
CLAUDIA RUIZ: Good morning, good afternoon, and good evening, everyone. Welcome to the LACRALO Monthly Teleconference call on Monday, the 17th of September 2018 at 23:00 UTC.

On the call today, we have Alexis Anteliz, Sergio Salinas Porto, Rodrigo Saucedo, Javier Chandia, Aida Noblia, Vanda Scartzini, Humberto Carrasco, Ricardo Holmquist, Maritza Aguero, Antonio Medina Gomez, Daniel Fink, and Lilian De Luque on the Spanish channel.

We currently do not have any other participants on any other languages. We have received apologies from [inaudible]. From staff, we have Heidi Ullrich, Silvia Vivanco; and myself, Claudia Ruiz, on call management. Our interpreters for today are, on the Spanish channel, Veronica and David. On Portuguese, Betina and Esperanza. On French, Claire and Jacques.

Before we begin, I would like to remind everyone to please state their name before speaking for transcription purposes and also so that the interpreters can identify you on the other language channel. Thank you very much. And with this, I hand it over to you, Humberto. Thank you.

HUMBERTO CARRASCO: Thank you very much, Claudia. Good morning, good afternoon, and good evening, everyone. I will have to connect again from my landline.

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.

INTERPRETER: I am sorry, but I'm not receiving Humberto's audio.

SILVIA VIVANCO: Humberto, can you hear us? Humberto has just dropped from the call, so Maritza, can you please continue with the call?

MARITZA AGUERO: Okay. Good morning, good afternoon, and good evening, everyone. We will begin with this LACRALO monthly call today. I'm going to start by the agenda, the adoption of the agenda until we get Humberto reconnected to the call. So, the agenda is already posted on the Wiki. We're going to begin with the ALAC LACRALO public consultations, but we will begin by the presentation an update on the LAC strategy by Rodrigo Saucedo. He will speak about the project, the status of the different projects to date. After that, we will have a presentation by Ricardo Holmquist. He will be delivering a presentation on ALAC's public consultation. He will give us details on the public consultations and statements [that are approved] that are being discussed and that are still in process. He will speak about the open public comment.

After the presentation, we will have a presentation by Sergio Salinas Porto. He will be speaking about the Governance Working Group. He will be delivering an update on the metrics and the LACRALO operating principle and an update on the Governance Working Group work.

We will finish this agenda by addressing any other business and then we will have an evaluation. But before that, we will have a webinar on the review of all rights protection mechanisms in all gTLDs. Martin Silva,

he's GNSO Council, he will be in charge of delivering the presentation. After the presentation, then we will have an evaluation survey.

So, this is the agenda for today's call. So, if Humberto is back, I will give the floor to him for him to adopt the agenda. Otherwise, I will be adopting the agenda and then I will give the floor to Rodrigo for him to proceed with his presentation. Humberto, are you on the call right now? Okay, so Rodrigo, please go ahead. You have the floor.

RODRIGO SAUCEDO:

Good afternoon and good evening, everyone. It's a pleasure for me to be on this LACRALO Monthly Meeting. It has been a long time since my last time here. So, today, I'm going to update you on the LAC strategy, the regional strategy.

As I was saying, let me tell you a little bit of background. Let me tell you about the timeline for this strategy. In the final updated strategy that was presented in December 2017, then we had an update, a new update, in January 2010. We had a call for volunteers for the implementation committee, and in February 2018, we began setting up the different working groups for each project.

SILVIA VIVANCO:

Rodrigo, are you on the call? [inaudible] online.

MARITZA AGUERO:

Silvia, can we please check the connection of Rodrigo?

SILVIA VIVANCO: I believe that Rodrigo has dropped. We are redialing him. I see Rodrigo is typing on the chat. Rodrigo, if you can hear us, please, can you please check your audio? Otherwise, I would like to ask ICANN staff to reconnect Rodrigo to the call.

HUMBERTO CARRASCO: Maritza, can you hear me?

MARTIZA AGUERO: Hello, Humberto. Welcome back. Okay, now we hear you, Rodrigo. Please, go ahead.

SILVIA VIVANCO: Rodrigo, we can hear you now. Please, go ahead.

RODRIGO SAUCEDO: Okay. As I was telling you before, we had 31 projects. This is a renewed strategy. And 19 out of these 31 projects are already ongoing. Then, we have two approaches that are in the planification stage. We have 85 members within the implementation committee and each person decided where to participate and now we have 31 working groups for each of these projects.

This is an open implementation committee, and even though there was a call for volunteers, if anyone would like to participate, the group is open for participation.

Let me now talk about the projects. I only have ten minutes to address the topic, so I want to make good use of the time. I'm going to mention some of them. Number one is the systematic mapping of LAC community participation in ICANN's ecosystem. So, this is approach which is in progress. So far, we have made a mapping of the LAC participation and the working group is now working on conducting different leadership so as to see or decide what is considered to be optimal in terms of participation. This is useful for us to see the participation gap that we have. I mean, this will help us to identify the gaps in terms of participation.

Then, we have the LAC road show. Of course, I have not much to say about this because this is a longstanding project. We have been working on this for almost four years now. This year we have been in Uruguay and Panama. We will be now in Bolivia and in Bahamas as well.

Then, we have the additional funding support for CROP program. The name seems to be quite confusing because this is not that we are supporting the CROP, but we call this project like this because this is additional support to the CROP program for outreach in the region. So, LACRALO has an additional trip and the GNSO and Latin America and the Caribbean members belonging to the different constituencies of the GNSO, they have an additional trip for outreach.

Then, we have the government outreach throughout ALAC. So, we have been working on this project for some time now. The idea is to do some capacity building for government. So, this is an ALAC program.

Then, we have the policy briefing. In this case, we have three different projects. These projects are communication and awareness-related projects. So, we merge them in one, so we have a policy briefing session. In this case, the policy team is delivering on a regular basis before each ICANN meeting. They deliver a webinar and in this case, through these projects what we do is coordinate with the policy team so as to provide Spanish interpretation and we invite our members in the community for the members to participate in the webinar. The idea is to have some special reports and to add that information to our newsletters. It is to provide information on policy in the newsletter.

The ICANN Communications Team in coordination with the community is working on some interviews to different members, different community members and the idea is to discuss participation in PDPs.

Then we have the readout sessions. These sessions are held after each ICANN meeting and the idea is to provide some information on the topics addressed in each ICANN meeting. The last readout session was held in Montevideo and we had some remote hubs from the region.

Then, we have the systematic monitoring of LAC community participation in PDPs. As it is the case of the first project I mentioned, in this case what we did is we create a database of all the people participating in different PDPs and we see how engaged they are in PDPs. These help us to see where we need to provide further support and how we can involve more people in each PDP.

Then, we have webinars on PDPs. This is something that we are organizing together with Maritza and Humberto, the ALAC RALO

leadership. This year, we will have a series of four webinars on PDPs. Of course, the objective of this project is to brief, inform the community about PDPs and to create awareness on the importance of participating in different PDPs.

Next project is a PDP session on ICANN meetings. The objective, we had a first meeting or a first session in San Juan. The next session will be held in Barcelona. The idea is to provide information on PDP. This is devoted to newcomers and we speak about important PDPs.

Then, we have the LAC team. This is a very important process. Then, we have the Caribbean Working Group led by Bartlett Morgan. This was created by Dev or was led by Dev at some point in time. This is a coordination and communication platform together with Albert Daniels who is, as you know, the Caribbean manager. In this case, they address important issues for the Caribbean region.

Then, we have the LAC DNS Observatory. Today, we have two reports. There will be a change next year. LAC TLD will be leading this project next year. This project is [now] led by NIC Chile.

Then, we have the ccTLD internship program. In this case, the idea is to offer small and medium ccTLDs the possibility to travel and visit larger ccTLDs to get more experience and to learn and to be trained on certain topics.

Then, we have to identified content creators. This project is led by Alejandra Acosta from LAC NIC. I think I'm running out of time. However, let me tell you that this presentation has been already circulated to the staff. Claudia and Silvia will be posting this

presentation on the Wiki page. If you have any questions or any comments, please let me know.

But, before finishing my presentation, let me talk about next or future projects. Those mentioned from 19 up to the end there in the planning phase. So, we need to start by the end of October. So, if you're interested in participating, please don't hesitate to contact me. This presentation is [inaudible], but I have little time to present all the topics. But as you can see, we are working very hard. This is community strategy for the community and this is very important, indeed.

So, with this, I will finish my presentation here. I would like to thank Humberto and Maritza the opportunity. And once again, thank you very much for your attention.

HUMBERTO CARRASCO: Thank you, Rodrigo, for your presentation. This is a very interesting point, a very interesting presentation. I believe that it is necessary that you update us on these issues because, otherwise, we are not aware of the effort you are making. So, I thank you for this presentation because you are working really hard. Maritza, are there questions or comments on this or are we going to continue with our next speaker?

MARITZA AGUERO: There are no hands up, no comments on the chatroom for the time being. And to avoid any delays, I think it would be good to continue with Ricardo's presentation. Thank you very much, Rodrigo. Humberto, you have the floor.

HUMBERTO CARRASCO: Ricardo Holmquist, you now have the floor.

RICARDO HOLMQUIST: Good evening. Excuse us that we are having some technical issues. I wanted to send the presentation before, but it seems it wasn't available. Let me show you because I wanted to mention a few things aside from the strategy that is being worked on right now.

One of them is the working group on the At-Large transliteration. This is a working group that is already working for two weeks. I did send an e-mail to the LACRALO list and it is important that people in the region work on this implementation because, at the end of the day, this is going to affect all of us.

The second is the working group for the development of policy, it is a working group that was created approximately three months ago and it is the one that will be the basis for the EPDP. [inaudible] that especially for everything that is related to policies.

This EPDP relates more to an expedited process and it is used for the temporary specifications for PDP. Because we now need to implement the data protection law in the whole of the European community, the current WHOIS is now the new [inaudible] in the European Union.

So, we need to make a temporary specific and that temporary spec is to be supported in one year. In this year, we need to implement the EPDP to define how it is that we're going to do this.

Finally, we have been working on the ATLAS 3, the At-Large Summit 3. This week, we sent a letter to the ICANN chair. We have been given a green light to ATLAS 3 and we were told that we already have the funds to conduct this summit. So, we already have the funds and we will be able to work on ATLAS 3. A lot of what we are doing in the region and a lot of what we are doing with the active participation will be affected by all this.

Let's now go to the next slide, please, to see whether we can have a look at the policies. Can we please have a look at the next slide where all the policies are mentioned? Excuse me, I'm having some technical issues.

One of the main policies we are discussing now has to do with the WHOIS replacement. We have been working for more than ten years to be able to replace the WHOIS and that replacement was not really considered.

SILVIA VIVANCO:

We do hear you, Ricardo. Please go ahead.

RICARDO HOLMLQUIST:

Basically, the policies have to do with the accreditation model. The first policy that is mentioned there, and the second one, are related to this model and once the WHOIS was replaced in Europe, we had to make some measures. One of them is the unified access model. The other one is how you are going to give a presentation to people who don't really

have the necessary data, especially people in [inaudible] privacy and people in security. This is what the first two listed there mean.

The third one is the [just] ICANN Africa strategic plan for 2016-2020. There's already version three available. What's important for our region is to see that maybe we can take some ideas, especially with this very large number of groups that Rodrigo mentioned that exist and that are working the region.

Now, the next comment that [inaudible] today is a recommendation for managing IDN variants or those domains that are not listed in the original version than they are in other languages because [inaudible] it is important for the region. There are also domains with [actions] and domains with the [inaudible]. This is affecting us as well.

The second policy is a very simple policy. It's a group of trademarks and the only registrant they have for those trademarks is a single person and they're changing their policies that are affecting a person that wants to register a trademark. Then that person needs to have the agreement, especially when those are isolated trademarks

Then there's the initial report on the new gTLD subsequent procedures. This is work track four. It's important to read it because this will affect how the new domain auctions will be made.

The last two have a lot to do with what WHOIS will be, that there is [inaudible] last four policies that have to do with replacing a unified access, who will be credited, how they will [inaudible], and basically this is what we're working on.

Hello. I hope you can hear me. Are there any questions?

SILVIA VIVANCO: We do hear you. Go ahead.

HUMBERTO CARRASCO: Maritza, can you please tell us if there are any questions for Ricardo?
Well, it seems Maritza is not there. Silvia, can you help us?

SILVIA VIVANCO: I don't see any questions on the chatroom right now.

HUMBERTO CARRASCO: Thank you very much, Ricardo, for this public consultation. I wanted to ask a question with respect to the implementation of the At-Large reform. That is what are the deadlines and do you know what are our obligations as RALOs?

RICARDO HOLMQUIST: The working group that is working on this recently started their work. They're working twice a week. I believe that by December they should provide ICANN with a strategic plan of what are the different issues that were mentioned in the review. When the review was made, At-Large made a few comments to those reviewed and it provided with some deadlines. These deadlines are not running yet [inaudible] later on.

INTERPRETER: We apologize that we are getting very bad audio from Ricardo.

HUMBERTO CARRASCO: Thank you. With respect to your comment on the implementation we have decided to get ready, together with the [inaudible], and one of the criteria for this implementation is precisely to start with those recommendations that are more feasible and that do not imply using a large amount of the budget. They need to be easier to implement. They need to be easily implementable. And as Ricardo very well said, [inaudible] is made now and if we can have that diagram made, [inaudible] then Alberto will be part of that working group. As we all remember, he is the [inaudible] representing ALAC. Thank you. Alberto Soto, you now have the floor.

MARITZA AGUERO: Alberto, you have the floor. Please, go ahead. We cannot hear Alberto.

ALBERTO SOTO: I hope you can hear me.

MARITZA AGUERO: We can hear you now.

ALBERTO SOTO: So, to add to what has been said about the At-Large review, there are some recommendations that require some budget resources and others that do not. As of December, ALAC needs to send the full

implementation report with all tasks, including those that require budgetary resources. Perhaps we will not reach the goal, but there will be time after the time when we ask for the resources so that we can have all the necessary resources we need.

Someone said – I can't really remember who that was – there is a [mini] group that is working with the [inaudible] to be able to do this more quickly. As for the RALOs' intervention, it is very likely that [it would be required] soon. We will know all of this probably next week. Thank you.

HUMBERTO CARRASCO: Thank you very much, Alberto. We also wanted to know, again, if there is any other hand up. Otherwise, we will continue with our agenda.

MARITZA AGUERO: There are no hands up and there are no comments on the chatroom.

HUMBERTO CARRASCO: Okay, so let's go to the next item on our agenda.

MARITZA AGUERO: Thank you, Humberto. We will continue with our agenda now and we will introduce Sergio Salinas Porto who will talk to us about the progress on the Governance Working Group. Sergio, you have the floor.

SERGIO SALINAS PORTO: Thank you very much, Maritza. It's a pleasure to be here with you tonight. I'm going to provide a very brief summary of what we have achieved so far.

As you very well know, the Governance Working Group has been very strongly been working. We had two face-to-face meetings. One was in Los Angeles and the other one in Puerto Rico. Then, there were a number of meetings. These were weekly meetings where we had been working and had been agreeing on the new operating principles document. We also worked on metrics and we worked on the short reform, as we call it, where we include the individual users who are not aligned or included in any other ALS but who could actually be participating in the region based on what is being discussed in ALAC and also in the review.

It is indeed process that we can provide you with very good news. I hope that this will be approved unanimously. This is the metrics work. We have received a good support from Alberto Soto. And as for the short reform of the operating principles, the reform incorporates the individual users in the LACRALO structure.

So, based on these two documents that are available now, probably next week, [inaudible] group that we have on the reform of the operating principles and we had meetings last week with an important contribution from the people of the Caribbean and the continental people. Well, we have very good progress. Right now, what we want is to look at very specific things that have to do with the grammar and the drafting and we are a few days away of presenting the process to discuss this in the region.

There are some new elements that we are now adding to the operating principles. We have the [inaudible] of the chair elect and the secretary elect. Those of you who are [inaudible] instead of calling them vice chair and vice secretary, we are calling them chair elect and secretary elect.

Then we will have the speaker of the board. We also have some members that are not part of any ALS and of course we will address the issue of conflicts of interest so as to [inaudible] some of the issues of the region.

This, of course, has to do with the regional governance and of course we want to move forward with other substantive issues that have to do with discussions carried out within the ICANN ecosystem.

So, at this stage, when we discuss the rules of procedures, we will finish, we will [inaudible] one stage and we will organize this institute, but of course the rules of procedures will describe the functioning of those constituencies of [inaudible] institute.

So, this is a great step forward because we have two main documents for discussion in shortly and then we will have a third document. We are going to ask for feedback. The idea is to approve this document by consensus. Once this is approved by consensus, we will be able to move forward with the rules of procedures. In this case, we will have to do a very careful and detailed task, so as to have suitable procedures for us.

This is the end of my presentation. Therefore, I'll open up to your questions and comments.

HUMBERTO CARRASCO: Thank you very much, Sergio. Is there any comment or any question for Sergio?

MARITZA AGUERO: No. We have no questions for Sergio. However, I would like us to have some comment on individual users because there is a comment by Dev about individual users. Sergio, can you explain further on individual users to see we're aligned with ALAC? Thank you.

HUMBERTO CARRASCO: Sergio, you have the floor. Go ahead, please.

SERGIO SALINAS PORTO: Sorry. Can you please repeat the question?

MARITZA AGUERO: Sergio, can you please explain further on the reform or amendment made on individual users very briefly? Can you please explain what is the update on that along those lines? Thank you.

SERGIO SALINAS PORTO: We are now posting a document. this document has been already translated into English. It is also in Spanish. We recognize the active participation of individual users who are not part of any ALS for them to be able to participate in the region. This process has two stages. First of all, there is a recognition stage and then there is a second stage that is under discussion being held within the Governance Working Group and

the idea is to decide the scope of participation for these individual users.

So, what we are doing is this. We are adding rights to individual users. We recognize that they do exist and that they have the possibility to participate in the region and then there is a second stage that has to do with processes in which they will be able to participate. I mean, if they are going to participate in the organic life of LACRALO as a whole. I hope that I am replying to your question. Thank you.

MARITZA AGUERO:

Thank you very much for the details. If there are no further questions for Sergio or if there are no further comments on the chat, I will give the floor to Humberto.

HUMBERTO CARRASCO:

Thank you, Maritza. I am now checking the agenda for today and I would like to briefly say this. Today or tomorrow we're going to launch a consensus call for end users. So, this reform seeks to recognize the participation of end users, but of course this is related to the reform of the rules of procedures. Then we will decide if they will have a right to vote or if they can be elected. But, of course we recognize their participation.

Having said this, we go to any other business. This is item six on the agenda. I would like to ask you if there is any other business or any other comment that you would like to mention. Is there any question or any comment?

MARITZA AGUERO: Humberto, I see Rodrigo Saucedo. He wants to take the floor.

HUMBERTO CARRASCO: Rodrigo, please go ahead.

RODRIGO SAUCEDO: Thank you, Maritza, Silvia, and Humberto. Until Martin connects to the call—

MARTIN SILVA: I am already connected to the call.

RODRIGO SAUCEDO: Okay, there you are. I didn't see you on the AC room. That's why I was asking. Let me say that there is one project that I did not mention in my presentation which is very important and this has to do with participation in webinars and PDPs.

Last year, Maritza and Humberto, through this LAC strategy process, started to think about how to increase community participation on webinars because it is very important for participants, for people to participate in these webinars. There are many members of the community that are already participating, but we need to increase participation. Therefore, there was a new project. It was a contest. So, we had a trivia contest. We had questions about ICANN and the winner was taken to ICANN in Buenos Aires.

Last year, there was a different project and the project was this. Anyone participating in four out of the six webinars were a part of a draw to attend or to go to the regional office in Montevideo, the House of Internet, so that they could get further information on ICANN and on the regional organizations. The winner of that contest was Harold Arcos. He was the winner of this year. Last month he was in the House of Internet. This was a day prior to the road show in Montevideo.

We decided to do exactly the same this year with the remaining webinars. So, we will have a contest and those people participating in webinars will have the chance to go to one of these places. So, this is something different to what we do on a regular basis and of course the idea is to promote participation.

To be honest, I see that there is an improvement, an increase, in participation, and of course our desire is to keep on increasing participation. So, that is my comment. Now Humberto, please, you have the floor. Go ahead.

HUMBERTO CARRASCO: Thank you very much for your comment. Now we will proceed with our next speaker. Let me check the agenda again. We have a webinar. This is a GSE LACRALO webinar delivered by Martin Silva. Martin, welcome to the call. You have the floor.

MARTIN SILVA: Can you hear me?

HUMBERTO CARRASCO: Yes, we hear you.

MARTIN SILVA: Thank you very much for the invitation and thank you for your participation, for your attention. I'm going to speak about my experience in this PDP, particularly, and I'm going to describe the process. I'm going to speak about the review of all rights protection mechanisms in all gTLDs. I'm going to mention the name in English as well because this is the first time that I read the name in Spanish. So, this is the rights protection mechanism review.

In 2016, ICANN decided to relaunch a new project to review all mechanisms, for trademark protection mechanisms to be evaluated and to see if they are being used properly or not.

So, this is a working group that is reviewing the mechanism. So, let me tell you about the mechanisms. The first mechanism for trademark protection are two. One type of mechanism is applied to the legacy domain names. These are the, for example, dot-com, dot-net. Then, we have the UDRP and this is applied to the new gTLDs or new domain names.

In Latin America, we have many dot-[inaudible]. We have adopted this policy. This is a review under the GNSO. However, we have been working on this for more than ten years now.

This is the main mechanism at ICANN of trademark holders and with new gTLDs, there was an issue arising and this is that there is a whole universe of new names appearing. So, trademark owners need to spend

money to protect those names, because in the past, there was only a small set of generic domain names.

So, taking this into account and with that in mind – that is to say with the fact that having thousands and thousands of new domain names, the community said this. We do understand the value of having new domain names, but of course this is a great challenge for trademark owners and we need to protect trademarks and the role of trademarks in this new universe. Therefore, we are going to create a new system to protect trademarks.

There is a set of trademark protection mechanisms applicable to new gTLDs. The famous one is the Trademark Clearing House (TMCH). This is a kind of universal database or record where you have the trademark recording and the Trademark Clearing House performs a set of processes at the time of verifying a new domain name or at the time of operating a new domain name and it gives priority to trademark owners in case of new names.

For example, if I register a personal trademark, let's suppose that I have a new trademark on Silva. Silva is my surname. So, I am a shoemaker and I record my trademark Silva in Argentina. So, this then goes to the Trademark Clearing House. If someone else within this ecosystem would like to register, for example, shoes.silva, this mechanism will let me know that someone else is trying to register a trademark that is already protected.

Of course, this implies that there is a very [inaudible] mechanism protecting trademarks. So, me, myself, as a trademark owner, as the

owner of the Silva trademark, I [inaudible] protected because once I register my trademark at ICANN, I have this opportunity to be protected at the Trademark Clearing House and I know that nobody is going to register the same name.

There is another mechanism for protection and this is the URS. This is the uniform rapid suspension mechanism. In this case, this is a passive mechanism, if you will. And you can check if someone is registering a similar domain name, but even though we see that there is an infringement of trademark in the system, if we compare this with the UDRP system, which is the Dispute Resolution System, I could say that this is a very long and costly [process]. This is very expensive, so if someone is infringing a trademark right, we'll go into a very expensive process. But this is for cases that are really obvious. This can be applied to cases of misuse, and in this case, we have this suspension system. This is for, as I said before, for obvious cases.

So, in case of transferring a domain name with the system, that is to suspend the domain name. This is less expensive and by combining the traditional system, which is more expensive, the Trademark Clearing House. This combination allows us to have a set of mechanisms to protect trademarks within ICANN.

We have to bare in mind that this gives us the opportunity to [inaudible] ourselves in case of infringement or in case of abuse.

Now, let's talk about the PDP. This PDP is created to defend those mechanisms. Since 2012, and after more than ten years of having this UDRP, the working group [inaudible] ICANN decided to reevaluate or

evaluate this mechanism. The question is, is this mechanism suitable? Is there any part of the process being misused or abused by trademark holders? Those are the questions being addressed. We have cyber squatters, for example, taking over domain names or we have people selling fake goods. So, are they abusing the system because we are not providing enough protection to trademarks? These are the questions addressed by this working group.

As I said before, these mechanisms are divided into two parts and the working group took that division criteria or classification criteria into account. First of all, we are reviewing those mechanisms being applied to new names only, especially the Trademark Clearing House and the URS.

Then we will have the UDRP that is applied to all domain names. The reason for this is that with a new round of new gTLDs that is supposed to be launched next year or next year-and-a-half, we want to have by that time a review of the new mechanisms in order to have a better system. We know that the uniform policy or dispute resolution process is ten years now, so we need to update the mechanism and we need to give priority to this new round that is coming up soon.

To date, we have already finished with the review of phase one, especially in terms of a Trademark Clearing House. We had a revision stage. We decided the questions that should be asked, the information that should be collected, and then we implemented different surveys, documents, and until we finish with this, we are now on the final discussion to see what we do with the Trademark Clearing House and then we start working with the URS.

The question is, is this URS system enough? Is it effective enough? Are people abusing this system? There was a question. The trademark register is secret, so we don't know the trademarks that are registered. The trademark owners learn about this when someone is registering a similar name. So, we as users do not know the content of this database, of this register. So, is this enough for us?

Why is this information confidential? Should this information be available to the public? This is what we do. We are analyzing the different issues arising and we are trying to propose changes beneficial to the users. We are not changing or revisiting the whole procedures, but we are just assessing or seeing if there are problems and we are proposing possible solutions, of course based on consensus, so that registries and registrars agree, so that the Business Constituencies or the Commercial Constituencies agree in order to have the possibility of amending policies or to see if the system is okay.

As I said, we have already suspended the Trademark Clearing House and we are reviewing the URS, which is this rapid suspension system. So, in this context, as we did the Trademark Clearing House, at the URS we are wondering what are the data that we need.

For example, we need to check whether the examiner, the arbitrators, in the suspension process had any problem to report with respect to the languages used in each of the disputes. As examiners, do you have anything to say? Then we prepare several surveys and we [inaudible] subdivisions to be able to have these kind of experiences or [inaudible] or documents and we went to the National Arbitration Forum in the United States which is the main place where these disputes are solved

and we asked them what are the numbers that they can share with us. That is, how many people have applied for this URS system? How many people have responded? And those who have not responded, well, is it because they couldn't reach the deadline or because they didn't want to respond or because they couldn't comply with any of the forms?

So, in this working group, we have tried to understand the practical function of these regulations that were designed. Today, we are specifically discussing some proposals for changing the UDRS or URS. We are seeing if we are going to change the technology that we find that may be problematic but is work that may be vague in their description and that allow for a very big margin of discretion for the examiner or the provider which is the National Arbitration Forum [inaudible] provided for the [inaudible] system and they have mediators.

So, when we complete this stage, we are now reviewing the URS proposal. There will be a public comment period where we will get feedback from the community and we will try to get a report of phase one. The first milestone in the short, or actually in the middle term, is to produce a final report of the status of rights protection mechanisms that are applied over new domain names so that the new gTLD round can start the process with a review status of all the mechanisms.

We are having a critical timing so far, so by early or mid next year, we believe we will get it. So, when we finish this, we will start phase two, and then in phase two, we will start discussing the unified policy for disputes.

We have other unexpected issues like the GDPR. We don't really know how this is going to alter our analysis, because for example, the providers of the URS system – and this will also have [inaudible] UDRP. We need to inform that [inaudible] to other parties. When a person files a suit, the provider, which is the one that receives a dispute, usually has or connects the different parties. So, what kind of information do they share? The GDPR tells us that our policy cannot be [inaudible].

So, the EPDP which is the expedited policy development process in charge or showing some kind of harmonization of the ICANN policy with the data protection policy may have at some point some kind of comment to say how these mechanisms need to be altered or modified, but it has not revolutionalized our analysis. This will [usually] have to do with the dynamics of the process itself and to understand so that the rules are being effective or they are being abused, and if so, to what extent this is happening, what is the [inaudible] evidence that this is happening, and how can we change this. What would be our recommendation?

I don't really want to use all my time. I think I've spoken for about 20 minutes now. I don't know if you prefer to continue talking about the working group or maybe I should take questions now. Maybe Alberto or Rodrigo can tell me.

HUMBERTO CARRASCO: We will provide two minutes to ask questions. There are some questions in the chatroom. But I'm going to abuse my LACRALO chair [inaudible] and I'm going to ask a question.

It seems the system is still oriented to a trademark protection and people's names or state names or city names, but I mainly refer to people's names, who when they're not famous, they cannot be qualified as trademarks. This is my first question.

The second question is how can you [consolidate] this URS in the fast track process in relations like ours that are continental? This is accepted in [inaudible] legislation, like the United States but in legislations like ours, especially in the Chile system, you require a court resolution.

There are some other questions in the chatroom. I'm not sure if you can read it. [inaudible] how that the GNSO interprets this marked abuse and does this kind of policy for dispute resolution can be circulated to the ccTLD? Thank you. I don't know if there are any other questions. Martin, if you can answer this. If there are others, then I will just try to find them.

MARTIN SILVA:

I'm going to start with your questions and then I'm going to go to [inaudible]. As for names of individuals, it's a very important issue to work on, but in this specific working group, we are working on the existing mechanisms and this kind of proposal is out of our scope. We have no procedural [inaudible] and our charter, the working group, does not [inaudible].

What we need to do is to review the existing process to see if whether [inaudible] what we want it to do, and the current process only deals with trademark. So, the GNSO Council should start a specific PDP to deal with this issue to provide protection for names of individuals. In that

case, the PDP could introduce as rights for protection. That is to introduce it as part of the process, the interests to be protected, but this group does not have [inaudible].

What this group could do is to try to find cases where trademarks are abused, so that you can pursue legitimate uses of individuals. If this group would [find this], then we would have a reason to say that this process is not compliant with what we want. We didn't really want a trademark protection process to abuse individual interests.

So, what we can do is to create a process to protect individual names. This would imply creating a protection policy from scratch and we are already reviewing the policies that are already [included]. I think that is the difference. But I'm sure Humberto understood this.

As for the URS and its application, please tell me if I understood the question correctly. Your question is how can—

HUMBERTO CARRASCO:

We have seen this when there were violations to copyright. Chile has an agreement to the United States and so when there are violations to copyright, you can use [inaudible] similar to the URS. But there was [inaudible] problem because when someone is the owner of a domain name, you require a court resolution. Otherwise, there is a constitutional problem. I don't know if you can discuss it because there are many systems, like the Mexican one, that they resort to the uniform response resolution policy to solve domain name issues.

So, if ICANN approved this fast track with respect to systems with continental legislations or similar and that are not [inaudible] and that [inaudible], there should be an escape clause to allow the users to resort to national legislations in these cases.

MARTIN SILVA:

I think the response is similar to the one that you would give in any UDRP case. [inaudible] in a ccTLD and in a general domain, you sign an agreement that there are arbitration rules and [inaudible] rules. So, the [constitutional] justification for rapid suspension mechanisms with no court resolution is the same as a UDRP.

When I signed the agreement, I delegated that power in this arbitration and this arbitration can have certain rules and they may be delegated on a specific body. The implementation of the URS at the local level in a ccTLD or at the conceptual level as a delegation of the jurisdiction to an arbitration [inaudible] would not be problematic, per se. Now, it is different if you demand a state to create a URS process that is outside of what people have signed. But this is not the case. People register a domain name and they abuse it, then they have delegated power to be submissive to arbitration and this would be the escape clause. This is my [inaudible] and not the only one, but I think it is not wrong.

Then, I can't really find what Alexis said, if somebody can read it for me, please.

MARITZA AGUERO: Martin, I'm going to read what Alexis said, which is in the chatroom. She says, "How does the GNSO interpret these trademark [inaudible], not only facing domain name systems but via social media?"

MARTIN SILVA: The GNSO, let me say this, couldn't care less about trademark violation in social media. They only care about generic names. If it's not a generic domain name, the GNSO has no legitimacy and no interest in dealing with this issue. Of course, those of us who are a part of it may be concerned about it, but in my capacity as a councilor or member of the Council of the GNSO, I have no mandate from anyone to be able to speak about trademark violations within social media. I can only issue an opinion within the realm of domain names and I could use the procedure that's already been established. I hope this is clear. Otherwise, I can continue explaining it.

SILVIA VIVANCO: Humberto, there is Gaby who is asking for the floor. Please give the floor to Gaby. Gaby, we cannot hear you.

MARITZA AGUERO: I can read what has been said and maybe we can [inaudible] with the chatroom.

GABY GIGON: I hope you can hear me now. I have heard a lot about what Martin has said but I have never had the opportunity to deal with this, really. I am

here because I am interested in the PDP and my question is more associated with being in pursuit of a person who is involved in the Internet governance world and a person who is looking to see where they can provide their support.

So, let's say I want to be part of this PDP, of this group, that is working on this, and listening to Martin, I think it is interesting and I want to get involved.

So, the question is how can I get the attention of someone in the region of Latin America and the Caribbean to get involved in these policies? What does the working group need? What are the skills? What are the people? What is the kind of support needed to associate all of this work to the regions? I'm not really sure if I'm expressing this properly, but there are trademarks and there are protection mechanisms for brands that belong to Latin America and the Caribbean that are involved in this PDP and not in others.

MARTIN SILVA:

Well, the question has to be responded by saying that the LAC region is really [absent] and then any person that approaches is good for us to listen to a different version or to have an input. Of course, because we are dealing with trademarks and rights protection mechanisms, one is naturally inclined to have a more [inaudible] interest to discuss it from that side. So, perhaps, [inaudible] someone who is more technical, but perhaps the design of the process in many times is technical. We need to see how the TMCH operates because they will provide a trademark

and they provide with a certificate, and [inaudible] electronic certificate, you can exercise your trademark right in the rest of the process.

There are some processes [inaudible] where the input of a technical person is extremely useful. You don't really need to be a lawyer or an expert in public policy to be able to provide your input. It is obvious that, at the regional level, law firms and NGOs have a specific interest to work on this because they have names that they need to protect. In the case of NGOs and civil society, in particular, they need to be a counterbalance.

Only in cases where people have bad faith in abusing their trademark, you need to apply this, but if there is no bad faith and there is no willing to confuse the community or to illegitimately use a commercial name, then there is no trademark protection. The trademark has rights that are over other uses. And this is an important balance because if we are leaving it for the current balance of the group, it is very difficult and civil society is not well represented when considering this.

So, most Latin American interests are very absent. There are lawyers here, Salvador Camacho, who is an incredible player in this group the past year. So, having people like him within the group is very clarifying because there are some contradictions within the United States and Latin America. The trademark interests of At-Large [multinational] are not the same as a Latin American company would have, even in places like [inaudible] or Amazon. They're just competitors, but they may have very similar or very different realities.

Having a balanced interest is not just civil society against others. The truth is that those ... One of the [inaudible] that would be interested in having an interest on this is the large ones that eat the small ones. So, [inaudible] to specify that there are no trademark abuses against this whole system, and Latin America in this regard has a lot to say and I think this is a very interesting interest to [inaudible] civil society or you're working in domain name sales or you are a person that has a registrant interest.

In all of those cases, all of the rights discussed in ICANN may or may not be conveyed through this mechanism. So, this mechanism is [inaudible] that may [ruin] all of the [rights and balances].

So, if you have time and if you have an interest, it's very interesting [inaudible]. You can access the ICANN website. You will see all the lists of the [inaudible] where you can participate and you can get e-mails. I can add the GNSO secretariat here, too.

Let me now respond to one of the questions that Alexis had. ccTLDs can adopt any policy for dispute. Some of them don't really have a very operational one. It's very arbitrary. That is, you go there and you don't really understand what the process is like, what are the balances. There is an enormous discretion by ccTLDs in terms of how they connect that conversion, but they do not have an obligation. All of this can be mandatorily conveyed through the ccTLD, but the ccTLDs can adopt this as they want. Maritza is telling me that my time is up, so I'm going to leave you now.

HUMBERTO CARRASCO: Thank you very much, Martin, for your presentation. It's a pleasure to have you here. This is high-level presentation, so thank you for your time. There is a great debate on the chat. Unfortunately, we are running out of time. We have no time. So, if there are no further questions or no further comments, I would like to thank you and we will bring this to an end. Rodrigo, you have the floor. Go ahead, please.

RODRIGO SAUCEDO: Just to finish, thank you very much. Hello, can you hear me?

MARITZA AGUERO: Rodrigo, we can hear you. Please, go ahead.

RODRIGO SUACEDO: Sorry. I had two mics. Sorry for that. Martin, thank you very much for your presentation. This is an excellent presentation. This is what we really want to see. We want people to participate in PDPs and we want people to participate in this PDP or in future PDPs.

Before finishing, Claudia Ruiz will post a brief survey to assess this call and to see how we can improve these webinars. Once again, thank you very much. Claudia, you have the floor. Go ahead, please.

SILVIA VIVANCO: Claudia, please go ahead.

CLAUDIA RUIZ:

Okay. I will now read the questions for the survey. The first question is: How was the timing of the webinar at 23:00 UTC? The options are 1) too early 2) just right 3) too late. You can also choose no vote.

The next question is: How is the technology used for this webinar? The first option is very good. The second is good. Third is sufficient. Fourth, bad. Fifth, very bad. Or you can choose no vote.

The next one is: Did the speakers demonstrate mastery of topic? The first choice is extremely strong. Second, strong. Third, sufficient. Fourth, weak. And the last, extremely weak.

The next question is: Are you satisfied with this webinar? The first one is extremely satisfied. Next is satisfied, moderately satisfied, slightly satisfied, not satisfied, or no vote.

The last question is: How many years of experience do you have in the ICANN community? Less than one year, one to three years, three to five years, five to ten, more than ten years, or no vote.

I believe that concludes the questions of the survey. Thank you.

HUMBERTO CARRASCO:

Thank you very much, Claudia. I would like to thank you all for your participation. Good morning, good afternoon, and good evening and see you soon. Thanks to the interpreters for their job. Thank you, all, for your participation. Bye now.

CLAUDIA RUIZ: Thank you, all, for joining this call. The meeting is now adjourned.
Please remember to disconnect your lines. Thank you.

[END OF TRANSCRIPTION]