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MARIO ALEMAN: Good morning, good afternoon, and good evening. Welcome to the LACRALO Monthly Call on May the 15<sup>th</sup> at 23:00 UTC.

Today we have the following participants. On the Spanish channel we have Maritza Aguero, Humberto Carrasco, Antonio Medina Gomez, Franco Gian, Rodrigo Saucedo, Harold Arcos, Alejandro Milano, Fatima Cambroner, Maritza Aguero.

On the English channel we have Dev Anand Teelucksingh, Vanda Scartezini, and we have some speakers, Mary Wong.

We have some apologies today by Aida Noblia, Ricardo Holmquist, and Natalia Enciso.

On the French channel we have no participants yet, and we have no participants in the Portuguese channel.

From the staff we have Mario Aleman, Heidi Ullrich, Silvia Vivanco.

We have Veronica and David on the Spanish channel, Batina on the Portuguese channel, and Isabelle on the French channel.

I would like to remind all participants to state their name and to speak clearly, not only for the transcription but also for the interpreters.

I would like now to give the floor to Humberto for you to continue with the call. Go ahead, Humberto.

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

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HUMBERTO CARRASCO: Thank you very much, Mario.

Maritza, would you like to proceed with the adoption of the agenda please?

MARITZA AGUERO: Thank you. Could you please confirm that you can hear me okay so that I can proceed with the adoption of the agenda?

HUMBERTO CARRASCO: Go ahead, Maritza. We can hear you very well.

MARITZA AGUERO: Today we have a presentation by Luca Belli. He will be speaking about sustainable connectivity. His main research is for the Technological Center from Rio de Janeiro. Then we will have another presentation by Margarita Valdez. She belongs to NIC Chile and she will be talking about the pilot project on free legal advice for domain name holders.

Then we will have Dev Anand Teelucksingh. He will be providing a presentation on the Community Onboarding Project. Then we will have a presentation by the Governance Working Group, the election of leaders, and then we will have the MoU between LACRALO and LACNIC. Then we will discuss a webinar between [CSE] and LACRALO and Mary Wong will be providing a presentation for this. And then we will have a final evaluation survey by Mario Aleman.

Humberto, you have the floor. Go ahead please.

HUMBERTO CARRASCO: Maritza, thank you very much for reading the agenda. We will begin with the presentation by Luca Belli.

Luca, thank you very much for your participation. You have the floor. Go ahead please. Are you on the call, Luca?

Luca, sorry for interrupting you but we have some echo and some noise on the English and Spanish lines so we will have to [check] this and I will give you the floor shortly.

MARIO ALEMAN: Yes, sure. Luca, the problem has already been solved so you can proceed with your presentation please.

DEV ANAND TEELUCKSINGH: I'm not hearing anything on the English channel.

HEIDI ULLRICH: I'm not hearing anything either. We're sorting that through.

DEV ANAND TEELUCKSINGH: Okay. Hope so.

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MARIO ALEMAN: Luca, we will check if we are connected on the right channel so I would kindly ask you to provide us with your phone number so that we can dial out to you.

Luca, we would like you to provide us with your phone number so that we can dial out to you to connect you to the English channel.

MARITZA AGUERO: Luca will connect shortly on the correct channel, so we will continue with the following presentation so that we can make the most of our time.

Margarita, are you connected on the call? Are you on the call, Margarita?

MARGARITA VALDEZ: Yes. Can you hear me?

MARITZA AGUERO: Margarita, can we proceed with your presentation please? You have the floor. I would like to ask the staff to put on the screen Margarita's presentation. I'm sorry for this interruption. Go ahead, Margarita, please.

MARGARITA VALDEZ: Okay. My name is Margarita Valdez. I belong to the legal and commercial area of NIC Chile. As you know, the .cl is the top level domain for Chile.

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In this opportunity I would like to talk to you to tell you about a project that we have been developing in Chile, and this project has to do with leveling the playing field for end users in case of conflicts related to domain names. As you know, .cl is the TLD for Chile and this works within the public university in Chile. NIC Chile has a dispute resolution system. This is a local dispute resolution system. This means that the formula used to solve disputes with TLDs in comparison to other resolution systems such as the URD or the URDP, in this case we use a local dispute resolution system.

This local dispute resolution dispute system for .cl is an arbitration system. This means that there is a legal basis and that there is a judgement as a final result solving the dispute or settling the dispute, and this is issued at a local level. This is a binding resolution. As you know, this sentence is compulsory and it can be exercised at the local level.

For the .cl registry, as you all know, when you register a domain name you have a service level for this registration and basically what you do is to hire a service translating those domain names into an IP number and based on that you can obtain different systems, different names. For example, you can have a web page name. You may have a storage system and many other services related to a domain name. But whenever you record or register a domain name you are subject to a dispute resolution system which is a local one.

This is an online arbitration system. This is one of the main characteristics of this dispute resolution system. This is something similar to what the Intellectual or some organizations do, for example,

the WIPO. Chile, as you know, it's a quite [extensive] country and that's why we have a great concentration of a great amount of users on main cities and [inaudible] people going to the different hearings or different places far away from their homes and to be able to solve their disputes online.

This system begins with the filing of a complaint. This happens when someone believes that someone's right has been affected or violated and they file a complaint for that. Our online arbitration system is in effect since November, 2013, and the user and the arbitration system have a password with access to an electronic file so they can control and can see all the information there. This is a very typical procedure and they can provide or present/produce evidence, they can provide documentation. Everything is contained in one electronic file. There is a charge being paid by the parties to the arbitrator and the arbitration fee is a plain fee of \$1,000.

When it comes to the statistics, the dispute system has some characteristics that are worth mentioning. For example, we issue the arbitration judgement. There is a generation of statistics that are percentaged regarding the losing parties and the winning parties. As you can see there, you see a web page where you can see all the figures.

When it comes to results conflict resolution online, as I said before, this started in November, 2013, so when the complainant does not pay the fees that is 44%. So there is a conflict, a dispute but there is no change in that. When the complaining party wins, this percentage amounts to 37% and the right holder when he wins, this percentage amounts to

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18%. This is a great difference that you can see between a normal or an ordinary user and a company, for example, or a complaining company. That is the problem that we see because we learned or we could see that the right holders did not defend themselves.

What we did was to create a pilot program or a pilot plan and this is the legal clinic. In this case, we offer a course, to put it somehow. This is something that we offer within the [low] court in Chile. This is offered on the third year so students have to sit for these legal clinics and they develop a kind of practical assignment so they have to defend, they have to present some cases and they have to defend, for example, people who do not have the legal or the money resources to pay a lawyer. What we did in this case was to invite these legal clinics to help us in these cases.

Most of the times we deal with bona fide right holders and what we offer is free legal advice. What we did was to contact these legal clinics for them to offer these courses and the idea is to provide help to these users, these right holders, who were not attended somehow and the idea was to generate also an academic interest in students so that they can provide these type of services and this issue of producing evidence, this thing of creating strategies to defend someone, might create also an academic and a legal value for these students and for their benefit as well.

This pilot program or plan consisted of inviting five universities, and we invited five but only three of them replied to our invitation. Two were not able to access this course due to internal processing problems. We have only two that are not working and the idea is to provide help to

these users so that they can comply with the legal requirements that are necessary. For example, people had to be people who are not able to pay for this legal advice and what we did was to create random invitations. We took 10 right holders that were in conflict. We sent information to them. We offered information about these legal clinics for them to access the information. So they replied and we also sent the information to the different universities that were included in this system. Once the contact was made between the user and the legal clinic, they started with their procedure and they started with a case.

Then there was the development of internal mechanisms. These are mechanisms to contribute to different stages of the process. This is now divided into different stages. We have different stages where the user can see the information that is being produced, where the user can see the evidence being produced, and we also created or generated somehow an automatic invitation system to deliver these invitations to users.

Next slide please.

We have two universities working. We have sent 41 invitations so far. We have 35 clinics. We have referrals. 37 people have answered that they are interested and we have referred these to the legal clinics so that they can do this that way. The contact with the interested clinics were eight in universities [inaudible] nine, and we have taken 17 cases – that is, 17 arbitrations. Of the finalized arbitrations, there are eight in total, six have a favorable judgement and two were a non-favorable judgement. So it's a good number for the pilot.

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We were right because non-artificial individuals that are faced with a law firm that usually deals with trademarks, this is very hard for them to be defended because they don't want to pay a lawyer and so the idea is how to generate some kind of balance so that the domain name holders can be in a better place to be defended.

So what do we need to do? We need to encourage the number of legal clinics that are available. There will be three that are very interested in getting referrals. And we only have two working at full speed.

Second, we need to generate an automatic system for notifications for this legal advice service, and so we definitely do need people to be informed from the beginning that there is a trial against them and they need to be able to access this service. The idea is also that they can decide which legal clinic they want to work with and maybe they can have access to, for example, 10 options. The idea then is that the users will decide which clinic that they will choose to get those services.

Then after the pilot we will try to advertise that on our website and we will finish our pilot and try to get a standard agreement with the universities. There are many schools of law in Chile, and so if they're interested we will receive them with open arms and this will help us increase our coverage for domain name holders who are individuals who are not companies and can have a better way to be defended in case there is a conflict or a dispute.

That's all. Thank you very much.

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MARITZA AGUERO: Thank you very much, Margarita. We cannot listen to Maritza any longer. Sound is a bit choppy. We will now go to a presentation by Luca Belli.

Dev, we will try to get all the questions by e-mail. I apologize for that but we are very tight on time. I apologize again.

Luca, please go ahead and we apologize for the inconvenience.

LUCA BELLI: Okay. Thank you. Can you hear me?

UNIDENTIFIED MALE: We can hear you. Please go ahead.

LUCA BELLI: Yes, excellent.

We were speaking about sustainable connectivity. The three dimensions I was declining before – social dimension, economical dimension, and environmental dimension – can be basically [associated] with connectivity in these three different kinds of things.

I think I'm raising something using the platform. Okay. I think there was something [inaudible] platform. Back to what I was saying about connectivity [scheme]. So three main features – [inaudible], economically viable, and does not compromise the Internet environment. This is basically the most important because it means that it does not have any negative impact and it doesn't produce any

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negative externality on the Internet environment, and particularly on the Internet architecture.

There are several strategies to enhance connectivity and if we check the Internet [penetration] by region we can see that actually in the most developed western countries the Internet [penetration] is quite advanced while in the other countries there is still some work to be done. This means basically that the traditional strategies that have been used have not been too effective and they have not been too sustainable either. Otherwise, the results would have been better.

If we analyze the three main strategies that we can consider nowadays and those are the strategies that we debated outright at a session on sustainable connectivity we can see that there is the traditional government-led infrastructure enhancement, a new and arising strategy which is [inaudible] conservative, particularly on mobile services, and the [community] network strategy that has been experimented over the past decade but have become particularly prominent over the past couple of years.

The government-led efforts, there is what we discussed over the past month is that there is [no silver bullet]. There is no unique strategy that can be applied. Every country has its own specific but there are some best practices that can be identified, and particularly the Korean approach and particularly well-suited approach. When I speak about Korean model I speak about South Korea, not about the North in Korea. This Korean approach is particularly interesting because it has [I think] five main pillars that could be reproduced and that are particularly

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useful to promote a healthy market and [inclusive] market and also a sustainable Internet environment.

First of all, the Korean government promoted a privatization of the state-owned infrastructure, then liberalization and the promotion of competition. And also a very important point was the reduction of the regulatory burden for operators to facilitate new entrants. This was particularly useful because also the medium and small enterprises had even lower regulatory obligations then this increased a lot the coming of new entrants in the market and widened the offer for consumers. The establishment of a regulatory authority with the power to sanction was also key.

And last but not least, the creation of demand not only by imposing the connection to the infrastructure for the public building but also by doing something extremely important that had a very important [consequences] was the creation of education programs to educate the general population, and this triggered [inaudible]. So basically by 2002, so it was several years of advance the [entire] part of society became computerized. There was a huge increase in productivity and efficiency of the entire South Korean economic system and also a highly technically educated population became a true [actors] of the information society revolution rather than being a passive player in the information society evolution.

This model of governmental approach has been also reproduced with some failures and some successes in other countries. This I could hear [inaudible] what happened in Brazil [inaudible]. A [inaudible] TV. And the second strategy that is particularly relevant because it has been

properly debated over the past years [inaudible] strategy. It's basically based on price discrimination which is the practice of not counting data consumption of selected application against the user's monthly data cap. But this means that this strategy is useful to increase access to specific services but not to the entire spectrum of connectivity, the entire Internet.

There are different types of [the rating]. Here you can see this classification that is based on who is the sponsor and what is sponsored, so basically you have operator that subsidize unlimited access to specific services and application provider that can sponsor the applications, an entity that sponsor a platform that allow to have free access to specific services and the most renowned example is Facebook free basic or an entity that sponsor [inaudible] volume that users can use [inaudible] and the most prominent example is [Mozilla Equal Rating] initiative.

And the last but not least there have been emerging over the past year particularly some public services that have been [regulated] by public authorities or by government themselves.

The main purpose of the most common [inaudible] models that [inaudible] the most common models are these first three and the main purpose of this model is to attract users with free services or to self preferential access to consumers [inaudible] providers can sponsor their own application or to orientate user attention towards the partners of the operators and [inaudible] that sponsors access to the video and music streaming applications.

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The advantage for the consumer is that he or she has access to specific service for free but this strategy considers the problem [inaudible] Internet users as mere consumers and they are not mere consumers. We actually can be considered as [inaudible] they can not only consume applications and content but also produce and freely share them. That is actually the added value of the Internet so the user can play an active role and contribute to the evolution of the Internet and they can freely share the fruit of their productivity their applications. This becomes more difficult generating schemes because the majority of [business generating] models. They actually offer sponsor only selected [a] reduced number of applications. Therefore the problem is that they can transform active Internet users into passive application consumers.

Also another problem is that obviously only dominant players have the resources to sponsor their [inaudible] consumption or the bargaining power to strike the [inaudible]. Also a very important element is that only services that are already dominant that they are already partly known have the user base that is necessary to considered by operators as potential partners to be [inaudible].

Last but not least, the essential element for the rating models to work is that they have at least unlimited data caps only [inaudible] interested in as long as the users see an advantage in having a sponsored services. There is no advantage in having a sponsored services if you already have access, if you already have an unlimited access or a data cap that is very wide and therefore there is a sort of vicious circle in [inaudible] rating that encourage to have unlimited data caps and data caps [inaudible].

The other point that has been criticized particularly by [inaudible] is that [inaudible] perpetrate the role of gate keepers of operators and sponsors. And this is what I call the [inaudible] of the Internet, meaning the transformation of the Internet in what was in a network like the old [Minitel] which was a closed system where the all the old operators could decide what applications could be accessed by the users and the regulator approved or not these applications. This is actually something unethical to the Internet.

This is a very quite complex debate obviously, and if you want here you have a book I have organized and edited and has been presented at the IGF and here I put the reference at the end of the presentation.

Now let's go directly to the last strategy that I wanted to discuss with you – the community network strategy. This, as I was mentioning at the very beginning, is something that has been emerging over the past 15 years but has acquired prominence only recently. Community networks are a type of crowdsource networks. They are built directly by the individual by the users or people that will become users that pool their resources and they try to organize together an effort to design, build, and maintain, the network as a new shared infrastructure. It could be a group of people, could be organization, could be local entrepreneurs or even local administration to [inaudible] this effort.

They're based usually on wireless technology. They exploit low cost [inaudible] treatment and they exploit online [inaudible] spectrum bands or also sometimes called white spaces.

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There are some very good positive externalities in community networks with regard to knowledge and innovation sharing. Why? Because the communities that are involved in the elaboration and the creation of the network, they are within a collective effort of capacity building and while they understand how to create the new infrastructure, they also understand how to create new services. What has been noted in several community networks is that also the community creates local maps, community services for the local community, e-commerce services for local producers and entrepreneurs in order to sell their services and products or service [inaudible] and so on. There are a lot of positive externalities [inaudible] but the question is, are those networks produced by local communities sustainable?

The answer is, it depends. There are examples of very sustainable networks like the [inaudible] network with more than 60,000 users the [inaudible] network in Berlin and a lot of other networks in several parts of the world. In Argentina they have their [Mundi] network. In India they have the [DEF] foundation network. In Australia the West Australia free net.

But what is also interesting to note and is the conclusion I wanted to bring to the presentation is that not all the initiatives can... What I wanted to finish with is that to highlight this study done by Carlos [Mueno] and Michael [Graf] that highlights that in Africa there are more than 370 initiatives of community networks but only 25 are active. This is a signal that means that to make them sustainable it is also very important to have a [inaudible] organization and a structure that can allow to maintain the network and to make it also economically sustainable.

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All this not all the information you may want to know but a lot of them could be found in this book that also has been presented last year at the IGF. I have included more references because you are interested in this list of references and thank you very much for your attention. If you have any questions, please [inaudible].

MARITZA AGUERO: Thank you, Luca, for your participation, your time, and your patience.

Humberto, you now have the floor.

HUMBERTO CARRASCO: Do you hear me?

Luca, thank you very much for your presentation. For the sake of time we will now proceed with Item #6 on the agenda. This is the Community Onboarding Project so Dev, you have the floor. Go ahead please.

DEV ANAND TEELUCKSINGH: Thank you so very much. I just want to talk a little bit about the At-Large Community Onboarding Program that a few of us in the Outreach and Engagement Subcommittee have been working on.

What we have been trying to do is come up with a sort of workflow or approach, document an approach by which persons can become part of At-Large. We see it as sort of a cycle. The presentation is not yet but I'll just talk it through given the time constraints.

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We view it as a cycle where we promote At-Large, we understand At-Large, we then – persons that hear about of the promotion of At-Large and understand what At-Large is, they join At-Large, they then become engaged persons in At-Large, and then those engaged persons can then help promote At-Large. We see that as sort of a circle of life, so to speak.

One of the challenges when we want to promote At-Large was that there is the challenges of you have lots of terminology, DNS, domain names, ccTLDs, gTLDs, TLDs, IANA, Post-IANA Stewardship. There's lots of acronyms. So what do all of these things mean and what are the relationships and how are they interconnected?

I think the slides are now up.

The thing we realize is that in trying to promote these things to end users academia, civil society, even members of our existing At-Large Structures that are part of the At-Large community, they don't have an understanding of what these terms mean and then may have misconceptions of what these terms means, and therefore they don't really appreciate why they should get involved.

One of the things we saw we need to do was to develop a series of ordered presentations, lessons, that could form a toolkit for community members to educate the wider public, the ALS representatives can use to educate member in their organizations, and getting persons in their organizations to care about ICANN issues and therefore become more involved in the At-Large community.

These types of ordered lessons and presentations can be available online and we can also make it available offline for ease of use in case they have persons who do not have fast Internet bandwidth, we can make these structured courses or presentations offline for ease of use and access.

So what we have done to date, we have worked with members of the At-Large Outreach and Engagement Subcommittee and in particular with two persons – Beran Gillen and Isaac Maposa – and we have worked to develop a series of ordered presentations – we’re thinking of five. One is like a start here and the start here will present a tailored set of topics, slides, depending on the target audience. Is it a general public person? Is it a person from another person in the ICANN community not from At-Large? And so forth.

The second set of slides are on what is the DNS and who coordinates it? So we introduce the concept “What is the DNS?” introduce entities, “What is ICANN the corporation and ICANN the community?” “The policy challenges” – the third set is the policy challenges or issues in the DNS and this is like a slide deck to help new or potential At-Large community members learn about the various ICANN policy issues of interest to end users and it also tries to explain why should end users care about these issues and how as part of the At-Large community they can become involved on these issues.

And then the fourth slide is the introduction to what the At-Large community is – what the community does, what it is, the At-Large community key activities, and how you engage with the At-Large community.

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And the fifth slide is the “Navigating At-Large,” and what we are trying to envisage that set of presentations is geared towards existing At-Large community members and how they can find relevant information and participate in At-Large activities both from the organizational side – like what is the thing the rules of the RALO, for example. Each of the RALOs has subtle differences in how they do things and also the operational challenges, how they use the At-Large calendar, those types of things.

I’m not going to go through every single presentation but I’m just going to show you excerpts in the Adobe Connect of the slides.

This is an example of the start here page which is like a landing page, so we want to make it like a menu system where we say, “If you’re new to ICANN, click here.” “If you’re a member of At-Large, click here.” And so forth to identify the different target audiences and then direct them to the set of organized slides or presentations or the path they will follow.

The next slide is the, “What is the DNS?” We tried to explain this in an easy to understand manner. We tried to find relevant infographics and so forth and again, tried to explain what it is and how it works, who are the stakeholders in the DNS system, and other stakeholders.

“The Policy Issues in the DNS” – this slide shows what I tried to do is make it like an interactive menu, so you would see like a main menu of all of the different policy issues and each policy issue has a policy summary. What I also do, I put links – thanks for the person who put it full screen – so I put it as includes links to videos and so forth so persons can learn more about the policy summary. And then a second slide explains why should end users care and then a third slide explains how

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At-Large is involved in the particular policy issue, the past comments by the ALAC, what working groups can get involved with, and learn more information about that policy issue.

And the “Introduction to At-Large” – the next slide – we tried to explain exactly what is At-Large, what are the key community activities, the various At-Large working groups, and how to engage in At-Large. It’s geared a little bit more for the existing persons who are already familiar with what is ICANN. This was originally geared for the Fellowship and the NextGen students and we have presented this over the past year to those audiences at the ICANN face-to-face meetings.

What I want to do, we have all of these links, all of these presentations, for your comment and review and we want your feedback and your ideas to help improve on these presentations, improve on this approach.

I think I will stop there , and there’s the link in the chat, and please – I know we won’t have time for questions here but I’ll be happy to answer any questions on this Community Onboarding and of course you can comment on the wiki or send comments via e-mail. That’s it. Thank you.

HUMBERTO CARRASCO:

Can you hear me?

Thank you very much for your presentation. We’re really short of time and we need to take into account that we have the Capacity Building session as well so if you have any question or comment, please type

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those questions on the chat or please send those questions by e-mail. I see that Dev has posted his e-mail on the chat for you to write to him.

Now I will proceed with Item #7 on the agenda. I will be very brief. I will speak about the Governance Working Group. As you know, we are moving forward. I can tell you that we are working on a document, we are producing a document. Our goal in this Governance Working Group is to work on the operating principles. We want to reach the deadline of June the 30<sup>th</sup> with our proposal for our next face-to-face meeting, and this meeting will take place on the second semester.

We are working very hard on that. We are working on the document, as I said before, and this document will be posted for public comment within the working group and once the document is ready, that document will be published for public comment to the RALO.

I see that Mary has posted the link. We also have the LACRALO elections. There are candidates but there are no opponents for the candidates. We have Bartlett – he is an ALAC member – and Maritza. Maritza has been nominated as a Secretary and Humberto Carrasco is nominated to continue as the Chair. So in this case we are in the nomination period. The deadline for this nomination period is the May the 19<sup>th</sup> so between nine and Wednesday as far as I know there are no opponents, no other candidates, so we will announce the mechanism later on.

I may say now, if I may, that perhaps we can reach consensus and if there is no consensus we will call for an election. Of course, I would like to hear all of you and I would like to hear your inputs and opinions

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about this and, of course, we will decide in accordance to the majority of the LACRALO members.

Finally, I would like to tell you that next week on May the 24<sup>th</sup> in [Fosi Guasu], Paraguay, we will sign our MoU with LACNIC. We are very happy about that because this is a great step. We have to congratulate LACRALO for this, and I know that this will bring a lot of benefits for LACNIC as well as for LACRALO.

Alberto, thank you very much for your comment and thank you for being present in this meeting where this MoU will be signed.

This is my summary. Any question or any comment, please send that by e-mail or in the chat. I would like to know if we are ready to begin with our webinar. Maritza, are we ready?

MARITZA AGUERO:

Thank you very much, Humberto. Can we please confirm if our presenter, Mary Wong, is already connected on the call? Can we confirm that? Mario, Silvia, can you please confirm that Mary Wong is already connected on the call?

RODRIGO SAUCEDO:

Mario confirmed her participation. I know Mary is in Madrid. It's very late at night so we told her that this would be at 24:00 UTC so please bear with her. She will be connecting shortly.

Sorry, she's already connected on the call.

MARITZA AGUERO: Thank you very much, Rodrigo.

Mary, welcome to the call. You have the floor. Go ahead please.

Mary, you have the floor. Go ahead please.

HUMBERTO CARRASCO: Is Mary connected on the call? I just want to confirm that because we cannot hear her.

RODRIGO SAUCEDO: Yes, Mary is already connected on the AC room, but can you please confirm that she is already on the bridge as well?

HUMBERTO CARRASCO: She's on the AC room as a presenter so I don't know if she's on the call.

MARIO ALEMAN: Just confirming that Mary is on the AC room only.

HUMBERTO CARRASCO: Okay. So Maritza, would you like to make a comment or something?

HEIDI ULLRICH: Maritza? Mary is dialing into the bridge right now so we should be able to hear her shortly.

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MARY WONG: Hi, everyone. Can you hear me?

HEIDI ULLRICH: Hi, Mary. We can hear you.

DEV ANAND TEELUCKSINGH: Yes, we can.

MARY WONG: Great. Thank you. Thank you, Heidi. Sorry that I'm a little late. I had some trouble with the bridge. Should I start the presentation or are we waiting for something else?

HEIDI ULLRICH: Hi, Mary. Yes. Go ahead. You're being interpreted. Go ahead please.

MARY WONG: Thank you. Thank you again, Heidi. Thank you to Rodrigo, Silvia, and everybody, for inviting me on behalf of the GNSO Policy Team to do this presentation today. I see that we have quite a few participants in the Adobe Connect room and on the phone bridge. For those of you who do not know me my name is Mary Wong and, like Heidi, Silvia, Mario, and others, I'm a member of the Policy Development Support Team although my primary role is to support policy development work in the Generic Name Supporting Organization or GNSO.

Today I've been invited to speak to you about one of the many Policy Development Processes that is going on in the GNSO, and I know that there's a lot of people who are quite familiar with some of the acronyms that we use at ICANN, including in policy development work. But for those who are not as familiar I will try to keep the usage of acronyms to a minimum, but as you will see in many of these efforts it's not always easy.

Like I said, we're talking about the Generic Name Supporting Organization or the GNSO which is one of the three Supporting Organizations at ICANN. Today we're going to speak about one of the Policy Development Processes or PDPs which is about reviewing all Rights Protection Mechanisms in all generic top level domains or gTLDs.

This is a very long title and one of the reasons why when we talk about Rights Protection Mechanisms you often hear people use the acronym or short form RPM. So when you hear that – RPM – you know that we're talking about Rights Protection Mechanisms and for a lot of people who are not familiar with that term, I should say that within the ICANN policy context that means the protection mechanisms that have been developed to protect trademarks and trademark owners. And so this is, like I said, one of the Policy Development Processes or PDPs underway in the GNSO.

Before I start with the presentation proper I should say that if I'm going too quickly or if there's something that you would like me to repeat or if you have a question, feel free to type it in the Adobe chat if you can and I will look out for it or I'm sure one of my colleagues will nudge me if I miss it. Thank you again.

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It's not a very long agenda that we have today. I understand I don't have very much time and while there are quite a lot of slides, the purpose of the slide deck is to probably give you more background information than I will have time to talk about so I will just give a quick overview of this particular Policy Development Process or PDP.

I'll start with a very general introduction. If you see this slide, the Policy Development Process that we're talking about or the PDP is for a working group that was chartered by the Generic Name Supporting Organization Council to really do one thing but in two parts or two phases, one after another. I've already mentioned that we're talking about Rights Protection Mechanisms or RPMs for trademark protections in all gTLDs. This is happening in two phases and we are currently in Phase 1.

There are reasons why this is being done in two phases. When you look at the slide it actually makes some sense. In Phase 1 in which we are, we are looking at all the trademark Rights Protection Mechanisms that were developed for the current expansion round of the new gTLD program. As I think everybody knows, in 2012 ICANN launched their latest and unprecedented expansion of the gTLD space which we now call the 2012 New gTLD Program round. As part of that expansion the protection of trademarks was recognized as a very important issue and as a result of community work there were a few Rights Protection Mechanisms that were developed brand new.

What's important to remember here is that when we talk about these particular RPMs which you see here in the bullet points on the slide under "Phase 1," these did not exist before in terms of it being

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mandatory for registries, registrars, or as something that was done throughout the TLD space. These were developed in 2012 and they are the Trademark Clearinghouse – and you often hear that abbreviated to TMCH – it’s important to note that the Trademark Clearinghouse itself is not really a Rights Protection Mechanism. It’s more a database. But why it’s important – and it’s something if I have time I’ll go through in a little bit – is that the establishment of the Trademark Clearinghouse or the TMCH allowed some mandatory Rights Protection Mechanisms to be offered, and there are two. These are the Sunrise Registrations and the Trademark Claims Notices. Again, these are all new and developed for the 2012 New gTLD Program round.

Another new RPM that we are reviewing in this Phase 1 is something that we abbreviate a lot of times to URS or the Uniform Rapid Suspension Dispute Resolution Procedure. This is a second level domain name Dispute Resolution Process. It is modeled on something that is very famous and is the oldest ICANN consensus policy which is the Uniform Dispute Resolution Policy or UDRP. What’s important to remember is that it is not the same as the UDRP. What we will do in Phase 2 which is yet to come, is review that longstanding UDRP policy. But for now, we’re looking at Phase 1 and the brand new URS is part of that.

Finally, the last new Rights Protection Mechanism developed for the 2012 round is the Trademark Post-Delegation Dispute Resolution Procedure. I have slides on each of these and while I may not be able to talk through all of them, like I said, what’s important to remember is that this PDP is being done in two phases. Phase 1 has all the RPMs I’ve just listed. They are all new for this current program round. Phase 2,

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which will come after Phase 1, actually looks at the oldest ICANN consensus policy we have which is the Uniform Dispute Resolution Policy. And of course, this review, even though it's in two phases, will actually have an overarching objective which is whether all of these different RPMs actually together fulfill the purposes for which they were created or whether there's the need for there to be new policy recommendations, clarifying recommendations, or some other form of additional policy, so that we can forward that objective of having effective trademarks protection in the gTLD space.

It's also important to note that none of these Rights Protection Mechanisms, not even the Phase 2 Uniform Dispute Resolution Policy which, like I said is the longest standing ICANN consensus policy – it dates back to 1999 – none of these have ever been reviewed. So this is the first time that the GNSO has done a full scale review of all the Trademark Protections that have been developed in the gTLD space, and that's one reason why this is a fairly significant PDP.

You see here on this slide a timeline that is partial. It covers the Phase 1 activities measured by the different ICANN meetings which occur three times a year. What you see from the first balloon on the left is that this is when the PDP started – that was March, 2016. We are looking at a report in the end of this year, 2017, but note that this is a report only for Phase 1. And as I've emphasized, this only looks at the new Rights Protection Mechanisms developed since 2012.

Those of you who have been following the ICANN meetings or the work of this group will know that we have done some of these RPMs in review but we are not quite there yet. You see here on this timeline the

various points that the working group will be looking at each of these Rights Protections in turn. And if you're looking towards the next ICANN meeting in June, 2017, what you should be seeing the working group do is it would have completed some of these and it would be looking at what I'm going to talk about in a little bit which is the Sunrise and the Trademark Claims RPMs.

What's important to note here, again, is that we are really only looking right now at Phase 1. If you look at the end of this timeline, even if we are able to publish the Phase 1 report – and of course because it is a policy process the report will be published for community and public comment – If we do this at the end of this year, Phase 2 will only start at the earliest, early in 2018. And as this review, as I've said, has never been done before, we don't actually know as of yet when the entire PDP will conclude. We only know that we are shooting to complete Phase 1 by the end of this year, if not, then early 2018.

This is a very important date primarily because this work is being done in parallel with a different Policy Development Process, and that is something that I think my colleagues will be speaking to you about if they haven't already, and that PDP is the new gTLD Subsequent Procedures. By its name, as you can tell, that PDP looks to see if the policy recommendations that were used for the current 2012 program round should stand or should be changed or if there should be new policies before the next expansion of the gTLD space is conducted.

What we're doing in this PDP for Rights Protection Mechanisms will feed into that timeline, and so it's fairly important that this PDP

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Working Group for Rights Protection Mechanisms keeps a good pace and is able to complete Phase 1 in good time.

This slide shows the status update, and really that means that I've talked about the next steps to expect as well as where we are. So what I think would be helpful to do is to walk you through, very briefly, the various RPMs that are being dealt with in Phase 1.

At this moment I'm going to pause and ask if anyone has any questions. Again, please type them in Adobe chat. I don't know if the bridge is open and it would be better to have the audio questions, if any, at the end of the presentation. I just wanted to give people a chance to reflect on this introduction, the overview, and to think about any questions.

Again, I'm not going to read through this slide. Hopefully this one slide captures all the different RPMs to be reviewed in this Policy Development Process – again, two phases – and the right hand bottom box in orangy red is the UDRP – the oldest consensus policy – that goes into Phase 2. Every other box are the new RPMs being reviewed in Phase 1.

I had some links on this slide to some of the background to why these Phase 1 RPMs were created and some of the early work that was done that leads to what we have today. What's important here – and I'm not sure if you're seeing the full slide. Mine is not showing very well so I'm trying to move it. Hopefully this is helpful for everyone.

What we tried to do in this slide is, as you see on the top note, all the RPMs are designed to work together. They are intended to operate throughout the entire life cycle of a gTLD starting with its pre-launch or

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the start-up phase. That is where the Trademark Clearinghouse and the two Protection Mechanisms I've mentioned that go through the Clearinghouse, really come in – pre-launch and at the launch of that gTLD. Following that in ongoing operations, trademark owners can use other protections such as the Rapid Suspension System and the Uniform Domain Name Dispute Resolution Policy as well as a Post-Delegation Dispute Process.

Most of these RPMs deal with second level registrations, meaning registrations to the left side of the dot. So if we're talking about [www.icann.org](http://www.icann.org), we're talking about the "icann" of the .org and not the ".org" part. However if you're looking at the Post-Delegation Dispute Process, that does apply to top level – to the right of the dot – as well as second level – to the left of the dot.

The reason why most of these RPMs are focused on second level registrations is that if you look at the history of trademark protections in the gTLD space, much of the concerns of trademark owners and a lot of the alleged abuses have taken place at the second level registration – to the left of the dot – and so many of these actually deal with where the problems are seen to occur most frequently and are the most problematic.

In the few minutes that's left to me I'll do a brief overview of each of these Phase 1 RPMs starting with the Trademark Clearinghouse or the TMCH. As I mentioned earlier, this is more of a database. It is not a Protection Mechanism in and of itself. Rather, it is a database consisting of verified trademarks which support two of the Rights Protection Mechanisms which are Sunrise and Claims. It's important to

note that not only is it a database, it's a database of verified trademarks, but it only reflects what existing protections there are in the real world.

For example, if you already have a registered trademark, then you are able to enter it into the Trademark Clearinghouse and enjoy the protections of the Sunrise as well as the Claims Service. I have some statistics here for you which you can look at for yourself and of course, I have other statistics that I'm happy to provide as well.

What is important to look at – and again, I'm scrolling you through some of the statistics – is the next few RPMs, which is the Sunrise registration. This is something that is required for all the new gTLDs for the 2012 program round where, if you are a trademark owner with a verified entry in the Trademark Clearinghouse, you have an opportunity to pre-register domains that match your trademarks before that particular name is released generally to the public.

It's not a reserve list. It is not held back for you. But if you have that trademark registered and verified by the Clearinghouse, you can actually as a trademark owner pre-register that domain in advance of the general public.

Again, I have some information for you but I know I have to wrap up so I will then look at the Claims Service. This is important because there's actually two things that happen when the Trademark Claims Service is triggered. If there is a verified entry in the Trademark Clearinghouse, whether or not the trademark owner has registered or pre-registered in Sunrise, if you as a non-trademark owner try to register a second level

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domain that is an identical match to that Trademark Clearinghouse verified mark, you will get a notice where you are told that there is a match and by proceeding, you may actually run into trouble with the trademark owner.

You may not proceed in that case. It's totally your decision. But you then go on to proceed then a second notice is sent, not to you as the registrant, but to the trademark owner through the Trademark Clearinghouse, telling them that there has been a domain name registered that matches their trademark.

You see here on this slide that the trademark notice that has a sample that we send that is used by all registrars, and it's sent in English as well as the language of the Registration Agreement. So it is not just an English language service.

That's actually where the group is now for the PDP, in that it's starting to look at the Sunrise and the two parts of the Claims procedure. What will be left for it to do is to look at the Uniform Rapid Suspension Process which, like I said, actually comes during the operation of the gTLD and therefore it is not a pre-launch mechanism. It is an ongoing mechanism and it allows a trademark owner to use a Dispute Resolution Process in a case of clear-cut abuse.

And you see here that the bar is quite high that the trademark owner or the complainant has to prove by clear and convincing evidence that the domain matches all of these conditions. And of course, defenses are possible for a respondent. The difference with the Uniform Dispute Resolution Policy which many of you are familiar with, lies in two ways.

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One, like I said, the bar is high. Here you need clear and convincing evidence of abuse, but secondly the remedy is for suspension of the domain name. It's not transferred even if the trademark owner wins, it's not transferred to the trademark owner.

I'm being told that I will need to wrap this up. I am happy to take questions and, of course, if there's no time for questions today or if you'd rather ask your questions later after you have a chance to look at these slides, please feel free to send me or any of my colleagues on this call, an e-mail and I will be happy to respond accordingly.

The final remark I'll make is that, as I mentioned before, this is the first time that the Generic Name Supporting Organization is reviewing all the many different Rights Protection Mechanisms that have been developed to protect trademarks in the gTLD space. Look for Phase 1 to be completed towards the end of this year or early next year, Phase 2 to start, and anyone – like with all GNSO PDPs – is very, very, welcome to join this working group. Please let me know if you'd like to join. And Silvia, Heidi, Mario, everyone, thank you very much for having me today.

HUMBERTO CARRASCO: Thank you very much, Mary. We have a couple of minutes – about two minutes – if there's anyone who'd like to ask a question. We really don't have much time. So if you have questions, please go ahead.

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RODRIGO SAUCEDO: Fatima Cambronero asked the question on the chat. She's asking – I'm not sure whether I should ask that question in English or in Spanish – "Is every ENS service a new gTLD protected by TMCH?" That was the question.

MARY WONG: Hi, Rodrigo. Hello, Fatima and everybody. I see the question in chat and I'm sorry to say that I'm not familiar with the Ethereum Name Service or ENS. If however we're talking about a new gTLD such as ".something," then that new gTLD – whoever operates that new gTLD – will have to offer these Rights Protection Mechanisms I've just described. So it will have to offer a Sunrise advanced registration period for trademark owners. It will have to offer a Claims Notice Service. And it will have to run the Uniform Rapid Suspension Service as well as the UDRP. I don't know if that was your question but if you have a clarification, please feel free to type it or, of course, to contact me privately.

HUMBERTO CARRASCO: Thank you very much, Mary, for your time. We're going to leave any questions to be asked in private.

Alberto Soto, you now have 10 seconds because then we will go to our survey.

ALBERTO SOTO: I just wanted to give a very short notice. Our [inaudible] and RALO, our network will hold a second Latin American Forum of Cybersecurity and Governance on the Internet. That will be on May 17 and it will be within

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the Internet World. This was organized by Colombia – the Autonomous University of Colombia – the National Open University, and the [inaudible] University. This will be held on the 16<sup>th</sup> and the 17<sup>th</sup>, and there will be Humberto Carrasco and me. I still cannot confirm my remote participation but if so, I will send you an e-mail. Thank you.

HUMBERTO CARRASCO: Thank you, Alberto. I would like to congratulate also Alfredo.

Rodrigo, can you please go to the survey?

MARIO ALEMAN: We're going to have a look at our survey. Some have already answered.

How do you rank the webinar in terms of quality of information? Please cast your vote.

Thank you all of those who have replied.

Question #1 is: How do you rank the webinar in terms of quality of information? Very good, good, sufficient, bad, or very bad.

Let's now go to Question #2: How were the presenters' delivery? Extremely strong, strong, sufficient, weak, or extremely weak?

Thank you for your answers. Your answers have been provided very quickly.

Question #3 is: Do you plan on using this information directly with your ALS? Very well.

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Question #4: If so, please explain and provide your answers very briefly on the box.

Alright. Thank you very much for your time. Now we're going to go to the next question.

Last question, Question #5: Do you have any further comment or recommendations for this webinar?

Once again, thank you for your participation and for filling this survey in. I would now like to give the floor to Humberto so that we can close this call.

HUMBERTO CARRASCO: Thank you, Mario. Thank you, everyone, for your participation. Thank you to the interpreters for your patience and willingness. So good morning, good afternoon, and good night. And see you next call.

This call is now adjourned.

DEV ANAND TEELUCKSINGH: Thank you, everyone. Thanks to the interpreters.

**[END OF TRANSCRIPTION]**