
WOLF LUDWIG:

Welcome, good morning, good evening to everybody who is on this call today. This call is set in between the last ICANN meeting in Johannesburg and the upcoming meeting in Abu Dhabi and it was agreed upon as one of the action items from our last meeting in Johannesburg. As you can see from the trend now, it's the sort of a fresh up from what has been discussed at the face-to-face meeting in Johannesburg and preparing the next step, the next face-to-face meeting in Abu Dhabi.

This is, from my point of view, the aim of this call. If you have other suggestions or ideas, you can bring them in after the roll call. And now I am handing over to staff for the roll call.

EVIN ERDOĞDU:

Thank you all. Good morning, good afternoon and good evening, and welcome to the At-Large Public Interest Working Group Call on Monday 25th September, 2017 from 16:00 UTC to 17:00 UTC. Today on the call with us we have Wolf Ludwig, Olivier Crépin-Leblond, Alan Greenberg, Roxanne John, Kaili Kan, Yrjö Lansipuro and Satish Babu, as well as Aida Noblia and Alberto Soto on the Spanish channel.

We have no listed apologies. We have with us Heidi Ullrich and myself, Evin Erdoğan. I will also be doing call management, and our Spanish interpreters for today are David and Marina. And with that, I'll turn it back to you, Wolf. Please begin.

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WOLF LUDWIG:

Okay, thanks a lot for this quick roll call. And if I look back to the meeting we had in Johannesburg, in my opinion, it was quite a productive meeting where we tried to recall what has been discussed so far, and so far, I must admit the discussion was quite [inaudible]; always turning around basic points that's to say is a kind of an animal-like public interest at all where we always said of course, there is a big issue, it's an ICANN fear what is public interest because it's mentioned in the bylaws, etcetera and it's a very strong and almost one of the most important points on the advisory committee. What is the GAC; they are discussing all around public interest in various fields and now I think it's time that we move one step further and one step further could mean, I think we need to find, we need to identify two or three issues from the ICANN sphere; there we can verify the relevance or the importance of the public interest.

When I was thinking over one, two, three potential fields, it came to my mind in the last round of the new gTLD process, there was always a discussion about community applications, and I've heard a lot of voices from people saying community applications from cities like Berlin, etcetera or other communities, they are not well-received or they're not really appreciated. Some people even said it looks like, say they're somehow discriminated.

And this could be one field of checking out why this was a case, why is this public interest is not playing; the role in the ICANN discourse it should play, ought to identify two more areas that we could look into the details again and finding out to come up with some criteria at the end to say in a controversial issue that may be relevant to the public interest being a criteria for refuting the issue and better it would make

sense to have some guidelines on the public interest to make some more community members clear that the public interest is of relevance.

These are just some ideas from my side. I don't know whether you have any other ideas or more -- yes, I see Alan has raised his hand. Alan, you have the floor, please.

ALAN GREENBERG:

Thank you very much, Wolf. I think that's a marvelous idea and I think it's a great example. The problem is, within ICANN, we are not going to address those kind of issues if we sit in this meeting and talk about how important it is or what should be done. These are issues that are going to be decided in the groups in this particular case in the PDP group, and there are painfully few people who are participating in that discussion there who use the term public interest to defend community applications and why we may want to give them even additional preference over what they were given in the first round.

In the first round, they were given a strong preference if you met the threshold. Many did not meet the threshold, that's a separate discussion, but us sitting in our, forgive the expression, in our ivory tower debating the public interest here doesn't make it a reality in ICANN. I don't know how we bridge that gap. Thank you.

WOLF LUDWIG:

Okay. Thanks a lot, Alan. I think you raised some very important or critical points and I almost share your opinion. I don't think it would make much sense to sit or to keep like in an ivory tower which is

somehow far away from the realities of the ICANN community. This wouldn't make much sense in my opinion neither, therefore one of the last discussions I remember we had in Johannesburg was, as we from our At-Large community do not have.

There are plenty of people subscribed in the mailing lists, etcetera, there are always a number of people showing up for our face-to-face meetings, etcetera, but at the end, it's too handful of people who permanently follow up the discussions what is not much -- let me put it this way, much of people or substance, and therefore the idea in Johannesburg was after repeated discussions with GAC members, because whenever I mention our public interest working group to GAC people, they suddenly raised their eyebrows and said, "Wow! Good that ALAC is conducting a working group of this issue," because as we all know, they feel quite close to the issue, etcetera, and they felt in many discussions a minority arise in the past because they felt they are the only ones who are dealing with this issue, etc.

And therefore one of my ideas in Johannesburg was why not to open up inviting GAC members to join this working group. I know at least two sweet people who informally confirmed to me in Johannesburg saying they would join us immediately and they would like to discuss this issue with us.

So this could be another option to include more people who are particularly concerned about this issue, etcetera, and then discuss together what could be perhaps not points only from the past or cases from the past, what are the next discussions, what are the next challenges for what we could draft some sort of guidelines together. So

this would be one idea, and I see that Olivier has raised his hand and Yrjö. First I give the floor to Olivier, please.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Wolf. Olivier Crépin-Leblond speaking. Can you hear me properly, because this is the first time I speak?

WOLF LUDWIG: Yes, we can hear you fine.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks very much for that, Wolf. So it's Olivier speaking. I think you're on a good track here when it comes down to actually having the other advisory committees that are sensible to the public interest and that have a particular interest in the public interest, if one can say this, but I would like to come back to what Alan has said with regards to all of these working groups that are currently working on the potential for subsequent procedures, for another round of new gTLD, etcetera, and on how to bridge the outputs from what we say here and discuss here to those specific working groups.

I think that it certainly would serve well to quote what is being said here in these other working groups and saying, "Well, you know there is a public interest working group that has discussed a specific topic and I'd like to bring it on the table." Kind of a cross-pollination, if you want, and raise it elsewhere, so that's one thing. The thing that sort of stands out in my face right now when it comes down to community applications is

that the evaluation process -- and by the way, the At-Large complained about this fact then.

The evaluation process is being performed by the Economist Intelligence Unit that, from what we know about it, has absolutely no concept of the basis for a process that is in the public interest or not. It actually bases its decisions on more business-like processes and I'm not quite sure that these two are compatible, and that could be something that the ALAC right now points out when it comes down to evaluation of community applications.

So just to be sure, to be clear, the current organization performing these evaluations does not have the competence to perform these, as one of its primary criteria should be to evaluate the public interest. Thank you.

WOLF LUDWIG:
Yrjö.

Okay, thanks a lot for your comments, Olivier. I now give the floor to

YRJÖ LANSIPURO:

Yeah, thank you. This is Yrjö Lansipuro. Thank you, Wolf. Can you hear me?

WOLF LUDWIG:

Yes, clearly.

YRJÖ LANSIPURO:

Yes, yes. Very good. Yeah, when it comes to community applications, the UK representative to the GAC, Mark Carvell—he's a point man of the GAC for [inaudible] and he's actually preparing a paper for the GAC on the community-based applications, and he has promised to come to an ALAC meeting to talk about that.

He would actually be here today, but he's busy with some G7 ICT Ministers meeting right now, but there is still one ALAC meeting before Abu Dhabi and I hope to get him to that meeting so that we can discuss our perhaps common strategies on community-based applications with the GAC. Thank you.

WOLF LUDWIG:

Thanks a lot, Yrjö, for this input and suggestions. Yes, I think this could be one of the relevant or clear next steps, to talk with Mark. I was also informed about the paper he's preparing for the GAC and I think wherever we find common ground with GAC members, we should sit together and discuss the issues together, and in my opinion, this could bring us a big step forward in our discussion process not being isolated again as it had been for the last two years, unfortunately, but to broaden the issue and to share our concern with others.

Next up in my list is—Olivier, your hand is still up. Is this a new hand or an old one? Okay, thanks. I don't recall if Heidi was first or Alan was first. Let me suggest to go for ladies first and then Alan.

HEIDI ULLRICH: Well, thank you. Alan, your hand was raised first, so Wolf, if you mind? Sorry.

WOLF LUDWIG: Okay.

ALAN GREENBERG: Okay, fine, go first.

HEIDI ULLRICH: I always see to my chair.

ALAN GREENBERG: Okay. Thank you very much. I'll be very quick. I'm commenting on Wolf's suggestion we invite other people. If you remember correctly, when this group started there was going to be an ICANN wide discussion going on on the public interest. That never happened. This group was formed at least partially to act as the ALAC, you know, internal discussion group to feed into the ICANN wide one.

Since there is no ICANN wide one, I see absolutely no problem with inviting other people into this group. Let's not call it a CCWG because that gets into territory of rules, but I see no problem of inviting people at least as a start into our working group. Thank you.

WOLF LUDWIG: Okay, thanks a lot, Alan, and I think now we are in the right line. I think Heidi has already a good idea for formulating this one. Heidi, go ahead.

HEIDI ULLRICH: Yeah. Yeah, thank you. Yeah, yeah, thank you. I think this might be a good segue. You'll recall that there are several At-Large groups that started off as At-Large and now have gone into a cross community committee and that basically allows it to open up to everyone and if people don't see it as just At-Large and we move that group over into the cross community tab on the wiki; and again, that means that there's no formal requirement in terms of charters, etcetera, so that would seem -- we currently have the academy as a CCC, we have the accessibility group as a CCC, so this might be a perfect way for the public interest group to move. Thank you.

WOLF LUDWIG: Okay. Thanks a lot for this input and recommendation, Heidi, and as far as I'm concerned, I would like to first of all ask you whether we all agree on this call that this would be a good idea and the next step to follow up; and in case I see approval here among you, I would like to ask to keep this as an action item. And I first ask whether you agree with this idea and way forward. I see approval from Alberto, from Alan, I think Olivier is also, and let me ask Satish as one of the co-chairs of this group. Yes, Satish also confirms.

Okay, I think we are now on the safe side and I see this is now already mentioned in the action items and notes from this meeting. So this also means formally if you were, who is the ALAC GAC liaisons, and I would

also invite Yrjö in his next talks with GAC members, etcetera, to inform about this decision and to combine it with the invitations towards interested GAC members to be invited at the next to face-to-face meeting in Abu Dhabi, and I also think if Mark Carvell will present his favor to the ALAC members, etcetera, it goes very well hand in hand. Any other comments or suggestions?

HEIDI ULLRICH: Wolf, this is Heidi.

WOLF LUDWIG: Yes, please.

HEIDI ULLRICH: Yeah, thank you very much. So I've marked this down as an action item but also just to note that for ICANN60 since the meeting forms were due last week, we've now scheduled the At-Large public interest working group in a slot, so perhaps that the official move to a CCC could be made during Abu Dhabi if that's okay, and then the following that the group—

WOLF LUDWIG: Okay, okay, that's a good idea.

HEIDI ULLRICH: Okay. Thank you.

WOLF LUWDIG: I agree that we take this as a preliminary decision now from this call or as a recommendation to go ahead, but to put this issue on the table, on the agenda again when we meet face-to-face at the next Abu Dhabi meeting. Very good point and idea, Heidi, thanks.

Any other comments? From your side, I see we have one more guest, Naveed, joining this call. Welcome to this call, Naveed, and Alberto has raised his hand. Yes, Alberto, you have the floor, please.

ALBERTO SOTO: This is Alberto speaking. Thank you very much, Wolf. I think the first idea you mentioned can also be put into practice. I am going to commit to do this myself; I will research on different places because I've seen a few things over the last ideas in Panama that are actually related to public interest, even some members of government who are not GAC members but are actually government representatives so the ALAC chairs did discuss similar issues. So I think I can collect some information on public interest in different groups in different places, etc. That's all. Thank you.

WOLF LUDWIG: Okay. Thanks a lot, Alberto, for this input and we are looking forward to your next inputs at the public interest meeting in Abu Dhabi itself. Just as another point of discussion when we are reflecting about potential case studies or cases we could refute, there is at the moment in the GAC still the dot.Amazon issue on the table.

It was refuted by the board again, etcetera.; this is an ongoing issue and as far as I remember from GAC discussions, this was a hot topic and is still considered to be a hot topic, so this case could be among those cases this working group could look into it and we could also ask for example, a short input or a short presentation from somebody from the region, from Brazil etc, to come to the public interest working group meeting in Abu Dhabi asking them for a short input on this and afterwards to discuss whether this could be among the two, three cases we would like to look further into it.

This is just a suggestion. Any comments, any questions? [AUDIO BREAK]

I see no hands raised. So I take this latest suggestion as somehow well approved or this out, any objection? [AUDIO BREAK]

Are there any further ideas from you side? Yes, Heidi, go ahead. Heidi? You have raised your hand and—

HEIDI ULLRICH: Yeah, sorry I was on you. Yeah.

WOLF LUDQIG: Okay.

HEIDI ULLRICH: Thank you, yeah. Could you please repeat what that last point was so I can capture it for the record?

WOLF LUDWIG:

Okay. Well, as you were suggesting, you talked to Mark Carvell about this paper Mark is preparing for the GAC on community applications, so it will be a draft of a position paper for the GAC on this issue and Yrjö suggested that Mark will come to At-Large in Abu Dhabi and we can also then invite him for the public interest working group meeting, etc. This would be one case and then another point was that I thought about taking the issue of dot.Amazon which is an ongoing discussion point in the GAC.

I've seen some made exchanges on this and this is still on the GAC table and this could be another practical example that GAC has over a longer period of time expressed strong concern about, so we could also ask somebody from the GAC if we intend to open this as a first community committee to ask somebody for example from Brazil because they were the stronger players in this field to come to our public working group meeting and hopefully to summarize what has happened so far and what are the next steps. I see Alan has raised his hand. Alan, you have the floor, please.

ALAN GREENBERG:

Thank you very much. I would really advise against this. You will recall that GAC did give advice to the board, the board acted on that advice in the minds of some without due deliberation and the whole thing has blown up and is currently in a state where it's not clear what the outcome is. I would think this is a political issue that we do not want to be in the middle of right now. Thank you.

WOLF LUDWIG: Okay. Good point, Alan, but I think the public interest as such is a political issue so this—okay, but I agree with you. It became so complex over time that it may not be viewed as a good example for our discussion, so I agree with the essentials of your statement. So come up as [inaudible] ideas is better ideas. Anybody here is free to make suggestions for what could be a good case to look into and to put on the table.

Ideas, comments? Satish? Do you have any preference? As we know, public interest is an issue in India and always comes up in public debates, etcetera, so therefore I think...

SATISH BABU: Nothing immediate I see.

WOLF LUDWIG: Okay, so I don't think it makes much sense now to repeat in details what has been discussed in the past, which was rather complex and it took some time to get more precise and to really know what could be the focus of our discussion of this working group. As I realized again after the Johannesburg meetings and the following two weeks after that, that that's why some inputs and comments on the mailing list after the meeting that in the time between even considering the summer holidays etcetera, there was no more inputs or comments on the mailing list, therefore I must note that the mailing list, unfortunately, is still rather dormant.

And so I think we now have discussed what could be the next steps and I do not see a necessity if nobody really wants to put something on the table to discuss about it, to prolong this call more than necessary. So this is the last call or last chance to come up with an issue here.

Or I would just summarize the action items from this call which basically all concerns the next steps, but it's [inaudible] to invite Mark Carvell to the next public interest working group meeting in Abu Dhabi. And the next one is to move forward to become a public interest working group to move forward to the coming across community committee. So yeah, I think we have all agreed on this and the last one, cross community following the [inaudible] of ICANN.

Okay. So we know what the next action items and the next steps are. Well, let me suggest if there are no further inputs, questions, comments, I do not want to waste your valuable time any longer and let me suggest to conclude this call. Thanks for coming, thanks for participating, etcetera, so at least we used the time for the next steps, and Heidi now has the last thought.

HEIDI ULLRICH:

Yeah, no sorry. This is Heidi. As we're planning now the next call, the next meeting to be in Abu Dhabi, just to confirm that right now we're likely to wish to invite Mark Carvell as well. I'm just asking about [inaudible] from staff; would you like to invite him as well?

WOLF LUDWIG:

Yes, of course.

HEIDI ULLRICH: Okay.

WOLF LUDWIG: This I always take it for granted.

HEIDI ULLRICH: Okay, and also what about Bryan Schilling, whom is the Consumer Safeguards Director; would you like to have him be a standing guest as well?

WOLF LUDWIG: Yes, if he's interested. It should be open to everybody.

HEIDI ULLRICH: Okay.

WOLF LUDWIG: And Olivier has raised his hand as well. Olivier, yes, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you, both. Olivier Crépin-Leblond speaking. Heidi did indeed mention Bryan Schilling. I think it is important to have him there. I had an extended conversation with him in Johannesburg and he seems like someone who's really good to, you know, do things with the position that he's in and to move forward and, you know, the closer we get him

to our discussions on the public interest, the more involved we get him on there the more likely it is that we will get support for actually actioning things rather than just discussing things between ourselves. We do need to look at allies, potential allies for the mandate that we have here.

And one concern that I have had overtime is that there is -- you know, we can't kid ourselves. There is some opposition from some parts of ICANN, not ICANN the organization, but ICANN community that believes that any work on the public interest is actually not really worth pursuing because any commercial endeavor is -- and now you see what part of ICANN I'm looking at -- any commercial endeavor to keep its customers happy is in the public interest, and I'm not quite sure that this is the case in all cases; that might be in some cases but perhaps not all cases. So we really do have to now impose this and put a foot down with this group and get things done. This has been lingering on for too long.

I would also suggest perhaps that we should already at this early stage perhaps invite some board members that might be interested in this so that they also are aware that this work takes place and are not just focused on other things, you know, sort of the shiny things that are taking place at the moment; they need to be aware about what's going on here, too. Thank you.

WOLF LUDWIG:

Thanks, Olivier. Do you have anybody in mind from the board who could be interested in joining us or being invited for Abu Dhabi?

OLIVIER CRÉPIN-LEBLOND: Thanks, Wolf. Olivier Crépin-Leblond speaking. I haven't got anyone specifically at the moment. Well, no one specifically in mind because I haven't spoken to any board members about this, but I'm sure we can— let's discuss this offline.

WOLF LUDWIG: Okay.

OLIVIER CRÉPIN-LEBLOND: And see if we can identify people that would be interested in following this closely. I'm sure board members in their individual capacity would be interested to start with, but we also need a champion on the board for this.

WOLF LUDWIG: Yes.

OLIVIER CRÉPIN-LEBLOND: I could suggest of course Leon Sanchez, our incoming board member, but I know that he's got a lot on his hands so I don't know whether that would be something that he would like to push. But we definitely also need board members that are selected either by the nominating committee or by other communities. It's not only just their involvement but it's also sending a message that the board does not have this pushed on the side, that this is something that they are interested in, too. Thank you.

WOLF LUDWIG: Okay, thanks Olivier. And I just see that Heidi wrote in the chat, I would assume you'd like [inaudible] as well. I must admit [inaudible] doesn't ring a bell to me at the moment.

HEIDI ULLRICH: He—yeah.

WOLF LUDWIG: Yeah.

HEIDI ULLRICH: He is, I believe, advisor to the CEO but he's also the person who hired Bryan and he introduced Bryan last time, so it's up to you if you like him just as a courtesy invitation to him as well.

WOLF LUDWIG: Heidi, I think the moment we pre-decided already to open up this working group as a cross community committee, I think anybody who may be interested should be approached and invited.

HEIDI ULLRICH: Okay, thank you very much.

WOLF LUDWIG: There are no limits from my side. Before I give the floor to Alberto, just a short remark about what Olivier said before, summing up the discussion he had. Well, serving customers' interest of course can also be in the public interest, of course, but firsthand in my opinion, it's sort of customer relations management and it's a key point of customer relations management to make customers happy, etcetera, or not too frustrated.

Therefore, I would consider the public interest much broader than just satisfying customers' interest, but this is just a personal remark and I now give the floor to Alberto. Please go ahead, Alberto.

ALBERTO SOTO: Alberto speaking. Thank you, Wolf. With regard to the community applications, in particular the dot.Amazon, I agree with Alan. I noticed that the number of countries involved on that issue of dot.Amazon are nine countries. One of them is Ecuador, so perhaps Lito Ibarra can be the board member to be contacted and see if he's interested. Thanks.

WOLF LUDWIG: Okay, this is another idea. And I see Heidi is already taking notes on this because I think in one or the other cases, this issue will bump up and perhaps we shouldn't stress too much on cases from the past, but should rather more look at upcoming discussions. I remember in Johannesburg, one of the last very interesting board GAC meetings was also on new application rounds, etcetera, and it was about the public interest always bumped up in that discussion as well. So I think with

broadening this working group now into a CCC, we will get more attention and more inputs.

Any further comments? Further questions? Complaints? This is not the case. I think we are rather through with our agenda of today. I would say development of agenda for ICANN60 public interest working group meeting we had already [inaudible] already whom we will invite and the detailed agenda, etcetera, we can work out bilaterally with staff, etcetera. In-between, perhaps we can also forward this draft agenda for Abu Dhabi on the working group mailing list for further comments, etcetera, further inputs for Abu Dhabi. Otherwise, I think we are fine.

Therefore, let me thank you once again for your time and for attending this call, for your input, etcetera, and I think we are through our today's agenda. I wish you an excellent day or evening and goodbye, and hope to see many of you at our next step rather soon at the Abu Dhabi meeting. Thanks and goodbye.

EVIN ERDOĞDU:

Thank you all. This call is now adjourned. Please do not forget to disconnect your lines when leaving the AC room or disconnecting from the bridge. Thank you all very much for your participation and have a wonderful rest of your day. Bye-bye.

WOLF LUDWIG:

Bye-bye.

HEIDI ULLRICH: Thanks all.

EVIN ERDOĞDU: Thank you, bye-bye.

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