

AC Chat: 2018-11-07 Consolidated Policy Working Group Call

Yesim Nazlar: (11/7/2018 15:19) Welcome to the At-Large Consolidated Policy Working Group (CPWG) Call taking place on Wednesday, 07 November 2018 at 13:00 UTC.

Yesim Nazlar: (15:19) Agenda: <https://community.icann.org/x/eADVBQ>

Evin Erdogdu: (15:45) Hello all!

Yesim Nazlar: (15:46) Welcome Evin!

Yesim Nazlar: (16:02) @Hadia: would you like to test your mic as you'll be giving an update during the call?

Jonathan Zuck: (16:03) can Hadia speak

Hadia Elminiawi: (16:03) yes Yesim could i test the mic now

Yesim Nazlar: (16:05) @Hadia: we can not hear you if you're speaking

Jonathan Zuck: (16:08) we can hear you!

Jonathan Zuck: (16:13) and we have a new one

Evin Erdogdu: (16:14) Yes will check off @Hadia's AI as complete. Thank you!

Heidi Ullrich: (16:16) @Hadia, we are working to get you back on the call.

John Laprise: (16:17) Arrived

Yesim Nazlar: (16:17) welcome John!

Yesim Nazlar: (16:18) Hadia is now back on the bridge

Christopher Wilkinson: (16:21) The differentiation between natural and legal persons is necessary. Geographic differentiation is not necessary, actually prefer global best practice.

Kaili Kan: (16:24) Sorry to be late. Internet connection problems.

Yesim Nazlar: (16:24) Welcome Kaili!

Justine Chew: (16:31) Or distill policy brief from Exec Summary from EPDP initial report since it's out next week?

Jonathan Zuck: (16:32) persons is legal versus individual

Jonathan Zuck: (16:33) most of them are CCTLDs + godaddy

Jonathan Zuck: (16:33) twocows

Olivier MJ Crépin-Leblond: (16:34) Tucows Germany subsidiary/affiliate

Justine Chew: (16:36) What happens if CP + NCSG continue to pushback on legal vs person distinction?

Jonathan Zuck: (16:36) they win

Jonathan Zuck: (16:37) or we need to get creative about leverage

Justine Chew: (16:37) Okay, but potentially, the research could put that push back to rest?

Alfredo Calderon: (16:37) https://urldefense.proofpoint.com/v2/url?u=https-3A__www.i-2Dscoop.eu_personal-2Ddata-2Dnatural-2Dpersons-2Dof-2Dlegal-2Dpersons-2Dentities_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfbPSS6sJms7xcl4l5cM&r=mrDeztziKLa7gZqGADzxcnHA3QXmXYsnChWYBR4NEll&m=bseRUahvLnfnUbjz25n9qCQavM9lhkLWWhO-kVWtDcVy4&s=6zXNidLFwa0cP-CvazAcYT384XLUNiqlmMNvvnYEAxA&e=

Olivier MJ Crépin-Leblond: (16:38) Since this is a GNSO working group, if one side of the house + 1 constituency from the other house support something, they win, don't they?

Alfredo Calderon: (16:39) Who is responsible to do the research?

Joanna Kulesza: (16:40) Hi all, apologies for arriving late.

Alaraj Nadira: (16:41) hi Joanna

John Laprise: (16:42) +1 Jonathan!

Alfredo Calderon: (16:42) Welcome @Joanna

Hadia Elminiawi: (16:42) @Jonathan +1

Heidi Ullrich: (16:43) +1 Jonathan!

Daniel Khauka Nanghaka: (16:43) This is a brilliant idea Jonathan

Heidi Ullrich: (16:43) BTW, the Chairing Skills Program teaches all of this.

Joanna Kulesza: (16:44) +1 Jonathan

Heidi Ullrich: (16:44) See: <https://community.icann.org/pages/viewpage.action?pageId=62395123> (deadline for registration is 21 December)

Heidi Ullrich: (16:44) You do need to be a Chair of a group to qualify

Heidi Ullrich: (16:45) or in a leadership position.

Justine Chew: (16:46) @Jonathan, will try to comply for v2 of my ppt :)

Joanna Kulesza: (16:47) thanks Jonathan, looks great

Justine Chew: (16:52) +1 Tijani

Alaraj Nadira: (16:53) some echo

Carlton Samuels: (16:53) Howdy all. My ISP is getting on my last good nerve.

Carlton Samuels: (16:54) Apologies for the late join

Yesim Nazlar: (16:55) Welcome Carlton!

Jonathan Zuck: (17:00) there has been plenty I think

John Laprise: (17:00) It's fairly clear. The important question is whether the (new & improved) mechanism should be employed.

Evin Erdogdu: (17:01) @Marita you may find previous ALAC statements on the issue at: https://urldefense.proofpoint.com/v2/url?u=https-3A__atlarge.icann.org_policy-2Dsummary&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbpSS6sJms7xcl4l5cM&r=mrDeztziKLa7gZqGADzxcnHA3QXmXYsnChWYBR4NEll&m=bseRUahvLnFUbJz25n9qCQavM9lhkLWhO-kVWtDcVy4&s=e4RO1DrAJonjwAt_PC0L6q8204SxDOOrOixRo9pCneY&e= and use the search function by topic.

Olivier MJ Crépin-Leblond: (17:06) External auctions have been seen by some applicants as the way to check out & strike it rich quickly

Marita Moll: (17:07) Can ICANN actually prohibit private auctions?

Christopher Wilkinson: (17:11) @Marita - I think private auctions could readily be assimilated to anti-competitive collusion. Therefore probably illegal in some jurisdictions.

Marita Moll: (17:13) @Christopher -- yes, that possibility comes to mind

Marita Moll: (17:14) Juntine's audio is pretty noisy. Makes it hard to follow

Hadia Elminiawi: (17:15) yes Marita true, the audio is nosiy

Carlton Samuels: (17:17) @Christopher. The fact that we see parties actually embracing the private auction in the last round as a winning formulation - specifically an economic windfall - makes collusion a real possibility

Hadia Elminiawi: (17:21) I am on both the adobe audio and the phone line

Marita Moll: (17:21) Yes, I think this would make a great webinar. I would need to read these slides much more carefully

Olivier MJ Crépin-Leblond: (17:22) +1 Marita. I was going to suggest this

Christopher Wilkinson: (17:22) The problems with Registrar support are a direct consequence of the flawed 'cross-ownership' version of vertical integration in 2010.

Hadia Elminiawi: (17:24) Thank you Justine - great work

Christopher Wilkinson: (17:24) Re auctions in general: the money will ultimately be recuperated from registrants. There must be more efficient ways of taking these decisions.

Hadia Elminiawi: (17:24) +1 for the webinar

Harold Arcos: (17:25) @Marita proposal +1. Surely we will request a webinar for our LAC-Ralo

Christopher Wilkinson: (17:27) @ Sebastien: If we are boud by all the mistakes in 2007 and 2012 then we are all wasting our time. A question for ICANN Legal?

Hadia Elminiawi: (17:27) if it would be retroactive

Christopher Wilkinson: (17:27) Not retroactive

Daniel Khauka Nanghaka: (17:28) It requires collaboration with Capacity Building

Carlton Samuels: (17:29) @Tijani +1

Justine Chew: (17:29) @Sebastien: I think any change for the next round would not "affect" prior applicants and applications that are still being concluded.

Hadia Elminiawi: (17:30) yes greg

Hadia Elminiawi: (17:31) Thank you Greg

Joanna Kulesza: (17:32) +1 Marita

Carlton Samuels: (17:33) A few small typos;

Joanna Kulesza: (17:33) legal grounds for LEAs access and IP lawyers access are distinctly different. Thanks for pointing it out Marita.

Joanna Kulesza: (17:35) Is that a position we want to maintain?

John Laprise: (17:35) at large can change its mind

Jonathan Zuck: (17:35) this is a broader conversation. we shouldn't be afraid of supporting other parts of the community if there's an end user interest to be supported

A-Eduardo Diaz: (17:36) I need to move on. Other commitments....

Jonathan Zuck: (17:36) thanks Eduardo

Joanna Kulesza: (17:36) I would be thrilled to discuss this in more detail.

Joanna Kulesza: (17:37) @Jonathan - we can only support end user interest within legal boundaries ;) yes, it is a #GDPR related argument. No, I don't want to start a storm here. Just flagging an issue.

Jonathan Zuck: (17:38) yes, except we are not trying to be lawyers but instead representatives of "interests."

Marita Moll: (17:38) Well, I think it has already been determined that this was in old version

A-Eduardo Diaz: (17:38) Thanks to all. These discussion are very healthy and enlightening but like JZ said a bit dense some times..

Alfredo Calderon: (17:38) This should be continued in the mailing-list.

Carlton Samuels: (17:39) @Jonathan: My position always. We always look for opportunities to garner support on an issue so long as the expected outcomes supports our posture, regardless of motivation of the supporter. The At-Large has permanent interests, We have no permanent enemies.

Joanna Kulesza: (17:39) @Alfredo +1

John Laprise: (17:39) IP is civil not criminal law (largely). ICANN should needs to comply with govt requests but can be far more circumspect on civil law requests.

Olivier MJ Crépín-Leblond: (17:39) The first point which Marita makes is about a past ALAC Statement that is quoted in this proposed Statement. The past Statement is from 10 April 2018. So as Greg said, this is already past.

Olivier MJ Crépín-Leblond: (17:39) it is a quotation from the past Statement

Justine Chew: (17:40) Do we have to quote previous statement?

Carlton Samuels: (17:40) Change position in a heartbeat if our collective interests are served!

Joanna Kulesza: (17:41) @Greg this is no way a personal issue - you are our fav IP lawyer:)

Olivier MJ Crépín-Leblond: (17:41) Aaaaaaaaaaaaaaarrgh! A lawyeeerrrr!!!!!!!!!!!!!! Hellllp.... must... survi...ve...

Carlton Samuels: (17:41) @Justine: For me, no. But I guess it helps the navigation

Daniel Khauka Nanghaka: (17:42) I am not understanding the Lawyer in this sense or aspect

Hadia Elminiawi: (17:46) Thanks Marita

Hadia Elminiawi: (17:47) @Sebastian you have a point

Jonathan Zuck: (17:50) /Thanks for staying late everyone!

Hadia Elminiawi: (17:51) thank you all - i have forwarded the EPDP most recent update to the CPWG

Sebastien: (17:51) I will not be available at all

Daniel Khauka Nanghaka: (17:52) Me to - I will not be able to attend due to the IGF

Justine Chew: (17:52) *I suspect it will be too early for me

Carlton Samuels: (17:53) This business of protecting city names becomes a rathole, especially for those of us at the edge of empire. Just for Jamaica, for example, we have lots of place names that are shared with other jurisdictions. Question is, which jurisdiction gets preference? And how do we assert our ownership interest?

Joanna Kulesza: (17:54) thanks all.

Alfredo Calderon: (17:54) Bye to all!

Jonathan Zuck: (17:54) Good point Carlton

Rainer Rodewald: (17:54) by to all

Kaili Kan: (17:54) Bye!

Daniel Khauka Nanghaka: (17:54) Bye to all

Hadia Elminiawi: (17:54) bye

Carlton Samuels: (17:54) Bye all. Thanks all

Harold Arcos: (17:54) +1 @Carlton

Gordon Chillcott: (17:54) Thanks and bye for now

Evin Erdogdu: (17:54) Thank you all!

Harold Arcos: (17:54) Within the WT5 call, this very early morning was discussed some points regarding this issue.

Harold Arcos: (17:55) thanks to all,,,bye everyone