

**Transcription ICANN61 San Juan
NCUC Outreach Event
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Farzaneh Badiei: Okay. Hi, everyone. Who here is not a member of NCUC? Wow, great.

Woman: Too many.

Farzaneh Badiei: So we actually have something new for you. I know.

Woman: Okay.

((Crosstalk))

Farzaneh Badiei: So my name's Farzaneh Badiei. I am not the NCUC Chair anymore. Renata Aquino is. And unfortunately, Renata could not make it. So I'm going to tell you about NCUC. (Elizabeth) and then we will go through with Bruna to the other agenda items.

So at ICANN, NCUC is the Noncommercial Users Constituency. And we are a constituency that includes (unintelligible) society organizations, academics, and noncommercial users as individuals that want to advance the rights of noncommercial domain name registrants.

So this means that we want to fight for - I should not keep saying the work fight. They tell me I'm being too controversial. We want to stop trademark overreach in domain name registration. For example, we think that the

generic names that everyone has the right to use and register as a domain name and it should not be specifically for trademark owners.

The other thing that we do is freedom of actually privacy. We fight for the privacy of the domain name registrant. And this is a very important issue that you see that this ICANN meeting they all are talking about privacy. Why? Because fortunately we now have a law, a European law, that upraises ICANN to protect the data of the domain name registrant in WHOIS.

Now, who knows what WHOIS is? Who doesn't know what WHOIS is? No? Everyone knows what WHOIS is? That's great. Wow. When I was your age, I didn't know who WHOIS was.

So what we are doing at NCUC we want better privacy protection for the domain name registrants. And we've been fighting for this for the past 20 years. And we never got anywhere. But now with this law fortunately we can make ICANN comply with it and limit the publication of personal data in WHOIS and also access to it.

So that's one of the things that you see us very active in. And we publish statements, we do public comments and all sorts of things.

The other issue that we do is generally human rights issues. But what you need to really take into account is that these are related to domain names. It's not about rescuing the internet in general. It's about this very narrow function of ICANN, which is domain names. But this is very interesting, of course. There are various issues related to it in which NCUC is advancing the rights of the noncommercial domain name, which is true inside ICANN.

So that's about it. Bruna, would you want me to tell them a little bit about the schedule and what is going on at the ICANN now? Maybe they can...

Bruna Martins dos Santos: I guess we can move on with the agenda. Thank you very much, Farzaneh.

Farzaneh Badiei: I forgot to say something about NCSG. Should we...

Bruna Martins dos Santos: Yes.

Farzaneh Badiei: ...confuse them?

Bruna Martins dos Santos: Yes.

Farzaneh Badiei: Okay. So NCUC is a constituency within a stakeholder group, the noncommercial stakeholder group. At ICANN we have the commercial stakeholder and the noncommercial stakeholders and NCUC belongs to the noncommercial stakeholder group through which we do policy and various activities.

So if you decide that our values are in line with our mission and want to join NCUC, what you do is that you go to NCSG and -- Noncommercial Stakeholder Group -- application, become a member of NCSG, and then choose a constituency.

That's it. Thank you, Brunna.

Bruna Martins dos Santos: Thank you very much, Farzaneh. This is Brunna for the record. So we at first invited Farzaneh to join us because of course she's the Chair of the NCSG -- the Noncommercial Stakeholder Group, the umbrella under which the NCUC is under. And we will move onto the agenda for today.

We are planning on working on talking a little bit more about the NCUC and what are our goals and the subjects we work on. Apart from that, we will list some of the NCUC's goals for the year of 2018. And last but not least, I will introduce our representatives, our leadership team. And there will be time for

a Q&A if you guys would like to know a little bit more about our constituency and the subjects we work on.

So starting with the little intro on our work, this is a presentation. We use it on the intercessional, which is a meeting between the noncontracted party houses that the constituencies and groups inside the noncontracted party house (unintelligible) inside the GNSO. Sorry for so many acronyms. You guys will learn a little more about it this week. Can you move to the next slide, please? Yes, I guess we can move to the next one also. And another one, yes.

So when we did this presentation at the intercessional, we tried to list some of the original forums and governance stuff that NCUC is involved with. So given that mostly we are a single society group that's composed by both (Wikipedia) and more grassroots organization.

We have been present in a lot of like different events across the world. And we divide our actions also regionally. So some of these actions that are on the screen are either meetings or firms that we have been into. So NCUC does and has done before huge participation on the freedom of expression discussion and rights con.

We also tend to discuss DNS abuse and finding ways of granting freedom of expression online. And we're also present in Africa. We go to AIF. I think it's Africa Internet Firm, if I'm not mistaken. Apart from that in my region, Latin America, we tend to participate (unintelligible) (LTKA) (GIF) to discuss, to promote discussion within the regional firms.

And last but not least, we just came back from the IFF, Internet Freedom Festival. Ayden was there. Very good presentation. We also have been to the Internet Governance Forum, which is one of the most important internet governance meetings throughout the year. We had a booth fair. We did a lot of outreach. And I guess we can move to the next slide. Next one, also. Yes.

So the goal for NCUC this year is to maybe become stronger and more present. We're already present and we do a lot of like policy discussion at ICANN, but we want to engage more our members in the different policy discussion. So right now at ICANN we have WHOIS and privacy, GDPR, we have RPMs -- rights to protection mechanism, yes, sorry.

We also have ongoing discussion on generic top-level domains. So the main plan for the year is to build capacity within our members and have them engaging in these policy discussions, and yes, be more present in the policy domain in the (unintelligible) in ICANN. And not only that, but also reach out to more organizations and individuals who would be willing to work with NCUC up-front. Yes, can we move to the next Slide please.

Yes, this is sort of an outline of the year for NCUC. We were at this discussion called the intercessional. We are here at the Puerto Rico ICANN 61. We are doing things to outreach. We did one in the morning. We're doing another at the end of the day with At-large. In June we will be in ICANN 62 where we will of course hold another outreach, maybe two days. This is not set yet, but also to target more (unintelligible) organizations in the Latin Americas.

At the end of the year, we will also be at ICANN 63 because of course we are present in all (unintelligible).

Ayden Ferdeline: Sorry, Bruna. If you wanted to finish this, you could. Otherwise, I was just going to ask you if I could do a very short update on the IFF.

Bruna Martins dos Santos: Of course, yes. I mean, I was just hyping out all of the events that we are at throughout the year. But of course you can all ask me about it. I guess we can move to more actual work that NCUC has been working on. And yes, of course you can.

Ayden Ferdeline: Thanks for that, Bruna. Hi everyone. My name is Ayden Ferdeline. Just going to move this close up for a moment.

So just wanted to quickly expand upon the message that Claudio and I delivered at the Internet Freedom Festival in Valencia last week because it might be of interest to some of you as well.

We hosted a workshop there where we introduced people who are not currently involved in DNS policy activities to what it is that ICANN does. Why does Domain Name System matter and why you might want to be a part of it?

And to really summarize that very quickly, what we said was that ICANN occupies this unique role in that it manages a global public resource -- the internet domain name addressing space -- but it shares this responsibility between businesses, between governments, and civil society participants from many countries.

And as with - I don't want to get too much into the weeds as to, you know, how ICANN work and ICANN operates under a regime of policy by contract. But I think the key message is that policy is shaped by those who turn up. So if you're interested in protecting privacy in freedom of expression and respects to human rights and preserving due process and ensuring that ICANN does not have, does not become a content regulator, then we are a really good space for you to be a part of.

And so one piece of advice that I have that I would like to share is simply it's very easy in this community to be pulled this way, that way, or the other. But if there is one issue that you really care about, come and speak to us and we can help you find how that relates to what we do in the NCUC and how it relates to ICANN, no matter what that issue is. There may not be anyone else working on that at the moment, but that's okay. That can be the unique, you know, niche that you become a part of.

So just a very short intervention to say that ultimately, we are a bunch of different actors who are working together to achieve a common goal to support and to promote noncommercial communication and activity on the internet. And that we're the only community at ICANN that is involved in setting DNS policy that is specifically reserved for the advancement of non-state and non-market interests.

So feel free to participate in our work. Thanks, Bruna.

Bruna Martins dos Santos: Thank you very much Ayden. Ayden's one of our members. And I would like to highlight maybe youth, very young important members around here and he's been helping us do these discussions in such important forums as the ones we mentioned such as IFF. It wasn't only Ayden who was present. I guess Claudio was there as well. If you want to do...

((Crosstalk))

Claudio Lucena: Yes, please. Thank you very much. Claudio Lucena for the record. I would like to take the opportunity first to thank Ayden for the invitation to participate and share the space over there. And just to reproduce a comment I left on the list which I found it was very interesting. The idea of hosting a session, an outreach session, for NCUC in an environment like the IFF seemed to me very interesting. Mostly afterwards. It was an environment I hadn't had contact of previously.

But it's a community of a different kind from the one we were usually accustomed with in NCUC and other internet governance spaces. There are developers. There are people who were hands-on, very objective people -- so objective in fact that even the more dynamic space of policy making in ICANN might not seem very appalling to them at first.

But it was very interesting to see how many people were engaged and attentive and participating in the discussion and the feedback we were also receiving, because I'm still receiving feedback from that opportunity.

So thanks for the initiative and for the invitation again, Ayden.

Bruna Martins dos Santos: Thank you very much, Claudio. Yes, this is pretty much the work that NCUC does. So we get to do this very much important, internet related, internet governance related discussions. And we plan to engage even more people -- especially newcomers or those ones who are willing to work with policy processes within ICANN. We know it could be a difficult journey, but also this is like very open arena for the ones who are willing to help us build a better and more open internet in the more general sense.

I would like also to introduce some of our leadership who is in the room and hopefully Renata who is also listening to us. Renata Aquino is the NCUC Chair. Renata, are you online? Okay. Well, we'll see if Renata can join us at some point.

But NCUC has a person on the chair. NCUC has an executive committee. We have regional leaders in this executive committee. We have one for the APAC region, one for the LAC region, another for the North America, one for Europe, and the last one for Africa.

We have three of them here today. The first one is Elsa right up there. She's the EC for APAC region. I am the EC for the LAC region. And right by me is Michael, who is the EC for the North America region. Would any of you like to join us in this discussion and present some views on the regions?

Elsa Saade: Okay. Hi, everyone. Elsa for the record. Thank you, Brunna for this elaborate presentation. I just want to point out that I started as a fellow and it was pretty hectic to try and link the work that I did back home and the work that ICANN focuses on.

And I found my vocation at NCUC since I used to work in a human rights organization. And seeing that NCUC has really been focusing on a lot of issues related to privacy, related to like GDPR, for instance, related to making sure that the user's rights are completely and utterly protected, I found my vocation here.

So, also given that ICANN is very much related to or inside the internet governance sphere, it's also important that we make sure that everyone in our regions altogether can engage in as many events as possible around the world.

It's true that I'm representing the Asia-Pacific region, but it doesn't mean that anyone cannot come up to me and ask any question that has to do with NCUC, even if it has nothing to do with my region. And same goes to Bruna. Same goes to Michael. Same goes to Ines Hfaiedh, the EC of Africa. And same goes to Louise, who's the representative EC for Europe.

So I just wanted to point this out and tell you that even if you feel very overwhelmed, it's fine. Just come and ask us any question and we can put together an outline for you to make it easier for you to engage in NCUC, engage in the work we do if you feel like this is where your vocation is.

I guess that's where I'm going to leave it.

Bruna Martins dos Santos: Thank you very much. Elsa.

Michael Karanicolas: Hi. So as Bruna mentioned, I'm the North America rep. And it's great to be here as a representative of North America just because we're so often underrepresented in debates about internet governance. Just kidding. That's obviously the opposite of the case.

But I think that I definitely very much agree with what Elsa said about the regional boundaries. You know, the NCUC has people from different regions and those are our official titles but obviously like it's much more fungible than that in the sense of, you know, we have different specializations, different areas that we work on. And that's probably the more, you know, if somebody from North America was interested in a working group that also had been participating in more and approached me about it, I probably would direct them to her. I mean, so it's more semantic based. And we are from different regions, but you shouldn't view that as like hard barriers to approaching us.

And I just want to say more broadly in terms of who we are and what we do, the NCUC is a little bit different from other constituencies in ICANN, that we're more of a varied bag. You know, as opposed to the intellectual property constituency or the ISP constituency. There are other groups within ICANN that are drawn together by a very clear sort of business connection and they represent a very distinct user group.

And the NCUC comes here from all different directions. Some of us are digital rights activists or human rights activists. Some of us are academics. Some of us are just individuals that are engaged on this issue and don't really do it professionally. Some of us do this purely professionally. Some of us do it in a way that's tangentially related to our work. And there are others that are pure volunteers and really do this on top of their day job.

And what unifies us rather than, you know, a single profession or a single business relationship is our unified interest in human rights, freedom of expression, privacy -- themes that wouldn't get a proper airing at ICANN if it wasn't for the noncommercial side.

So if you're looking around the room and thinking like wow, like you know, this person works at a university. That doesn't really seem like me. Or you know, this is really interesting but I'm not sure if my background is the same as the people that are there. That's not a concern at all. The bottom line here

is that we're united by this fundamental set of principles, which is what we're advocating here at ICANN.

So if you believe in human rights, if you believe in freedom of expression, if you believe in privacy and transparency and that's what you would like to be advancing here at ICANN, then NCUC is the place for you.

Bruna Martins dos Santos: Thank you very much, Michael. I'd like to invite. Louise is our EC representative for the European region. Just like quick short notes on what do you think NCUC - what are you working on your region, Lou?

Louise Marie Hurel: Hello everyone. Louise Marie Hurel for the record. Well jumping into the room and jumping into the mike. So over at the European region, we've seen lots of progress -- especially in terms of regional engagement. I think as we were talking earlier today with regards in our EC meeting, I think one of the good things about this region in particular is the proliferation of initiatives and even that can be potentially very fruitful for outreach.

And as we've seen most recently, the Internet Freedom Festival, which Ayden was part and Claudio and other members of NCUC that are in the European region, but also this cross regional engagement as we see because different societal groups kind of go throughout different events in different regions.

So I think that is also something to bear in mind in thinking about not only the EC and the different regions but thinking about the synergies that we can create in these outreaches.

And one of the interesting things also is that throughout this year while we had the Internet Freedom Festival, we got the (with is). Also it's very important to note that we closed the year in Barcelona. So I think we have a very positive year ahead of us, even though the year is already going really fast. But I just really like to comment on that.

And yes, another thing that I mentioned in the EC meeting that I would like to echo over here is that each region has its own way of communicating. I keep saying that, but I will continue to say that here because I think it's really important to understand the particularities and how to engage with civil society organizations and academics and individuals in these different regions and how to create the best bridges between what we do over here at ICANN and translate that in broader internet governance and human rights.

So I think that is a brief overview coming directly into the session and into the mike. But thank you very much. Bruna?

Bruna Martins dos Santos: Thank you very much, Louise. We will have Renata joining us right now. So Ozan if we can unmute Renata's line at the chat. Renata's shortly joining us for some remarks. And then we'll open for Q&A. So whatever you guys want to know about us, we are ready. Renata, here's to you.

Renata Aquino: Hi, everyone. Can you hear me all right? Yes. Awesome. Good. Yes?

Man: Yes, we can.

Renata Aquino: Okay, great. Welcome all. Great to see you here. And we decided to mention on this outreach block to different perspectives, including perspectives from the ICANN community, fellows, and people joining in online. So it's great to have everyone here.

And I want to be very clear about something -- I don't really believe in engaging and staying in a space in ICANN if it's not good for you, if it's not good to others, and if it's not fun. I think that the (unintelligible) has a central role in the future of the internet, but what we try to do at NCUC -- and this has been a long tradition -- is to be critical, to be active, and very certain about some key values. And this is something that we continue to do in our policy

positions. And we have great debates. There's a lot to think about. And I certainly hope you can participate in these debates and know more.

So, always talk to our ECs and to our focal points and you'll see there's a lot to learn about the NCUC. So thank you everyone. Hope to hear more from all of you.

Bruna Martins dos Santos: Thank you very much, Renata. This is Brunna for the record. Maybe if there is any questions, if you guys want to join us at the table as well of course you can sit around and join us with any doubts that are on your mind. Yes, guys? Anyone?

Thomas Struett: Hello. Tom Struett and I'm a fellow. And my question is basically for NCUC, it seems that you reach out to people who are interested in privacy. And my question is about with the WHOIS, nothing really seemed to be getting done with it until just last September. But as stated earlier, NCUC has been advocating for some sort of change in WHOIS for a long time.

So I'm just wondering why didn't NCUC have enough power or something to get a change -- especially since it's not the GDPR that will make the WHOIS illegal. The WHOIS has been illegal since its initiation under the original data protection directive. And even article 29 working party has reached out to ICANN in 2003 about this. Thank you.

Bruna Martins dos Santos: Thanks for the question. Does any of our WHOIS privacy specialists want to jump in?

((Crosstalk))

Man: We have (Stephanie)...

((Crosstalk))

Bruna Martins dos Santos: We have Stephanie here. It would be...

Man: That's right.

Bruna Martins dos Santos: ...terrible not to have her be in this.

Woman: Also for the record as well, I think it would be good to mention maybe later on after Stephanie answers the question who works in each working group. And so that you guys would know who to ask questions to later on.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. And that's a good question.

This fight has been going on really since the inception of ICANN. It's not that our people when we originally founded NCUC we were well aware that there was an issue here. And in fact, privacy property services arose at that time as a kind of a workaround to enable people not to have their data in the WHOIS.

And NCUC was instrumental in reaching out to the article 29 group, getting them engaged. It was not ICANN that invited people like (Giovanni Puterelli) to come way back in 2004.

So it's been a long and lonely struggle. And really to understand the dynamics of that fight, it's not that we weren't correct. It's not that we did not have the data commissioners saying the same things we were, you know?

Even prior to the article 29 call in physician which came in 2003, the international working group on data protection and telecommunications came out with a letter in 2000. And before that, (Stefan Arodata) who was the Italian data protection commissioner -- the first I guess -- and the chair of the article 29 group when ICANN was created, he had already commented on it. So this is a long history.

We are basically outnumbered. Sometimes we -- and this is why understanding strategy is really important. I don't want to intimidate anybody who's thinking of joining us. But strategically when you're dealing with large, I don't like to use the word adversaries, but we have a multi-stakeholder organization here where the people we're up against have a lot of money and a lot of time and a huge financial interest in some of the things that they're fighting for.

Access to personal data is of interest for a whole host of reasons, not just the ones you see on the surface. So that's what you're up against.

And the registrars have over the many years occasionally sided with us, usually because of financial interest because this openness of data costs them money sometimes. And then sometimes the shoe is on the other foot -- it's cheaper for them to just throw it out there than it is to deal with a hidden system.

And until we had (RDAP) - as you can tell, I can go on for hours about this so you just have to cut me off when you're bored here. Until we had (RDAP), we had no really articulated way to do this better, so it wound up being out there. Once you have it out there, then you have people building on illegal use of data so that we've got a huge value-added services industry that has been scraping up the data for free. They're not willing to give it up.

So obviously, people are aware that the GDPR -- the General Data Protection Regulation -- comes with much stronger enforcement action, including 4% fines. That's 4% of gross revenues. So and I think it has finally gotten through to ICANN that they are a data controller because they set these things in the contract. So people are motivated.

One of the most disturbing things - and we're busy preparing comments on the latest model of the GDPR compliance. You know, nothing for years and

then model after model in about two months' time. Not that I'm grumpy or anything.

We finally saw the analysis on March the 8th -- all 60 pages of it -- and so we're trying to sift through that and counter the bad analysis. There are some good things there, but no, this isn't I had a thought that I was going for there.

In terms of this thing actually appearing before May 25th, I don't see it happening. I think May 25th, while it's a useful target date, most of Europe won't be ready by May 25th anyway. So I'm about to endorse taking things slower and doing a proper analysis.

Anyway, I'll stop there. I hope that answered your question. I'm not sure.

Bruna Martins dos Santos: Thank you very much, Stephanie for joining in. As (unintelligible) your doubt, is there clear? Do you, is it clear for you?

Tom Strit: Yes.

Bruna Martins dos Santos: Thank you very much. Anybody else has any other questions or? Okay, we'll have Ayden interfere like talking right now and then afterwards it's (Joe Della).

Ayden Ferdeline: Thanks for that, Bruna. Hi, Ayden Ferdeline for the record. I just wanted to add a brief response to that as well.

I think that there are actives within the ICANN community if you view the perspectives that civil society puts forward as being of less use that other positions. While in theory there are opportunities for civil society participation or processes, the reality is that without any muscle behind a particular policy position it goes nowhere. And civil society lacks the muscle that business has -- financial power -- and the governments have -- state power.

And so we do have a less influential role in the policy development process. And that's not unique to ICANN by any stretch. This is sort of a structural barrier that exists in all forums. When we want to actually see success, we generally have to partner with someone else who does have that power because suddenly it is my perception that when the status quo of ICANN's direction is challenged by either governments, business, or noncommercial users, it is the former two more powerful voices that are listened to and that seem to be able to change the outcomes of policies.

But again, this is not a problem that is unique to ICANN. In all regulatory regimes, the more powerful actors dominate for better or for worse.

Bruna Martins dos Santos: Thank you very much, Ayden. (Fiorella) your question.

(Fiorella Mitchell): Thank you. (Fiorella Mitchell) for the record. I'm also an ICANN fellow. I have to say that I attended also the other NCUC session this morning and it felt like I'm in the right place because back in Belgium where I live and work, I work for a nonprofit organization that deals with only safety projects for children and young people. And I have been looking at ICANN in the past year since I joined ICANN 58 for a type of working environment like the one you guys described here today.

My question is a little bit let's say looking into practicalities. So in order to become a member and start working with you guys, when you apply do you need to (defer) and do you apply through the organization you work with? Or is this something that you can do as an individual?

I'm asking because so this is something that would interest me as an individual through the professional background also I have. But then if we need to also inform the organization for which we work, that adds an extra layer. Thank you.

Bruna Martins dos Santos: You're welcome, (Fiorella). So the NCUC membership can be done either way. You can either join as an organization -- and we very much welcome all of them into our constituency -- but you can also join as individual members.

So even though I work for a digital rights organization, I am an individual member of NCUC but we have like some other people in the room I guess. Louise is maybe an organizational member and yes, Louise you want to?

Louise Marie Hurel: Hi. Louise for the record. I just wanted to compliment that because in my case, what happened is I joined NCUC as first as an individual and no, first I joined NCUC as an organization actually because I was working for a think tank and that think tank was very much involved historically in ICANN. And even though I came as like representing the organization but once I left that think tank, I became an individual member.

So there's this possibility of also like transition. Not that you're going to leave your job, but just trying to give you another perspective to it and another narrative, perhaps of that was my experience with it.

But I think it also depends on the alignment between the interest between your organization and what ICANN does. So I think that's also something to consider when thinking about joining either as an organization or as an individual. But yes, either avenues are completely open.

Michael Karanicolas: Yes, I actually - backing us up a little bit. This is the problem with these conversations. But I actually kind of wanted to go back to what Ayden said because sorry? Michael Karanicolas for the record.

I wanted to go back to what Ayden said previously and maybe paint things in a little bit less of a pessimistic light because I'm actually much more positive on the role that we have within the ICANN ecosystem and the level of changes that we can impact and have impacted.

I'm fairly new on the ground here. I've only been engaged for a couple of years. But in that time for example I've seen the work stream two subgroups - several of which are led by noncommercial people -- coming through and impacting extremely strong changes or I mean, it hasn't been adopted yet but in the final stages of impacting, very strong stages in the organization. There's a work stream two subgroup. There's a subgroup dedicated to transparency, which I've been the rapporteur for.

My co-rapporteur when I just started out -- and you talk about partnering with other people from different interest groups -- my co-rapporteur when I started out was a VP at 21st Century Fox, which is a bit of a strange pairing. But he ended up dropping away and I became the solo rapporteur and we have drafted new access to information rules for ICANN that are incredibly progressive.

The rules that ICANN is going to be adopting into their equivalent of a right to information law, the (DIDP), are on par with those that are found in the most progressive countries in the world and vastly beyond what you see in any other comparable organization -- vastly beyond any UN body, vastly beyond the World Bank or international financial institutions.

So this is an extremely significant change that was driven I can say largely by noncommercial voices, drafted pretty much entirely by noncommercial voices, and that's going to be adopted as a change once the work stream two subgroup wraps up.

The work stream two subgroup on human rights, which was led previously by Niels ten Oever from Article 19 similarly is getting a rule into the ICANN bylaws requiring human rights considerations for everything they do. As part of that work, there's a human rights impact assessment that's currently going on at ICANN. And once the work stream two for that finishes up again later this year, there's going to be human rights assessments that are going to

have to be factored into the work of every stakeholder group, of every policy development process.

This is groundbreaking work in this field and it's being driven by noncommercial voices.

Obviously, you know, even pointing to the GDPR where you can say well, you know, noncommercial voices have been screaming about this for years and it took that external sledgehammer of regulation before it was done, where did that sledgehammer come from? The GDPR was enacted by governments but it's been civil society at the same time that's been pushing that forward there.

So yes, governments do have potentially a bigger stick over the process, but civil society can have a role in that area, too.

And so just to wrap up -- I guess I'm going on for a while -- but as an activist who came over from the digital rights side and is used to dealing with governments, I think that anybody that works in human rights knows that your failures will typically outnumber your successes. There will be more times when you advocate for change and scream and the law gets passed anyways, the guy gets arrested anyways, the guy gets charged anyway. That's a much more common outcome than getting the person out of jail or getting the law killed.

Human rights advocacy is difficult. But coming in here from a background of trying to approach governments on this stuff, coming here from a background of trying to approach Facebook and Google and tech intermediaries and trying to impact change there I was actually astonished at how easy and effective you could be in actually drafting and impacting changes. I came in as the work stream two rapporteur for transparency and I was amazed that I was just drafting new transparency policy. That doesn't happen in the

governmental side. That doesn't happen when you advocate in the tech sector side.

So you can have an enormous difference. And you won't succeed and get everything that you want, but at the same time noncommercial voices have had and continue to have a very strong impact here.

Bruna Martins dos Santos: Thank you very much, Michael. Rafik, do you want to join us? Yes. (Unintelligible).

Rafik Dammak: Okay, thanks. Rafik speaking. I mean, we heard many things about the impact of civil society. Since we're all discussing policy here, it takes time and there are so many interests.

So I'm hearing like it's do we want or lost (battles). I'm not going to see - I don't think we should see this is not war. But we have to keep advocating for some position. It takes time to educate people to understand what we are talking about. So it's normal that we may have been frustrated sometimes but it takes time and we have to keep the fight and to explain again over again.

So we have (unintelligible) sometimes. Maybe a few years many of you were not here when we were talk about (unintelligible) of the program. It was not about GDPR or anything related to that. But we could warn against opposition of the registry and registrar to have applicant support.

So it's possible to set the agenda. It's not easy. It takes time. You have to be strategical and you need to plan. So that's why we need to encourage people to join. I'm not going to tell you that it's easy, we will win all the battles. But we can do a lot of things. We can influence many aspects.

So hearing all this opinion, what I want just to emphasize here that it's one of the (aspects) that you can participate in policy discussion. You won't find any

similar to that when you can participate. So it's a great experience for you. You can learn about how things are done.

I know if you are a newcomer fellow and next gen and so on, we hear how ICANN's a wonderful organization, multi stakeholder (unintelligible) and so on. But there is another side, the reality, some reality check. However it's still a place that you can do many things, where you can find many like-minded people that can help you, that can guide you how to participate, how you can make impact. It takes time, like anything else in the real world.

So don't be kind of not pessimistic, not optimistic -- just you be pragmatic. And how you can make influence, you take your time. So since we have that NCUC as a group, that help you to do a lot of things because you will find the support, you will find guidance, you will find people who can mentor you.

So that's what I really wanted to emphasize. I just don't want to say we are winning all the battles or we are not losing all the battles or we are losing them. Just we can do many things. It's just we keep focusing, we try to work together, and there are a lot of avenue for doing this, so.

Stephanie Perrin: Thanks. Stephanie Perrin for the record. I came back to the microphone because I don't mean to sound negative about our long struggle. But people should be aware of what they're up against. And I think that the policy development actually goes on in the PDPs. There's good work done in the cross community working groups as well. Work stream two is kind of a special thing left over from (MYANA). But the proof of the pudding is when we start fighting about the actual policies that comes out of these things.

So for instance for human rights it's getting that human rights impact assessment embedded in all of the policy processes. That's where, you know, getting down to the nuts and bolts of drafting the actual language that is going to be difficult. So that is as Rafik says that's a long game.

And I mean personally, I am retired. I'm not like all you keen young people. I'm retired. I should be home knitting. But because I've been at this so long and when I came here five years ago, I realized that ICANN was (unintelligible) data protection law, I'm committed to making change. So I may even hang in for another God help me five years because it's going to be five years before we get an accreditation scheme for actors in the WHOIS.

So I'm only trying to say this is not for the faint of heart, but we're looking for people that are willing to actually engage, learn, and keep at it. I mean, if you care about an issue -- a particular one is privacy, but I have a handful of other ones that I haven't had time to address. Yours might be child protection. There might be, you know, transparency, you name it -- you can probably find an issue that we feel strongly about -- free expression being one of course.

And we do work together to try to share information because some of us - I'm on about five working groups at the moment. That's a heavy load. That's about 30 hours a week of reading documents, analyzing documents, drafting comments, reading emails. And you get a certain amount of abuse.

I was one of the first privacy officers in Canada back in bless me 1984. And I still have to tolerate people on the RDS working group after ten years working on drafting our law telling me that I don't know what I'm talking about on data protection. That makes you grumpy, you know? It really does.

So I mean, that's all we're trying to say is recognize that this is really important work and as Michael says, it's one of the view venues where you actually get to mix it up in policy development, so you can have an impact. But, it is definitely not for the faint of heart and we need to work cohesively together in order to share experience, keep an eye on the strategy, make sure that those parallel working groups aren't contradicting each other. That takes work. Thanks.

Bruna Martins dos Santos: Thank you very much, Stephanie. And just a quick note on that side, if you are willing to work on policy with NCUC (unintelligible) this thick skin and work with us, we have opportunities. We have a fellowship program, an NCUC fellowship program. Once you become a member, you can apply to attend one of the ICANN meetings on behalf of - not on behalf of NCUC but as an NCUC member. We have two of them here. One of them was (Alda) who just left the room. And the other one is Farell.

So we get to help people within their sessions and ICANN meetings and to work with them. So we are very much supportive of the ones who are willing to do the work.

Does anybody else have any questions or? Yes?

Sherri Shack: This is Sherri Shack, a fellow. So ALAC and NCUC are both about civil society, but one is AC and another one is on the SO. So why stay at this position?

Bruna Martins dos Santos: Anyone? An AC is an advisory committee. An SO for instance is a supporting organization. NCUC is a constituency inside a supporting organization, which means that we get to work on policy development process which is mainly what the SOs do.

So the difference between the ALAC and the NCUC is that NCUC can sort of have some influence in all of the PDPs -- the policy development processes -- that GNSO develops for the generic level top-level domain. So we get to like represent the end-user voice in these policies. The advisory committee side -- the at-large -- they of course are allowed to give advice when asked but they do not develop PDPs. So this would be like the main difference between the two of them.

At-large advises in a whole different position. And NCUC and GNSO of course we build these policies, so this would be one of the main. Ayden.

Ayden Ferdeline: Thanks, Bruna. And that's absolutely right. And I think there are two other important distinctions between at-large and us.

So in the NCUC, our members are only individuals or organizations who are pursuing public interest orientated, noncommercial orientated objectives. Within the at-large they have a different membership. And you do not have to only be a noncommercial entity. And I think that's quite important.

The other difference is within the GNSO -- which is our institutional home at ICANN -- we only work on GTLD -- Generic Top-Level Domain -- policy. And so we work on creating recommendations to change policy. At-large as an advisory committee -- and I don't want to sound too flippant about this -- but I mean, as an advisory committee they can comment on a much broader array of issues whereas we have that narrower focus just GTLD policy.

But they offer advice. Advice is not always listened to. Or maybe it's listened to but not always actioned upon, if that makes sense. So I think, and it is at least my perception, that you can have more of an impact within the GNSO and within the NCUC than you could at-large if you do want to impact GTLD policy. Thanks.

Michael Karanicolas: I'll just add one small thing, which is in addition to all those points which I think go to the heart of the structural differences between engaging on those different areas, I think for me if you were to ask fundamentally what's the difference between NCUC and ALAC, I'll bring us back to what I said at the outset about the culture of being focused on freedom of expression, human rights, privacy, transparency, these core ideas in the sense that we come from different areas but we tend to advocate similar - we tend to be united by policy positions.

ALAC is -- and I'm really bad at the ICANN structural stuff -- but as far as I understand it, ALAC is meant to represent the individual internet users. But at

the same time, they have their own structures there. But the goals that then get manifested through that can be much more varied I think than what you find at NCUC and NCSG for that matter.

So to take an example, one of the leadership people at AFRALO is it? The African one, the African part of ALAC. Works for the national telecom regulator in Egypt. Now, you know, that person who's basically a government regulator in a country where the regulator is not independent at all and is controlled by the government and is an arm of the government -- an arm of repression, if I can say that. That's a person who's representing the interests of internet users.

That would not fly at NCUC. That would not fly at NCSG. Because even though, you know, it may sound similar to be representing noncommercial users, individual users versus the internet community, there's I think a more fundamental values core that's at NCUC that may not be manifested in the same way at ALAC.

Bruna Martins dos Santos: Thank you very much, Michael. If we can unmute Renata again, she wanted to have a say on the stakeholder journey. Renata, are you listening to us? Also to the wonderful work on remote...

((Crosstalk))

Renata Aquino: Hi this is Renata.

Bruna Martins dos Santos: Yes. Hi, Renata. We are listening to you.

Renata Aquino: Great. Thanks. Yes, I just wanted to again thank everybody who joined and Sherri, great to see your question. I have been following your work for quite a while. Farrell, also good to see you there in the room. And this is very different to everyone. We never really open our outreach space to have you asking us questions and talking about yourselves.

So I would really like to know more of everyone who is there. I'm following you online this time, but it's like I'm in there with you because I have been following your work and I think we have many points to identify between your work and NCUC work.

And most importantly, as you can tell from all the young, beautiful people at NCUC. We are a very youth led space. We are not just gorgeous. We are very inspired for fighting for civil society. So there are many faces again on policy on ICANN that you can be active in.

A lot was spoken about RDS. There's also RPM which is kind of like an out of body experience, some of the RPM calls, because it's such a complex world - - the world of trademark and rights protection. But with us you can definitely know more about it.

So yes, keep in touch and always tells us what you want to know about NCUC. And remember, we have our opportunities, our fellowships. So yes, thank you everyone.

Bruna Martins dos Santos: Thank you very much, Renata. So do we have any last questions or? Go ahead.

(Muja Rasham): Hi. (Muja Rasham). I am a new fellow as well. My question could relate to the structure of the GNSO as a whole and a specific role of NCUC inside GNSO. So as a whole, GNSO develops policies as far as I understand for the generic top-level domain names. So how does the issues like data protection and privacy relate to the policies that are being developed for general top-level domain names?

Bruna Martins dos Santos: Thank you very much for your question. Does Ayden or Stephanie want to (unintelligible)? Thanks, Stephanie.

Stephanie Perrin: It's a good question. Stephanie Perrin for the record. It's a good question and one - feel free to cut me off if I go into too much detail.

One of the problems with the whole WHOIS question is there is no policy for WHOIS even after 20 years, okay? So there has been four registrar accreditation agreements, which are contracts between the contracting parties who are members of the GNSO and ICANN. But those are not policy development processes. Those are contracts. And at each new contract, more demands on the WHOIS were set in place.

The original requirements for WHOIS were articulated by the US Commerce Department back in 1998 when they set up ICANN. So the WHOIS requirements have just been going along like a little automaton absent an official policy. After NCUC pushed and pushed and pushed and brought data commissioners into play at ICANN meetings, one of the early task forces -- which were cross community talk forces -- suggested that the way out of the impasse between those who wanted data protection and those who didn't would be for registrars to be able to apply for a waiver from the requirement to follow their contracts in order to comply with data protection law.

That's a procedure. It's called the WHOIS conflicts with law procedure. And there is an implementation committee starting up very soon under the auspices of the GNSO to look at that procedure because after ten years it still doesn't work -- 12 I guess now counting. I'm losing track of time.

So that is authorized by the GNSO. But there has been no official policy out of the GNSO.

Now, RDS working group that some of us --Ayden included and I -- are on, which I would encourage all of you who if you're looking for a PDP to look in on and discover what ICANN policy development is like. This is a real sausage making exercise, let me tell you. We've been going for about two years now -- feels like ten. And we're basically going through all the data

elements and purposes. And it's slow going, but that's what policy development can be. That is a GNSO authorized board mandated policy development process. And so that's a good place to start.

In the meantime, there's plenty of other WHOIS related policies that have gone on separately -- some, mostly through the GNSO such as the thick WHOIS policy. Does that mean anything to anybody? Probably not. Basically it's a legacy thing.

Some of the big dominant US players who were running registries back when ICANN was formed, the decision was made that they would not have all the client data. This is when the market was opened up for registrars. So to give a fair playing field to allow other registrars to sell the data, they said no you can still operate the registry but you're not going to have all the customer data.

Now, they're deciding that maybe these big registries should have the customer data. We're talking about dot com here. That's still the biggest top-level domain. So that policy was finished a couple of years ago. Several of our members were on that working group. But it's kind of been on hold because the GDPR, because of the failure of the privacy shield, because dot com is in the United States. And the new GDPR model refers to thick WHOIS data in compliance with that policy, okay?

So sometimes the board has intervened to actually take action when the GNSO has failed to come up with something. And that's another way to get policy. They will mandate the GNSO to do something. Does that answer your question? Thanks.

Bruna Martins dos Santos: Thank you very much, Stephanie. And with this last comment, we are finishing the session. If you guys are interested in learning a little bit more about the differences between the NCUC and the At-Large, we are starting a session, another one, the last one of the day in 15-20 minutes. So...

Man: So from what I said.

Bruna Martins dos Santos: Yes. And so yes, in 20 minutes we'll be holding the session with the differences of the both groups and this part of the communities and how we differently engage in all these policy processes.

And yes, we'll also have a constituency day on the 13th. So during this day we will hold like sessions for the half good part of the day as well. And this will be another good opportunity for you guys to listen more to some of our members and how we do this. So, yes. and then we're done.

Louise Marie Hurel: Just a closing note -- Louise for the record -- just feel free to reach out to any of us. If you're passing through the hallway and you have a question and you're unsure, just feel free to reach out to us. And if we're not experts in a certain subject that you're interested in, we can certainly redirect you to someone to focal point and to also talk a little bit more because we have so limited time but to go over what are the ways and the avenues through which you can engage and be more active within ICANN. I can assure you that it is process. It can be really demanding in terms of time. I think Stephanie made really good points on that.

So I just wanted to stress that. Don't feel intimidated. Just feel free to stop us anywhere, anytime. And thank you so much for your contribution and for raising questions. It can be really difficult to do that at your first ICANN, so I just wanted to end with that note. Thank you.

Bruna Martins dos Santos: Thank you very much. Bye-bye. And see you in 15 minutes.

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