

**ICANN
Transcription ICANN Kobe
GNSO NPOC Constituency Day Meeting
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Joan Kerr: Good morning everyone. ((Foreign Language Spoken 0:00:02)) My name is Joan Kerr. And I'm the Chair of NPOC. For today's session though we're going to have Raoul Plommer chair this CD Day - Constituency Day. And so do you or me to do the welcome and then you take it out from there?

Raoul Plommer: Fine.

Joan Kerr: Okay. So we have a few people in the room so we're just going to go through and have everyone identify themselves and then Raoul will take over. So please go ahead.

Sebastien Bachollet: Good morning yes Sebastian Bachollet, a member of At-Large (IG) Committee and I am here to help one of your member to be better in chairing the meeting and I'm sure that it will succeed very well. Thank you.

Carlos Gutierrez: Hello. This is Carlos Gutierrez from Costa Rica.

Oreoluwa Lesi: Hi. This is Oreoluwa Lesi from Nigeria.

Raoul Plommer: Raoul Plommer, Vice Chair of NPOC.

Juan Manuel Rojas: Juan Manuel Rojas, Membership Chair from NPOC.

Thato Mfikwe: Thato Mfikwe, NCSG, Finance Committee Member.

Joan Kerr: Hello. This is Joan again and so please help me welcome Raoul Plommer as Chair for Constituency Day. Thank you.

Raoul Plommer: Yes, thank you Joan. So I guess we should just get on with the agenda where the first item I'm pleased to say is our new Web site. It had some great development by Caleb who is our Communications Coordinator and there were quite a few things that he did to the Web site. For example there was mobile comparability. He structured the information quite a bit differently. And now it's more of a policy focused Web site and also putting some focus on the newcomer section so it would be like easier to engage with us.

We also did – we bought it better hosting which actually gives us 250 gigabytes of storage space and we're still looking into using that storage space with some kind of a handy interface so that we're able to manage our documents better for everyone, especially our activists. And we also did we tried to make it more privacy focused Web site as well. Like for example we've tried to contain the plug-ins of Facebook and Twitter so that they're not leaking information from our Web site. And yes and we've also integrated social media on the Web site quite well. And yes I think Caleb's done a great job on this.

Has anyone got any comments? I know it's a rather new Web site. I to be honest I haven't had a look at everything there yet but if you have anything in mind about the Web site please let us know and we can probably do something about it.

I think it's almost - it's also a more colorful Web site. It's got more of our communities pictures there. And I'm also glad to see the Web site mentioned

in the ICANN org Web site that one of its constituencies has this new Web site. That's nice. Does anyone have any comments?

Joan Kerr: (Unintelligible).

Raoul Plommer: Oh. Go ahead Joan.

Joan Kerr: Yes, so we're – this is part of what we're going to be using as a membership engagement for them to be posting blogs and things like that right? Is that sort of the idea?

Raoul Plommer: Yes and also too like instead of making separate Google docs in different drives and so on we're going to try to centralize all of that information that it's accessible through our Web site. So basically when you come to npoc.org you'd see what exactly were working on and it'd be as simple as possible to join the work.

Joan Kerr: So that's integrating with travel or some sort of cloud mechanism right?

Raoul Plommer: Yes, so I've had a look at some solutions myself to try to utilize the 250 gigabytes that we can use with our hosting but it's hard to find a cheap or even free solution to that. And I think that's basically why we haven't done it yet. I think part of the reason is that we'd really want to utilize our Web space in as economically as possible so we'd be able to showcase our Web site to not for profit organizations sort of how to do theirs. And we really want to keep it as cheap as possible at the same time while still looking good and having useful functionalities.

Man: So you mentioned (unintelligible).

Raoul Plommer: Yes so we put a redirect there. We – I just got a message from Caleb saying that he's had Internet problems. And apparently it's related to the Nigerian postelection things. He says it's basically dangerous in the streets and he

can't go to his workplace to finish the job actually. So yes. And I just put a redirect there myself but it's now looking a bit dodgy but I think we'll be able to sort that out during today or latest tomorrow.

Juan Manuel Rojas: Yes to add it, this is Juan for the record. Yes, just to add that if you are redirecting the new site, to the new site it takes at least 24 hours to the new IP DNS address to get the new, this new site. So it would be - it will be operative soon in our common Web site domain name npoc.org but it takes some hours to be fully operated and the people wrote the - write the domain's name and chart this that we are seeing right now right?

Raoul Plommer: Yes thanks for that Juan. Yes, it's Raoul speaking. Yes I think that actually might have to do something with it not being entirely functional and a little bit wobbly. I mean I'm trying to load the site with different browsers and I'm getting different results. So if you have no further comments on the Web site, well I'd just like to add that in – before Marrakesh let's say in the next month or so we'll really try to package this information that like what's being – how we develop the Web site. I mean now you're just getting a verbal summary of what we did there but we'll get it in writing and send it to everyone so that they know how to utilize our Web space.

So if there's no more comments on that I'd like to move onto the next item on the agenda. Yes so we'll just wait for a little for Dave to get his documents and meanwhile we can proceed with a little report from Juan on the joint session had yesterday with ALAC which I think went quite - really quite well.

Juan Manuel Rojas: Yes thank you Raoul. This is Juan for the record again. Yes, as you said we have our joint session between NPOC and ALAC, At-Large ALAC. And it was a very constructive meeting because we good to know what is ALAC do it and what we have done to and they can know what we have done and what can be shared resources from ALAC and ours. And this is still the start relationship from – between our joint working between ALAC and us.

And they - I have just listen some very good positive comment about our joint session yesterday. And there is so many comments about that okay, we should do this more often and more frequently even maybe two – they are talking about that maybe do it two, every meeting but I know that, that can be a little bit difficult.

But again it has engaged some of our members with maybe I know that one of our members in this case Raoul was invited to present this - his project in At-Large and have been spread it around to the other members of ALAC that were not in the meeting with us yesterday and know about this project that he - that Raoul is leading. And also I have been involved I have been invited to ALAC RALO which is the part of At-Large of our Latin American and Caribbean organization to talk about NPOC and how they can be involved with us to – this is a service of our joint session from yesterday. So I think that it's a very positive meeting and I think that it was very clear, very different and very inclusive too so I think it was good.

Raoul Plommer: Great, thanks Juan and it's Raoul. Yes I really had the same feelings about that. And I think there was less interruptions and like speaking over one each other than with the previous session with NCUC. So I think that was - it felt like a good synergy right there. Go ahead Joan.

Joan Kerr: Okay it's Joan for the record. So the session went well and I totally agree. So it was one of two sessions that the next one will be Montréal. And so a couple of things that came out of this particular session that I think we have to focus on in the next couple of months is one is to clearly, clearly define how NPOC is different than NCUC, not just what we are but how are we different, because I think we're done on the what we are but not the how are we different and also how are we different then ALAC? If for the next session I think those are the two things I mean I think that was a strong message that came with that. We should have those talking points that all of us know.

The other actions that I see they came out of that is that we have not just the sessions but ongoing relationship where if somebody says do I join NPOC or do I join ALAC that we don't say that they're, you know, oh, come and join us because obviously that's what we would say I would think. We're salespeople first NPOC obviously, but that we say here is the benefit of ALAC and here are the benefits of NPOC because if they can do both and then that's the whole thing is that it's not a competition right? It's just about who we are.

And but more importantly if they're asking those questions that we can say what is it specifically that you're interested in? So the actions that I think should come out of that is that we have something on our Web site that clearly states that somebody can go to and state what issues they want to deal with it so we start to collect that information. You know, I mean I've been doing that now is say please send me an email what – I've got yesterday alone at the gala I mean I had two people that identified, "Oh, I love what NPOC is doing. You know, how can I become involved? And I don't have an organization but I want to be involved. I love what you're doing."

And I said we'll join – we're going to have a membership committee. We have a policy committee. We – they're totally full. I don't want to speak for the policy, the committee but you can send it (unintelligible) information but maybe there is some information that you can help them with that they're, you know, as a resource. "Oh I love that." So that sort of interaction came out from this joint session as well because they were there.

So I think that we have to sit down and think about how do we strengthen the sessions because one of the things that ALAC liked that we did was that I said, "I'm not going to do an information session. I'm not into information sessions. I wanted an action, a goal and the goal was shared resources and capacity building." And (Maureen) loved it. That's why we ended up doing it. So I don't know if - all those actions but I – it's just, you know, how my mind thinks so...

Raoul Plommer: Yes it's Raoul. Yes I think we hear this question in every ICANN meeting that how is NCUC different to NPOC? And I think that is a really clear message that we need to answer that question as clearly as possible. And I think like one of the answers is really that NPOC concentrates on organizations only whereas NCUC has a bit of a different angle. And I think it's really going for all the Internet users rights as opposed to focusing on organizations. And I think organizations well, at least it used to be a lot different but with the Whois after it went dark with unnecessary personal information, I think organizations don't have as big a target or the registrant of the organization's domain doesn't have as big a target as they used to. So I think that is really like one of the main differences, yes.

David Cake: Yes that's one of the ways I've been sort of trying to say is that if you are an organization NPOC focuses actually on representing the bank organizations as a class of user and then the shortest way would say that NPOC's about the needs of organizations where NCUC, it's organizations within NCUC is more about expressing their goals and agenda which as in mostly as an activist kind of, you know, for activist kind of organization.

So and it did make sense to sort of – but does, you know, activist organization still has needs as organizations but they're not for every organization. Does it make sense to be in both because if you're, you know, if you basically don't have a lot of in - not about your organization that is to do with the Internet then it still can be useful to join NPOC and just basically have your, you know, the rights of your, the actual needs of your organization represented even if they are peripheral to the Internet as such.

And I think it's an interesting distinction because I mean the like the, you know, the business community don't really distinguish between businesses. In the - you know, businesses that are in the Internet business and businesses that are in other business that just happened to use the Internet in any way really so whereas, you know, the non-commercials we do make that distinction was interesting.

Raoul Plommer: All right, go for it Joan.

Joan Kerr: But the confusion in the community comes from the fact that NCUC has members that are organizations. And I think that's what confuses them. It's not so much what we do or don't do. It's the fact that, you know, why would I join NPOC if there's NCUC with an organization I think. And I think that what we have to look at is what is – first of all saying this is who become members and what value it is to become members of NPOC. I think that we have to make that benefit clear.

Man 1: And also distinguish ALAC as well of course which could also have...

Joan Kerr: Yes.

Man 1: ...you know, members convicting - organizations can get involved in At-Large in various ways depending on so it is a complicated story. But and it's also a complicated story about civil society in the same way as, you know, if – there's a lot of - ICANN has more – has - seems to have slightly more silos than it needs but...

Raoul Plommer: (Unintelligible).

((Crosstalk))

Raoul Plommer: It was Oreoluwa's turn and then Juan?

Oreoluwa Lesi: (Unintelligible) yes follow-up to everything that we've been saying. Yes, I was talking to one of the ladies who was - oh sorry Oreoluwa Lesi for the record, Secretary NPOC. So the lady who asked the question about the distinction yesterday. So I was asking her if it clarified it, you know, one is for organizations and one is for individuals and no it really didn't. So we - yes so I mean because a lot of times we have organization legally registered but

really there's one person who works there. So that really doesn't help in saying that oh, one is for organization, the other is for individuals.

One thing that we have spoken about was finding out from our members, you know, what kind of challenges they're having with respect to the DNS, you know? And so I think, you know, that exercise would be really helpful and also, you know, helping to inform, you know, what we're doing so that we can really be specific. So apart from saying that, you know, NPOC is for registered organizations we can say we focus on this issue, this issue, this issue so it can be really, really clear.

Joan Kerr: I think that's – it's Joan for the record. I think that's true that we identify the issue which I think we have and that organizations that are registered may have one person. But I think we need to say that they must own a domain name because they don't - in NCUC they don't have to, that they're a legal entity and it's the – it – we don't talk about the broader social issues. I think that's also significant because we only focus on the actual domain operational issues.

Juan Manuel Rojas: This is Juan just to follow, excuse me. It's yes we need to clarify that messages, those messages. But I think that as Oreoluwa says before we need to also clarify how we can help or support that kind of (unintelligible) organization from our constituency right? That's it.

Raoul Plommer: Carlos do you have something to add?

Carlos Gutierrez: Yes. I think it's - this is Carlos for the record. Are we recording? I don't know. I have a problem with jumping directly into very specific things like do they have to have already a registered domain or not? And I don't know why but for me that we should always start at the top not bottom SOs and ACs. Okay SOs and ACs we are part of an SO okay. And ACs are ACs and are advisories so SO is policy, policy, policy and then going to the constituencies concept.

Okay and we are at constituent is not a part - I mean I just read it in the new in the Facebook page. What are we? We are part of a constituency in the policy development process part of the DNS, period. I mean it's so simple. I mean there is no way to make a mistake there.

And I think it's easier to explain that with oh, the NCUC they are nice but they got into a fight and we created a new club but so on and then not to limit ourselves we are really looking at organizations nonprofit organizations of course. And operational or not I mean some don't have a domain name. As I said in the past they used to have .org and that was the only option so now there are other options and there are country codes and things like that. And they might be considering a switch from a .org to a country code like with the Red Cross story and things like that.

So I would really beg to have a very, very clear definition. And it's not yet – we're not yet there. We're not yet there. A very, very simple definition SOs, ACs, SOs, go down contracted, not contracted. In the non-contracted party there are commercial interests. There are IP interests. There are ISP interests and so we come now to the corner of the users non-for-profit and now we're close to ALAC, I mean by definition just ALAC is on the other side of the river which is after - so I think we should do this exercise better because we saw it yesterday in particular for the new people and are in commerce and so on and that's how you say it. And I always said policy, policy, policy, (unintelligible) policy. We do policy, policy policy, policy, policy, policy okay.

Raoul Plommer: Yes go for it Joan.

Joan Kerr: Okay, so one last comment if I'm understanding we're always pushing that we're part of the GNSO and the Stakeholder Group but what you're saying is sort of take it to the next level and point it out so right away almost like a visual. So maybe that's what we should do and yes I never considered the

yes, that's a really, really good point because it says it right there because we're always sort of climbing the tree right? Yes, yes.

Carlos Gutierrez: (Unintelligible).

Joan Kerr: Yes, yes I get it.

Carlos Gutierrez: And one of the things I wanted to say yesterday to bring Steve Chan and work the policy process was great. I also made comments to Steve how to make it lighter. That was great.

It is so obvious we should always have some stuff explaining the policy process that was – and it was great. I mean I was surprised. I said wow, it makes a lot of sense to have somebody like Steven giving these flashes.

Raoul Plommer: Yes I totally agree with this. Yes Collin?

Collin Kurre: Sorry for coming late Collin Kurre for the record. That - I think that what you said resonated with me quite a lot. But to offer my perspective working for a nonprofit because we work on behalf of Internet users in trying to promote human rights for example in Internet architecture we traditionally have seen our mission aligning more with those who are working on behalf of users because our nonprofit exists to benefit them. So it's never been exactly clear to me are we ourselves as a nonprofit organization could benefit. But I realize that this is – we are rather niche because we are a nonprofit working on behalf, in Internet governance on behalf of Internet users. So if there were nonprofits that were working to save the rain forest or something different then they might have different concerns but it would be much more difficult to bring them to ICANN because they're not interested in Internet users or Internet policy.

Joan Kerr: Right.

Collin Kurre: So I just wanted to share that perspective.

Joan Kerr: Yes.

Raoul Plommer: Yes, thanks for that. I think Dave also hit the nail on the head thereby saying that - and too that sort of ran same with your comment that we have organizations that we want to help utilize the DNS whereas NCUC is more concerned with organizations that are concerned over like human rights over Internet. Is that – that's pretty much what you said right, that it's like...

Joan Kerr: I said that.

Raoul Plommer: Right, yes.

Collin Kurre: But Raoul I was actually drawing the distinction between the different types of nonprofits that might be represented here because actually Article 19 we've kind of got, because our focus is, our mission and mandate here is very clear about human rights and Internet infrastructure we are an (a list), we are part of At-Large, we are part of NCSG and NCUC. And I think that the only reason why we haven't become involved in NPOC is because we don't see how that furthers our particular mission. We are not here to necessarily benefit nonprofits in so far as, you know, we're here to benefit our own mission.

Raoul Plommer: Yes, it's Raoul. So I think for in this case for Article 19 I think it would benefit Article 19 to get information on how to reach organizations to use their DNS. Yes?

We definitely need to put this in writing and like work on it...

Joan Kerr: That's...

Raoul Plommer: ...to get it like really crystal clear because even ourselves we're having trouble with this to like really nail it like what's the distinction there.

Joan Kerr: Joan for the – that's the point I'm trying to make about the session is that we don't just say it was great and stuff but what, you know, what did we find were the issues that came from it. And that was one, the big one that I saw so that's the action is that we, you know, sit down and crystallize the, what we do so we can explain it.

Carlos Gutierrez: Yes and to Collin to go down to the operational concerns is if an IP lawyer calls you and says you cannot use article19.org because Article 19 has been reduced through the top-level domain. And we don't want nobody to have article19.org or .net or .com and so on. It's very narrow, very, very narrow. And we just had the lawyers of IP lawyers sitting in this room, they do that. Probably not against .org and so on. So what we are talking is a very, very, very narrow situation there but we have in the pipeline, in the policy pipeline a lot of issues with these type of organizations.

With the Red Cross we had a big issue. It solved but we still have all the international governmental organizations on the pipeline that are in a funny situation. And then we have the international nongovernment organizations that nobody has dealt with. Then we have a lot of NGOs on the local level that nobody cares for. So this is – we're dealing with these types of problems at the policy level today in ICANN.

Okay there might be others problems with users and so on that we have not dealt with. There might be others coming up I don't know. But the fact is that all these NGO international side it's suffering from the expansion of the DNS and the forces that are developing the market. And that's what I think it's our hat of organizational concerns. So it's not what you do with your NGO and so on but particularly this segment is kind of underrepresented in the policy development process and there many things that we have to solve.

Collin Kurre: I think it could be really interesting and compelling to develop maybe a list of case studies. So for example I know of there was a feminist organization in

India that had like negative impact from Whois data being out there. And that might be a bygone example but it could be very good to have some kind of narratives of different nonprofit organizations around the world and how they could either benefit or have been harmed by ICANN policy.

Raoul Plommer: Yes, that's a great suggestion actually to have actual cases where NPOC could be helping out the organizations that are especially our members. Dave your...

David Cake: One thing I was going – I was going to give an example when I do the PDP update soon there is a specific policy issue within that that essentially totally NPOC's remit I think which is that the EPDP in phase two will be looking at the difference between - different ways we should treat legal and natural persons. And part of that will be there is an assumption that a legal person is assumed to be by some people I try make the assumption that a legal person is a commercial actor enough. You know, their details should be available or the Internet for consumer protection and all of this stuff which I think is a relatively spurious argument anyway.

But very specifically the idea that no, nonprofits are also legal persons I most – well I think the ones in NPOC have to be and that there is issues like the privacy of DNS affects them very differently and that has, perspective has, you know, not been well made in the debate. We perhaps need people who have been negatively affected to just come out and say, you know, we are a nonprofit. This is how we think about the DNS. We are not a commercial actor. Don't tell us that we have to, you know, Better Business Bureau will put out that says we have to have our information in Whois.

It so there are issues that very – no I mean, and not - admittedly not a huge number. It's – we – I don't think NPOC is ever going to be the most, you know, one of the most active policy organizations but there are definitely issues that are very squarely in that this is an interest of not for profit organizations as a group regardless of, you know, their policy positions of the

yes, the policy positions of the – of individual organizations must differ but this is definitely an issue about the rights of nonprofits as a group.

Raoul Plommer: Great, thanks. I think we need to move on. And I think what you just said is a good segue to the EPDP update so maybe we'll carry on with that.

David Cake: Okay how we doing on my slides there? Yes thanks. Is that - are you going to control them? I – okay I'll just say next slide a lot once they come up. Going to be racing through.

Woman: Anyone.

David Cake: Oh I'm not in AC. I should log into AC. That would be sensible wouldn't it? Well maybe get other people to talk just for the next little minute while we do this. Your Tuesday...

Woman: Do you want to do the next question?

Man: (Chris) are you ready?

Woman: Oh okay.

Man: Actually do you mind?

David Cake: Okay well we wait for the slides to load I think Oreoluwa can work us through our new action management. I think she's actually done a great job at tracking our actions and she will definitely know what she's talking about.

Oreoluwa Lesi: Thank you Raoul. This is Oreoluwa. Okay so NPOC has our EC meetings once a month. And at the end of each meeting we have usually a long list of action items that we need to work on. And what normally happens is that sometimes, you know, it gets lost, you know, among all the many things that we have to do and, you know, we forget.

So basically what we do is I always have the notes from every meeting and I highlight the action items and I send it to everyone and ask everyone to, you know, to update it if I left anything out. And then after that I added a Trello. So we have a Trello board which is public so anyone can access it then you can see all the things that we are working on.

So they're arranged so each member of the EC has their own list. And so you can go there and see what I'm working on, what Raoul is working on, what Joan and Juan and Dave so what we're all working on and Caleb. And so as we get things done we basically move the tiles, you know, to the completed to the done list as that's what we're doing at the moment.

We also have – we communicate by this we have a mailing list and we also have our Skype chat. So I also track action items, you know, from those two channels as well. And I add them to the Trello. So basically at any point, you know, anyone any NPOC member can go to our Trello board and they can see, you know, all the things that we're working on. Then in the next month notes so in the EC meeting we basically go over everything that we meant to have done and I update that and then send that out in the next notes, you know, to NPOC members. So I hope you've all been getting those notes and if you have any feedback on anything maybe how we can make it more efficient, you know, please don't hesitate to reach out. Yes.

Raoul Plommer: Great, thanks for that. Yes I think this action management has definitely helped all of NPOC. Like we actually not too long ago realized how little we actually communicate to our members. And it's really important to like for example to say what we've been doing so it's not just happening only here at the ICANN meetings. It's very good to record the process of the EC and the members of NPOC. Yes so I think Dave has his slides ready.

David Cake: I can control it from – I'm having trouble getting into AC but I'll just have to rely on Miriam to change the slides for me. So brief update on the temporary

specification the gTLD registration data expedited policy development process.

Woman: Yes.

Raoul Plommer: That's a mouthful.

David Cake: Right so next slide or as we refer to it the EPDP. So we really refer to it the EPDP which is technically really sort of very wrong because we really refer to it as the EPDP oh great, because it's the first and only so far only, expedited PDP we've ever had. So that does distinguish it but that's the process not the subject right? We should really be calling it the temp spec replacement or something which also wouldn't help.

So but we're referring by the process not the subject. So okay what is the subject? Sorry these slides are not very readable from this distance but the subject is the temporary specification. But that's also almost as confusing, what is the temporary specification? It's a temporary change to the agreement with the contracted parties so the registrar, registry and registrar accreditation agreements which are the documents that govern the relationship between – well basic, the relationship between ICANN and the contracted parties but specifically their conduct to how they run new gTLDs.

After a year the temp – so there's a provision that allows the board to change what is in those agreements but only temporarily. Like the board can't unilaterally do it and will accept this temporary process. So it's a special process where the board says all right I am going to take – the board is going to change the agreement yes?

Man: Again only process?

David Cake: Yes still only on process. So and after a year it expires, it is not replaced or reviewed by a community process. So the board can only overrule a

community temporarily. It reverts back in a year if the community does not, you know, approve or come up with its own version so it's very strict hard deadline hence they never previously used expedited P, the PDP process. This is also the only time we've ever used this board unilateral ability to override policy.

So we're still talking about process but not the actual subject. But I've got to say no you get two different processes that have never been used before being used together for the first time and they don't work very well together. We're very lucky the expedited PDP process was created a few years ago because the board was given this year and actually it's almost impossible to do a normal PDP within a year right? You literally just it has enough inbuilt review and comment processes and things.

Now the most important thing that a expedited PDP lacks, the biggest part there is no initial report. And so normally you would start a PDP by getting a staff to write a report about it examining the issues. And there is no – and that – then itself has to have a public comment period. So that would be like three months gone, you know, before you even start.

The history of issue. So the 80 – so the actual what are we actually talking about? The EPDP is about privacy of information stored in relation to gTLDs. So informally this is the Whois system. And they're technically replacing Whois, the protocol but there's whole also seeing about why are we involved in these processes would generally refer to things like the RDS or the – or the RVDS and other more specific terminology than just the Whois. And there's a whole SSAC document about that terminology.

The issue has basically persisted for all of ICANN's history in various forms. Like if you're a ICANN veteran this is the issue that never ends right? Basically ICANN people have been arguing about Whois forever right, literally as long as ICANN has existed. But most recently there was the next generation RDS working group that essentially failed to resolve this issue and

I was the vice chair of that group. So the board thought maybe we can fix RDS once and for all by starting this giant RDS working group. And the RDS, that group moved incredibly slowly due to being incredibly contested and large and unwieldy and various other things but mostly due to being incredibly contested.

Prior to that there's an expert working group effort by the board which was also an effort to basically rethink RDS from the – and Whois from the start but that was not a community driven process. That was a kind of board and organization driven process even though lots of community members run it. So there was a whole thing well that was interesting, that was a great start but we've got to rebuild it with community involvement which is sort of what the RDS group is trying to do.

And the PPSAI grappled with which is privacy and proxy services accreditation issues working group grappled with a lot of the same issues. Many (unintelligible) around Whois but at the same time review teams and, you know, basically this state – the everything involved in Whois and registration data and privacy has been discussed to death already. And we - we're still not really getting anywhere.

So why the EPDP – no clicker not working. And next slide. So the next slide oh yes, so the reason why it happened was the European Union General data Privacy Regulation came into force. The GDPR rules include potential fines for noncompliance. And Whois was clearly not compliant, so large fines were possible for ICANN and the contracted parties.

The next generation RDS working group not on track to achieve a useful solution though this was certainly looming in our mind it was much discussed. We just didn't succeed. And the reason the board dumped this temporary specification was it made ICANN and contracted parties compliant but it did so by simply redacting access so removing most access to data that many parties used right? So it was a simple this, you know, a simple but unpopular

solution basically and a lot of argument about whether or not it fully made them compliant. But it's certainly enough that for at least a year ICANN didn't feel it was likely to be sued or fined. The EPDP aims to achieve GDPR compliance but that's not by specifying purposes for data collection and to allow some access to that data in a way that's fully legal.

Next slide. So the EPDP process is a small strictly limited group. It – this was partly because it was felt one of the problems with the RDS group was it was big and open and had an enormous membership so they went in the other direction a balanced representation of all relevant groups. That included just to stop people trying to use, you know, use their alternates as extra members, had very limited engagement. So if an alternate like me you were only allowed to actually write to the main mailing list or be on calls on a strictly one person clocks out you clock in like, you know, it's like being a – it's like a football team. There was a few – if you're on the bench there's no way you were allowed on the field unless someone came off and a very short and strict time frame so huge workload on the EPDP core team.

These people are heroes right? They had multiple meetings a week face to face meetings that went for several days. They did a ridiculous amount of work. So everybody on the core EPD team deserves your thanks. If you see any of them from NCSG, you know, there's Farzi, Stephanie, Ayden, Amr, Tatiana. Oh, Tatiana was an alternate like me but no, she was very, very active alternate. She did many - she subbed in a lot more than the rest of us at the other alternate (unintelligible). And we all - but I mean the alternates were still quite a lot of work but compared to the - I mean the core team there's a crazy amount so everybody I think and I'm sure I've forgotten somebody because I counting...

Man: Milton.

David Cake: ...Milton of course. And Rafik, was also the vice chair of that so he was a neutral vice chair but he also - what?

Man: (Unintelligible).

David Cake: Oh yes and Yulf, yes. So all these people are heroes put in a massive amount of work. Rafik was the vice chair and is now the interim share and I think is feeling that very heavily so thank him for his service in particular.

Next slide. So where are we now? The EPDP team has delivered the phase one report. So they have replaced the temporary specification before it expires. Now that – they flagged that that temporary specification, the new specification will probably change at the end of phase two so we're calling it the interim specification but it's genuine. It's been developed by a community process so it's - it will – it lasts until we change it and it – and we no longer we're out of this temporary specification process. Phase one still has some stages to go through before board approval and implementation so it's not 100% done but the community part is done and probably won't change. Yes Joan?

Joan Kerr: Just a quick question, so I was reading this at 3:00 am in the morning two days ago the report, the final report.

David Cake: Yes.

Joan Kerr: Yes. And it's - what is it...

David Cake: One-hundred and eighty-eight.

Joan Kerr: ...188 pages. Is there an executive summary?

David Cake: There is. I mean it starts with an executive summary but the executive summary is still pretty long, still, you know, quite a number of pages. But I will try and give – go through some of the major takeaways in here. Next slide, oh no sorry not next slide. Phase two will begin soon. We're going to look at a lot

of the issues that we consider not - well in some ways essential but some of them just less urgent. Some of them not - I shouldn't have said less essential because actually some of these are incredibly essential where a look at a lot of the issues that are less urgent, the issues that were not covered by the temporary specification process so didn't - weren't on the same very strict timeline. It will go somewhat slower probably just because if we kept at the same pace for the next, you know, year some people might die. Well, you know, some people might drop out and, you know, otherwise have problems. It was a pretty harsh. I don't think - no one thinks the pace was sustainable.

Next slide. The phase one report so the way GDPR works or one of the ways it works as it limits the extent to which data can be used for purposes other than that it was collected for. Now we hadn't really specified in detail why we collected data in ICANN so we needed to do this. This is a vital part of the process was working out why we collected the data that we do and explicitly stating that we collected it for which purpose. And that is the only way you can - I mean legally really that's I mean it's not the only way but, you know, even to use everybody in the GDPR has to do this. You say I've collected the data for this purpose and this is what I'm going to use it for and you really need to inform people that that's why you collected it and so on.

There are always some ways in which data can be used for other purposes like law enforcement investigation or if it comes up in a lawsuit or something. But, you know, they're are very limited and, you know, and not intended to be used every day and regularly.

The phase one report defines what those purposes are. It also considers what all the specific data that we do collect and why we are collecting it, what has made public. It spends a bit of time on the transfer of data between registries particularly including emergency registries which are called EBERO in ICANN speak.

Next slide. So the first purpose, of the seven purposes probably the most important thing in the report and there's the things that I think - these are things that really needs to be some, you know, I think the board is seeking input on these. Purpose one is to activate a registered name, allocate to a name holder and establish the rights of the name holder in a registered name. So to actually of course they need to know the name of the person that is registered a domain in order for that person to be identified as the person who is registered the domain right? So that's pretty obvious pretty hard to argue with.

Purpose two, next slide is enabling responses to lawful data disclosure request to maintain the security, stability and resiliency of the domain system in accordance with ICANN's mission. Now they security stability and resiliency of the domain name system is definitely part of ICANN's mission. But what exactly is this enabling responses to little data to requests, how does that relate to security, stability and resiliency? It's actually pretty controversial this one because what exactly is – what - I mean lawful data requests are always sort of okay so it's a little bit weird.

And to maintain the security, stability and resiliency of the domain name system how - well what exactly does that mean? And the big issue here is a lot of companies who are third – a lot of people or parties who are third parties who are neither ICANN nor the registrant interested in getting a lot of access to data for these purposes in particular, these would be, the two biggest issues here are probably third party security agencies who want to do things like identify when they – basically when they find domain name that is bad in some way, like is being used as part of a scam or being, you know, the anti-phishing working group particularly was they're talking about phishing but there's a whole bunch of other things they want to find all the other things registered to that by that bad person or bad actor so that's an issue.

And also the intellectual property issues or intellectual property groups similarly they're like oh, this domain as being used for scam or to sell

counterfeit goods we would like to find out every other domain registered by these presumably bad actors. And the question is exactly how we do that. And if, you know, do – if we've - if it's decided the ICANN has collected data for that purpose well then we can give it out but if it's not that it becomes something where they have to actually have some legal process.

Raoul Plommer: Well what just comes to mind is that maybe instead of saying lawful data disclosure maybe it should be like law enforcement data disclosure.

David Cake: That absolutely would be something that would create would not get through the EPDP right, the GAC and the IPC in the Business Constituency would be strongly opposed to limiting it to all the law enforcement. Also if it was only law enforcement we wouldn't even put it in as a purpose because law enforcement can get a warrant. Next slide but yes so that one there's a lot of things to talk about. Purpose three to enable communication with a registered name holder on matters relating to the registered name. So it's a little bit more complicated than it first appears like can you do this – does this – when you talk about anonymity for example can you still writing anonymous access is that still providing communication? I mean the answer is yes but it's not as obvious as you might think. So basically ICANN or well someone who is interested in your domain can write to you, contact you.

Carlos Gutierrez: But who are you (unintelligible). We had the option of the proxy...

David Cake: Yes we had the option of proxy and privacy.

Carlos Gutierrez: Any...

David Cake: And that's why I said the proxy I mentioned the proxy privacy services accreditation issue as having been in many ways a trial run for some of these arguments that we've had over the – and that was what we've more or less said that proxy, privacy services and things like that do – they were considered in the EPDP. There's a lot of detail where they mentioned and we

said yes. If there's a proxy privacy service does that satisfy this purpose then I well yes it does.

Next slide. A purpose four, to provide mechanisms to safeguarding registered name holders registrant and data in the event of a business or technical failure. So this is one that put him specifically because there's a lot of ICANN processes around it. But it's basically hopefully most of the time will be invisible to the registrant. What this specifically is that ICANN uses and there'd plenty of detail about it exactly how this process works now and how it might be changed and what issues need to be considered in the report. But for now I'm saying this is one basically relevant to I think it's in the interest of registrants for that this purpose exists right, and in the details of which there are many are really up to ICANN and the contracted parties. They're not really something how it works, as long as it works. We're not, shouldn't be too concerned.

But just there's plenty of that in the report if you're interested. The thing here is this justifies use of data to escrow so not everyone knows that all registrant data, all of the information, in fact all registry data of any kind is escrowed right. It's put into an escrow service. Most people use a company called Iron Mountain which is a sort of globally known data storage place. And then if something goes wrong like the, either the, you know, for whatever reason bankruptcy, natural disaster whatever, the registry business shuts down the - that data will be transferred to what is called an EBERO which is an emergency backend registry operator which is basically a registry operator, a registry technical service so what we call a backend the technical part of a registry that is willing to in an emergency pick up a whole new gTLD or two and start serving them from escrow data. Do I have any questions on that?

Man: No.

David Cake: Next slide. Purpose 5 to enable contractual compliance monitoring requests and audit activities. This essentially means ICANN can talk to the contracted

parties and say give us information about – to show that you are actually following your contract. So again this is what's important for users to know it happens I don't – I think the details which again there are quite a few are really best left to ICANN and the contracted parties. So I'm saying this is one I don't think we would be likely to have much input into.

Next slide. Purpose 6 to operationalize policies for the resolution of domain name disputes so UDRP, URS – all of those sort of things. I think we all understand that you can't really have domain name dispute if you don't have any way of contacting the person you're disputing with so that's why this purpose is in there. And again there are details in there and we may want to look into them but I think we're all fairly clear this purpose needs to exist in order for the dispute resolution policies to actually work.

Next slide. And to enable registries to validate that a registrant meets the registries eligibility criteria. Now this includes specialized registry conditions, e.g., for like .lawyer. It they - basically if you want to register a domain in .lawyer well .lawyer it's that you are actually a lawyer. So if you as a company or an individual wants to register there it's valid for them to actually get some form of – documentation that you are a lawyer. That's just an example. The one very obviously that NPOC is going to have an interest in is .NGO which does - the difference between.org and had NGO or one of the differences is that .NGO does actually ask for some documentation that you're a valid NGO.

Woman: Yes.

David Cake: Next slide.

Raoul Plommer: Can I just say something? That's actually like because we're going to make supporting organization for NPOC is a legal entity that can actually register with the NGO as well.

David Cake: Yes, good point. Some other things that are in the report they don't rule out that they may add some limited further purposes. I don't think they will. The main was a purpose for OPTO, the Office of the CT - the ICANN Office of the Chief Technical Officer collect - at moment does some research on like domain like for example trends of domain name abuse across entire registries and things like that. The - there may be a purpose to enable things like that, there may not. I mean my feeling is there probably won't be but we'll see how it goes because the push for it doesn't appear to be coming from OPTO themselves.

Some field, it goes, the field, the report goes through current fields that we collect just like field by field and some fields are made optional, I think add some, I'm not sure potentially. It certainly makes the technical contact sort of explicitly optional and a few other big changes particularly this quite a lot of changes to how we handle technical contacts and things like that.

It recommends a lot of changes or necessary views to other consensus policy so the EPDP itself can't do that. It's outside its charter to go messing around with other existing consensus policy but it can recommend, but it has recommended that a lot of those existing policies need review. And that might be a small review. It might be just going through and going, you know, like changing terms like technical contact where they appear but it might be a large review in some cases.

Next slide. What is it in the report? It did not recommend changes to data validation which was so it didn't recommend the way we change - I mean there's obviously a lot of things in report that this is one that sprung out at me as being relevant to discuss.

Next slide. Phase two what are we going to do? Mechanism for lawful disclosure of nonpaid big data nonpublic data. So an access model is what it's also been referred to. So basically discuss at the moment so since the temporary specification came in if you want to get access to the data that is

redacted you essentially write to a registrar and on a case-by-case basis they will decide - basically they will decide. You know, there's not many guidelines to how they will decide.

And there's been some quite a lot of disputes and people claim and the registrars have not been giving out enough data or the registrars claiming actually all these people asking for data really just Facebook and it's doing it very badly and other sort of things. There's a lot company called AfterText employed by Facebook.

And so on – so it there's been a lot of well more, certainly a lot of heat as well as light on that issue so far but there's also a thing called the Technical Services Group have issued a report where they basically give a technical design for such a mechanism. There's a lot of then I personally think the - and quite a lot of other NCSG people think they Technical Services Group made a big mistake by making a lot of assumptions that were policy-based and policy has yet to be decided. So they've produced a model which is sort of a strawman not a – will never be implemented yet. Carlos?

Carlos Gutierrez: I fully agree with that. And another comment that I heard from the Contracted Party House is that there is no clear separation with between two issues. The first issue is who can get access I mean the qualification who gets access. And totally separate issue is how this access is processed or technically and they say it has been mixed up there and...

David Cake: Yes...

((Crosstalk))

Carlos Gutierrez: ... It lacks this clear separation of who qualifies and then how do we do it?

David Cake: Yes I think and that particular – there's quite a lot of issues in there. There's also issues of about can you do a sort of a, you know, a search, you know, I

want all information please give me all records matching the search criteria. There's - which is exactly what law enforcement and security groups want. The - there's issues about are all access equal like so, you know, if you - how do you - they haven't really done a good job of sort of going oh this sort of access only gives you scale as this.

We will - so the model is a problem and essentially it's while it's sort of an interesting - it's been an interesting technical exercise that will essentially have to be sort of rebuilt as the phase two work makes decisions on those underlying sort of policy things. It's also going to settle - now is this a big issue that I think - yes Raoul?

Raoul Plommer: Yes no please finish but then we have to move on...

David Cake: Yes, yes this is the last slide I think. Now this is a big issue that I think is going to be one for NPOC to look at which is this phase two is going to settle differentiation between natural and legal persons issue and how that affects things. And I mean there's is a lot of discussion can you just do checkbox? Can you, you know, what are - what disclosure and what difference in disclosure does it make and things like that? So there's a lot of discussion about whether or not you should differentiate, how you differentiate, does it change disclosure requirements or what is public?

There's a whole bundle there that we're going to dive into and I think that the issue of like nonprofit organizations so legal persons who are not commercial actors and have no kind of business requirement have not been considered enough in this discussion. So that's something I think we should focus on and perhaps put in a comment in the comment period. There are plenty more - maybe put a comment into the common in phase one but also actively sort of try to contribute to the debate here in phase two.

And there's plenty more in phase two. There's a lot of different things that, you know, go in look at the 188 page report and it will tell you all about and

I'm sure that we were report on phase two and it's, you know, once we actually get a clear agenda for what's happening there I'll let people know. I think that's the last slide so I think I'm done. Any questions?

Raoul Plommer: Excellent Dave, really good. I just want to mention two things that don't relate to the report is this is a European revelation. And some registrars have stopped collecting data and they have been sued by ICANN in German courts. So there are cases already ongoing because the superiority of Tucows decided to apply its own version and stopped collecting the Whois data which is a condition of the contracts that Dave mentioned at the beginning. And there has been no progress because German courts have decided that you should collect the least amount of private data as possible.

David Cake: And there it surprise nobody that a number of prominent ICANN personalities are involved in that dispute including Elliot Noss as the – from Tucows and I believe that the lawyer that they're employing is Thomas Rickert.

Raoul Plommer: All right can't really have any more comments or questions on that because we're really running out of time. We have one more item on the agenda which is the GNSO update. But before that I'd like to know who just joined us. Do you want to tell who you are? Can you just grab the closest mic and...

Julie Hedlund: Thanks. I'm Julie Hedlund from ICANN staff.

(Minas Fave): Hi. I'm (Minas Fave) Africa Representative in NCUC.

David Cake: Thank you. Raoul I have to insist this is the flavor of the month for the next year and we are starved for support like Dave and Yulf and Rafik are working overtime for that. This is urgent to get involved at all levels. Even if you just read the summary and write a line of command it is most important to most valuable time spent.

Thank you. I mean I cannot repeated but this is the flavor of the month for the next year.

Raoul Plommer: Yes I mean it was I thought that was an excellent summary. I was able to understand some of it. And so that would be the kind of stuff I think we should upload on our new Web site for others to read as well.

((Crosstalk))

Joan Kerr: It just it gave me a huge understanding.

Raoul Plommer: Yes so without further ado let's move on to the GNSO update. We have luxury three minutes on that one. Thank you. Oh yes was that Dave as well on the other GNSO items?

Joan Kerr: No Carlos was supposed to give us...

Raoul Plommer: Oh was it Carlos, you were going to update us on the other GNSO policies? Don't have to be long as the previous one.

Carlos Gutierrez: Yes we have a problem with the rights protection mechanism for IGOs and INGOs. The council is going to take a decision in April. If we go with the recommendations with all or only part of the recommendations or if we start a new PDP because nobody's happy and we don't want to send something to the board that it's not going to work. It okay so keep an eye of the council meeting in April because there might be some extra work there. Thank you.

Raoul Plommer: Okay well that was definitely short and sweet. I think does anyone else have any other business well, that they'd like to bring to our attention? Yes go ahead...

Thato Mfikwe: Thato and I don't think in two minutes or a minute I will be able to (unintelligible) so I'm not sure.

Man: You can try.

Thato Mfikwe: Okay. And so thanks for giving us this opportunity to engage in NPOC community. So basically I just wanted to provide an overview in terms of what the finance committee has been up to in the past 12 months or so. Basically I'm just going to talk about a few stuff in terms of the issues that we've been having, challenges and successes that we've been having. So number one, one of the main challenges that we've been experiencing within the finance committee it's a clear understanding in terms of the role of the finance committee and it's (unintelligible). And because according to the chapter of the NCSG the finance committee is responsible for accounting and audit functions within NCSG. And when you're talking about accounting functions we're talking about financial oversight and ensuring integrity of financial information as it is presented. But the challenge that we're having in regards to that accounting function is that we have not been obtaining a financial reports and because the NCUC which necessarily manages the finances of NCSG they do not submit any financial reports so it's very difficult for the finance committee to submit financial reports and participate.

Raoul Plommer: I'm sorry but yes we have to finish. I give you one minute so it would be great if you could give us or send us an email to the NPOC list identifying these issues. Maybe do it for the NCSG even because I – this is really quite important that the whole community of the NCSG needs to know. And other than that we already have the next people coming in the room so I think we have to wrap up and thank you for contributing to the NPOC Constituency Day. And I think it shows that we really have done quite a bit of work on the policies. And yes thank you, goodbye.

Joan Kerr: No, no, no quickly let's give Raoul a hand for his first chairing, yeah.

END