LONDON – Fellowship Morning Meetings
Wednesday, June 25, 2014 – 07:00 to 08:45
ICANN – London, England

["Happy" by Pharrell Williams plays]

UNIDENTIFIED MALE:	This is the wake-up song. Yep. A happy video? Yeah, I think so. That's a good idea. Good morning. Are you ready to go? There's no more happiness. Happiness has finished.
JEANNIE ELLERS:	No more happiness allowed.
	[laughter]
	Good morning, everyone. Is everybody awake and did everybody find this place all right this morning? Does everybody have coffee, tea, food? In about ten minutes, Tony Holmes, the Chair of the Internet Service Provider Constituency is going to be here. But in the meantime, I want to do just a couple of housekeeping moments.
	Today at 8:30, so just about 15 minutes before we wrap up here, there is going to be a meeting in the Windsor Suite which is where we have been all week about Operational Excellence and Dashboard Metrics just to kind of talk about some of the operational issues and improvements that ICANN as an organization is making. I was asked to let you know that you're all welcome to come. If you have some questions about that or if you're interested in seeing that side of ICANN rather than the core mission and values of what's going on. This is more organizational excellence. So I would like to share that with you.

Then at 9:30 our Contractual Compliance Program in that same room is going to be giving some updates. So if you're curious about our Contractual Compliance department, we have that.

Karel, if you want to go through the rest of the day.

KAREL DOUGLAS: Hello. Good morning, everybody. I know everybody's more or less having a great time. I don't have many announcements. I just want to say two things, however. One is that in the morning presentations, I know it's sometimes very important to be connected on the Net or log in to whatever it is, and I know you are paying attention of course to what is being said, but sometimes it's a little disheartening to the presenter to look up and see everybody doing their thing on the laptop.

So I know Janice would always say, "Laptops down." This is something that we always do. It's a mark of respect, as well, to the presenter so that he knows or she knows that they have the full attention of the group. So I want to encourage everybody as much as possible, even if you are taking notes on your laptop to kindly maybe put the laptop down and/or the mobile device down and pay as much as possible attention. Like I said, I know you are paying full attention. So that's one thing I wanted to say.

[Hao], you wanted to say anything?

[HAO]:	How many new fellows do we have already yet in this room? New fellows, please raise your hands up high. Okay. One, two, three, four, five, six, seven. Okay, all right. Thanks, got it.

JEANNIE ELLERS:	So this morning we do need to wrap up promptly at 8:45. The photographer will also be here and we're going to try and step outside and have our photo taken, but the GAC does start in this room at 9:00 a.m. So please, when we're done in here, if you've got coffee or a plate or any leftover breakfast, please be respectful to our GAC colleagues and move them over to the table. They tend to start right after we end here.

KAREL DOUGLAS:	That's correct. As a matter of fact, they start to walk in about 15 minutes before we actually finish. All right, without any further ado, I don't know whether Mr. Tony Holmes is here. If he's not, we'll just continue. Is he here?

JEANNIE ELLERS:	Probably about five more minutes. He's not due until 7:15.

KAREL DOUGLAS:	All right. Well let's take this opportunity to ask anybody if they have anything they want to say, any feedback. This is excellent. That means everybody's quite happy and we are doing well. I know it's a little bit of a walk. The greatest thing about that is I know people are feeling healthy and feeling – they're losing weight, they're coming to the

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morning meetings all pepped up and there's blood pumping. I want to encourage that.

One piece of advice. I know the days are long. This is my advice. Try and pace yourself. Do not try to go to all meetings. This is my piece of recommendation. If you do feel tired, there's nothing wrong with a power nap. Find a corner, close your eyes for ten minutes. It does recharge your battery. Medically, it has been proven to actually extend your life and is extraordinarily good for your heart. So if you are feeling tired, I know there are several places where you may be able to catch a nap just to recharge your battery. Trust me, it does a world of good. Grab some protein, a banana, some potassium, whatever you feel to recharge and refuel your energy stores.

All right. Is there anything you want to add to that? So if anybody wants to say anything – today is a full day. I haven't looked at the schedule. I have my own schedule as a matter of fact, so I've looked at the schedule before I came to London and I plotted out the items and the sessions that I wanted to go to. Again, these sessions, as much as you can, try and get involved.

When I say involved, if you see somebody there who is talking about a topic and is very close to you or very near to you, by all means go to the person after, get the information who they are, where they're from. Network. So at least when you go back home, you have that person in your index.

These are the connections that are very important to you, and they're lasting connections. It's important so you can continue the conversation, you could actually make those connections at home.

I don't want to hog the microphone. Again, does anybody want to say anything about how their experience has been so far without going too far about that it's going to take us off track? [Adrian?]

[ADRIAN]:   Just a quick reminder that today we've got the GAC drafting it's communique. So for those of you who haven't had the opportunity to be in an ICANN meeting before, this communique will be the one that pretty much sums up GAC's position.

So if you want to get some more background on why are we discussing what we're discussing right now, what has happened before, the GAC has all of its communiques posted online so you can follow-up and after the meeting try to read past communiques and past Board resolutions. That way, you'll get a better image, a better understanding, of what has happened especially if you do this, for example, next week when you have just assimilated all that you have seen. That was only a quick recommendation.

KAREL DOUGLAS: Thank you, [Adrian]. That's fantastic. Yesterday as a matter of fact – [Jeannie], go ahead. No, I'm just going to say yesterday – that's a fantastic point, because there were so many questions coming out of the GAC when Tracy spoke. It's a fantastic idea to go and sit and experience the GAC, this so-called entity that seems to be [anonymous] – is it autonomous? What does it do, etc.?

So if you want firsthand experience, by all means try as much as possible to come and experience. Sit in and listen to what is being discussed at the GAC this morning. Jeannie?

JEANNIE ELLERS: There is a comment in our Adobe room from Albert Daniels who is a regional manager for the Caribbean and he says: "At the Caribbean meeting yesterday, the point was made that one of the best ways to get involved in ICANN activities is to volunteer for a working group." He wanted that to be shared with everybody.

A comment as to what you were saying about the GAC communique is also on the GAC website. They have a GAC register of advice that goes back until 2010. It's by topic and subject matter, so you can look at all of the advice that the GAC has put forth to the Board since 2010, and the Board responses.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: Thank you. I just wanted to comment that yesterday I was most of the time in a GAC meeting, but I went to see the meeting between the Board and the GNSO, and then I came back to this room and I see the meeting between the Board and the GAC and it was very interesting, because it's another space – another discussion. For me, it was very, very interesting to see how, for example, in the case of the countries, how the countries say, "Hey, we send a letter one year ago (or six

months ago) and [didn't hear] anything. What happened?" It's still there [inaudible] of the relation between the stakeholders and the Board. Just wanted to say that. Thank you.

KAREL DOUGLAS: Thank you [Amparu]. It's amazing the things that you see and hear. By all means, try as much as possible, get there and partake. If not partake, at least listen to what's happening.

All right. I just want to remind everybody that this evening at 6:00 is the ICANN SSR, Security, Stability, & Resiliency Team with Interpol and FBI representatives chat with Fellows and Newcomers. That should be extraordinarily exciting. I want to encourage everybody if possible to be there – not if possible, to be there.

UNIDENTIFIED FEMALE: Hilton 1-6.

KAREL DOUGLAS: Hilton 1-6 is where you need to be at 6:00. That is before the gala this evening. Of course I know everybody's looking forward to the gala—

[audio break]

TONY HOLMES: …of education, of getting the messages out there. So once again, ISPs are geared up to be able to answer some of those points. It's incredibly important for us.

So yesterday at our meeting on that particular issue, we met with the people who are involved in the IDN variant work as well, and we said to them, "There are clearly policy issues around here where there are going to be differences depending on the script, depending on the language, how they're implemented, what the real problems are, and basically we need to produce some form of bibliography where we pull that information together and we focus our efforts on a particular part of the world that will be at the primary source of those inquiries, but also provide – because the Internet is global – provide that information in a way that's easily understood for others as well."

So that work and the very issue that you raised is one that I think we're behind the curve on. And to be quite honest, it's the same issue with the work on universal acceptance of gTLDs. ICANN now have a team in house who are trying to look at every aspect of that, partly driven from the experience that we had before. But in an ideal world, we would've been doing that probably 18 months ago.

But it's been such a vast program, the focus has been elsewhere. Now we're really tackling these issues and we're running to keep up. There's a lot of work to be done in that area and a lot of it is purely understanding, education, and outreach and we are using various methods to try and achieve that aim.

We are producing publications and we will be now focusing on IDNs providing particular briefings to our community, because we need to put into a language that they clearly understand.

The other part of that is that we are attending a number of regional meetings as a group where we go along. We not only talk about ICANN

and some of the challenges and changes – some exciting things ICANN are doing – but we put aside some time where we meet specifically with our community and say, "These are the issues. These are the things you really need to know." It helps our thinking as well, because we get quite a lot of feedback. It's a two-way channel.

It's an incredibly busy period for ISPs, but because of the changes quite an exciting time as well. That's part of – I've been involved in this area. I think you're never going to be bored if you're following ICANN because every step along the way there are changes that impact certainly ISPs at every level.

So we've indulged in some of the policy discussions that have set the environment for the introduction of new top-level domains, but for us, now we get into the real challenging part, because these things are going to be out there. They've got to work and people have got to understand them. And that's what we see as part of our role.

So the very issue that you pick up on is one that was discussed yesterday and has given us a pretty large volume of work to take forward.

Are there any other specific questions on any aspects of ISPs – yes, sir?

UNIDENTIFIED MALE: Good morning. My name is [inaudible] Ghana. I'd like to know how different is your work from the registries – the registrars?

TONY HOLMES:	Right. Well, I mentioned in some parts of the world, our members are registrars. Obviously there is a registrar constituency here. But I think a lot of the focus for that particular part of ICANN, it's been on pure registrar policies and how they'll actually be implemented across the developing namespace.

For us, it's almost a different set of issues because for registrars, they're in a position where they can focus on their actual registrar business. For us where we have ISPs as registrars, they're in exactly the same position as the other ISPs. They're going to be the first line port of call for inquiries.

So the information we need to give them, again, is slightly different. It's actually being able to provide that interface from a technical perspective rather than just from a pure registrar business. That's where we have this flexibility – or rather, a flexible environment – because the focus of ISPs in some parts of the world is slightly different in some areas. It's understanding that local environment. That's why it's so important that, as a constituency, we have some global reach and we have that representation to try and steer us in the right way.

South America, we are very strong. In Asia, we're very strong. In Africa, we're not so strong. A lot of the work that we need to do in the next twelve months is trying to make that linkage with African ISPs so much stronger. We don't have it across all of the African continent. It's something which we haven't found easy to achieve for a whole variety of reasons, but in terms of actually engaging with that community, bringing them into the ICANN family, it's something now that's really a frontline issue for us. So I hope that answered your question.

KAREL DOUGLAS: Martin first. Okay, [Amparu], go ahead.

[AMPARU]:   [Amparu] speaking. I have three questions. I come from the Dominican Republic, and my first question is the following. You say that you are very strong in Latin America and I wanted to know whether in the Caribbean, and particularly in the Dominican Republic, if you have any presence there, if you have any participation in this debate?

And then [inaudible] this question, because we are setting up a national committee – a mechanism related to Internet governance issues. We are defining the agenda in relation to the ICANN agenda, and when we see how our ISPs are involved, in my opinion, they do not have a clear idea of what the content of their discussions in ICANN is about.

I mean, I don't think they really know about it, so I wanted to check that with you. And eventually, though this is a topic of global discussion, it is also very important for us nationally that our providers should become engaged in this global discussion.

And the second question I have is what is your action in terms to the IPv6 transition from the perspective of providers? Because in the Dominican Republic, the regulatory authority I work for, [inaudible], our intention is to become the top-class institution in the government to be ready for IPv6, and we couldn't work easy with our provider because they are sort of lagging behind. So what is going on in this respect?

And the third question is the following. To what extent will you be impacted by the IANA transition? Are you in any way related to this or not? Thank you.

TONY HOLMES: Thank you very much for those questions. On the first point, I was racking my brains as you were speaking, and I do not believe we have a direct relationship with your country in terms of ISPs. I think we do through one of our associations, but that makes the message diluted as it goes down the chain.

What I would be very keen to do is to speak with you and exchange business cards, because I feel that making that relationship would help us and help your ISP. So any help you can give us to actually have a direct one-to-one relationship with ISPs in your country through whatever channel would be really appreciated. That's the sort of outreach activities that we're trying to do. I will go back and check our membership list to make sure I'm correct on that, but I'm pretty sure that's the situation.

On IPv6, you speak about something that's very close to my heart, and for a number of years certainly been trying to champion that in every way.

There are some parts of the world where they're far more advanced in IPv6 than others, which you're probably aware of. In most of those cases, there has been some form of incentive or help, particularly from governments to make those changes.

In Asia where they took great strides very quickly, in most of those situations, there were some incentives. I don't particularly mean monetary incentives, but the climate and the environment was correct for IPv6 to be introduced.

The sort of things that really stimulated those activities were when large parts of the organization – and it includes governments in some cases – they actually promoted IPv6 themselves. So they made sure that when they were procuring equipment, it was IPv6 compatible. That became something that had to be provided and it created a market that flourished.

If there's one thing that really seems to help introduce IPv6 quickly, it's where you have those types of changes where you have to be IPv6 compliant as you introduce new equipment and you upgrade your network.

Even in Europe, there are places where that doesn't happen. In fact, the U.K. is one of the places where, as ISPs, we've had lots of discussions with our government trying to create that climate. For a whole variety of reason, it hasn't happened in the way that we would want. And of course now we're at the stage where basically the v4 space is gone, so people have to make those changes and it becomes a lot harder.

It is about facilitating the environment. I can see a number of places, even in Europe, where ISPs are still very keen on adopting practices that prolong the life of IPv4. For instance, the introduction of things like [carrier grade] maps where you can have a vast amount of v4 address space behind a single address.

There are problems with those approaches. There are certain things that don't work very well that tend to break, but it does [prolong] the life of the v4 space.

And it's always been pretty hard in any company – and I accept this – to go along to a Board of Directors and say, "We need to make these changes. We need to invest in IPv6." And the first question they ask is, "What does that actually deliver to us in terms of our business?"

You can make the case, well, you're going to run out of address space of IPv4, but it doesn't actually help their cash flow or their profits to make those changes. It's a business cost, and business, they always put off cost for as long as they can unless there's a return. And that's the uphill struggle that's actually happened with IPv6. It's becoming more and more acute now, and I think a lot of people are accepting, "Okay, we're going to have to do it now because there just isn't the space there."

I also believe that maybe we pursued IPv6 a little bit too hard in the early days when it was really a decision of whether you wanted to move to this new technology or not at that time. You didn't have to do it. But the content at the IPv6 level wasn't there either, so you could actually run IPv6 addresses, but all of the content that you wanted to access over the Internet was basically IPv4. So that's changing. The whole thing is changing now, but still, we've got a long, long way to go to actually get everybody into an environment where they're moving to IPv6, and IPv4 is going to be around for a long, long time. I think maybe it's on this particular issue, so I'll come back to your last question in a moment.

KAREL DOUGLAS: Let's go to [inaudible] first.

TONY HOLMES: I've obviously stimulated something.

UNIDENTIFIED MALE: It's better to not [inaudible] the queue.

TONY HOLMES: Yeah, we don't want to have a long line. Well, we do like that. So Martin, [inaudible].

[MARTIN]:   Thank, I'm Martin. [inaudible], does the ISP and connectivity providers constituency have a program or a strategy to help new ISPs to reach places? Like, for example, in Argentina we have not only remote sites, but we also have inside Buenos Aires a big city [inaudible] connected places where we don't have Internet access because of the social struggles or because it's difficult for an ISP to provide the service there because it's difficult to charge it. Basically, [inaudible].

So regarding this reach out to undeveloped [inaudible] ISP providers, do you have any kind of programs? I'm talking not only financially, I'm talking also about cooperation. Maybe a smaller ISP [inaudible] where a bigger ISP can do the work that neither of them can do by themselves. Thanks.

TONY HOLMES: The answer to that, as a constituency, no, because we only have the ability really to focus on a range of issues that are specific to our industry, most of which – well, all of it I think, from a constituency perspective – is driven by the ICANN agenda.

I'm certainly aware of that issue because of the involvement we have, particularly in the South American region. But it has to be done through the national and regional associations, so the only way we really become involved in that is when we run our seminars – and certainly we do our outreach. It's with the local community. So they are the people that actually face the challenges head on there. But as an ICANN constituency, no, we just don't have the ability to handle that type of thing. There are people who are far better placed to do that than we are.

I wonder, just for a second, I wonder if I should just complete my answer to you on IANA because that is an important point. The answer to that is, yes, it does impact us. The range of things that IANA does is really quite small, but incredibly important.

The fact that any changes to identifiers that are going to happen in the root goes through IANA for protocol changes. If you look at what IANA does, the bulk of their work isn't actually around domain names and IP addresses. The bulk of their actual work is around changes to other identifiers, protocol changes, which is really the lifeblood of a lot of the [inaudible] for ISPs.

So, yes, incredibly important. We will be engaging in those debates. And even now we're at the stage where you've probably seen the plan for the Coordination Committee for the IANA activity. Within that, one of

the things which we found challenging was there's one space on there for the Commercial Stakeholder Group. So you have Business Constituency, you have the Intellectual Property Constituency, and you have ISPs. And we have one space on the Coordination Committee.

And certainly the view of our members is that out of those three constituencies, it's probably more pertinent to us than the others. We're still having that argument and we haven't resolved it, but that's certainly giving you an indication as to how important that real issue is to ISPs.

KAREL DOUGLAS: [inaudible]. You can go ahead.

UNIDENTIFIED MALE: Merci, I'm sorry. Thank you, Mr. Holmes, for your presentation. I'd like to ask you a question and make a comment. First, the question. We have in Tunisia a project around the question of the Internet providers and their statute, and we have asked the administration to make a consultation in which we wanted to be associated.

I'm from the Tunisian Association of Information and Communication Technology. We ask to be associated to this consultation. What is the result of this [inaudible] project?

There is a kind of analogy between the ISP and the access providers – the Internet access providers – and I would say that the ISP are more important and there are some merge between both sides or sometimes the ISP wants to be stronger than the other side. This creates a kind of

monopoly between the ISP and the access provisioners. So what is your opinion about this question?

My comment is about IPv6. I have heard a lot of comments about the deployment and the transition from IPv4 to IPv6. A lot of people think it's about resources, it's about the amount of resources, but I think that this must be analyzed in terms of risk of exclusion risk or lost of connectivity regarding the rest of the Internet community, and I'd like you to answer a question. At what point are we going to stop thinking about IPv4? There must be a [inaudible] period, but normally in this kind of situation, you have to decide that from this date on we are not working with IPv4 anymore. What do you think about that?

TONY HOLMES: The issue of [the tensions] between ISPs and access providers, it's a different proposition in different parts of the world and I think you alluded to that in your statement. The key thing in any environment, I firmly believe, is getting the correct level of competition. And as soon as you get dominance in any of those sectors by any of those players, then I don't think the market's going to flourish.

Experience just points to the fact that everywhere we are in a position of providing access to millions of more people at a cost that they can afford, the key drivers for that are always competition, being able to make sure that everybody competes at that level. And in some parts of the world, the environment doesn't facilitate that.

I think that's the greatest inhibitor to the growth of the Internet in those areas there is. Obviously, from a national perspective, the role of

governments is incredibly important in facilitating that competitive element.

So if you don't have a reason to change, those who have that stranglehold on the market, they're not going to change. They'll just get stronger. I don't believe it's healthy in any perspective to do that. That's the first point.

In terms of IPv4/IPv6, IPv4 is going to be with us for a long, long, long time. There isn't going to be a date set where we basically turn that off. What will happen, I believe, is that most of the content capability will, over a period of time, move to IPv6. But of course because you have [inaudible] way of working, you can [tunnel] IPv4 and IPv6 so that you still have access to everything that can be provided in that manner, unless its specific content delivered IPv6 only.

So over a period of time, the usage of IPv4 will decline. It will decline because you have to upgrade your network at times and you'll be buying routers that give you that v6 capability. But it isn't going to go away. It isn't going to go away for a number of decades, I believe. I think it will be a slow transition.

We won't have the same tensions that we have today, because all of the equipment out there, the infrastructure, will be moving into v6 driven by things like the Internet of things, where they'll be a vast pull on IPv6 address space. And all of these new innovations, some of which we probably can't even imagine today, are going to help make that transition. But it isn't going to be switched off and it isn't going to go away. It's going to be just – it's gradual evolution, which will take place

organically and take place at different places in different parts of the world as well. I think I picked up on all of those.

UNIDENTIFIED FEMALE: Thank you very, very much. Unfortunately, we don't have time for more questions on this particular subject, but by all means, please feel free to contact Tony Holmes outside of this meeting and he'll be happy to answer any questions.

Our next speaker is here.

TONY HOLMES: Just one point, if I may. I'm certainly very pleased to answer any questions, and please contact me either around the conference or via e-mail or whatever. But one thing I will do before I go is I'll make sure that we deliver down to you a set of our current brochures. That has the contact points on and it also has some information that may also help some of the questions I haven't been able to answer. Thank you.

UNIDENTIFIED FEMALE: Thank you very, very much, Tony Holmes. We will have our next speaker up without further ado. He's going to start his presentation. Remember we are trying to beat the time, so we can have the group photo at 8:45. Thank you.

JEANNIE ELLERS: All the way at the end of the table here is Byron Holland, who's the Chair of the Country Code Names Supporting Organization, and he will

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be here to give a presentation and be able to answer questions. So, thank you, Byron. Please go ahead.

BYRON HOLLAND: Hi. Good morning, everybody. As mentioned, my name is Byron Holland. I'm Chair of the Country Code Names Supporting Organization, one of the supporting structures of ICANN. My day job is as President and CEO of the Canadian Internet Registration Authority (CIRA). We are the country code operators for Canada.

The ccNSO is the structure within ICANN that represents all cc or all country code managers around the world who choose to be members. So there isn't mandatory membership. Currently we have 150 countries represented. There's approximately 193 UN-based countries, but we also include territories who can be members, so there's approximately 250 potential ccs of which 150 are members of the ccNSO.

That said, in terms of domain names, what's actually out there in the market, the ccNSO represents 95+% of all domain names in the country code market.

The ccNSO was founded in 2003. Originally it was, in a sense, part of the predecessor to the GNSO structure, but as the various organizations evolved, the cc community struck out on its own and the ccNSO was created.

I think it's important to note that country codes themselves are not all uniform. We have very different structures, even though from the outside we often appear to be similar in nature, and of course we all perform a similar function as the operators of a ccTLD.

But in terms of structure, we're quite different. Some are private sector. Many are private not-for-profits. Sometimes they're government-run. Sometimes run directly out of a government department in a given country. Some are very much for profit type businesses.

So there's a very, very wide range of governance structures, certainly very significant differences in terms of size. Largest country code operator is about 13 million domains and we range right down to the smallest you can imagine.

So there's a very wide range of types, styles, business models, governance structures, actual domain portfolio represented within the country code [inaudible].

I bring that up because it has a significant impact on how the actual ccNSO is organized and what it can do. Of course the ccNSO, like the GNSO, has a responsibility to generate common policy for the ccNSO [actors] or for ccTLDs within the ccNSO.

But unlike the GNSO, that's very rare that we do that, to create a policy that we can all be more or less bound to. I say "more or less" and the fact that it's very rare because country code operators are all responsible for their country's top-level domain. And as such, there are elements of sovereignty associated with what we do.

We're bound by, first, our national jurisdictions. We are not contracted to ICANN in any way, or we certainly don't have to be. Some ccs elect to be, but there's only a handful who are. And that's an important distinction. We are not contracted parties to ICANN, and we are there for not bound by the policies of ICANN.

And, like I said, that because we are, first and foremost, a creation of our national jurisdictions, responsible to our national jurisdictions, bound by the laws of our national jurisdictions. And that makes the ccNSO a little bit unique in the ICANN world because, well, we're not bound by the policies of ICANN, per se. We try to be a constructive participant in the ICANN world; and in the ICANN discourse as an organization, and many of the individual ccs are very, very active in the ICANN world and ICANN space, participating in the various ICANN activities, making fulsome comment into issues that are relevant in ICANN.

Certainly, as I'm sure you're aware, the IANA [inaudible] transition is one of the big issues today, and that's the kind of process that we, as the ccNSO, are very involved in, make comment on, have a view on, etc.

But in the policy space, there are really only a couple of policies that the ccNSO has actually adopted and uniformly adopted across all of the ccs. For example, IDNs. Policy around IDNs is one of them.

So what do we do? We often focus on best practice issues. We are sharing information, experience, and best practice on technical issues, security, marketing, a whole range of operational issues. That's certainly part of what we do.

But we also do engage significantly in the ICANN issues, particularly because the IANA function is housed within ICANN, within the ICANN family, and is one of the – on the naming side – for directly-affected parties of the IANA functions, that being cc operators, g operators, the root zone maintainer and the root operators.

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If you accept that those are the four directly-affected parties of the IANA functions, IANA is critically important to us in a sense as a TLD operator. It's our number one supplier, and what happens with that function is of great interest to us. And that's one of the key reasons that ccs are very interested in what happens within the ICANN space.

Additionally, there are regional organizations where cc members also participate, and those have regional interests – so it's the ICANN regions – and offer a different flavor perspective. And those regional organizations also participate within the ccNSO.

So not only do we have 150 global ccs, but we also have a regional flavor that we can bring to the ccNSO.

In terms of our structure, we have three councilors per region, the five ICANN regions. There's 15 elected councilors who are elected by their regions. They each have a three-year term. There are also three NomCom appointed councilors. The terms rotate, so every year there would be an election effectively for one of the regional councilors.

That also tries to give the organization some regional balance, some regional flavor. So there's 18 councilors in total. Currently, there's always a Chair, which I currently occupy. There's some flexibility on vice chairs. Currently we have two vice chairs.

Organizationally, as a council, have monthly meetings on a regular basis. Sometimes there's a requirement for more than that, but we have monthly teleconferences. When we're at an ICANN meeting, we meet all day Tuesday and all day Wednesday from 9:00-5:00. It's an open meeting, so everybody's welcome and I would encourage you to

participate. Our meeting room is on the second floor in the West Hall. It's approximately as far as you can possibly get from this very room. That's where we meet.

Like I said, the meetings are open. Everybody is welcome to sit in. The agenda's posted so you can pick issues that may be of particular interest. But like I said, we meet 9:00-5:00. We hold several large panel sessions. And in fact, today, Wednesdays, at the end of the day, we always have one of the higher profile sessions on whatever the hot topic of the ICANN meeting is. Of course this afternoon we will be having it on issues related to the IANA transition.

So that gives you a sense of the structure that we have, what we're typically engaged in, who our membership is, how we come to be as a council and the primary focus of our work.

So, with that, I'll be happy to entertain any questions about the ccNSO.

KAREL DOUGLAS: Sorry. Before we go to questions, I'll just let everyone know we are extremely tight for time. We already have the other presenter here and we do have to be out of here very shortly. So if you are asking a question, please by all means, make it very short and succinct and to the point. [Huy?]

UNIDENTIFIED FEMALE: Hi, my name is [inaudible] from Indonesia. Maybe my question is a little bit [inaudible]. Why ccTLD [inaudible] most ccTLD limit the [inaudible] for a citizen or at least have to be [inaudible] in the country? So it's a

little bit different with the new gTLD. They open with a [inaudible] of territory.

My next question is by now new gTLDs how the ccTLD will compete with new gTLDs in order to – well, I mean to get the profit, to give more contribution to the country?

BYRON HOLLAND: Yeah. So ccTLDs often will have different mandates than gTLDs. We are there to – and again, this isn't uniform because ccs do operate in different ways in different countries, but generally speaking, a ccTLD is there in country to provide services for the residents or organizations of the country, and hence often have some kind of presence requirement – that you're a citizen, an immigrant, permanent resident, an organization or business tied to a country.

And that's specific because the ccTLDs are there for the country, not for any other jurisdiction. That's why there's often presence requirements. There are certainly some ccs that do not have presence requirements, and they do that for reasons of their own, because the local Internet community has determined that that's the path that they want to take. Most have some kind of presence requirement. Some are open.

In terms of how we're going to compete against gTLDs, I would say certainly the more established or larger ccTLDs are very aware of the pending changes as a result of the opening up of the generic space. Most of us have thought quite a bit about how it's going to impact our strategy, how it's going to impact our businesses and are making change

according to what we feel the best path forward is given a dramatically-expanding market inside our own markets.

I can't speak for all of them other than to say I'm well aware of the types of things that my colleagues are doing. Within Canada, as an example, we've been talking about the change in the g space for a couple of years. We've significantly adapted our strategy to what we feel what will be the impact.

Of course if you have 1,000 new competitors in your backyard, yes, your landscape is going to change. We're very aware of it and we're acting accordingly in our domestic environment.

We still continue to experience strong growth in the Canadian market and are in a good position to continue add the service that we do, and for us, bring value to Canadians and we would argue better value than most generics are going to be able to do.

KAREL DOUGLAS: Thank you. Martin, can you make your question extraordinarily short? We want to be fair to our next presenter.

[MARTIN]:   I'll make it pretty concrete. Do ccTLDs do or need to have special considerations for national trademarks or [referring] trademarks?

BYRON HOLLAND: Sorry. Special organization?

[MARTIN]:	For example, someone with a national trademark is going against someone with an international or a foreign trademark. Does the cc have to give priority to the national trademark?
BYRON HOLLAND:	That's a good question, and again, I think it would depend upon the country. Actually, my colleague here might be a better person to ask that question. Generally speaking, most ccs are going to have a program that follows the Uniform Dispute Resolution Policy. Some will actually just mimic that. We in Canada have one that's modeled on it, which is the CDRP (Canadian Dispute Resolution Policy).
	We as the cc operator, we're responsible for that process, but we don't believe we should be judge, jury, and executioner on those issues so we outsource that to a completely independent third-party who deals with those kinds of issues and who would have the actual right to a domain name based on whatever their argument may be. We pay for it, but it's completely outsourced third-party and we do not – we, as a country code operator – do not intervene one way or another on those kinds of disputes.
UNIDENTIFIED MALE:	Sure, go ahead.
KRISTINA ROSETTE:	Byron has opened the door. My name is Kristina Rosette. I'm president of the Intellectual Property Constituency. I'm going to defer to Byron and his colleagues in the ccNSO as to our certain trademarks given

preference at the startup. In other words, when a new second level is launched within a cc. That varies. That's not something that I have country code by country code knowledge of.

I will say that with regard to dispute resolution policies, although they do vary, some have adopted the Uniform Domain Name Dispute Resolution Policy in their entirety. Some have modeled them.

One of the factors that they all seem to have in common – well two, really – are that the complaining trademark owner has to prove that the other party has no right or legitimate interest, and also that the other party has registered and used the domain name in bad faith.

As a practical matter, if you have two trademark owners with competing rights, it's going to be very difficult for that complaining trademark owner to show that the other party doesn't have a right or legitimate interest or has registered and used in bad faith.

So we almost never see those disputes, simply because in that case, the complaining party is more often than not likely to lose. So no one initiates really a dispute that they're likely to use. It just doesn't help them.

UNIDENTIFIED MALE: Yes. But my concern was that in the case of ccTLDs, I have the doubt if the ccTLD being a country code that should regard special interest or national interest – in the case of ccTLDs, the Uniform Dispute Resolution should. I'm not saying it does. It's a doubt that I have. They should give priority to national trademarks over foreign [inaudible] trademarks just in the case of ccTLDs.

I'm not saying I agree with that. It's just a doubt I have.

BYRON HOLLAND: Again, I can't comment for every cc out there. The common practice is in the domain name industry, it's first come, first serve, period. That's principle number one. And if you have a legitimate claim to that name and you were first, it would be very hard-pressed to have that overturned.

KAREL DOUGLAS: Okay, [Jesus]. I'm so sorry to interrupt.

BYRON HOLLAND: No, that's the answer.

KAREL DOUGLAS: That was the answer. Okay, [Jesus], you had a question.

[JESUS]: Okay. Just a quick question for Mr. Holland. Is there currently any annual payment for the ccTLD for the membership the ccNSO?

BYRON HOLLAND: That's a good question. That's certainly been a hot topic. As somewhat sovereign entities, our membership is quite sensitive to that, given that we don't require – we are not required to participate in the ICANN environment, unlike a contracted party like the gs are, ccs do not have

to participate in the ICANN environment. And as such, we make voluntary contributions to ICANN.

So there's a couple of important points there. We make it to ICANN, not to the ccNSO. So there's no fee to participate in a ccNSO, and as individual operators, we make voluntary payments to ICANN. We strongly encourage it as the ccNSO. We believe in contributing to ICANN finances, and we have just recently concluded a process by which we revise the payment structure, and most ccs are contributing to ICANN according to that payment structure, which is effectively a tiered structure that recognizes the size of a registry as a proxy for ability to pay. The payment schedules range anywhere from about literally $500 a year for some of the very, very smallest registries, which would – their domain portfolio would number in the single-digit thousands, some of the smallest ones. Up to a couple of hundred thousand dollars for the larger ones.

KAREL DOUGLAS: Thanks a lot, and a very good question because I actually was wondering whether or not there may be support for ccs who may require some support. But we do have another question from Victoria from Moldova.

VICTORIA CRETU: Hello. Victoria from Moldova. I would like to ask you who should manage a situation where the country code is the same as the gTLD? For example, Moldova country code is .md and this .md also stands for a

medical institution in the U.S. So is the ccNSO somehow engaged in this process? Thank you.

BYRON HOLLAND: I'm not familiar with the specific situation, but two-letter country codes which are based of the UN country code list are specific to countries. So in the root, in a sense, that's what defines us. Are you a UN country code associated with a particular country or territory? If so, that's reserved for country codes and are delegated as such.

That gets into a relatively complicated area, but there's a process for delegation [revocation], redelegation, and retirement of top-level domains.

Typically what happens is the country code is delegated by ICANN to the relevant authority in the land. Let me just say that. Usually the government. And the government will delegate the authority to operate to some kind of entity. Like I said right at the outset, that's why some of us are literally for-profit corporations, private not-for-profits, government departments, etc. Because typically, the government of the land and the local Internet community, depending on the type of government it is, will figure out how to run the local country code.

Occasionally, governments have effectively sold them off or have some private act or run them for commercial benefit. There are still some of those around. So I'm not specifically familiar with yours. Maybe that's the case.

Because there are occasions where the country code is a popular acronym for something else and can be a significant revenue generator.

That has certainly happened. Particularly some of the older ones, before ICANN was really organized and there wasn't much discipline around country code operations.

KAREL DOUGLAS: Thank you. Thank you, Byron. First of all, thank you, Byron. We do appreciate everything. I know there are other questions, but unfortunately we have our other presenter who is here. So let me thank Byron Holland. Thank you very much. It's greatly appreciated. As I said before, the conversation continues offline and/or at the coffee table and/or between corridors and/or, and/or. Jeannie?

JEANNIE ELLERS: And as always, Janice did want me to remind everyone that if you have any questions for any of the presenters from this week to go ahead and e-mail the questions to her and she'll put you in touch.

KAREL DOUGLAS: Exactly. Please, by all means – and Byron, I'm sure you're more than amenable to entertaining questions after the meeting during the day.

BYRON HOLLAND: Absolutely. And I know Janice has forwarded questions to me previously, so please, if there are any other questions, don't hesitate to ask. Of course, as we've just heard, much of the business and Q&A happens in the hallways. You can also track me down and find us in the ccNSO meetings. Thanks for having me.

KAREL DOUGLAS: Thank you, Byron. We already saw the synergy that is actually created between the Country Code Name Supporting Organization and the Intellectual Property, because one question that was asked by Martin raised whether or not there could be a conflict.

Say somebody has registered a trademark under is it a cc and a gTLD? I'm not going to answer the question, but let me introduce without any further ado Kristina Rosette, who is the Chair of the Intellectual Property Constituency, which I'm sure is very interesting because those are the issues that will be discussed here.

So, Kristina, please take it away.

KRISTINA ROSETTE: Thank you very much. Good morning. Thanks for the opportunity. I am Chair of the Intellectual Property Constituency (IPC). We sit, at least within the Generic Names Supporting Organization, within the GNSO. And the GNSO, as I suspect you've probably heard, is divided into two houses: the contracted party house (those entities that operate under contract with ICANN) and the non-contracted party house (in other words, those that do not).

So the Intellectual Property Constituency is in the non-contracted party house, which in turn, is divided into two stakeholder groups – the commercial stakeholder group and the non-commercial stakeholder groups.

So we sit in the commercial stakeholder group along with the ISPs – and I see that their Chair, Tony Holmes, spoke with you earlier today – and the Business Constituency, and I believe that their Chair has also spoken to you all.

So we have kind of a very loose stakeholder group structure, and that really all of the primary decisions are made at the constituency level.

The Intellectual Property Constituency is responsible for representing the views and interests of intellectual property owners worldwide as they intersect with domain name system policy, and ensuring that the policy recommendations that are developed by the Generic Names Supporting Organization and that are approved and put forward to the ICANN Board by the GNSO Council take those views into consideration.

I should also say that our website is ipconstituency.org where you can find more information including our online membership application, if you're interested.

We have three categories of members. One category are essentially international associations. Second category are national, regional, and state associations. And then the third category is comprised of individuals, whether they're individuals or entities, corporations, who participate in that way.

We have about 120 members, but that number is somewhat misleading because we have so many international associations that are members. For example, the International Trademark Association is considered one IPC member, but it in turn has I believe at this point over 12,000 members.

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So we take input from them. They have, for example, a very active Internet committee which provides input to us as the IPC. So when you look at it as kind of a big scale, it's a much broader representation of views and interests.

In terms of how we do work, we have a very fluid structure. It's very open in the sense that if there is a new issue coming up that one of our members believes has implications for intellectual property owners and is something that we should take a position on, all that needs to be done is to really post it to our list and ask that folks take a look at it.

Similarly, if there is a paper out for public comment, ICANN has put something out for public comment and a member believes that it's something that the IPC should comment on, all they simply need to do is to make that position clear. Then a group of volunteers from a very loose committee structure will work to draft a paper, and then that's put out to our list for comment; and ultimately submitted to ICANN.

In terms of the issues that we are most concerned about now, I think you've probably picked up on the fact that the entire community really is concerned about the IANA stewardship transition as well as ICANN accountability. We're not any different in that area. Those are issues that are also of great significance to us.

But above and beyond that, the two that we are really focusing on for this meeting are the implementation of the New gTLD Program, particularly compliance. The Intellectual Property Constituency has had a long running interest in working with the Compliance department to ensure that because so much of ICANN – at least on the registry and

registrar level – is operated under contract, that those contracts are enforced.

So we're looking at issues of new gTLD implementation. One of the issues we talked about yesterday, for example, with the Board was relating to, for example, the name collision list, which I suspect Tony may have spoken to you about. That's a list of second level names that new gTLD registry operators can't allocate – well, can't activate – for a certain period of time.

Many of those lists include globally famous trademarks. And so, because of that, those trademark owners haven't been able to participate in the pre-registration Sunrise program. So how will that work?

The other issue that we have had a longstanding interest in is WHOIS, which is now being referred to as Registration Directory Services. We don't have a position yet on the Expert Working Group final report that was released a couple weeks ago. We're still kind of digesting it. But I certainly expect that we will over the next several months develop that.

Just to give you kind of a flavor of what our meetings look like, and we also meet on Constituency Day. We meet with the Commercial Stakeholder Group for about an hour because that's how we meet with the Board is as the Stakeholder Group, so our meeting with the CSG is really to prepare for that. Then we'll have three hours of Constituency meeting.

Yesterday in our Constituency meeting, which was open – always open – we received briefings from the Compliance department, the Global

Domains division, the folks on ICANN staff who are running the GNSO review, and the operators at the Trademark Clearinghouse.

Then once the briefings were completed, we discussed – there is a session later this morning relating to the New TLD Applicant Group is running a session about what went right with this new gTLDs and what might not have gone so right. I'll be participating in that. So one thing that we did was discuss what issues I should raise, what positions I should be taking there.

We talked about a membership outreach project that we're working on. We had three of our members are each responsible for identifying potential new members in Asia, Latin America and Africa – particularly category two or three members. So, the associations. Simply because they have a broader base of likely interest. And frankly, because of their own representative nature would allow us to reach more potential members. We talked about that.

We gave some guidance to two of our members who are working on a working group. We gave some guidance to our GNSO councilors as to how they should vote on the motions that are being discussed today. Then we talked about the broader issues of ICANN accountability. That's really a representative snapshot of what we usually talk about when we have our meetings.

We do have a monthly meeting by phone for all of our members on the months that we're not meeting here physically in ICANN. So I think, with that, I'm happy to take questions.

KAREL DOUGLAS: Okay, Kristina. Let's start from the far right, my far right. Yes?

UNIDENTIFIED MALE: Hello, I'm [inaudible] from Serbia. I participated yesterday – actually, [inaudible] to Intellectual Property Constituency. It was really interesting. But I wanted to learn more on your position regarding the introduction of new gTLDs.

We all know what the final decision of the ICANN was, and since the World Intellectual Property Organization was actually against the introduction of new gTLDs, I'm wondering within IP Constituency was at a time against or in favor. What was the internal issue within ICANN when this was decided? Thank you.

KRISTINA ROSETTE: The short answer is both, in the sense that we were supportive of the introduction of internationalized domain name gTLDs, but we were concerned about and did not support the whole scale launch of non-IDN new gTLDs. The members in the interests that those members represent were very concerned about the potential for really massive cyber-squatting.

And when the program was initially approved, there were no required rights protection mechanisms in the program. Those really came through implementation. And we were very involved in helping to recommend those and design those and participate iI those.

We still have ongoing concerns about – and that's part of the reason that we're engaging with Compliance is to make sure that to the extent

that we're seeing behaviors in the new gTLD market that are not in compliance with the ICANN contracts that can harm consumers, that Compliance is aware of those.

UNIDENTIFIED MALE: [inaudible] from Tunisia. I have a question related to the issues of the second-level domain name lists when it comes to the brand names that are not for the public. How are you dealing with these kinds of issues when it comes to a domain name that is, let's say, in the [inaudible] situation. It's not public. It is owned by someone else. [inaudible] is dealing with such kind of domain names.

KRISTINA ROSETTE: If you're talking about the issue that we raised earlier, this was an issue that I think – one aspect to the New gTLD Program is that, unfortunately, as it moved forward into the implementation there were solutions that needed to be implemented that hadn't been anticipated. And I think the name collision – the idea of the name collision list – the issue itself had been longstanding. The Security and Stability Advisory Committee had been raising it for quite some time, but it was really only I would say probably in the last year that it became imperative to take some kind of implementation action.

In fact, it was at the meeting in Buenos Aires that ICANN released all of the lists for all of the TLDs of the second-level strings that would have to be blocked initially within each of those TLDs. That was seven months ago barely.

So this is a situation in which one of the unanticipated consequences of having the name collision list, which I think is generally considered by the entire community to have been an important step impacted adversely and unfairly intellectual property owners, because it basically said no one can have these names for 120 days, but at that point, you've already gone past the timeline when the required Sunrise period is supposed to occur.

So when we were talking with the Board yesterday, we mentioned this as an issue that perhaps they hadn't really appreciated that ICANN's own decision was effectively circumventing their own required rights protection mechanisms, which obviously aside from substantively from an [inaudible] perspective it just doesn't look very good.

So we raised that with them and they recognized it. It's my understanding that they are having staff look at it, and it's something that will likely come up in the public forum on Thursday.

KAREL DOUGLAS: Excellent. [Alex?]

UNIDENTIFIED MALE: Good morning. My name is [Alexander Chocav] coming from Macedonia. I am a practicing attorney representing trademark domain name portfolio for our clients, just like for my background. But I was involved in preparation of the application of Cyrillic IDN for Macedonia. Not in depth, but I was following the process.

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I would like to hear from you, do you have any position paper or comments or – position paper, I would say – about the features that should be incorporated by the ccTLD manager that has applied for this IDN? That would be a general question.

I expect the second-level domain names that would be registered under this Cyrillic IDN may raise some intellectual property protection issues.

KRISTINA ROSETTE: We don't have anything that is specifically created in response to any particular TLD. I think the only new gTLD that we have really individually focused on is the .sucks TLD, because one of the three applicants for that TLD has said that trademark owners will have to pay $25,000 to get the second-level name that matches their trademark. So that's the only specific TLD that we specifically said we think there's an issue here, we think this should stop.

More broadly, though, the IPC has taken a number of positions in terms of the type of rights protection mechanisms that should have been required, that should be required. So what I think will probably be the best thing to do – I mean, certainly the ones that are required by ICANN for the new TLDs at a minimum – I was one of the people involved in what was referred to as the Implementation Recommendation Team that back in, I guess it was 2009, the Board asked the IPC to get a group of 20 experts from around the world to come up with what should the required trademark protections be.

So that IRT final report, if you're looking for what the IPC would consider to be best practices would probably be a really good starting

document. If it's not on our website – and I suspect it is – we can certainly arrange to get a copy of that to you.

UNIDENTIFIED MALE: Thank you. Just additional comment. You have here your position on ccTLDs dated year 2000, an old document, but there is one of the following features that should be incorporated in the management and operation of all ccTLDs. The one is [inaudible] the operation of [each] ccTLD must provide adequate safeguards to prevent registration of domain names confusing – you know how it goes from IP prospects.

Did you abandon this position?

KRISTINA ROSETTE: I'm considered a long-time ICANN participant and I've been involved since 2006. I actually was not aware that we had that paper and I think it's probably important to note that the paper was likely – when we put out positions it's usually in response to a very specific request or framed issue. So I'd be reluctant to say – I don't think I'm comfortable saying that 14 years later that's still the position of the IPC, but if that's something that the ccNSO or a particular cc manager thinks that we should take a look at, I'm sure we'd be happy to.

UNIDENTIFIED MALE: Thank you.

KAREL DOUGLAS: Thank you so much, [Alex], and thank you everybody else. The questions will keep on coming. I want to thank everybody for being so attentive and asking very pertinent and interesting questions. I myself have a few questions, but I've deferred them to having the discussion offline.

Again, the discussion continues offline. Please, by all means, do pass the questions on to Kristina and her constituency via Janice. Or again, if you do see here, I'm sure she's amenable to having a discussion with you at the coffee table or between meeting rooms in the corridors.

Please, give Kristina a round of applause and thank her so much for coming.

KRISTINA ROSETTE: Thank you very much.

KAREL DOUGLAS: Ladies and gentlemen, we are very limited for time, but [George] is here for the group photo. So at this point in time [inaudible], pass it back to Jeannie.

JEANNIE ELLERS: Before everybody gets up, just a reminder, yes, we are having our photo. But also, it is gala night, so please meet in the lobby to catch the shuttles over to the gala this evening.

Also, remember at 5:00 p.m. a meeting with the SSR team in Hilton room 1-6. Tomorrow morning, we will be back in the Windsor Suite at 7:00 a.m. Please don't be late. Thank you.

KAREL DOUGLAS: Okay, thank you, Jeannie. Okay. We're going to take the photo now. So first of all, we have to move fast. This room is already booked for 9:00 sharp start for the GAC. So could we kindly – let's find out exactly the logistics-wise where we wanted the picture. [George], where would you like us to go?

Well, we are here, so it is possible to do it inside if it's more convenient? All right. There seems to be a problem with the room.

JEANNIE ELLERS: We should go because the room is filling up.

KAREL DOUGLAS: We will get in trouble. Okay. All right. Ladies and gentlemen, fellow Fellows – do you want to say something? We will vacate the room.

JEANNIE ELLERS: I'm going to follow you and everybody follow me.

KAREL DOUGLAS: Everybody follow Jeannie.

EN

JEANNIE ELLERS: Thank you.

UNIDENTIFIED FEMALE: I have some pamphlets – some brochures – from the ISP Constituency if you want. I also have flags for everybody. So see me if you want to pull out a flag from your country, a sticker flag.

[END OF TRANSCRIPTION]