definitions and everybody there will be surprised. But of course doing some preliminary proposals, suggesting text will be fine.

Klaus Stoll: Tapani it would be completely misunderstood if any text we come up with as seen as a definition we want to stick by. This is a pure for consultation only, just for clarification. And thank you for bringing up this point, and it has to be absolutely clear to everybody. And I hope that everybody is on the same understanding whatever we come up with is just a basis for concentration and dialog.

This is not that we come with a definition and say okay, this is now the NPOC definition or not for profit, and we have to stick it a point for the rest of our lives and everybody else to follow us. I hope that you all agree with that one.

Tapani, sorry, you're saying I'm sure it's clear for you. I'm just worried about how NCUC see it. And I'm sorry, even as a Lutheran minister I would love to quote you back out of the Bible and say, "Am I my brother's keeper?"

I can't all the time do something or not do something because other people might misinterpret it. And I think all our calls, all our deliberation including this one, are completely open and transparent.

And if people want to read conspiracy into that one, they can be my guest, but I'm not taking them serious. I'm sorry about that.

Okay, thank you very much. Okay, as a group is a little bit larger now, I just would like to let everybody know who is new for the group, where we are going – we all agreed to work on. If you see on the right hand corner of your Adobe Connect... Okay, Poncelet is now here but he can't use voice.

So all I would like to - I would like to tell people if you look at the right hand corner of your Adobe Connect screen, you see the Web links. And there is the NPOC charter, and there is issue striker. And what we decided in our first meeting was basically to use a pre-designed form to collect issues and to discuss these issues and come to solutions of those issues in this kind of cause and basically having these issues as a working document.

So if you want to see where we are, what the issues are, or more important if you want to act on the issue, please go to the issue striker. Look at it; comment on the different issues and also as I said more important, add to the next issues.

So Sam and Poncelet as you – I know Poncelet you can't talk – but Poncelet, as a group leader and as a leader of this discussion, which is the issue or what are the things you would like to discuss now as a next point? We have had the first point, the definition for not for profit. What would be the next issue would you like to - just to discuss, or Sam do you have anything? Joan please.

Joan Kerr: Great, Joan for the record. One of the issues that I have – and you know me. You'll probably get mad at me. I'm always a broad thinker, so you know, just be patient. Have we adopted at NPOC the definition of civil society? Hello?

Klaus Stoll: Yes. Don't you hear thinking? Sam, you're on.

Sam Lanfranco: Okay, yes, let me come back to Joan on that one. We don't have a working definition of civil society because in fact if you look around, they are either such general statements that they include things that the charter would say no to or they're so specific that they exclude things that the charters would say yes to.

So I think that the path forward here is to look at the edges of the not-for-profit NGO civil society universe and say, "This is the band where we have something huge," not Twitter feeds. Qualify or don't.

If they have a social mission that's clear, but if it's something about the way they are constituted, you're looking at - it's not so much the mission that they have but the way they're constituted that is causing the issue within the existing charters and we hope can get resolved as we devise our charter.

And I think – it's like he's saying -- the existing wording in the existing charters has produced the issue. It's not as though we're trying to establish a new space. We're trying to resolve an old (school) dilemma. So we may want to have a description of civil society but whether that's a good idea or a bad idea, it won't address the problem that I have concerns with.

Klaus Stoll: Okay, Joan you're next and I have a comment on this one.

Joan Kerr: It's Joan for the record. I guess where I'm coming from is if we're going out there, which we are now going out there to engage our members and to build relationships – and I do agree with you Sam but there are lots of definitions of what civil society is – I just think that we should take a look at it and maybe even have a statement on which one is the closest that we adopt.

For example in Canada, in Canadian or live in Canada, you know that (at least) it's now changing again. If you're a group that advocates for this, the government questions whether or not you're a civil society. But it's social justice as far as I was concerned, as somebody involved in a not-for-profit.

So, you know, I think that we need to give some leeway or some statement on what we expect a civil society in the context of not-for-profits and operational concerns. Thanks.

Klaus Stoll: Joan I think you just raised a very interesting issue, and let me try to give you my opinion on this one. And I think it really, really nicely coincides with one of the e-mails. Kathy Kleiman just a few hours sent with regards to the NCUC (unintelligible).

And basically it's - I'm just trying to find the e-mail of Kathy, and I'm going to read it to you because - ah, here it is. I think the purpose of the NCUC has (unintelligible). The purpose of NCUC is directly sent non-commercial community online political speech, for personal speech, research, education speech and individual speech and (unintelligible), domain names for non-commercial purposes.

And what Kathy is doing here is something which is also key to our discussion. We are not supposed - and I don't think it's our role to represent

civil society or something which is NGOs or something which is - what we are there to represent are operational concerns of not-for-profit organizations.

I think - I hope you understand what I'm trying to say here. What I'm trying to say, it's about the function we are doing. We are function to get there - how to say that - the best. It's not about representing groups. It's representing - it's specific concerns of a defined clientele. I'm sorry that I got you confused at the end. Sam.

Sam Lanfranco: Okay, Sam here. That was my last - the hand up was still from before, but let me make a comment here, yes. I see this as a two-stage operational concerns focus. One is to get them to understand that there are benefits and risks to these being developed within ICANN and they should be engaged in that policy process to represent not just themselves but the not-for-profit civil society constituency.

The other is to get them to understand that the operational concerns, the Internal governance policies are now popping up all over the place in that good citizenship and good stewardship of the Internet and good citizenship ecosystem means that they should also be paying attention to what's going on at the other levels outside ICANN. That's the kind of spinoff

But our focus is to get the - as NPOC to understand the benefits and risks of the Internet governance policies from within ICANN. But we do need to get them aware of that other stuff. We need to get ICANN more aware of that stuff.

Klaus Stoll: Okay thank you Sam. So basically...

Sam Lanfranco: (Unintelligible) I mean Internet (governance).

Klaus Stoll: Yes, okay Sam. So just for clarity sake, so we had the first issue, which is basically a definition for what is non-commercial or (unintelligible). And now we have a (sic) issue basically what do we do and who or what do we actually represent?

I think that that is a question I think it's so (weighed) in the charter of NPOC that I think it would be a good idea to make that we should read just to ask the questions who or what do we represent. And I think this is something we should add to our issue list to move on.

And I think we should take the e-mail from Kathy Kleiman even if it addresses the NCUC side. I think it's actually a very good point also for our NPOC deliberations.

Are there any further questions with regard to this issue point? Any comments? Anybody else got something on the issue of who or what do we represent? Doesn't look like it.

Please read the e-mail, the chat comment from Benedetta, the long one, and let me know how you want to move and especially Poncelet because I'm only the default chair of this meeting, and I really don't want to make it a habit of deciding anything here.

So as this was our second issue, if we are mentioning year to date, we've got ten minutes left or nine minutes left. Is there anybody else who would like to start a third issue here and now? Please. Anybody who wants to start something, has a burning issue or anything he wants to add to the issues list? Come on, help me out here.

Sam Lanfranco: Klaus?

Klaus Stoll: Yes please Sam. Sorry, I didn't - I was reading in chat.

Sam Lanfranco: Okay, yes, a couple of things we might want to think about. And if they come up in doing the charter, but they're not part of the charter, and that's - no I'll hold them back, I'm sorry. I don't want to raise them now. Changed my mind.

Klaus Stoll: Okay. Totally - you seem to be wanting to (rewind the wheel) and you like the comment that Benedetta is proposing. So what I would like to do here and now, not to go too far, I would say please Poncelet you can make this - or Benedetta - make this available to everybody who's on the list or everybody who's participating in this conversation.

And we stop basically the discussion on the issues here and now and I hope that Poncelet will guide us and during the week, tell what the next meeting and also that we have after next meeting less technical problems. So how does that sound to you? Is that okay with you, and especially Poncelet? Is that in your spirit?

As I'm seeing Poncelet not typing, but Benedetta, so is there anybody who wants to raise something, any other business, anything they want to get mentioned?

No? Okay, then I just would like to note that the next - that the next call will be next week, same day at the same time. And as I said, hope to see you all there and hope to be clearer about the process and hope that we are clear about the technical problems.

The only last thing is what I would like to do is Maryam, could you please add the two things we talked about, the two issues and what we want to do about it to the issues list? And otherwise if nobody has anything to say, thank you very much for your time, and as I said, I hope things getting a little bit smoother next time. Thank you very much.

But also I would like to be very, very grateful for the participation of non-NPOC participants. That's really appreciated. Thank you. Bye.

Maryam Bakoshi: Thank you very much everyone for attending the call. Apologies again for the technical difficulties today. Thank you. Have a good evening. (Van), you may stop the recording...

Klaus Stoll: Thank you.

Maryam Bakoshi: ...and disconnect all lines. Thank you.

END