Monday, November 18, 2013 – 12:00 to 13:00
ICANN – Buenos Aires, Argentina

MATT ASHTIANI: Hi all. If everybody can please take their seats, we'll be starting the meeting in about 60 secods. Jean-Jacques, are you connected?

JEAN-JACQUES SUBRENAT: Yes, I am. Can you hear me?

MATT ASHTIANI: Can everybody please mute their speakers to their computers?

JEAN-JACQUES SUBRENAT: There's a terrible echo, isn't there?

MATT ASHTIANI: If somebody's… Yes, we can hear you now.

JEAN-JACQUES SUBRENAT: Good. Matt, can you tell me when you want to start?

MATT ASHTIANI: We're ready when you are.

JEAN-JACQUES SUBRENAT: Okay. Can you put up the Agenda on the slide or in the notes? Hello?

MATT ASHTIANI: Yes, Jean-Jacques, we'll upload the Agenda right now.

JEAN-JACQUES SUBRENAT: Okay. While you do that, could you take the roll call please? [audio interference]

MATT ASHTIANI: Yes, we'll start right now.

JEAN-JACQUES SUBRENAT: Sorry, I was saying for this kind of meeting you don't need quorum, so we can start. Wow, Argentina is far away.

MATT ASHTIANI: Sorry for the connection. We'll now begin the roll call. [Amani?], can you please start again?

[AMANI?]:   Hi, it's [Amani?] from [NUA? 00:37:14].

GARTH BRUEN: Garth Bruen, Chair of NARALO.

AZIZ HILALI: Aziz Hilali, AFRALO.

[YULA MORENES?]:   Hi, [Yula Morenes, 00:37:26], EURALO Secretariat.

WOLF LUDWIG: Wolf Ludwig, EURALO.

CARLTON SAMUELS: Carlton Samuels, ALAC.

MAUREEN HILLYARD: Maureen Hilyard, PIC ISOC.

HOLLY RAICHE: Holly Raiche, ALAC.

ELLEN STRICKLAND: Ellen Strickland, Internet New Zealand.

EVAN LEIBOVITCH: Evan Leibovitch, ALAC. Grateful for the timing.

MATT ASHTIANI: Matt Ashtiani, ICANN staff.

SILVIA VIVANCO:	Silvia Vivanco, ICANN staff.

JULIA CHARVOLEN:	Julia Charvolen, ICANN staff.

HEIDI ULLRICH:	Heidi Ullrich, ICANN staff.

JEAN-JACQUES SUBRENAT:	Jean-Jacques Subrenat, ALAC. Evan, if you're there…

HEIDI ULLRICH:	Jean-Jacques, sorry, this is Heidi. We have a few more people on the table.

JEAN-JACQUES SUBRENAT:	Sorry.

ATCHA WATALA:	Atcha Watala, AFRALO.

[CARLO]:	[Carlo F? 00:38:28], ALAC LACRALO.

GLENN MCKNIGHT:	Glenn McKnight, NARALO incoming Secretariat.

JEAN-JACQUES SUBRENAT: Right, I was about to say – thank you everyone – Even, could you start the proceedings because I only have a very small screen and I don't see the whole outfit so I can't see anyone. I don't know when people are making signs or wanting to speak. I'll take Item #2, but could you lead off on Item #1 please, Evan?

EVAN LEIBOVITCH: Actually, Jean-Jacques, before we go ahead with that, there are other people in the room, who are not seated at the usual U-shaped table, and I'd like to find out and get an idea of who we have joining us. We'll start over on this side? There is a roving microphone.

[DENISE ROSSALOT?]:   Hi, my name is [Denise Rossalot? 00:39:33]. I come from Santiago, Chile. I work for Mercurio, which is a newspaper.

[PILLA?]   Hi, my name is [Pilla? 00:39:45]. I am a colleague of Denise's. We work at Mercurio, which is one of the biggest media groups in Chile. We are attending the meeting.

[PHILIP]:   [Philip? 00:39:47] from Belgium. CcTLD and gTLD operator.

[PATRICK MARLS]:   [Patrick Marls?] from CENTR, Brussels.

[FOLA]:   My name is [Fola?] from Nigeria. I work for NITDA – National Information Technology Development Agency.

[CARL CHAD]:   [Carl Chad 00:40:16] from [inaudible], Argentina.

[EDUARDO]:   [Eduardo?], the [Centre of? 00:40:24].

[GABRIEL]:   [Gabriel? 00:40:26], Argentine Government.

[YUSSEF]:   [Yussef?], investor of Ghana, [inaudible 00:40:35].

[MEHMET]:   [Mehmet?] Chad. [inaudible 00:40:46]

SIVA MUTHASAMY: Sivasubramanian Muthasamy from ISOC India and At-Large.

UNNAMED SPEAKER: [inaudible 00:41:02] from Argentina.

UNNAMED SPEAKER: I am Mr. [inaudible 00:41:11] from Nigeria. I work for the Telecoms Regulator in Nigeria, the Nigerian Communications `Commission.

EVAN LEIBOVITCH: There are a number of people who are participating remotely. If any of you would like to introduce yourselves? We have people, I notice, from quite a global community, so is anybody online that would like to introduce themselves, by Adobe Connect or otherwise? Okay. We'll move on then. Just as a little bit of introduction, for those of you who are new to our Working Group, one of the reasons why we have this Future Challenges Working Group within ALAC is to try and avoid the common tendency that we simply react to other things that ICANN does.

Typically Advisory Councils have waited for ICANN to do things and then we have advised on them. Future Challenges is an attempt to be proactive. It's an attempt to try and anticipate problems, to anticipate issues that are coming up, and to try and act upon them, and in fact try and help steer ICANN and drive ICANN's agenda, as opposed to simply reacting to it.

Based on that, the first issue on our Agenda is a general topic that Jean-Jacques Subrenat will be leading remotely. It's on the topic of the Internet as a space of freedom: the user perspective. If you wish to speak, please raise your hand. If you're in Adobe connect and you can raise your hand in there, please do so. I'll do my best to maintain a queue. Jean-Jacques, go ahead.

JEAN-JACQUES SUBRENAT: Thank you Evan. I hope you can hear me loud and clear. Looking at the Agenda I thought that the first Agenda Item was At-Large Future Challenges Working Group R3 whitepaper? That's why I was suggesting that also that you start off. I'm prepared to take up my next subject, if you wish, but perhaps you can tell me whether we're following the Agenda? Thank you.

EVAN LEIBOVITCH: Okay. Jean-Jacques, I guess I'd prefer you go first. The R3 thing, well, maybe we can just deal with that, because essentially those of you who've participated in the group before know that we've produced a paper called R3, a whitepaper that was submitted and indicated what At-Large believed to be what ICANN needed to do going forward. It was interesting that a number of things that we anticipated and that we called upon are actually being realized with the work going on with the Montevideo statement and with the Brazil conference being called.

In fact, At-Large was one of the first communities within ICANN to support the CEO of ICANN in what was being done, and the leadership being taken, and noted that in fact it fell in line with much of what was being suggested in that whitepaper. So it's interesting. I just came from the main session where people were talking about the lack of community call for ICANN to take a leadership position – well, ALAC has been doing this for quite some time, so at least within our community we've been calling for this.

It's no surprise to – and in fact quite welcome – to see the CEO act the way he did. Essentially, what we have as an Agenda Item here is to essentially give closure to this. We've produced the document. ALAC unanimously endorsed it. It's gone on, it's been widely read. In fact I believe – maybe, Olivier, you can confirm that it has in fact been mentioned in the ATRT proceedings?

OLIVIER CRÉPIN-LEBLOND: Yes, it has been mentioned in the ATRT proceedings. Thank you.

EVAN LEIBOVITCH: In fact, in a moment, Jean-Jacques, I believe that you've told me that you've heard it elsewhere within ICANN's governance circles? The paper has been very well accepted, I believe. Has it gone mainstream? Probably not, but I believe it's been seen in the circles in governments where it's needed to be, and it's staked out a role for ALAC in trying to be proactive and giving an idea of where ICANN needs to go. Jean-Jacques, did you want to add anything about in your own awareness, where you've heard the R3 paper either being mentioned or influencing other issues to do with governance?

JEAN-JACQUES SUBRENAT: Thank you Evan. To answer your question, yes, over the months I've heard several references to the R3 paper. Perhaps staff should put somewhere on the Adobe Connect the title of that. It's making ICANN responsive, relevant and respected, I think. So there are two parts – I say this for those who are pretty new to this. One part is an analysis –

long term and medium term – and another part that was on recommendations.

I'm especially glad that this has been brought to the attention of the ATRT, the Accountability and Transparency Review Team, which does an occasional review of ICANN and its functioning. The last thing I'd like to say to that is that before bringing this to closure, Evan, I'd like to ask you if you have gone forward with the [inaudible 00:48:13], the ALAC list a few days ago, which was to re-establish a connection between the work we have done, meaning the R3 whitepaper, and things being done elsewhere, especially in ISOC.

If you could answer that question then I would be glad to call this to a closure, as a contribution of the ALAC to the overall work of ICANN. Thank you.

EVAN LEIBOVITCH: Jean-Jacques, are you proposing that we actually have a formal Action Item from here, in terms of recommending to ALAC further action?

JEAN-JACQUES SUBRENAT: Yes. I would recommend that, if you do not object, as you were the author of that idea about a week ago.

EVAN LEIBOVITCH: Heidi, go ahead?

HEIDI ULLRICH: Thank you Evan. If that is an Action Item could one of you please state it as you would like it recorded?

JEAN-JACQUES SUBRENAT: May I suggest – I'll let you refine the wording as English is not my mother tongue – Action Item: with [inaudible 00:49:44] Evan and Jean-Jacques, staff to establish [inaudible 00:50:00] possible contacts for… How should I say it? [inaudible 00:50:18] e.g.[ATSOC?]. Something like that? It's a bit long, but it is [a meeting?].

EVAN LEIBOVITCH: Jean-Jacques, I'll work offline with staff to fine-tune the wording of that, but essentially the gist of this, with the Working Group's approval and engagement, to essentially say that although the R3 work itself has closed, the document is closed; it's been approved and distributed, that we want to have an ongoing engagement based on the activity of that, to consider ongoing work, especially with ICANN getting more involved in broader Internet governance issues, possibly with an eye to doing a follow-up to R3.

But with the Working Group's approval, I will work offline with staff to fine-tune that. Is there any disagreement to proceeding with that? I'm seeing nothing in the chat room and seeing no objections on the floor. We'll consider that Action Item approved. As I say, I'll work offline together with Jean-Jacques and staff to refine the wording of that. We will close that issue and move onto the next one.

On the Agenda, this is #2. Next, FCWG work. This is in keeping with this Committee, we tend to have not very strict items, because again we're trying to think ahead, we're trying to think forward, we're not trying to be reactive, which sometimes means that formal agenda sometimes get in the way of being creative and proactive.

What we have here is a topic that Jean-Jacques will lead. The topic of this is the Internet is a space of freedom: the user perspective. The Action Items and what we put forward to ALAC is totally open-ended and up to what this group wants to do. With that I will hand the floor for this over to Jean-Jacques. Go ahead.

JEAN-JACQUES SUBRENAT: Thank you Evan. Let me say a few words to introduce the subject I proposed to Evan and particularly am now proposing to the Co-Chairs of the Future Challenges Working Group. "The Internet is a space of freedom: the user perspective" is perhaps very wide and not very useful in the framework of a Committee of ICANN, but we brought this up because we are now in a period where, although technical problems remain of great importance for ICANN and all its users – we believe that more and more there's an element of governance, which is necessary, and which has to be looked to.

We can no longer claim, as we did five or ten years ago, that they are silos and certain things are strictly technical and should be taken care of strictly by technicians or engineers, and other aspects are purely legal and therefore are the select domain of lawyers, etc. What we have seen over the years, and perhaps even more over the past few months,

indeed, is that policy has a huge impact on the user experience, on the user perspective.

To be more precise, revelations made mainly through the [inaudible 00:54:32] in London, over the past few months, let's say since June, about the way that the Internet is sometimes used by public authorities here and there, has a direct relationship with the users. In fact, we discover that there is a terrible mismatch between the expectation of the general user, which is that the default setting of his involvement in the Internet should be the widest possible protection of his personal data.

We find out over the past months that in fact it is anything but the protection of private data. Of course, there are good reasons, sometimes, for public authority to try to find out things, but we believe that in the name of terrorism some abuses have been committed. Our perspective is that of the user community. ALAC is the At-Large Advisory Committee and we purport to represent the interests of the general Internet user.

So from that point of view, we believe that it's now time to look at the Internet in a wider perspective; not simply as a technical tool, not simply as a legal opportunity or hindrance, not only as a business field wide open for money-making, but also for the respect of fundamental rights, the freedom of protection and the protection of private data, etc. In order to go about this I had suggested that we have a fairly wide topic, therefore the title "the Internet as a space for freedom: the user perspective".

This study should comprise several elements. First of all, a very clear-minded analysis of what are currently, and in the foreseeable future, threats to freedom of the user perspective. The second part would be to set out the possible ways in which this could be amended, either through technical leads… For example IETF, the Internet Engineering Task Force – is working very hard now on devising [inaudible 00:57:30] software and methods, processes, in order to better ensure privacy and safety on the Internet as a default setting.

But we think that is [inaudible 00:57:48]. We have to have a more complete view of the possibilities. The third and last part would comprise of recommendations. But for the time being we have not yet established to whom these recommendations would be addressed. But I think it's quite clear that if this work gets value, is done in such a way that it presents value, then there will surely be a natural destination for our joint work.

The second item under this topic is [post scope and calendar? 00:58:30]. I've spoken about the [scope?]. The [calendar?] I think we should give ourselves several months. I would suggest that the first part of the work should be already undertaken before ICANN 49, which is in spring next year. The third aspect is a call for volunteers able and willing to participate.

That means we're not looking for people who are just interested in the subject, but people who are interested and who are knowledgeable about general aspects of governance, but also of human rights, of freedom of expression, [inaudible 00:59:19] be it from a legal or a

technical standpoint. So I'm sorry that was a bit long. I took all three points under this Agenda Item, but since I was not sure that my connection would last that long, it seems it has. I prefer giving it to you all in one shot, and now I'm interested to hear the feedback. Thanks.

EVAN LEIBOVITCH: Thanks very much Jean-Jacques. I have a queue starting with Sala first, but I have one other question or comment of my own first, and that is I'm going to ask the obvious question that I'm going to anticipate hearing from others outside the At-Large community, and that is whether or not we have, as an ICANN constituted body, the justification for talking about issues that in some ways clearly go beyond the issue of names and numbers.

It's a legitimate question. We have a legitimate answer. But I can already anticipate we will get asked this. Clearly there are concerns amongst others in the community that ICANN has a very specific mission that it not engage in mission creep, and we need to anticipate that when At-Large is asked about why we're doing this kind of thing that we have a cohesive answer. Jean-Jacques, did you want to address that at all? Because I know that you've been thinking about it and you've anticipated this.

JEAN-JACQUES SUBRENAT: Thanks. May I suggest that we take several questions, and those among our community who wish to address that same question first are most

welcome to do that, because it would keep some sense of order in our discussion.

EVAN LEIBOVITCH: Okay. Right now I have a queue with Sala, Garth… Is anybody interested in speaking right now? Please, even if you've not usually been a member of this group before, we're happy to have comments from anyone here. Okay, first, Sala. Go ahead.

SALA TAMANIKAIWAIMARO: Thank you Evan. These are my personal views. I just thought I'd mention that. In essence, when we had the Board meeting with the Technical Liaison Working Group, what was made clear to the community was, from a management perspective, that there's a distinction between technical advice and policy, and that sort of thing. Also in terms of the evolution of Internet governance, globally, what we are witnessing is…

We're seeing strategies from the traditional [Istyles? 01:02:22] organization, to keep public policy discussions out of the operational contours of the various institutions. This in a sense poses a challenge and I thought the Working Group might want to take note. Particularly in light of the post-Snowden revelations and its impact and implications on strategies by governments and civil society, and the private sector around the world.

Having said that, I'm not sure if you have access to the INET list, which is actually supposed to be the roundtable coordinating the forum for

discussions for the Brazil engagement next year. Just this morning it was released to the global community the models for engagement. One of the challenges that the communities like civil society and some other constituencies feel that they were not part of the discussions in terms of identifying the issues and setting the agenda.

The critical evolution that occurred in that announcement was it was made clear that there would be no discussion on public policy; things like human rights, as you were mentioning, Jean-Jacques. In terms of threats to ICANN in the context of this Working Group of Future Challenges, and within this particular ecosystem, what I perceive is going to happen is there's going to be an unusual backlash to the community, which I had hoped wasn't going to happen. Some of us have been doing as much as possible to try to build bridges.

I'm not sure if most people are aware of this, but as we are here, there are also [pleni pot? 01:04:30] preparation meetings happening in five regions around the world, preparing for [Busan? 01:04:35]. Just before Bali happened, 89 countries signed the cyber security framework. There are two issues at stake – it's not only cyber security, it's also issues, aside from law enforcement, it's also taxation in terms of e-commerce, particularly in a global climate where the economic climate is declining. I thought I'd just add that to the mix Evan. Thank you Jean-Jacques.

EVAN LEIBOVITCH: Okay. Next in the queue I have Garth Bruen.

GARTH BRUEN: Thank you. I would like to specifically address what you were saying about ICANN citing its specific technical mandate. I feel like this is cited frequently whenever ICANN doesn't want to deal with something, even though it is actually within their technical mandate. That technical mandate is actually a fairly large blanket that covers lots of different things.

I think that that's just a go-to, knee-jerk response whenever you want to bring up an issue that is important – especially to Internet users and consumers. We just have to respond by saying, "This is within your technical mandate." Thanks.

EVAN LEIBOVITCH: Thank you. Jean-Jacques, right now the queue is empty. Did you want to speak for a moment?

JEAN-JACQUES SUBRENAT: Thank you Evan. Yes, I'll try to take up on all of the points thus far. First, Evan, you mentioned that there could be questions about the justification for any part of ICANN to take up an issue like one which is before you. Well, I think that the interesting thing about the Future Challenges Working Group is that it is not bound, and certainly does not feel itself bound by past trends, or patterns, of dealing mainly with things of wording, which of course has an impact on the processes within ICANN.

The reason why ALAC decided in the first place about two… Something years ago in Los Angeles, to establish this Future Challenges Working

Group, was exactly because it inserts itself, it takes place in the evolution of the At-Large community. At first it was tolerated, in a way, but then thanks to the initiative of a few people, who among others were working together in the ALAC Review Working Group, recommendations went out, which went beyond what the initiators of the ALAC, perhaps a few years ago, had thought possible.

As you know, now one voting member of the ICANN Board is chosen by the At-Large community. That's one proof. Another proof is that the R3 paper which we initiated, actually started as an idea between Evan and myself, and later on there were co-authors who joined us. It was felt to be legitimate to have a much broader view and to propose recommendations that were not strictly limited to the narrow view of what one can usually call "technical advise".

In saying so I believe – and also answering, at least in part, remarks by Sala and Garth – the remarks by Garth I agree with.   "Technical mandate" was a sort of mantra in order to say, "Children, don't get naughty. Don't leave your sandpit." Sala, technical advice is different from policy, of course, but then you see, I think that an organization such as ICANN, which is still very recent in human terms, coming up on 15 years. In ICANN history it's a long, long time, but in human time it's not that long.

So we can say that it's still in the process of growing. After all, the way we form ourselves, the way we operate, the way we think about our future, also depends to a small extent on the members of our At-Large community, because we don't have a voting power, as does the Board.

But I think that we are here to prove that it is important to integrate when this is the larger view of the user perspective.

So in essence, and to resume my own response, Sala, I would say that there is a difference between technical advice and policy. Good. So what? That's not sufficient, let's go beyond that. That's why I propose "The Internet as a space for freedom: the user perspective." Because it is the user perspective which makes it justified that we look at those items, which so far have often been neglected. Thank you.

EVAN LEIBOVITCH: Thanks very much Jean-Jacques. We have one more person in the queue. Siva, go ahead.

SIVA MUTHASAMY: This is Siva Muthasamy from ISOC India ALS. I was thinking that in terms of revenue and money flow, there is now a tremendous growth in ICANN's revenues, and so from an organization of the size of $30m to $60m it's now $300m, largely from new gTLD revenue. The amount of money flow could very well exceed half a billion dollars if you take into account the potential of auctioned revenue.

Whether or not it's within the scope of this Working Group, I feel that this Working Group could also look at the challenges, and more importantly the opportunities of advising ICANN on how to handle this well for the good of the Internet. Thank you.

EVAN LEIBOVITCH: Thanks Siva. Also I'd want to make one other note on something you said, Jean-Jacques, in making the stress on end users. The consideration of end user needs is fairly new to ICANN it seems. While At-Large has been around for some time, and while we have a bylaw mandate to represent the interests of end users, it's only been fairly recently that the CEO of ICANN has gone as far as to say that the ultimate consumer, beneficiary of ICANN, is not the commercial interest but in fact the end user.

This is actually a fairly new concept, it seems, within ICANN, so I think we have an opportunity here to try and address that. Sala, you had another comment?

SALA TAMANIKAIWAIMARO: Thank you Evan. I just wanted to clarify, Jean-Jacques, when I mentioned the distinction between technical advise and public policy, I was merely quoting from what management mentioned at the meeting yesterday – it's not something I necessarily believe in. Having said that, one of the considerable challenges – and I completely agree with Garth and you, Jean-Jacques – is that if you separate the public policy aspects, particularly in discussions with ICANN, which pertains to technical aspects…

I really like how Avri put it yesterday when she said, "Look, every technical advice has a policy strata, whether you like it or not." This is coming from someone who interfaces in all realms. So having said that, if you don't have the discussions here, the danger and the threat to

ICANN is you're essentially leaving room for the discussions to be taken elsewhere.

Now, I'd just like to clarify that for me – and this is me speaking personally – I would like to see critical Internet resources continue to be managed operationally by the organic bodies that currently exist. I have no issues with that. The challenge that remains is there are substantive issues being brought forward by the community outside of ICANN, whether it's being raised from governments, whether it's being raised from civil society, pertaining exactly to what Jean-Jacques mentioned: privacy, surveillance, extent of WHOIS accuracy, interoperability.

These are substantial issues, and if it doesn't get discussed, it leaves room for somebody else to hijack the discussions. Having said that, I would like to add that if we look at how telecommunications have evolved, revenue has moved from minutes. Carlton, and Eduardo, who are experts in telecommunications, they know this as well – it's no longer voiced in minutes.

The revenue is not only in TLD, we're talking about TLDs, but Evan had already mentioned that in a previous paper to this Working Group – we have dotless domains. The revenue has shifted to data aggregation, and the problem is if we don't address issues like big data, if we don't address issues like the public policy stratus pertaining to these technical things, then I'm sorry, someone is going to raise it into another forums.

I think the Working Group is well placed and positioned for this. You probably already have a Wiki to call for comments from the community to input into that policy process, before the Brazil meeting. I think that

deadline is March 1ˢᵗ 2014. Now, whether it wants to do it separate from ICANN or whether it wants to do it as an At-Large community, as opposed to being under the ICANN umbrella, that's something for the community to decide.

But I would really ask the Working Group leaders, and also the Ex-Com, to seriously consider this issue. Thank you.

EVAN LEIBOVITCH: Okay. We have one other speaker. Carlton, we're getting close to the top of the hour, so…

CARLTON SAMUELS: I'm just going to say… To emphasize what Sala's saying – it's very important that you understand the issues that are driving the ferment in the ecosystem. While they may not be ICANN issues, ICANN is seen as having "fingerprints" on these issues, so we must respond – regardless of whether we think it's us who have to make the move, or it's us who have to lead. That's a debate, but you cannot stand with your hands in your pockets. This has to happen. Thank you Sala for mentioning that.

EVAN LEIBOVITCH: Okay, thanks. With that… Jean-Jacques, did you have any other comments at this point? Because we're getting close to the top of the hour and we have another group starting immediately after ours, what I'd like to do is turn this into an Action Item and then move onto the final issue. Jean-Jacques, do you have anything to add at this point?

JEAN-JACQUES SUBRENAT: Thank you. In order to facilitate, perhaps our work as Co-Chairs and the work of staff, the formulation of the Action Item, I will just come back briefly on the remarks of Siva, Salanieta and Carlton. I think the gist of what they say is to indicate that we should not limit ourselves by looking at past tendencies in ICANN, which were very technical with a clear demarcation between policy and operation, or between the technical and policy veils.

I can only agree with them that there must be discussion on the ecosystem, which ICANN operates, and not only on what ICANN has been or is today. That's clear. What concrete results did I get from this brief discussion we had today? Firstly that there is some interest in our initiative. There are also suggestions on the fact that we should not feel [inaudible 01:19:24] about including [five? 01:19:30] deep aspects, even if they go beyond the bounds of apparent ICANN remits. This we will do.

Specifically I think that we will have to put [in part? 01:19:49] mentioned earlier. [inaudible 01:19:54] Internet users in general. That would be a good starting point; a catalogue of what is going right and what's going wrong, and what needs to be improved. [inaudible 01:20:20] light of should you challenge [users through?] the Internet. Thank you.

EVAN LEIBOVITCH: Okay, thank you. Jean-Jacques, you were breaking up a bit, but because we're pressed for time right now, I want to take some of those comments that you have offline, so I'm going to suggest from here an

Action Item going forward. I would like us to propose from this Working Group to the ALAC to create a working space, to create an activity based on what you've started, Jean-Jacques, with you coordinated, and to put out a call for volunteers – a call that goes out beyond the simple regular ALAC and leadership, but goes out to the RALOs and the ALSes.

This is somewhere where you may have people that don't normally have an interest in ICANN governance, but may have interest in these subject areas. So I think that we need to put a call out for volunteers to the broader ALS community. I'm going to make a suggestion for an Action item, and again, Jean-Jacques and I will work offline with staff to present something to ALAC, to create a Wiki space for this, to create a discussion area.

Jean-Jacques, I would ask you to formulate an abstract of this that we would then use as a basis to invite other participants to come in. Between us then we would decide how to proceed and what needs to be done. Jean-Jacques, are you okay with that?

JEAN-JACQUES SUBRENAT: Yes, thank you very much for the suggestion.

EVAN LEIBOVITCH: Okay. Is there any opposition within this Working Group to the course of action that we've suggested? Okay. Having seen none, as I mentioned, I'll work offline with Jean-Jacques and staff to refine this as something for presentation to ALAC; to ALAC for its Thursday meeting

for consideration at that time. Okay. The final Item is very appropriate, considering the meeting that's immediately following ours.

That is to address the fact that until now, Future Challenges has addressed ALAC concerns with ICANN compliance issues, and that we've taken it upon us to try and do some of the research and some of the presentation on compliance. While this is absolutely necessary and it's demanded, the creation or merging of two other Working Groups into something that we now call the Regulatory Issues Working Group will be meeting immediately after this group, in the same room.

I believe a decision was made that it is more appropriate to have discussions of ICANN's role in compliance, its effectiveness in compliance, and any issues to do with that should be handled by that Working Group and not this one. So I want to make a formal proposition that issues to do with compliance be addressed by the Regulatory Issues Working Group and not this one. Is there any comment or opposition to that proposal?

Okay.   Looking around in the chat area and the room, I see no opposition. So we have the two Chairs of the Regulatory Issues Working Group right here with us. Carlton or Holly, do you want to say anything about this, now that it's about to be tossed into your lap?

HOLLY RAICHE: We sort of agree. I think my question… Compliance to me…

OLIVIER CRÉPIN-LEBLOND: Sorry, point of order – the Working Group is not created yet and so the Chairs don't exist yet. I'm sorry. Who's leading, the Co-Chairs? I guess it's co-chaired by the WHOIS Policy and the Registrant Rights Co-Chairs. You can ask them if you want.

EVAN LEIBOVITCH: Okay, I'm asking.

HOLLY RAICHE: Right. In one sense, I think it does make sense because the focus of the proposed new group – and I'm actually going to propose a different name to Regulatory Issues – has been surrounding all of the issues that have had to do with the RAA. The RAA essentially is perhaps the one issue where it's based on a contract and it's based on contractual compliance. So the compliance that we're talking about, really can only arise out of the RAA.

I guess my question is, are there any other areas that people can think of where "compliance" in that sense falls outside of RAA issues? That would be my one question.

EVAN LEIBOVITCH: Thanks Holly. I would also just note that any time you're speaking now cuts into your own time and your own groups. We're six minutes into the hour and I'm told there are some technical issues that we need to address in-between the two Working Group meetings. If there's no

other opposition then we will formally adopt the moving of this issue over to the new Working Group, whatever it is to be called.

With that we've completed the Agenda. Jean-Jacques, did you have any other things to add before we close this Working Group meeting?

JEAN-JACQUES SUBRENAT: I'd just point out to staff that any other business would mostly come under Item #4, instead of being included as 3.a, but that's a minor detail. I have nothing else to add. Thank you very much.

EVAN LEIBOVITCH: Okay. Having said that, thanks to all in the Working Group, thank you for coming. After we have a short break and address some technical issues, the RAA, Registrant Rights, whatever you intend to call it next, Working Group, and WHOIS, and Sundry, will meet here after about a five-minute break, in the same room. Thank you all.

JEAN-JACQUES SUBRENAT: Please excuse me not being with you in Buenos Aires, but it was nice to have you on this call. Thank you all. Goodbye.

[END OF TRANSCRIPT]