

Filiz Yilmaz:

Hi again, hello everybody. This is Filiz Yilmaz speaking, the lady behind the mic – hi. Welcome to the Policy Update session. This is the last session of today in this room, being a part of Newcomer’s Track. These are a series of informational presentations as we already mentioned in the morning to give preparation for those people who are experiencing first or second or maybe even third ICANN meeting but you still would like to know a bit more about what’s going on.

And now we have a Policy Update from our policy expert Rob Hoggarth, and I’ll leave the mic to him. And you can arrange for yourself.

Rob Hoggarth:

Great, thanks very much. Welcome, everybody, good afternoon. The next hour we’re going to run through, or at least you’ll see flash up on the screen 80 slides. Please understand, because this is maybe ICANN 102 compared to Janice’s ICANN 101, that you don’t need to digest all of it at once.

I’ve put together and my colleagues have summarized a number of different issues that are going to be discussed in various ways here in the meeting in the coming week, and the presentation is really designed to be something that you can go back and look at or familiarize yourself with an issue a little bit better. It’s essentially designed to give you something comprehensive; it’s not so much

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designed with beautiful animation, although I do have a couple photos in it that might make you smile from time to time.

Our goals today are really just to give you a general update about some of the substantive issues that are going to be taking place this week. We're going to talk about just general areas and issues that might be of interest to you, and I'm hopeful that if I time things right we'll have a couple of minutes at the end of the session for you to ask questions. For those of you who are not physically in the room but who are participating via remote participation, Filiz is managing that. So if you're listening to me somewhere other than Singapore or in another room, feel free to use that mechanism for sharing comments, statements or questions.

Janice did a great job of telling you what's going to happen this week and giving you an overview of ICANN and its structure so I won't spend a lot of time on that. There were a couple of interesting blog posts over the last 24 hours or so where folks identified "Here are going to be the top issues at ICANN in the coming weeks," and clearly there's going to be New gTLDs, the Abuse of the DNS Forum – those are all obviously the true hot button issues that are of great moment to members of the community, to members of the public. What I'm going to focus on is a little bit more of the substance and the bread and butter, if I can use the American colloquialism of what we do from a policy development process in some of the Supporting Organizations.

It's important to note that from a context standpoint I'm going to be focusing mainly on ccNSO and GNSO issues; also I'll talk



about one ASO issue. And of course for all of you in the room who were paying very close attention to Janice you already know what those stand for, so I don't have to go back and review those for you although I'll do little highlights as we get to each one.

In a sense, policy is developed by ICANN by the Supporting Organizations. The Advisory Committees in the structure provide the support of giving expertise, technical background. In the case of many of the recent substantive policy issues in the GNSO, for example, they originated in the At-Large Advisory Committee. So the Advisory Committees play a very important role in helping the Supporting Organizations grapple with some of the technical aspects or some of the broader policy issues, but it's truly the Supporting Organizations that are the engines of policy development.

It's also important for you to know that those Supporting Organizations don't set the policy. They make recommendations to the Board which then evaluates those recommendations and then makes the final judgment as to whether to approve those recommendations, but the entire system is designed to get input, get perspective, get ideas from every member of the ICANN community. That's the concept that you have heard and will hear many times – bottom-up policy development; the perspective and the concept that members of the community like you, like some of your colleagues are the ones who generate the ideas, generate the concerns, identify the potential problem areas. And so when we finally get to the point of talking about New gTLDs or other major



policy issues, they originated from individual members of the community or small groups of folks who got those initial ideas started.

We're going to talk generally, as I said, about some GNSO issues, some ccNSO issues. We're also going to talk briefly about the ASO, and I'm also going to mention one other issue that's got broader community impact as well. Let's talk about the ccNSO. Again, very general in terms of from a policy perspective. I'm going to touch on some of the higher points of the issue.

We're going to talk briefly about the Framework of Interpretation Working Group because that represents a significant area of work that the ccNSO is going to be involved in – some other activities, some of the panel discussions and some of the joint working groups that the ccNSO is involved in.

One of the primary issues that the ccNSO membership is concerned about, obviously, is the delegation and redelegation of ccTLDs, but it's interesting that in over ten years the framework hasn't truly been formalized or the principles exercised in a consistent or coherent manner. And so the purpose of the Working Group that the Board put together was to essentially create a framework for interpretation of a number of the terms and processes that are used when IANA does delegations and redelegations. And so the fundamental reason – “Why is it important?” It's to create and formalize a real consistent and predictable framework for decisions that everybody completely understands, that everyone is completely comfortable with. And



this is a long process that I think will start with the Working Group and something that will percolate.

In terms of this year, and this specific meeting here in Singapore, the Working Group is going to be essentially formulating its work plan. We've got representatives from just about every Supporting Organization and Advisory Committee who are participating as well as IANA staff, and they are going to be getting together this week and talking about what some of their expectations are. They hope in the intercessional timeframe to be able to build on that and be able to come back and show the community some progress in Senegal.

So if you are from the ccNSO community, you're interested in this topic, you should definitely include the ccNSO meetings in your track of interest. And particularly when you hear "FOI" or the Framework Working Group, this is going to be the area that you're interested in there.

Other areas that are important to the ccNSO this week in terms of their specific highlights is that they're still in the mode of working through implementation of "improvements" to the ccNSO. One of the regular aspects of ICANN life is a constant reexamination and reconsideration of the organization's processes, structures and mechanisms. This was built into the DNA of the organization over ten years ago, and the concept was that whatever processes we start with will be imperfect, and so it's very important to set up a system where on a regular basis we reevaluate those.



And in the ICANN system, what we do is we bring in an independent body to conduct a review of the various Supporting Organizations and Advisory Committees in ICANN. The ccNSO Improvements was one of those areas, and so the community will continue to be talking about implementation, and you may – in terms of the boxes, in terms of your understanding – hear some of the ideas and concepts that they’re talking about in terms of strategic planning, in terms of some of their committees and working groups. That’ll be in their box of improvements and process improvements.

Another area that’s very important as Janice mentioned during this meeting that happens every June, but is intended to be an annual process, is the Strategic, Operational and Budget Plans. And that’s a critical area of interest for the ccTLD community, and that’s something that they’re going to be paying a lot of attention to this week.

Something that you’re also very familiar with – the IDN work – we’re in the Fast Track now with somewhere close to almost I think 40 requests now for IDNs. It’s an important area that the ccNSO community is following, so there will be a number of different areas that they’re going to be working on this week that you’ll want to look for in their agenda.

Some other areas that our colleagues are helping to manage within the ccNSO we’ve got here on the slide – looking at the impact and relation of TLDs within a same geographic area; talking about potential competition, marketing and regulatory policies. There’s



an agenda item on the schedule of meetings for Wednesday in the afternoon, that if this is an area that you're interested in you'll want to pay attention to.

Again, as Janice mentioned, a lot of these sessions tend to overlap. It's just a reality of the scheduling at an ICANN meeting, and so the idea of the remote participation tools is that you'll have access to a transcript, a recording or some other record of the meeting so you'll have an opportunity to catch meetings that you may not have had the opportunity to do so in person.

A real important area that I'll touch on in this context that we'll revisit later is the whole Working Group concept, and it's something that individual Supporting Organizations and Advisory Committees engage in. But there are many issues in the ICANN universe that require these Supporting Organizations and Advisory Committees to collaborate on, and these are generally referred to as Joint Working Groups. You see the "WG" all the time because it denotes that there's a group of ICANN volunteers working on an issue; well, we've got Working Groups as SOs and ACs. We also have them as cross-community Working Groups.

The three topics that I've listed on this slide identify some of the major groups that the ccNSO membership is participating. There's the DSSA Working Group – this is focused on working on the future of security issues with respect to the internet and some real concerns that the ccNSO community has with respect to ICANN's role in that; and what's the general jurisdiction and approach that



we're going to take as a community to some of those issues. And so there's going to be some meetings of that group this week.

There's also this Working Group that's called the JIG because it's the Joint IDN Working Group that's talking about single character IDN TLDs. That's been an issue at ICANN for many, many, many years. This group has put together a lot of work. They put together a report for community and Board review, and so now they're awaiting reaction from various members of the community to that plan. I believe if I'm speaking correctly that both the ccNSO and the GNSO have reacted favorably to these set recommendations and so a next step is a higher level of review and ultimately review by the Board.

There's also a study group that I believe was created in Cartagena that's looking at the use of country names as TLDs, as top level domains. Currently it's in the study form. That group's also going to be meeting this week, so if you hear the concept of country names being TLDs that's something that you'll want to focus on.

The process can take a number of forms from a policy perspective. We can start things as a study group; we can start things as an issues report. There are a variety of different mechanisms that can bring an issue to light. In the context of a broader discussion, as you see with something like country names and TLDs that impacts both the generic names space as well as the country codes space, it's something where members of both communities really find it important to get together and to have those discussions.



The other confusing thing until – and I know some of you are experts in the field, but others who are just looking at things from a more general sense – you’ll hear things like “geographic names,” “country names” and other terms. At ICANN the community can be very precise, and from a policy development perspective we can be very precise about certain issues; and just a little twist in a name or just a little twist in the term of reference can mean a completely different topic.

So it’s very important when you’re planning your schedule or you’re looking at something that you think might be of interest to you, it wouldn’t hurt to get to the session a little bit earlier, maybe chat with the potential moderator or chair just to confirm that you’re in the right room or it’s the right topic. We do our best as members of staff or members of the community in the schedule to be very clear about what the topic is and what’s going to be discussed, and what the agenda is, but it never hurts to confirm.

This meeting, as well as some of our immediately preceding meetings, there are some real challenges in terms of changed agendas, changed rooms, things like that – that’s part of the reality of the ICANN meeting experience that you will become painfully aware of over time. So it’s always important to do that double check.

Also, and I apologize if I am generating any confusion: when you just hear me mention a city name, something that many of you I guess are also familiar with – we tend to identify our time at ICANN by not dates and years but by what meeting we were



involved in. And so I threw out “Cartagena,” you were not thinking it was back in October of 2010; or I say “Seoul” and it was October of 2009. So it’s a somewhat different mindset that many of us have.

And if they choose to do so you also see members of the community walking around with a little pin on their lapel which says they’ve been to 30 or more ICANN meetings. That’s also something that many of you can aspire to, but understand that we now only have three ICANN meetings a year; back in its early days, ICANN had as many as four, and in one or two years it was an increased number. So some of the early members of the community already have a jump on those of us who’ve joined late, so it’ll be hard to match that pin count.

Shifting gears a little bit now from the ccNSO, the GNSO is also one of the primary policy engines in ICANN in that the generic names space has a host of issues that have implications; and because of the contracts that registries and registrars have directly with ICANN, a host of different policy issues that can come in from different angles that affect that space. We’ve got over twenty projects currently underway that staff is helping the community manage, and a couple of other projects and drafting teams that don’t have staff support.

What I’m going to talk about in maybe the next eight minutes is this list of issues that you see on this slide. The GNSO Structure and Process Improvements – again, as I mentioned to you, the GNSO like the ccNSO has been through an independent review



process. Unlike many of the other ones, this was much more comprehensive. It was something that started back in 2007 and as you'll hear on Friday in some of the Board agenda items, it's still not completely implemented and completed, and it's taken a tremendous amount of community input and discussion.

They focused on five primary areas that you see on the slides: restructuring the GNSO, enhancing the constituency units, the different organizational structures in the community. What's critical I think that you want to be aware of from a relatively new person to the ICANN experience is #3 up there in the upper left-hand corner: adopting a working group model. It's something that the GNSO has been evolving to but was never specifically delineated in its operating rules.

This new concept is no longer taking very rigid assignments for task forces or for different working groups, but to create a much more open process where if you see that the GNSO Council has just adopted a new issues report or chartered a new working group, it basically gives you as a member of the internet community an opportunity to participate. You don't have to be associated with a specific constituency, you don't have to have been at ICANN for the last two years or ten years. You simply have to have the passion, the interest, perhaps the particular expertise on that particular issue; and you can notify the Secretariat of the GNSO and begin to participate.

It's not limited to whether you're in the GNSO. You could be from the ALAC, the At-Large community generally, from the



ccNSO, the ASO, anywhere. And the concept again that I touched on earlier is this idea of a bottom-up approach to policy development – making sure that as many possible people as are interested can participate in the real discussions, because as many of you know in your own professional lives, sometimes whoever’s sitting at the table or starting the dialog, they have an inordinate amount of influence in terms of the ultimate product. And so the concept is the more people that can be involved, the more people that can participate early on, the more vibrant the process will be, the more ideas and information that can be shared early.

The other major piece of the GNSO Improvements effort that was noted by the independent reviewers was this concept that not enough information was being collected. There wasn’t enough sort of rigid understanding of the facts or the perspectives of a particular issue. And so again, by opening up the process more, getting more people who are experts or understand it involved – and let’s face it, who are volunteering, who aren’t being drafted or volunteer themselves to participate – that can be a tremendous boon because the people who do participate will be committed, passionate, interested.

Because one of the overall things that you should all appreciate is that many of the people that you see on these Councils, that are in the working groups, that participate on the Board are devoting a tremendous amount of personal time; and not all of it is approved by their bosses, by their government, by their organization. And it’s really important that if you get involved in these processes that



you're in it for the long term, not just to participate in one or two conference calls but to truly participate – be willing to review draft documents, engage in conversations with community members. And so a commitment to a working group, a commitment to a constituency can be not just your name on a list but a significant investment of time as well.

So I could talk about any number of these slides for thirty minutes; I'm not going to do that. The latest news in terms of the GNSO as I mentioned there's this new set of working group guidelines. The other major area that's of interest, particularly to Board members and GNSO members is a new PDP. There's a PDP in the ccNSO, there's a PDP in the GNSO – it's the policy development process. It's the bylaw-mandated process that the Supporting Organization goes through to reach a recommendation for the Board.

And while it's very important what the final decision is that the ICANN Board makes, it's equally and sometimes even more important that the process that exists – and whether it's a working group or a PDP or something else – but that the process is one that all members of the community can believe in and that they can be committed to; and that you have a certain comfort level that it's consistent across the Board or that at the very least, if it's not consistent, that you understand it, that it's transparent – that the members of the process are accountable in some way, shape or form to the broader internet community or to their individual piece of the community.



So it's very important that the rules that we have in place are clear, that everybody's aware of them; that they're fair and make sense. Now, there are many members of the community that agree there are improvements they could make to every one of these processes. It's a constantly evolving, changing sort of dynamic in the community, and so that's why we conduct these reviews.

The policy development process – the PDP in the GNSO – has had a working group looking at the evolution of that process, the revisions to that process for two and a half years. So they're pretty much done with their work. They're at the stage where they have sent their report of recommendations to the GNSO Council. At their work session yesterday the GNSO Council discussed some of the details of that, and after this meeting there will be a public comment period for the community to evaluate and comment on those rules. By way of perspective, that working group and work team that was putting together those rules has already been through two public comment periods so this'll be the third.

So again, it's this concept of agreeing to something, asking the community for feedback, agreeing to it again, so there are many opportunities even if you choose not to devote time and resources to an individual working group or work team that you can still comment on that when the opportunity presents itself.

Something else that's important from a communications standpoint that we have struggled with at ICANN for many years is how we present some of the ideas and concepts. I'm not going to ask for a show of hands but I'm sure many of you have been challenged by



navigating the GNSO website or the ICANN website, for example: “Where do I find something? Where do I go for a particular document or to learn a process? The calendar, the schedule...?” What you learn over time is that when you finally stumble on a particular resource you learn to bookmark that very quickly so you don’t have to go through that tree again.

Well, the good news is the GNSO, ICANN generally, are working – community, staff – to improve all of those connections, all of those resources. And what you see on the page up on the slide is an example, sort of a mockup of what the new GNSO.icann.org page will be. There’s also an effort underway to completely revitalize the overall icann.org page, so relief is coming but these things take time.

In terms of structural developments, what you are going to hear in the meeting this week, there are four items on the Board agenda that are related to the GNSO Improvements. They’re primarily structural in nature. They are creating a new process for constituencies to come into being – those are groups of ICANN stakeholders who have a particular area of interest, a particular structure, who want to organize themselves within the GNSO. There are a number of resolutions about some charters for some of those groups; and as I mentioned there are going to be some further discussions this week about the PDP recommendations and the rest.

Again, I won’t belabor that with you. For those of you who end up downloading these slides I’ve got links here that give you



examples about where you can access the Public Forum materials, so how you can subscribe to some of the RSS feeds and other ways so that you can have information directly delivered to you, not only about the GNSO but the ccNSO and other organizations.

I told you I was going to be talking about individual SOs and ACs, but we also talked about the concept of Joint Working Groups. And one just general issue that I wanted to alert you all to is about two years ago the Board created a working group to review ICANN's geographic regions framework. One of the lynchpins of the ICANN concept and process is diversity; the concept that ten years ago was truly just geographic diversity: "Are we making sure that the organization has participation from members of the community from all corners of the globe?"

And the structure that was created at that time was a relatively simple one, saying "Let's follow certain UN guidelines in terms of how the world is divided up; and then let's make sure that we have the adequate number of participants on the Board to give the community some comfort and sense that a decision is the result of a decision and input from a number of different countries and regions around the world. That has evolved over the last ten years, and about three years ago members of the ccNSO community came to the Board and said "There's a timeframe. You have to review this process just like every other process at ICANN, so it's time to take a look at it, and it shouldn't be by just one group – it should be by everybody."



And so the Board created a working group to look at the geographic regions framework and how it was being applied across the various organizations within ICANN. That group has already been through an issues report and an interim report. They are currently now in the stage of discussing recommendations that they will make to the Board of Directors. We're probably still about nine months away or maybe a little bit longer from a final report that is delivered to the Board because there are a number of review steps that still have to be gone through.

But I raise it because the interesting aspect of this is that the Working Group has concluded that diversity based on geographic grounds is not the only way to look at diversity. There's language diversity; there's cultural diversity. There are other ways for ICANN to look and try to ensure that there is full participation in DNS-related policy decisions. And so this is an area that all the SOs and ACs are going to be asked to comment on. Just because they sent representatives to participate in this Working Group doesn't mean that they'll agree with some of the final recommendations.

But it's just I think important to appreciate that there's this broader concept and this evolution in terms of how ICANN is looking at itself, and so it's something that you'll want to pay attention to; something that's going to be particularly important if you feel like your country or your region isn't being properly represented at ICANN; and how you can balance that desire for diversity with the recognition that we are not a huge community.



One of the reasons why Janice is so excited that many of you are here, that many of you have applied to be here, that some of you are here for the first time is because... Let's face it – we don't measure the ICANN community in the hundreds of thousands; we measure it in generously the thousands. And everybody can't participate all the time so the more we can reach out, the more minds that we can collaborate with and collect, the better again the policy decisions will be because they will be more informed because more people will be participating.

And so this is a very important concept and principle that I thought particularly for those of you more fresher to the organization, it's important for you to understand and to continue to promote within the ICANN community. So please, keep an eye out for that.

The next ten minutes or so I'm going to be talking about, and just highlighting some very technical and precise issues, and I'll do my best and it won't be hard because I'm not a technical person myself, to talk to you about the issues generally. These are in many respects some very specific contractual issues or process issues, and that's fundamentally what the GNSO and ccNSO do for most of their work. It's "Is this contractual provision being interpreted correctly? How is it being applied? Are the registrars and registries following the policies that have been outlined by the community?"

If you're from a ccTLD or in the ccNSO community, you don't have quite this level of rigor or focus on you because you don't have quite that same area of contractual concern. And what's



interesting, just by way of background, is in the case of some of these issues, members of the ccTLD community have already resolved some of them or already have some ideas or concepts that were never even linked to the ICANN policy process that takes months or years to complete. And so in many respects members of the generic name space can actually learn from the experiences of their colleagues in the ccNSO space.

The first item that I'll touch on, and again, you're going to probably see and I'm going to flick through a number of these slides pretty quickly – use these for reference. I mean I'm not going to get into all the details. Some of my colleagues went a little overboard in some of the explanations, but it is important. If you ultimately want to delve into these issues you need to know that and more.

But just in terms of highlights I'm going to give you a flavor: Intra-Registrar Transfer Policy Part B – not Part A but Part B. The whole concept is how do registrants' domain names get transferred between registrars for a variety of reasons – competitive or business concerns, or dissatisfaction with how something's being managed. There is a process, there is a policy for how this type of transfer is supposed to take place, but again, in the concept of the ICANN DNA there's this idea that you need to review processes on a regular basis.

So literally, I think it was about three, four years ago the GNSO began this process, and it began to break down the various parts of the IRTP – the Intra-Registrar Transfer Policy. They began to



break it down and what they found out is they couldn't handle it all as one big PDP. Have you noticed by the way how you're all now internalizing things like PDP and IRTP – the acronyms eventually come pretty quickly.

But what they discovered was they had to break it down, and so they didn't break it down into two pieces or three pieces; they broke it down into five pieces and they're just wrapping up the second piece – IRTP Part B. This area is focusing on more the concern about quickly getting back or overcoming a transfer that was inappropriate for any number of reasons – it was hijacked, there was a mistake or something else took place. And there are a number of things that registrars do with locked status and things like that that prevent some of these processes from moving forward smoothly.

And clearly, what some members of the policy development process saw was that there wasn't consistency on some of these issues because they hadn't been fully scoped, or folks hadn't faced some of these concerns before. And so this PDP effort, Part B, initiated back in June, 2009, is now in June, 2011, at the point where they've got a final recommendation and a final report. The final report was just circulated the end of May; the GNSO Council is going to be looking at it. There are nine recommendations in just this one piece. The GNSO is going to be evaluating those. I don't think they'll have a motion this week, and by the way the GNSO Council meets on Wednesday of the coming week, but it's something that they're talking about.



Again, what is the process? A final report gets generated, then members of the community have an opportunity to review it, comment on it. Then the GNSO Council acts and makes a decision. Depending upon whether it's something that impacts the bylaws it may or may not go to the Board. I honestly at this very moment can't tell you whether that would end up going to the Board and then adding another three months onto the process.

I'm going to skip the recommendations themselves. They're fascinating if you know what locked status is and reasons for denial and the rest, but I'm not going to subject that to you here. The important next step of course is once IRTP-B is resolved we'll get going on IRTP Part C; and if you want to know more about it when you download this I've got a whole bunch of links. And just because I'm being somewhat light in my tone, appreciate this is serious stuff and there are only a small number of people who are really the technical experts about this.

Practically, one of the reasons they had to divide it up into five different pieces is you couldn't have the same people devoting themselves fulltime to ICANN and resolving this. And so again, that's part of the general issue, that the more we can maximize participation by the community, the more people that can participate, the more they can get done in a faster amount of time. But one of the challenges simply is that there are not enough bodies and enough time to go quickly through this, and in many respects that's not an appropriate way to develop policy anyway – you don't want to rush through things; you want to make sure that



you're making decisions based upon solid facts, on full consideration and maximum diverse participation.

The next fun topic: post-expiration domain name recovery. This is what happens when a domain name expires – how do you get it back? That can be a concern for many registrants: some people who don't post to their blog all that often, or somebody else managed their website for a period of time and there's no longer that relationship, and someone didn't realize they had to renew. And my goodness, what happens when the domain name expires? What's the process for letting the registrant know? Is there a process for letting the registrant know? How many days should it be? How do they communicate that? What is the standard process for managing the DNS in terms of those domain names?

It's a tremendous issue, particularly for registrants, and within our GNSO community there's a tremendous participation by what we call non-contracted parties. So it's not registries and registrars; it's members of the business community, it's members of the non-commercial community. And so these are issues that have a substantial impact on registrants and users of the internet. And so that's why this scenario is of some importance.

Same issues, very technical, very specific; only a certain number of people who can work on this so you can't do everything at once. Another example, and this looks to be a common theme: "When was it initiated?" The PDP was initiated in June, 2009; initial report published in May, 2010; final report, 21 February, 2011. So again, you see there's a certain arc to these processes. It simply



takes a certain period of time to review this type of issue, and so it's something that has taken a considerable period of time. It's going to be in front of the Council on the 14th of June, and they just had a discussion in their last meeting and actually just had a briefing on it. So there'll be further discussions and I think you'll hear a little bit about this issue at the GNSO Council meeting.

I'm going to skip my IRTP slide which was a little bit out of order. Again, more recommendations from the group – as you can see, they can become quite voluminous. Just by way of perspective, although the IRTP Part B Group had nine recommendations, the PEDNR Group has 18; the PDP Review Process Group that I mentioned earlier had 47. So depending on the issue and depending upon the rigor of the community you can have quite a few areas of additional review or potential improvements.

So for next steps, this will need to be approved not only by the GNSO Council but it is – and I'm not going to get into the details of this – it becomes a consensus policy recommendation. That's one of the types of policy recommendations that the Board of Directors has to review and approve. So when you're talking about something in this rubric it does affect the contracts, it does affect the processes that the gTLD registries and registrars have to commit to, and so this will be something that ultimately goes to the Board. If this is a topic of any interest to you I can point out to you individually or I've got links in the presentation to more information.



A general area that's not yet a PDP is consideration for how to just generally operate and deal with names, and particular processes where bad actors abuse the system. And a current initiative underway within the GNSO that's primarily under staff direction is a concept that says "Let's, at the very least, if we can't agree as a community on specific rules or processes, can we at least come together and recommend some best practices for how registries or registrars can conduct their business that will help minimize the opportunities for abuse; or find ways to immediately respond where there are areas of abuse or other areas of concern?"

So currently the staff is working on this. This all came from a recommendation of a previous working group, in this case the RAP Working Group – Registration Abuse Policies – and the GNSO Council said "Yeah, this looks like a good idea. We should pursue the best practices concepts, so staff, put together a paper on that." Staff got together and said "We need more input," and so the members of the team who are working on this are using this meeting, this Singapore meeting to get further feedback from members of the community.

There's going to be a workshop on the 23rd, and so if this is an area that you're interested in or could offer some perspective or expertise, it's certainly something that you can be aware of. There aren't going to be immediately best practices generated from this but the process is underway and it's something I think that you'll hear more about in the future. I think that one of the issues that members in the community have is going to be, though, best



practice versus something that's obligating registries and registrars to do something – is that enough?

One of the dynamics of the whole policy process that members of the community face is that we have a very diverse community; particularly in the GNSO it's perhaps the most diverse in terms of interests. You pretty much know who's going to be a member of the ccNSO, you pretty much know who's going to be a member of the SSAC, the Security & Stability Advisory Committee. But when you talk about the GNSO you've got contract parties – the registries and registrars; you've got non-contract community that's very diverse – commercial interests, non-commercial interests, folks who are divided up by are they more interested in intellectual property versus issues unique to the carriers who deliver these services. And so you have a real dynamic of different viewpoints.

And another area that you should be getting comfortable with in terms of ICANN is, one of the underlying philosophies is more of reaching consensus than just counting votes. So as we talk about renewing or changing some of these processes, the idea is as we develop policy that we don't add everybody up and "Great! 51% versus 49%," and you have half of the community storming off or being upset, or saying that ICANN doesn't operate effectively or whatever. It's a much longer and difficult process to say "Let's sit down at the table, let's try to achieve a consensus. We understand that it won't be unanimous but let's get to 80%, 90%, 95% if we can and reach a consensus position that generally everybody can support or at the very least not all object to."



And so it's a different dynamic. When ICANN started things were much more vote-driven, and so people would do the politics. They would look very carefully at counting the numbers, and "Oh, what do you think and what do you think?" whereas now it's a principle and a goal – it's not achieved in every issue – but a goal of really trying to achieve consensus, really trying to listen to every point of view. And what I can say in terms of observing things from a staff perspective is that it's generally working. I mean there's a human dynamic; there's an element that comes into play that says "Yeah, let's try to find a common ground rather than just trying to game the system and 'I win, you lose.'" And so I think that a best practices-like system is something that is consistent with that at the very least.

An issue that you're going to be hearing a lot about this week that I've seen a number of blogs about, already some controversy about staff's recommendation on this matter is the UDRP – the Uniform Dispute Resolutions Process. Some of you may be familiar with this. Basically what the GNSO Council asked staff to do was say "Gee, we haven't looked at this literally since ICANN was started. Let's conduct some studies, let's look at whether the UDRP should be reconsidered, modified, improved or whatever." And so staff was told to go out and develop an issues report to cover a variety of issues, and they're up on the screen.

Part of the process has been a webinar that if again, UDRP interests you and you didn't hear about the May 10th webinar, the transcript, the recording of the webinar is on the ICANN website.



I can help you navigate to get there because it might not be immediately apparent where it is. But basically the concept was to start the dialog and to get input. Based on all that various input, the staff team working on this concluded that while the UDRP is widely recognized as a success – and it says here as we see over 30,000 complaints that were resolved through the process in some way, shape, or form – that there are various opinions on it.

The consensus was interestingly enough that a PDP could undermine the effectiveness of the UDRP, and so what staff ultimately recommended was against initiating a PDP at this time. It's something that the Council's going to be looking at; it's something that many members of the community are commenting. There's a divergence of views. Again, taking you back to the PDP in the GNSO, this is an example of an early stage. Some of the things that you're seeing happening in Singapore this week reflects the discussion of a final report, the Board acting on a final recommendation. This is an example of something that's very early in the process, and part of the PDP that exists now is this preparation of an issues report.

Basically what the GNSO Council asked is “Staff, look into it, give us your opinion.” The Council can say “Thank you for that opinion, we disagree – now we're moving forward with a PDP,” and the threshold is not very high for establishing a PDP. So if there's a particular group in the community who feels very strongly about the issue, they can just say “Well thank you, staff,



we appreciate that. We're now initiating a PDP. We appreciate that input and that perspective but this is very important to us."

And so that's a dynamic that's going to be taking place certainly this week in terms of community discussions but the staff report is on public notice. And so if you have an interest in that issue, if you have any familiarity with UDRP and have a position, there is currently a public comment forum in which you can file comments up through the 15th of July. After that point all those community comments will be summarized for the GNSO Council and they'll make the decision.

But again you see, even at the early stages of a policy development process, even before it's begun, there's this dialog – there's the input from the community to set some baselines and reach some common understandings: "What is the issue and should we deal with it? And then if we deal with it, what should be the purpose of this exercise? Are we going to change it, are we going to modify it?" All this will be outlined in a charter that ultimately the GNSO Council creates if a PDP starts.

WHOIS is an issue that's been of interest to various members of the ICANN community for many, many years. I'm not going to talk about WHOIS merits or demerits. For purposes of your understanding on this item, understand that basically members of the community, some who are on completely opposite sides of the fence – "WHOIS is great," "WHOIS is terrible," "WHOIS is being managed well," "WHOIS is being ignored" – have said "To continue these debates and to really have a common understanding



of some of these issues, we really need to do some more factual inquiries. We really need to do some studies to understand better how the WHOIS system is currently working or not working, what are some of the issues involved.”

And so the GNSO Council authorized staff to conduct some initial discussions with and look into what sort of studies would help inform the WHOIS debate better? And once those were identified, then should we actually do the study? Let’s learn more. Can we identify vendors? Are the issues that we’re talking about even capable of fact collection? How do we do this? This was all something that the GNSO Council decided in 2007. They said “We should have studies.” It was only until late last year that the first study was actually approved, so again, you see a rather long process in terms of the community agreeing to something and actually being able to implement.

There are currently four studies under consideration or being conducted right now, and given the time that we have I’m not going to discuss any of those in detail. One of my colleagues Liz Gasster is an expert at this; I’m smart enough to be dangerous about it so I’m more than happy to answer some of your questions about it as well, but the four main categories are the misuse of public data – I’ve got them up on the screen here – registrant identification, abuse of the proxy privacy system, and proxy privacy relay and reveal.

The first three have all been authorized by the GNSO Council and are in various stages, either actually underway as in the case of the



misuse study, ICANN working with folks from Carnegie Mellon; or we're in negotiations with independent vendors who are going to do that research for us. The last one, proxy privacy relay and reveal, has not been approved yet and the staff is still conducting some inquiries for the community there.

The one final thing that I want to mention about WHOIS, and then I'm going to run through a whole bunch of slides that you'll see flip on the screen, is that the community was also interested in understanding WHOIS service requirements. And so the staff has been conducting a survey on that, identifying a whole set of different issues; really again interested in just a very factual consideration of what's happening with WHOIS now, who's doing it, what tools are being used.

And so even on – and this is the macro message here: even on an issue where we have folks on diametrically different sides of an issue, where a vote or even consensus is going to be challenging, there's an effort that's being made to bring the community together at least on common factual grounds where the debate can take place in an area where folks can “Well, we can agree that this is white. We can agree that the following statistics show us what is going on currently in the industry,” and that's really important and really I think shows a willingness on the part of the entire community to really again look at an issue with great interest and focus and not feel like they were subjecting themselves to just politicized debates or making decisions based on lack of



information. And I think that's a very useful way of approaching things.

So those are the slides I'm skipping through because otherwise we'd be here for another 45 minutes. The third major policy organization within the ICANN universe that operates somewhat separate from the ICANN organizational structure is the ASO. Most of the stuff that we work on from a staff policy development perspective is the names portion, right? But it's the Internet Corporation for Assigned Names and Numbers, and the ASO is the body that really focuses on the numbers. When you hear about the exhaustion of IPv4 we're not talking about names, we're talking about numbers. When you're hearing about the new IPv6 it's numbers.

And so there is a completely different structure outside of ICANN that works on that, the RIRs. And again, if you download this you can get a much bigger background on the ASO, how it's structured, how it's managed by the NRO. The bottom line in terms of what may be discussed at this group's meeting on Wednesday – so you may want to consider putting that on your agenda – is what is the global policy right now for recovering IPv4 addresses, because while that space and those numbers have gone through the exhaustion we're now in the post-exhaustion phase. What happens when some of those numbers get returned? What happens to what they're calling recovered IPv4 post-exhaustion?

Basically they're on sort of the third round of trying to decide what an appropriate policy would be. They've gone through two other



rounds where that part of the community could not reach consensus. It's a much different sort of structure in which each one of the five RIRs has to agree and sign off on a particular proposal, and if any one objects or it doesn't work out you sort of start over again.

So right now two previous proposals didn't make it all the way through; there's a third proposal which would talk about a finer way of dividing up the returned numbers to go back out in a fair manner to all the regions of the world. And so that's something that the ASO is actively discussing within its individual RIRs and it's something that they're going to be discussing in general at their session here in Singapore on Wednesday.

Now let me devote just a couple of minutes to how you stay updated. I've inundated you with a fire hose of information and issues that's impossible to absorb, or if you absorb it you walk out of the room and five minutes later go "Yeah, uh-huh – he talked for an hour but what was he talking about?" So one thing that you can use is again, the ICANN system. We're constantly working to improve it by getting out information to you on the status of all of these issues.

The one thing that we've got a very solid schedule for now is our monthly ICANN policy update produced eleven times a year. It comes about the middle of each month. We've got it translated into all six UN languages. We're working harder and harder on making sure that the non-English versions of the document come very closely after the English version of the document, so this



update's available in Arabic, Chinese, English, French, Russian and Spanish. You can subscribe to it on the ICANN webpage, it's free. You can get it delivered immediately into your inbox. We've got it set up so that you can just click on the issues that you're interested in and immediately jump to those articles. They're not designed to be deep treatises on the topic but just an update, but with links that can give you background information.

And generally the document on a monthly basis runs about 25 or 30 pages. You might have five or six that you're interested in, but it's an excellent tool for you potentially, is if you want to brief a colleague, if you want to brief a boss or a senior person, it gives you a nice quick sort of overview of the issues. We don't copyright it – if you want to do some cutting and pasting feel free – but it gives you sort of that background, allows you to come up to speed on an issue; and otherwise if you're familiar with it, it gives you the latest and greatest. And so I've got the link for that up there.

The other thing I've already mentioned – we're working really hard to improve the websites. One of the tremendous improvements that we've just done the full conversion over to is we operated under the SocialText Wiki system for a considerable period of time; we're now under the Confluence system, and it's something that a lot of the working groups are going to be utilizing. Again, it's designed to be open. If you're interested in an issue – and even in this presentation I have links to a number of the Wikis – it allows you to quickly be able to see the real raw data, the drafts of the documents that the members of a working



group are working on; seeing when their next meeting is, seeing what the agenda is. You missed a meeting three months ago? You can go back and see what the agenda was and what they discussed what some of their to-do's were.

So that's going to be a very useful system because not only will you be able to do that but as you all know, with a Wiki environment it's much more search friendly. So you can put in acronyms or search terms and maybe help you in terms of research or again, providing information to colleagues or bosses that you think are going to be important.

When you get this you can look and see more information on our staff, 16. We are all around the world. We literally are working 24 hours a day, not individually but in any one of those blocks of time there's at least one of us awake and doing work. We've got an address – policy-staff@icann.org – and we've got one person assigned just to that email address, so if you send an inquiry to that, and once she's sorted through all the spam about Italian bicycles and various medicines from Canada we'll get your message and be able to respond.

Of course if you're interested you can come up at any time to Filiz or me, get our email. Janice did a really good job – Robert.Hoggarth@icann.org. We all have fairly navigable email addresses, and every day we're more than happy to talk with you, answer questions, correspond, whatever.



So thank you all very much. I used up the whole hour but I'm happy to answer any questions you have, or if we run into each other in the halls over the next week I'd be happy to help out there, too. Thank you all very much.

Filiz Yilmaz:

Any questions? You can ask now. Otherwise we will close the session and the day of Sunday as being the Newcomer's Track. There are other sessions going on. There will be a Board meeting in the main room actually as the next thing that you may find interesting.

So yeah, one last announcement – just please continue dropping by the Newcomer's Lounge. There will be people there up until Thursday or Wednesday, Wednesday – we are running it up until Wednesday. They are there to answer your questions about specific things, about anything, and yeah, thanks for bearing with us so late in the afternoon. Thank you.

[End of Transcript]

