

Liz Gasster: Good afternoon. It's Liz Gasster again. Hopefully, you're not sick of my voice from this morning. I'm going to do a very short introduction to the policy session that Marika and I are just going to share the policy discussion. And I'd like to take advantage maybe, of such a small group to really encourage you to ask questions in this policy session or to offer your opinions as well. All opinions appreciated.

So, from a policy perspective, I guess we have probably three goals for this session. The first is to describe to you a little bit about how the development of new policy actually works at ICANN. And I alluded to it a little bit in the beginning with talking about an open participatory bottom-up policy development process, but we are going to describe a little more about the mechanics of how the policy development process actually works.

We have quite a number of pending policy development activities underway. We use a lot of acronyms in particular in the policy group, so we call our policy development process a PDP and I think we abbreviate every policy development process we have with an acronym. So if I use acronyms that you are not familiar with, please stop me, because I'm really trying to quit.

And then the third goal I think we have, besides familiarizing you with these pending policy activities, is to really encourage your participation in these groups. Unlike the implementation work that we've been talking about with IDNs and with new gTLDs this morning and earlier this afternoon, both of those are really in the implementation phase.

With policy development, we're talking about a process that's much earlier in the overall process where we are just beginning to ask questions about if a policy needs to be changed, what the current problem is, how there might be solutions to address the problem. And that's a time when having broad community input with a lot of experts who might represent a broad spectrum of interest, whether it's from the registrar or registry perspective, whether it's from the intellectual property or anti-crime, or governmental perspective, or the concerns of consumers, registrants. Those are the voices that we very much want at the table when we are talking about policy. So I hope that if there is any message that we leave you with at all, it's our strong desire to have welcome participation from around the world in our policy development activities.

So I mentioned earlier that there are three key groups where policy development takes place. One is the Generic Name Supporting Organization. One is the Country Code Name Supporting Organization. And the third is the Address Supporting Organization. I think I mentioned early on that the GNSO is really the most active of the three areas, with a tremendous

amount of policy work going on. There's also some very important policy work going on in the CCNSO related to IDNs, and Baher talked a bit about that earlier today. And then less so on the Address Supporting Organization, but still some activities there. So my comments and Marika's comments are really going to focus on the GNSO, maybe touching briefly on the CCNSO, which is just primarily where we're focused.

Just to talk a little bit about the GNSO Council, it is the policy development related to generic top-level domains, .com, .info, .biz, for example, within ICANN's mission. The GNSO currently consists of 21 Council members from six constituencies. The registrars, registries, business constituency, intellectual property constituency - abbreviated as the IPC - the ISPs, or Internet Service Providers, and non-commercial users, as well as three representatives from the Nominating Committee.

Now today, we do have one GNSO Council Member with us. Adrian Kinderis. You may like to take a bow. And if you're interested in the skinny about what it really means to be a GNSO Council Member, the joys, the satisfaction, the fun, the gratifying feeling that comes with that, Adrian would be glad to share his experiences with you.

But seriously, on that note, we work very hard in the structure to have a diverse representation in the GNSO. That's true with the Council Members, by dictate, by bylaws, as well as in the working groups, so I hope you will feel that's an open invitation to get involved.

Now we do have a rather complex restructuring of the GNSO underway and I'll show you a chart in just a second about what the new GNSO Council looks like. But I don't want it to deter you in any way, because it's a little complicated looking and I'm not going to spend a lot of time on it. It's something that the Council itself and the community spent a lot of time working on. It came out of an independent review that the Board requires that's in our bylaws, of the GNSO, in which a number of concerns were identified. But at the core of those concerns, and there are a number of different things I won't try to describe today, but I think at the crux of the concerns really had to do with concerns that the structure was too limited today, and there wasn't really the fair opportunity for broader participation that this community really needs.

And so we've divided, in the future, the Council into a Contracted Party House, meaning the registrars and registries that actually have contracts with ICANN, and then the Non-Contracted Party House, basically, commercial stakeholders, business, intellectual property, Internet Service Providers and others. And the Non-Commercial Stakeholder Group looking at non-profit,

non-commercial entities like educational institutions, research organizations, other types of entities that are non-commercial and what some of their concerns are, and trying to find a structure that would encourage the participation of both new constituencies that haven't been defined yet, but also just participants, individuals who want to become involved in the specific issues.

So I'm going to stop there and have Marika walk you through the policymaking part, and then we will talk about some of the specific working groups that we have running today. And when you hear Marika describe these working groups, I hope you'll think about, as she's describing them, which issues might be of concern to you, which issues do you think might be of concern to colleagues of yours and perhaps help us evangelize a little bit, participation in these working groups, which really are open to all, and very much benefit from the broader participation, the better. So again, I'll stop now. I'll come back up in a few minutes to talk about a particular activity that we have going on related to Whois and Whois studies, but I will turn it over to Marika now.

Marika Konings: Before going into this, I maybe should introduce myself. My name is Marika Konings. I am a Dutch national. I'm actually based in the Brussels office of ICANN. I joined them a bit more than a year ago and I have actually a background in European public affairs, so not technical related, and not ICANN related before I actually started, although I was doing some technology work.

So before looking at some of the policy development processes and working groups that are currently going on, I thought it might be helpful to just take you briefly through the policy development process and how that actually works at the GNSO.

I should say at the outset, each of the supporting organizations has its own policy development process and their own rules, and here we are specifically looking at the GNSO, because that's what we are more involved with on a day-to-day basis. But I think most of the groups follow a relatively similar process with a lot of opportunities for participation and public comments.

Another note I should make is that this current system, as the whole structure of the GNSO is currently under review, so some changes might be made to the system, but I believe the overall structure will be probably relatively similar. And again, any changes that will be made will be aimed at facilitating participation of a wider number of people.

So currently, there are three possibilities for actually bringing an issue to the agenda of the GNSO. So firstly, the Board can raise an issue. A supporting organization can raise an issue, or an advisory committee can raise an issue for the GNSO to consider. Once that has been done, ICANN staff prepares what we call an Issues Paper, and in that paper we try to outline what the actual issue is about, trying to provide the different perspectives, outline as well whether it is within ICANN's mission and the GNSO scope for policy development, and make some recommendations on whether to initiate a policy development process or not. And we sometimes try to highlight as well some questions that might be considered as part of that process in order to identify whether any changes should be made or not.

This paper is not intended to provide any solutions or recommendations for changes. That's really up for the next phase of this process and for a working group of community members to discuss and decide upon. So after the paper, the Council actually decides whether they want to initiate a policy development process. So, there's certain voting thresholds related to that, so they review the recommendations from staff and the information outlined in that, and decide whether to move ahead in the process.

Once they've decided to move ahead, a call for volunteers is launched, which invites the community to send in applications for volunteers to join the working group. And this working group is then expected to develop recommendations for either new consensus policies, which are binding on registries and registrars, or best practices or other recommendations that they might deem appropriate. So it's really for the working group to delve into these issues and decide on an approach that they feel is appropriate, looking at all the different perspectives that are being brought to the table.

Because, of course, the idea is to have a wide diversity of members participate in these working groups to ensure that what comes out at the end of the day is a consensus-based recommendation and solution.

So once the working group comes back to the GNSO with its report and their recommendations, they are discussed and reviewed by the GNSO. And then normally, hopefully they are adopted, and then they're forwarded to the Board for their consideration and adoption. And once the Board has adopted it, then it moves over to the implementation side. You've heard more about that this morning in relation to the new gTLD program. So then another process starts in which there is also community involvement, I think as Karla outlined. The implementation is really then based on the recommendations that are made by the GNSO Council and also adopted by the Board.

So for each of these phases, a number of public comment periods take place. So there are a number of ways in which you can participate. You can decide to become a member of a working group and participate in weekly or bi-weekly calls in which the group goes through these issues and the different questions. Sometimes they develop subgroups to look at specific questions, or do some additional research on themselves. But you could also decide to wait until an initial report is published and provide your input then through the public comment period.

The working groups are obligated by the bylaws to review those public comments and take them into account, and integrate them as appropriate into their final report. So it's a system to make sure that even if you're not a member of a working group, you can still have your voice heard and provide your input in that way.

So then maybe some of the questions we sometimes get is "Why should I care? I cannot spend my time on participating in these working groups and have weekly calls and going through many emails." But of course, the other side of the coin is well, if you don't, then you might get a policy forced upon you that you don't like, that you don't agree with and that you didn't have a say in, a policy that might be decided by your competitors, because they dictate the time to have their say and participate. That's one of the things to think about when you consider getting involved in ICANN. If you're not there, someone else will do the talking for you, and there are many people talking, believe me.

So just to give you an example of a policymaking process, the new gTLDs that we discussed this morning, I think Karla already covered some elements of this, but it's just to give you an idea that the policy development process is not something that's completed within a couple of weeks or a couple of months.

Depending on the issues, like the new gTLDs, which is a really big project, it can take a couple of years. So the issue was initially tabled in 2004, the Issues Report was prepared and the GNSO decided to initiate the policy development process. And it took like two years for a working group to come up with the different policy recommendations that were then adopted by the Council in 2007. The Board adopted it in 2008 and now, from that point on until now, we're in the implementation phase, and I think many here in the room hope that that will come to initial completion in the first quarter of next year.

So maybe before moving into different issues that are currently being discussed, are there any questions on the actual process itself or any of the issues we've spoken about until now?

So then maybe just to dive into some of these issues. This is just to give you an idea of the different issues that are currently being discussed and that are on the agenda of the GNSO. I think we have currently three working groups and work teams under way, so I'm not proposing to go into all of these. We've picked out some that we think you might be interested in, and if one issue interests you more than another, do stop us and ask more questions on these.

So then maybe turning to the first one, the Inter-Registrar Transfer Policy. So this is an issue that you might say, "What does that mean? Why should I care?" This is actually a consensus policy that was adopted in 2004 to provide a framework, a set of rules for how registrants can transfer the name between registrars. So, in the end of the day, it's to make it easier, more transparent, have choice, promote competition for registrants and have a predictable process in place.

So this policy was adopted and implemented in 2004, but as it was a new policy, it was decided that it might be a good idea to immediately after the implementation, review the process and identify whether there are any areas that needed further clarification or improvement. So quite a long list of issues was immediately identified, because I think that's one of the problems. When you devise a certain solution, you try to think of all the different scenarios and all the different possibilities or options that might occur, but it's almost impossible to cover all those. So there were a number of issues that obviously needed further work.

They were subdivided into a number of groups. Two of those have already completed their work and a third one is now getting under way. This third one that I would like to focus a bit on, because that's actually a group where a call for volunteers is currently open, so anyone interested in these issues is encouraged to join that group. This group will start looking at - it's a category of five different issues. Three are related to undoing of domain name transfers, for example, in cases where a domain name has been hijacked and has been transferred to another registrar, it's very difficult to undo that process. So, are there any measures that could be developed that might make that easier or prevent those cases from happening?

And then there are two issues related to registrar lock status. It's a technical term that registrars can use to lock domain names in certain instances, or registrants can decide to lock their domain names, which prevents it from

being transferred out, but there's not a common approach. Registrars use it in different ways. We got some feedback that for registrants, it's sometimes difficult to understand how they can actually unlock their domain name. So there are some questions related to should there be more harmonization or should there be a better definition of what it means when a domain name is in lock status. So that is another category of issues this group is expected to look at.

So, I won't go into this. Just for your information, these slides will be made available after this meeting, because it contains as well, different links on further information and background documents. So I won't bore you with this. These are the specific questions that the group is looking at.

So actually, the Charter was adopted at the meeting of the GNSO Council on the 23 of July and a call of volunteers has been posted on the GNSO Council website, so have a look there if you want to know more about this group and join. So, again, this is the background information that you can check up on after this meeting.

So a second working group that has just gotten underway and will still take in volunteers that want to participate is related to post expiration domain name recovery. So, it basically relates to a number of issues that occur after a domain name has expired. Here on the slide you see the domain name life cycle. So the period we are looking at is really from the middle to the right, and this is an issue that was actually raised by the At Large Advisory Committee, which represents the individual internet user. And where they had several complaints from registrants saying that they had difficulty in like recovering their domain name after it had expired or they didn't understand the process of how do that. Some objected to in how registrars would treat expired domain names where they would sometimes put parking pages or linking it through other sites. So they raised a number of questions that they wanted the GNSO to look at.

So this PDP was actually initiated in May 2009 but we had some discussions after that on the different questions that needed to be addressed.

So these are some of the questions that this policy development process will look at. Is there adequate opportunity for registrants to redeem their expired domain names? Are there expiration-related provisions in registration agreements? Are they clear and conspicuous enough? Do registrants understand when they actually sign the agreement what will happen once their domain name expires? Is there adequate notice to alert registrants of upcoming registrations? There is a consensus policy in place that says that

at least two notices need to be sent. Should more notices be sent or should other means of notification be adopted?

Should there be additional measures to indicate that a domain name has entered the auto renew grace periods? For example, should it go on black or should there be a big banner, your domain name has expired. Because one of the complaints has been, as well, that sometimes registrants actually don't realize their domain name has expired, because it keeps on resolving and it's business like usual until it actually moves into the redemption grace period where it just turns black, and then at that moment it's more difficult and more costly as well to recover a domain name. So it's an issue that this group will look at.

And another question has been raised is, whether the transfer of a domain name should be allowed in the redemption grace period, which is currently not the case. Again, it's an area where registrants have indicated that, at that point, they often would like to transfer it, because sometimes when it actually gets to that stage, it means they had some issues or conflicts with the registrar not being willing to recover the domain name, and they would like to see a way that they are able to transfer that point in time as well to another registrar if they would decide so.

So this Charter for this working group was adopted in Sydney. I won't go into too much detail on this, just maybe to point out that some of these issues are closely related as well to the compliance activities of ICANN, because as I said, there is a consensus policy in place relating to these issues. So one of the questions that was raised as well is that it would be helpful to get more input from ICANN compliance staff to understand what is being done in this area and, as well, get some input on what they would see as measures that might address some of these issues.

Of course, a good understanding of the domain name life cycle is expected from the participants and a number of presentations have been provided and those are, as well, available on the GNSO website, that explain the process and hopefully help inform the debate. And, as well, the group is asked to look at some of the current practices of registrars.

So actually, this group has just started. They just had their first meeting, so if anyone is interested in this issue, let me know or contact the GNSO secretariat. One of the questions this group wants to look at now, after their first call, is to look as well at the question what is the actual incidence or level of complaints related to these issues. Because some questions have been asked, that there is no supporting data. What is the actual harm that's being caused to registrants? And I think it's a point that people have been making

over time as well. When we initiate certain policy development processes, it would be good as well to have the supporting evidence that would identify where the actual problem lies and it will make it easier, as well, to identify potential solutions and make sure that those solutions address the problem that you've identified.

So registration abuse policies, this is not a policy development process yet. This is actually an issue that was raised at GNSO Council asking the question, what kind of provisions to registries and registrars actually have to deal with registration abuse. So ICANN staff looked at that and basically came back saying, "Well, we can give you an overview of the different provisions registries and registrars have, and here you have them." But, it doesn't tell you much about whether these are effective, whether these are actually implemented, whether more uniformity might benefit the fight against registration abuse, and this is, as well, the question of, what is abuse? There's no uniform definition. Then you have as well the distinction between registration abuse and domain name use abuse.

So staff actually identified a number of issues that we felt needed further investigation for the development before a policy development process could take place, because in our view, there was no actual issue identified that could be answered or a specific question that needed to be answered apart from these that just needed further research.

So the Council took that into account when they reviewed that and they decided to launch what we somehow labeled a Pre-PDP Working Group. So a working group is already actually underway for quite sometime now and they are quite intense discussions, because this is one of those groups where there are many different views on the slightest details, like we're looking at the definition of certain categories of abuse. And for the lawyers in the room, you know that a one-word difference can really mean something very different, depending on how you look at it. So, the main point as well here to take away is that this group will come back with recommendations hopefully on which issues, if any, they would recommend the policy development process, and the Council has indicated that they will not take a decision on whether or not to initiate a policy development process until they've actually seen those recommendations and have been able to discuss these.

This is just a brief overview from what the group has done today, maybe just to highlight that this is a group as well where we have very broad participation from many different constituencies, but also from different supporting organizations and advisory committees within ICANN. So we have a member of the Security and Stability Advisory Committee

participating, and I think as well, a number of members of the At Large Advisory Committee, so it's really a broad group and diverse views that are participating in this group.

So again, some more links and background information if you are interested in reading more about these issues.

Yes. Go ahead.

Male: (26:33 Unintelligible).

Marika Konings: I actually can't give you an answer yet, because this group hasn't made the distinction yet as to what consists of registration abuse and domain name use abuse. So what they've done, they have developed a working definition of abuse, of abuse in general, and they have come up with a long list of different types of abuses, which they have preliminarily listed as pre-registration abuse, post-registration abuse, use abuse. And they are now working through that list trying to identify each of these abuses, providing a definition and discuss potential recommendations linked to that. So, to give you some of the things listed on that is, malware and botnet control, Fast Flux hosting is on there, cybersquatting, front running.

Liz Gasster: Wouldn't you say, just to jump in, wouldn't you say that registering and infringing a trademark, an infringing trademark, was probably the first non-disputable type of registration abuse sort of built into – like the easiest straightforward case would be an infringing name, but there are, as Marika says, that's just the easy first case.

Marika Konings: And it's not as easy as it seems.

Liz Gasster: And it's not as easy as it seems.

Marika Konings: Because again, you come back to the definition question where people start arguing, but what's in the trademark and how do you define them? Which system of law do you use to apply that? So and then you have people saying, "Why should it only apply to trademarks? Why shouldn't it apply to people's names, of if I have a better use for the name and someone is not doing anything with it, isn't that infringing as well on someone's rights?"

So, I think for some who put that list together they thought this is quite clear, but now, going through these issues, it turns out that there is a lot of discussion, and putting the commas here and the words there. So hopefully this group will come back with a more clear list, and I think cybersquatting is one that's obviously there.

Male Participant: If I may. I think it's fair to say that when the topic was first brought up, it was quite easy to say when you do discuss abuse of registration (29:10 Unintelligible) but as this group has come together, (29:12 Unintelligible) we kind of realize (29:16 Unintelligible) was going to be this big and this complex. So, I think that that adds to the struggle to find the correct definitions (29:22 Unintelligible) the intention of the staff was probably fairly simple and fairly straightforward. But as the topic sort of got better understood, it was (29:37 unintelligible). So, I think that that's why (29:38 unintelligible). Largely, it's becoming a bit of a (29:45 unintelligible).

Marika Konings. Yes. And I think to add to that as well, because I think most of the people involved in this group know as well the end outcome of this group might be policy development processes, which potential new policies that especially registries and registrars would be obliged to comply with. So I think many that are involved in this preparatory work want to make sure that the issues that will come or the recommendations that come out of this group are very well defined and acceptable for all those involved. So that's resulting in a lot of discussion and a part of, as well, a large number of working groups and initiatives that are currently going on has led, as well, to a challenge of getting enough people to participate and finding the time.

So, for example, this group has moved to bi-weekly conference calls where before, we would normally meet on a weekly basis where you can, of course, make a lot more progress. If you meet every two weeks, you spend at least ten minutes going over what you covered last time, because people might not recall because it was already two weeks ago. So that's part of the overall challenge we're facing in the policy department. There are many initiatives going on at the same time and often, it's the same people participating. And part of the reason why we're here as well is to try to enlarge that base so that there are more volunteers participating and providing their input, and that we're not relying on a handful of people that participate in all these groups and then get burned out just because there is so much going on at the same time. Did I answer your question, sort of?

So, moving on to Fast Flux Hosting. This is actually a policy development process that's nearing its end. This issue was brought as well to the GNSO Council by another advisory committee, the Security and Stability Advisory Committee, because they did an advisory on the issue of Fast Flux in 2008. And just for those of you who are not familiar with Fast Flux, it's actually a technique that's used by cyber criminals to evade detection of their criminal websites where they post malware or use for phishing, and other illegal activities. But it's also a technique that's used for legitimate purposes such as, I think, load balancing, and some have provided examples as well that it's

used in cases where sometimes some people don't want to be detected in the case of dissidents or where they voice a different opinion from, for example, a certain government or a certain country.

So this group started looking at this issue, and I mean, the ASAC Report outlined a number of elements, but there were so many questions that needed to be researched. And the staff had produced as well, an Issues Report as with every issue, and this one we actually did highlight that more research might be needed around the definition of Fast Flux, to provide actual data. How common is it? How big of a problem is it? Maybe some data on how much costs are involved? I think there's eight around that of the fact that you cannot take down websites quickly enough, like how much does it prolong the lifetime of a malicious site?

But the Council decided to move ahead with the policy development process, and they indicated that they wanted those questions to be answered as part of the working group development. So this group was formed in June 2008. As mentioned, they did come across a number of challenges, like the definition issue, and discussions as well like, does this fall within ICANN's scope. Because looking at Fast Flux from a technical perspective, changing domain name servers, time to life, those issues, some part of those you might consider maybe as part of ICANN's agreement, which is a very narrow, defined technical focus.

But as soon as you start moving into the role, what is the harm caused, the cyber crime questions, how do you fight cyber crime? That's beyond ICANN's remit and so, you can spend a lot of time discussing it, but there were no solutions that would fit within ICANN's remit or scope. So again, this question of legitimate versus illegitimate, which resulted in the conclusion that there might be some tools that might help identify illegitimate use of Fast Flux, but no tool was known, at least to the working group, that would provide zero false positive rate in actually taking them down, or some kind of automated way of identifying and taking down Fast Flux sites.

Again, there are questions around if you would devise a system of gathering data or take-down practices, who should be monitoring this and how should this be reported? You know, are registries and registrars expected to do that? I mean, some of them probably will, but of course, there's a cost involved and as well, there is always this question, if you take down a site that's actually legitimate, and of course, there's always a chance that you get sued because you took down a legitimate site that you suspected of Fast Flux activity.

So this group that published the initial report on the 26 of January, where they provided some initial answers to the questions that had been proposed, they did have some interim conclusions. But, I think their main goal was really to get some community input on their initial conclusions or recommendations, and so they had a public comment period which did attract over 20 comments, some quite detailed and with really good suggestions. So the group spends time on reviewing them each, one at a time, and trying to decide as well, if any, where they would fit into the report and where they would need to make some changes. So the final report is expected to be published very shortly, I would say in the next week or two hopefully.

Currently, it's not foreseen that there will be any changes for policy changes or development of new consensus policies, just for the reasons I outlined before. But the group is expected to put forward a number of ideas for consideration by the Council, such as further work on the definition of the issue and scope, developing of a Fast Flux data reporting system, maybe look at a role for ICANN as a best practice facilitator, or look at how to involve other groups in this debate. Because, as mentioned, this is an issue that does overlap or goes beyond ICANN's mission and scope, so maybe it would be worth looking at some kind of cooperation model with some other organizations like the Anti-Phishing Working Group, for example, to look at further ideas or suggestions on how to address this issue, because it's of course, not going away. So again, if there are those of you interested, here's some further information on that.

So if there are not questions on this specific issue, I'll turn it over to Liz for Whois.

Male: (37:27 Unintelligible).

Marika Konings: Yes.

Male Participant: (37:30 Unintelligible).

Marika Konings: I need to check with Karla but I suspect it will be a length on each of the outreach sessions (37:38 Unintelligible).

Liz Gasster: And I think we'll also post on the policy web page and try to update it frequently too.

Well, I love talking about Whois studies and Whois in general. Let me do this, briefly just give you a definition of Whois. I suspect you are all pretty familiar with what Whois is, but just to set a baseline. Whois services provide

public access to data on registered domain names, which currently includes contact information for registered domain holders. The amount of registration data collected at the time of registration and the different ways to access the data are specified in ICANN agreements for domain names registered in generic top-level domains.

For example, ICANN requires accredited registrars to collect and provide free public access to the name of the registered domain name, and its name servers and registrar, the date the domain was created, and when its registration expires, and the contact information for the registered name holder, the technical contact and the administrative contact. So I have an example here, just a sample of what a Whois record looks like. This particular Whois record was registered by GoDaddy. Keep in mind here that you've got the registrar acting as kind of the retailer, the registry is acting as kind of the wholesaler, and it's providing administrative contact, technical contact and the domain servers and how it was registered.

Again, when Whois was first created, I think the intent behind the information that is public and in Whois, was really intended for technical purposes so that people involved in the internet would know right away who to contact when there was a technical issue. Things have changed quite a bit since then and Whois data is used by a variety of people for a variety of purposes, and this has created a very contentious environment. Different stakeholders feel very differently about Whois.

To give you some examples of that, there are businesses, law enforcement personnel, intellectual property lawyers who are extremely concerned that when they look in Whois public data, there's often inaccurate data there. Some of it is blatantly inaccurate. When you see a registration of a Mickey Mouse or some name that you know has to be false or not a real name. So accuracy is a huge issue, especially for organizations who are trying to track down contact information very quickly to deal with, it could be intellectual property infringement, could be criminal activity, so this issue of accuracy is of great concern to those communities.

Other communities are very concerned about privacy issues and many of you may have heard of the privacy issues, particularly with regard to registrations by individuals who are not acting in a commercial purpose. I think generally in the world today, we accept the fact that if you're doing business publicly, it's expected fairly universally, that you are willing to provide your contact information and how people can reach you. You're holding yourself out there to do business. But many registrations are not for commercial purposes. Many individuals register domain names for other

purposes and in many countries, there are laws that require that information to be private unless the individual has consented to make it public.

That's a real concern for privacy advocates around the world. It's also a real concern for governments that have those privacy laws on the books and feel that Whois, as it's currently implemented, doesn't provide the kind of privacy protection that individuals are entitled to. That concern rose to the level of ICANN developing a special policy having to do with conflicts of laws to deal with data protection laws like in the EU and elsewhere, that do allow individuals to register without having to make their information public. But those laws are not uniformly in existence and those laws are not uniformly enforced by different countries. And so, from a privacy perspective, for those who are concerned about privacy, there's a real mish-mash, if you will, about how well personal privacy is actually protected in Whois.

There are also concerns about the use of proxy and privacy services that are used fairly broadly today, or at least we think they're used fairly broadly today. There are those in the privacy community who would probably say that proxy and privacy services are a good idea because they compensate for, or allow people who do want to protect their privacy, to be able to register those names using a proxy. Although some of those individuals may also resent the fact that they may have to pay a premium to get that privacy when, in their view, their government's law allows for that privacy without having to pay a premium.

Certainly, on the other side of the coin, law enforcement personnel, intellectual property holders, members of the Anti-Phishing Working Group and others who are kind of first responders in the cyber crime world I think worry that proxy and privacy services, while they may serve certain benefits to the community, make it much harder for them to get information about registrations that are problematic where they really need to get to a registrant very quickly. So Whois is one of those areas that is particularly controversial, has been controversial for a very long time, and where previous policy work within ICANN has frankly, lead to very inconclusive results about how policy should change in order to accommodate Whois.

Those issues that I just described are still very much in the forefront but they are nothing new. Now we think about, for example, the growth of IDNs and we think about well, what would the implication of that be if more and more people, when they register domains, are using non-ASCII characters for registration information, for contact names, for technical information, and what are the implications on a global level if that information is only readable by subsets of the population. So there have been concerns about Whois from a policy perspective for quite sometime, and I think those concerns are

going to get even more complex and difficult to resolve as IDNs increase and as more and more registrants register domain names from around the world

So, the Generic Name Supporting Organization has been looking at the idea of how to study Whois in such a way that it might provide some factual data to help the community figure out what the right path is. Because what we've found in recent debates about Whois is depending on where you sit, depending on what your concern is, if you're coming from a law enforcement perspective, you want that open Whois privacy be darned, you have a very acute focus on what you want that outcome to be. From a privacy perspective, you hear the reverse and what, from a policy perspective, is the answer. Where's the intermediate pace to be? And the truth is that among the communities that participate in the GNSO, in length conversations and debates and working groups that occurred prior to my joining ICANN and then throughout my brief tenure at ICANN haven't really clarified or helped devise any solutions for that.

So in the absence of clear direction about what changes out to be made to Whois, the ICANN community, the GNSO Council, essentially said before we make any more policy suggestions about any of these changes, many of which are inherently inconsistent with each other. If you enhance privacy you are going to make it more difficult to have access. If you enhance access, it may be more difficult to ensure privacy, but instead, we are really going to take a time out, if you will, and do some very in depth studies of Whois to try to really figure out a number of key questions that might help guide the community about what changes out to be made in Whois.

So basically the Council, back in March of this year, came up with the five or so study areas that are listed on this screen, and I'll describe them a little bit, and asked the staff to go back and figure out what it would take to study these areas, what kinds of things we might learn from actually conducting studies in these areas, and what the challenges might be. If we were to embark upon these studies, are we going to run into some challenges like data not being available or the results not really helping to guide us in terms of next steps.

So in March, the Council identified key areas where they thought they needed to study these areas more and then looked to the staff, to me and to a team I put together, to really delve deeply into how these studies should be conducted, how much it will cost to do the studies, what feasibility challenges we might encounter, and then make a presentation or documentation to the GNSO that spells that out, that says we've looked at these study areas over the last few months. We think it's going to cost X or Y to conduct the studies. We think this is the kind of information that might come out of the studies.

Here are some drawbacks where we think information might be inconclusive or where the cost of the studies might exceed the benefits of the information that we will have. And then it will be up to the GNSO Council, once I'm done with this feasibility analysis, along with the staff, what studies should actually be done and how.

And I think it would be fair to say that within the GNSO Council communities, even right now, there are constituencies that feel very strongly that studies should be done. And to summarize briefly, I would say the intellectual property constituency, the business constituency. ISPs have been very strong proponents of doing studies, because they think the results of the studies will really help point to changes in policy that either should be made or shouldn't be made. And I'll add also, the Government Advisory Committee, in April of last year, sent a very detailed letter to ICANN, to the Board of Directors, also very passionately endorsing studies that should be done on Whois, and providing quite a lengthy list of studies that they thought also should be done.

But there are members of the community that feel strongly that studies should not be done. And the two constituencies that have been the most vocal in that respect have been the Registrar Constituency and the Non-Commercial Users Constituency, and also, some voices within the ALAC or At Large constituency. And I am really emphasizing the nuances of why different groups feel differently about these studies. Oh, and they argument that they are really using is that even though the studies might result in useful data, people are so dug in, the different constituencies are so dug in about their positions of what should or shouldn't happen, Whois data should be private, Whois data should be public, and lots of variations in between, that they don't really think that no matter how useful the results actually are, how illustrative or compelling the results of the studies are, that it's not really going to change peoples' minds who are very dug in on what they think the outcomes should be.

So I'm walking into this project knowing that it's extremely controversial, that it's not at all clear that we will reach agreement as a community about what studies out to be done or not, but essentially letting the community process work, and going about it systematically and as openly as we can to say well, let's see what we can find out and let's see if it's useful.

So one of the first areas that we're taking a look at is what essentially is Whois data that is being accessed by all of us being misused in some way. So easy example, are people harvesting or data mining Whois data to spam people, or to do worse, phishing or other kinds of things. And so that study is really going to look at how people access Whois data, who accesses Whois

data and for what purposes, and there are a couple of different techniques we are going to consider using to try to figure out how data that has been accessed, has been misused, if it's been misused. I'll bet several of you can imagine just right off the bat some challenges associated with doing that kind of analysis, but that's part of the fun we are all having trying to figure this all out.

The next category that we are going to be looking at is whether the registrants are misleading registrars essentially when they register domain names by suggesting that, in fact, they are natural persons when they're really commercial entities, that they are not doing business for a commercial purpose when, in fact, they are doing business for a commercial purpose. Things that have been suggested might be indicative of criminal activity or abusive activity on the internet. That's a second area that we are looking into.

And then the third issue really, and these, really bullets three and four there, really looking and proxy and privacy services. Who uses proxy and privacy services, why they use proxy services, and also, if they are using proxy services, how are proxy services and privacy services responding to requests from law enforcement or from others? Is it an effective way to get information in the absence of reaching the actual registrant or is it in fact just a block that is impermeable where you can't get any kind of information about the registrants and what the results of that are. So those are areas that we are currently looking into.

I'm actually drafting RFPs that we will post and we will invite comments from the public on how much they think these studies will cost, whether the way we've kind of configured them makes sense, and whether there will be bids from potential researchers who would be interested in actually conducting these studies. And once we have that information, we will go back to the GNSO Council and they will select which studies, or we collectively, the Council and the staff, will decide which studies should actually be conducted.

I should mention there are some studies of Whois going on right now unrelated to what I've been talking about. They're compliance-related studies. There is one study on Whois accuracy and a study on proxy and privacy services that's more a sort of general, who uses proxy and privacy services that ICANN's compliance group is overseeing. So everything I've said up until now has really been focusing on what's happening in the policy group with regard to Whois studies and is not directly relevant to what the compliance group is doing.

Male: When you said those RFPs going out, (53:42 Unintelligible) Council will work out which of those studied (53:48 unintelligible) the language there, is it possible that it's to work out which of those studied (53:55 unintelligible) get done or (unintelligible).

Liz Gasster: If any. Very good point. He's a registrar. He doesn't really want to see the studies.

Yes, please.

Male: (54:16 Unintelligible), how do you see the mission of the feedback from the (54:25 Unintelligible).

Liz Gasster: I think what I would say is it depends. And the reason why I say that is because I think there are differences between making maybe intermediate steps to propose changes that might provide some improvement versus a total change. And this is what I mean by that.

Back in 2007 there was a working group that looked very, very hard at whether we needed to create a position called an "operational point of contact" or OPOC, that would act as an intermediary between requesters of Whois information and individuals who's information was not listed in Whois. So, if I were an individual that wanted to keep my information private, I could designate Marika as my OPOC and then, questions about who I am or whether there was a problem in my registration would come to Marika, I mean the theory went, and that this would be a way of allowing registrants to be protected, but a whole new system, in terms of always being able to publish the OPOC contact.

This was a proposal that actually was initiated by the registrars as a way of trying to find a consensus or balanced approach to recognize the need for privacy, and also the need for access. But it died under its own weight in the sense that when the whole community started talking about how would OPOC really work and who would get to decide on the OPOC and how would you verify whether the person who is requesting the data had a legitimate need to get the information? You know, do you limit it to government officials?

There were some in the Non-Commercial Users Constituency, for example, that felt very strongly that even government should be limited in its access but that it certainly shouldn't be so broad as to allow intellectual property holders or just a competitive business, for example, to find out who the actual registrant was, or whether there would need to be a verification process to

decide who you were if the requestor was, in fact, legitimately who they said they were.

And it got very complicated. The details, as you can imagine, just sort of exponentially got very complicated and the whole thing was defeated. By then, sort of everyone backed away.

Adrian Kinderis: (57:08 Unintelligible). I'm actually elected to the Council of the Registrar Constituency, and so, we're (57:15 unintelligible). I think it's important to remember that in – first of all, in .com (57:20 unintelligible). So, there is an impact to a registrar business, and in .com, about having enough information or (57:40 unintelligible). So I think the registrars take very seriously studies for the sake of study or we want to see that the appropriate amount of thought is being (57:51 Unintelligible). So that's why the registrars tend to be very critical about (58:01 Unintelligible) Whois, that there is clear reason as to why they want to change, and that's fine. And I'm sure I speak for all (58:06 Unintelligible) so, we want to make sure Whois is used appropriately and so on and so forth. (58:12 Unintelligible) know that there is a legitimate reason for that (58:19 unintelligible) there has been appropriate studies for that. So that's why I think it's being sort of morphed this way (58:25 Unintelligible).

Liz Gasster: I think you're right and I think also, when I say it died under its own weight, it was because as all of those additional requirements were kind of piled on, to say you would need this, and you would need that and you would need security, and you would need authentication. The burdens just kept flowing to the registrars. It seemed like a great idea, but then the registrars became the target of - but the reason why I said that there's a different between - I consider that almost kind of a partial solution idea versus maybe a real change. Like the other place that I think this could all eventually end up is this question of should Whois be replaced at some point, that the protocol is antiquated, that there are many things about it that are cumbersome and imperfect in the world we live in today.

There have been standards developed to look at a replacement for Whois, the Crisp Working Group of the IETF and the IRIS, the Internet Registry Information Service Protocol, that might actually become a logical replacement to Whois, that might in fact also be more generally acceptable if it can be implemented in such a way that it addresses all the concerns that I described earlier, including the ones that Adrian has highlighted. I think there's a huge question mark there at this point.

There's one study here. The first slide showed the initial set of studies on Whois that have been discussed. There's also two recent requests that I

think are particularly important in that regard. The first is this request that staff compile a comprehensive set of requirements for Whois service based on current requirements, meaning what the RAA, the Registrar Accreditation Agreement requires today, plus a review of other Whois policy work, which could pick up this idea of tiered access. Certain people should have certain kinds of access that would be better than or more efficient or more expedited than others, that would capture things like the needs that might be required in an internationalized registration environment. So that's going to be looked at in this separate set of requirements that staff is going to be compiling. And ultimately, that may be an answer that a much broader community can accept, but not without challenges.

Male: (1:00:53 Unintelligible) simple fact that the conversation today is that Whois – the responsibility of Whois (1:01:00 unintelligible) new gTLD landscape being that ICANN (unintelligible) that is that the Whois data is (unintelligible) new gTLD registry's responsibility to fall within (unintelligible). So a lot of the burden, because we're talking largely about (1:01:24 unintelligible) the burden's pushed out to the registrar. Going forward, the new gTLD landscape, this becomes very important to the new gTLD registry operator, because it's your Whois information now that (1:01:36 unintelligible) but the way that Whois is displayed and everything else is actually done at the registry rather than at the registrar. So all this sort of takes it up a notch in the new gTLD landscape.

Liz Gasster: Excellent input.

This just describes what we're going to do next. After we get the input, we're not actually going to be conducting studies. We're going to be going back to the Council with what the costs are and the Council and the community will decide what studies to actually do.

Here is information about Whois and you can follow up with those links, which will also be posted on our Website.

I had one other issue I was going to talk about, which is some changes that we anticipate to the Registrar Accreditation Agreement. We're running a little behind, so I want to just move through this very quickly. But essentially, the Board approved in May some significant changes to the Registrar Accreditation Agreement that are listed here. New enforcement tools, certain protections for registrants. It's the first real significant change to the Registrar Accreditation Agreement in quite some time and the implementation of this will occur over time voluntarily or as current registrar agreements need to be renewed. But there's a very new activity, which you're also welcome to join in - it's very nascent at this point – to look at what

other changes may be/should be needed for the Registrar Accreditation Agreement. Are there other modernizing or other features or provision that are needed? And the community is just beginning to take a look at this, and if you're interested in participating in that, there's ample opportunity to sign right up at this time.

So, more information on the RAA there. I think we're going to skip the other slides, which were just to give you a very short overview of the CCNSO policy-making, and also, ASO policy-making. These will all be on the Website, and you're welcome to contact any one of us and we can provide you with more information about what's going on in those spheres.

And I just want to end by giving you a quick advertisements for our monthly policy update. If you don't, today, subscribe to the policy update, it is a monthly effort to keep you up to date on all of the voluminous work that the policy group is doing, and it provides also the contacts for each issue so that you can contact us directly if you'd like more information or if you want to become involved, which we would really like.

Male: (1:04:21 Unintelligible) I think there is a link for the same policy update in Arabic language, so I think it will be AR instead of UN. So, for those who'd like to get the updates in Arabic.

Liz Gasster: Right. The update is available in the UN languages, so make it a little easier.

Okay, that's it. Thank you.

Male: So, we're going to spend the next 30 minutes just to talk a little bit about engagement of the Middle East Community with ICANN and how ICANN's been working with members of the community. So, we have three speakers in this session. **Savash**, you're invited to the panel and I'm going to look for the third speaker.

So, as we've heard in the presentations today, so ICANN, as a global organization, it's important for ICANN to get the global community engaged in the process. So, the different supporting organizations and advisory committees within ICANN got volunteers from all over the place, from different stakeholders, from governments to private sector to user groups and academic institutions. And, we also have a process to nominate and select members to sit on the Council of the different supporting organizations and advisory groups, as well as the ICANN's Board as well, and this is what is called the Nom-Com or the Nominating Committee.

So, one of the things that the Nominating Committee is always trying to do is to try to seek good and qualified candidates to serve on the different councils of the ICANN's constituencies. And again, the diversity and the background and the qualifications of the members is quite important, as well as the geographical diversity as well.

So, when it comes to the Middle East - so I'm going to leave the speakers to talk about their experience with ICANN and why do they get involved in ICANN, why is it important for them to follow the ICANN work and ICANN processes. So, maybe I will start from my right with **Savash Sashahani** if I pronounced it correctly.

So, Savash's, he used to be with IRNIC and he used to be – and I would hope that he would continue to be active with ICANN. So, in different constituencies by the way, and I leave him to talk to that.

Savash Sashahani: Thank you. I was asked by **BAR** to come here just a couple or hours ago, so I haven't really prepared anything. Let me just tell you about my own history with ICANN.

I was the CEO of IRNIC, the .ir ccTLD registry from 2000 to the end of 2008, so for nine years, I was involved with IRNIC you could say, which is part of ICANN. Then my other involvement was for two years from the end of 2005 to the end of 2007, I was a member of the At Large Advisory Committee of ICANN. And right now, I guess I'm an observer of the new committee that's supposed to develop the ccPDP for IDNs, the IDN policy group for irregular – for the non-Fast Track phase.

So, my relationship with ICANN has not always been very smooth, even though I've been involved with ICANN, and I want to concentrate on the positive things mostly now. So, just briefly, people ask me – I'm from Iran so people ask me why do you get involved in ICANN, because our respective countries, where ICANN is registered as an organization and my country are not always on the best of terms in terms of governments, so why am I involved with an organization where the one particular government, which is always not very friendly with my government, has a prominent role. My answer generally is that what's worse than having one government involved in an organization is having more than one government involved, because the less – my own ideology is that the less involvement you have from governments the better and...

You know, if you have more than one government involved, you could always have more politics. So when you have only one government

involved, that government is on the spot and maybe we'll try to be less discriminating, even though it's not always been the case.

In any case, certain I prefer a day when ICANN will be free from the involvement of one particular country in a prominent way, but the solution is not for ICANN to be – replacing ICANN with a UN entity. I've been to ITU meetings, and believe me, it's very different from ICANN meetings. There's no chance there to get involved as an individual. And so, my response really to the criticism of being involved with ICANN is that as bad as ICANN can sometimes be or as frustrating as it can be sometimes, I prefer it to ITU for example. So, that's really I keep coming to ICANN meetings even though I haven't been to the three most recent ones for different reasons.

I consider ICANN to be a new experiment in this global information society. It's something that really have to get involved in to develop, because it has no precedence. Today at lunch, we were talking about **FEFA** for example or the other support organizations that are kind of international, and they carry a lot of weight with different countries, even with governments even though they're not really intergovernmental organizations.

Now, in this information society we're in, I guess we're going to need new entities that are international and yet not intergovernmental. And for those of us who have been involved with the Internet for a long time, remember the days when the academics and engineers were running the Internet completely, and this may be our ideal. We know this cannot be realized anymore, because today, public policy and everything else is so involved with information society that you can't really yearn for the old days. But we do want an approximation to that, a day when we have organizations where individuals can still have a say.

My own frustration with ICANN has largely been with how to get the individual involved. When I was a member of ALAC for two years, I saw lots of shortcomings. I'm not blaming anybody in particular for that. It's part of the structure. I still think that one of the most important things for ICANN is how to make ICANN more responsive to the individual, to the little user, to the guy who is not the – the average user who is not part of a government, not part of a big private industry. I think that's the big challenge to ICANN now. I suppose there are lots of experiences I can relate with regard to that – other things, but I'll let the other speakers speak and then if there are questions, we can discuss.

Thank you.

Male: Thank you Savash. And, I think you have a or have had a peculiar experience with ICANN being the for a long time and being also on different constituencies like At Large and CCNSO as a participant at least in the CCNSO. So, let me turn it over to Mohammad Al Zarouni from .ae, United Arab Emirates.

Mohammad Al Zarouni: All right. (1:15:41 unintelligible) first of all. First, I'm very glad to be here, as I'm representing the .ae ccTLD as well as contributing to the panelists and talking about the IDN experience and what we have done so far related to the introducing of .emirate IDN ccTLD for the United Arab Emirates.

My name is Mohammad Al Zarouni. I'm the Chief Technology Officer for .aeda and as it's mentioned, I think misspelled in the brochure, it's .auda. So...

Male: It's not misspelled at all.

Mohammad Al Zarouni: Yes. I got a new job as well and you are all (1:16:27 unintelligible) so yes.

So just to start with, I'll take this opportunity to introduce .ae Domain Administration as a ccTLD merger as well as the registry operator for .ae country code top-level domain. The .aeda has been initiated as one of the TLD initiative and aims to regulate the country code top-level domain and come up with a best practice to manage and to secure domain name registration in a very easy and friendly way to the end customers. We have actually started the registry and commenced operation on 3rd of August 2008, so it's been one year now.

A couple of changes have been done to the domain name industry in the UAE, one of the main changes, which is the introducing the registry/registrar model where we now have a central registry system and we have multiple registrars. The customer has the choice to choose one out of these registrars. Currently, we have around 15 registrar service .ae domain registration. Some of them are within the country and some of them even international. We do allow international registrar to be .ae accredited registrar as well.

By this, we introduced definitely a competition that would definitely will ends of having better services to the end customers. We have invested in the registry system and DNS, and by having a very world-class registry system, and we have a very diverse DNS and hierarchy infrastructure. This would (1:18:22 unintelligible) all around the world. We are surprisingly now –

recently we have around 60 DNS servers distributed all around the world with a partner for friends and companies, and some non-profit organizations who provide a sort of new technology in DNS resolution called **Any Cost Service**.

We are very proud to say that we have managed to secure 100% availability during the first year in all services including the DNS as well as the registry system and the Whois service. We are the first Arabic country in the region who introduced the EPP model as well, so all registrars are connected to our system using an automated way of domain name registration, as well as all type of transaction, including renewal, transfer, and those things.

I thought of changing the entire body of the presentation to be more like non-technical. I thought that if I introduced so many technical things, it might be boring for you guys. So, going through the very basic aspects of the Internet then to (1:19:44 unintelligible) something called the domain name, which is an identity or used to be called a label.

Domain names currently are based on English characters. We access the Internet using language character scripts such as Arabic, which doesn't exist as of today. We have seen a potential to introduce the Arabic domain name for our communities, so the Telecommunication Regulatory Authority, which is the .aeda is a part of, have sort of asked us to work on this project and try to be one of the (1:20:25 unintelligible) to introduce the .emirate Arabic ccTLD IDN to the end customer.

You guys, if you have any questions, please feel free to ask me. Or if you would like, we can keep the questions as well until the end of the presentation. I'll try to make that presentation quick and fast so you guys don't feel bored.

What we are going to introduce in this presentation, we are – just, I'll skim through the registry system, how it works, and how the Arabic registry system will work once we introduce the IDN or .emirate. What are the value propositions for .emirate to the end customer, and a couple of the policy development related to the IDN as well within the registry system or within the (1:21:15 unintelligible) of the .emirate?

So, when it comes to the current .aeda or .ae registry systems, since we have multiple or a couple of registrars, we actually – some of them, they do money registration while others they do (1:21:35 unintelligible) registration, so the customer can choose either one of the approaches. It depends on whom the registrar they are dealing with. And the back end of course, is fully automated, so once the registrars register a domain name for his customer,

that domain name gets propagated to the registry system, the DNS and the Whois immediately.

I'm just giving you here an example to register my domain name with certain information that will be also published in the Whois, like the registrant contact name and the other contact, like a technical contact, and other information like DNS host delegation.

When it comes to Arabic domain name, nothing will be changed, except that the domain name will get definitely registered under the Unicode shape of it, which is as I mentioned here. As an example, (1:22:33 **unintelligible**).emirate. Everything will go straight away to the registry to the Whois. I missed Whois here.

Anyway, the DNS definitely, as the current protocol of the DNS only supports the ASCII, so **.Hammad** gets converted to the ASCII comparative encoding of (1:22:54 **unintelligible**).emirate, which is X N dash dash. That immediately will be a provision to the DNS and there's no such – I mean, changes to the end customer related to the domain name registration.

So what are the values? Why are you introducing .emirate? What are the values of .emirate when it's been introduced compared to the ASCII of .ae? First of all, domain name definitely will be an Arabic domain name. It's a new TLD, so we're expecting a lot of very good names to be cached, and a catchy name. Of course, we are actually reaching our communities by having fully native Arabic domain names, so definitely help the native Arabic-speaking to also use the Internet is a much effective way. Definitely, there will be a new medium for Internet and entrepreneurs to come up with innovation and ideas, once we have the Arabic domain name on board.

That's the fourth point, which is – it's interesting. We don't have it in the ASCII, which is once you have a domain name, you might have some other variance secured for you along with it just to secure that name from any sort of phishing attacks. And of course, I mean, the domain name will be used for certain applications. The most common applications are browsing and the email.

Now, I'm happy to say that our registry system is fully IDN compatible, so once we have the ICANN open the application and we are very keen to be one of the first to apply for it for the Fast Track. However, being ready for a technical thing is not really – it's not enough. Definitely, there should be some more things to think about, which is a policy, how the IDN domain name will be introduced to the end users.

So, I've mentioned a couple of things, which need to be addressed when you're talking about or when you're developing the policies for any TLDs. This is I believe that they are very important and need to be addresses and analyzed correctly when introducing any TLDs, whether it's an IDN domain name or even it's in ASCII. One of them is to ensure a fair registration policy, who's supposed to register what, who's eligible for what, whom this domain name to be given, whether this domain name will be under a restricted; so only companies that can register a domain name or it's an open; any one can register the domain name. These are the questions need to be asked and answered during the policy development.

We have to address all the linguistic issues from a policy point of view. This is the first time we are talking about linguistic things in the policy, while in ASCII it was very straightforward, because the ASCII alphabetical (1:25:57 unintelligible). With a domain name in IDN, definitely, you have to identify to the end user what are they allowed – code points that a registrant can register.

Of course, we have to think about as the cyber crimes keeps increasing in the world and especially in the electronic world, and we are targeting to address minimizing the phishing and misleading and visual confusion in the domain names as well.

We have to think about preserving the culture and religious and moral value of the nation through the reserve names list effectively limiting it. We do have a reserve name list where we can protect certain names from being registered by the end user, either due to the moral values or do to some technical things, which might cause a problem to the communities. And again, we are aiming to have a policy, which is catering for all their needs, whether it's a technical policy or even other needs. Yet, it should be very simple for the end user to understand, because you are talking about someone who just needs a domain name. He doesn't want to go into the nitty-gritty stuff of how the domain name works in details in the DNS. So that's why the policy should be very simple and comprehensive at the same time, but it should be very simple for the end user to understand.

So, what we are actually targeting in the very near future is finalization of the policy document, incorporating the Arabic IDN for .emirate. Definitely, we're preparing to be ready to submit our application for the Fast Track, and we are almost ready. We're just waiting for ICANN to open and you'll see us jumping into the queue and applying for the IDN. And definitely, there will be some pre and post campaign to promote the .emirate IDN with the UAE, and even we're targeting some other neighboring countries to talk about what are the benefits of having the IDN to the space.

That's all. I hope that I covered the plan in brief and feel free to ask any questions.

Male: Yes, I have a question about the domain name reserved names, (1:28:50 unintelligible). So any name that is not in the reserved list (unintelligible).

Mohammad Al Zarouni: Well, as of the current registry system, the registry system is capable to secure both, so it's very easy to (1:29:09 unintelligible) whether you can make it a (unintelligible) things, which the registration happening straightaway or you can make it as a registry or registrar required sort of verification before it gets registered and goes to DNS. Currently, as of the .ae, it is auto approved, so once you register a name, it gets immediately registered (1:29:33 unintelligible) in the DNS, apart from the reserved list of course.

Now, when it comes to the IDN, that's one of the questions, which we actually working on. Once we finalize the policy, it was determine exactly – I mean, whether it will be immediate registration, which would be some sort of verification before it gets registered.

Male: (1:30:02 unintelligible)

Mohammad Al Zarouni: Well currently, according to the policy, we're trying to avoid such things, because we are acting as a neutral body. So, we are giving fair access to – and unfortunately, it is for all registrars to register a domain name (1:30:36 unintelligible) customer. So, we're not actually in favor of registering the domain name for the end customer.

Male: (1:30:43 unintelligible).

Mohammad Al Zarouni: Yes, definitely. And, technically, it can be done easily. I mean, the registry system is capable of providing said services, but from policy wise, we are trying to avoid doing such thing, unless we are (1:31:47 unintelligible) and it's sort of a desperate situation where the customer's really upset and doesn't deal with any of our registrar, maybe we can do it. But, luckily enough, we don't have such (1:32:00 unintelligible).

Male: (1:32:02 unintelligible).

Mohammad Al Zarouni: Please go ahead.

Male: (1:32:04 Unintelligible) for our clients (unintelligible) number of domain names can be increased (unintelligible).

Mohammad Al Zarouni: There is a number. I don't have exactly the figure, but there is an increase, definitely, in the number of registrations, especially with other registrants. Like the incumbent registry, which was happening there (1:32:33 unintelligible) registrar, and then other registrars, they are actually – they have entered the market. So, I can see good potential for other registrars to do a good domain name registration, especially when considering that .ae name space is still have plenty of good names to register. I mean, around 90,000 to 95,000 domain name registered already. So comparing with .com, you're talking about 80 million domain names, so the chance of having catchy names in .ae is very big.

Sure.

Male: (1:33:15 Unintelligible) talking about (unintelligible) registrations at the second levels, third level or both?

Mohammad: That's a very valid question and a very good question actually, and this is one of the questions we were actually asking ourselves whether it would be appealing to the end customer to introduce a second level and a third-level domain name registration under .emirate. And I cannot exactly tell you what is the trend, what I'm expecting to be like – no, it will be only under second-level domain name registration without third level.

There's no category in .emirate.

Male: (1:34:02 Unintelligible) under .ae?

Mohammad: Currently, no we don't provide it.

Male: (1:34:11 Unintelligible) under .emirate?

Mohammad: That's one of the questions maybe will need to be asked, but most probably no. We will start with only the native Arabic code points along with a variance in other Arabic script languages like Persian and this one, as a straight registration just getting the variant in this one. As you mentioned like for example, if someone registered **Katab**.emirate, he might probably get the Katab with Persian (1:34:41 unintelligible) as well with it as a variant.

Male: Okay. So it's not possible (1:34:44 unintelligible).

Mohammad: (1:34:48 Unintelligible) .emirate, no, at least at the beginning, and then we think if there is a real demand, then we might think to open it as well.

Male: Thank you Mohammad for the presentation, which has obviously raised some interesting questions.

So, I'm going to move to the next speaker, Mr. Jawdat Abu Jwaied from TAG-org, Talal Abu-Ghazaleh and Talal Abu-Ghazaleh Group is actually one of the very few businesses in this region that participate in ICANN. So, Jawdat, you have the floor.

Jawdat Abu Jwaied: Thank you very much. Actually, I don't want to speak while I'm sitting, so I need to feel closer to you, because I think that's (1:35:47 Unintelligible.)

My name is Jawdat. I'm working as Senior IT Consultant in Talal Abu-Ghazaleh Group. Actually Talal Abu-Ghazaleh has an IT firm, but same time, we have a trademarks registration. And my concern in this subject is that the fact that the trademark of any company is a part of its capital, which means the trademark is worth sometimes millions. And when we want to now expand the top-level domains to make it in several languages and – actually, we are expanding from one dimension, which is known now as a .com into several things, which is like .emirate, .saudiarabia, .italy, .usa, and this will be a big headache actually for the famous trademarks in the world.

When I read some reports about the discussions about this subject, we found out that where ICANN needs to improve some balanced standards between keeping this top-level domains industry as a free market and between setting some regulations just to organize the process of registering the domains to maintain the value of the trademarks.

Actually, from being working as an IT Auditor and IT Consultant, just to conceptualize new ideas, we need to go through four stages. The first stage is just to set a framework for what we are talking about, like what we are doing now. We want to brainstorm some ideas about the domain registration. When the framework becomes solid enough and clear enough to the stakeholders, we will be able to form what is called the standards. I think that's one year or two years later, we will be able to go firmly into the **ISO** and set some ISO standards that if any company needs to register some names in several countries, we need to follow some standards to maintain the rights of all parties, and to avoid any conflict. Later on, the registry companies will be able to develop new services, which will serve the end customers if they want to register their names in several countries.

I want to discuss with you that – from IT perspective or a let us say from technical perspective, I think the market needs to enhance some features such that they will accommodate the new let us say non-ASCII naming of the domains. For example, maybe Google, it has their search engine and

somehow inside, they are based on English script. But now, when we want to add domain names in non-ASCII, which means Arabian, Persian, or anything, maybe Google needs to improve some technologies for the search engine. And definitely for the developers, when they want to talk about developing a new site using the non-ASCII scripts, definitely maybe they need to enhance some features in XML, HTML, and PHP, that common industries for developing a new site. And, a lot of things.

Now, I want just to look at European within ten minutes about what do you think – okay if there is, let us say, I want to register a new domain name in Arabic and I want to call it, for example, PC. You know PC is not as a personal computer and it's not a property for let us say for a specific company. PC is a scientific term, isn't it?

Now, is it – as anyone has the right to reserve this PC for his community for his organization or for his firm, and obliging the other parties to comply with his policies or with his rules, because he's the owner of PC for example? So, I'm interested actually to listen to some ideas from you.

Adrian Kinderis: I'll have a microphone. So if I understand correctly, you're saying that a generic term such as – in your example, PC, it could be computer, it could be concrete, these generic terms. They can't be trademarked and no one has ownership over these. Yet you're saying if I register it and I'm successful in a top-level domain why is it that I will have complete control over this term when it cannot be trademarked. Am I right? Is that the situation?

I think at the moment – I won't speak for ICANN; I'll give my spin on it – but we're talking about generic top-level domains. By definition, they are generic. Therefore, it is completely permissible by ICANN to allow these names to be registered. Trademarked or not, irrespective of that, I think in order to allow the functionality of the Internet and the purpose of these names that it makes good sense to allow generic names to be registered. It allows the Internet to be cut into finer slivers and allows potentially easier navigation.

The reason search engines exist is because everything is under a generic term at the moment, .com, predominantly. I believe that the introduction of further generic top-level domains will help in this, but they have to be generic.

Male: (1:42:14 Unintelligible)

Adrian Kinderis: Well, I think ICANN's giving that right. ICANN, by managing the Internet, is allowing that right to be owned or licensed to somebody. I don't know. Someone else?

Female: You know, playing to your (1:42:39 unintelligible), I have my personal idea. I think that the government regulates (1:42:49 unintelligible) registering the domains in the place of ICANN, they should make a new rule that for such brands like PC or like this, the people must first register this domain as a **bookmark** and then follow up the official registration of a trademark. In this case, if they become the owner of this **bookmark**, they are allowed to register such domains under their name.

Female: The problem is that a generic term can't be trademarked, and if we think about this topic, it's the same as it is on any extension right now. Who owns the right to Cars.com? People will argue who owns the right, but whoever initially registered the domain owns the right to that domain, and that's just the nature of the Internet and the IDN system that we've all been – I mean, the domain system we've all been working under for the past years.

Male: (1:44:00 Unintelligible) if I may continue to sort of play on that is it's a great point, is that we allow – where do you stop at the generic, right. We're talking about top-level domain now. We permit at the moment generic terms to be registered at the second level and at the third and at the fourth, and so on and so forth. Why is there any difference between a generic term at the top level and a generic term at the second level?

Jawdat Abu Jwaied: Okay. The other concern is that today at the break, the first break, we were talking about cascading the registration. For example, some multi-national company or let's say very famous trademarks like for example, Ford. Ford, it's a cars company, cars manufacturer company. Now, if we want to provide such service like non-ASCII top-level domain registrations, do we think that's anyone, for example, in UAE is allowed to register Ford for example as a top-level registration just if he pays \$160,000 then he will own the Ford in UAE, of course. Now, Ford needs to make sure that no one all over the world will, let us say, occupy its name as a top-level domain, for example, to protect her trademark.

In this case, I think there, we need to develop a policy about cascading the registration. For example, Ford owns the trademark of Ford, which means no one all over the world can buy a top-level domain called Ford for example, because this is property belong to something like cars manufacturer, isn't it?

Adrian Kinderis: Ford owns Ford Motor Cars. I'm no trademark lawyer, but I would have thought that it's the use of the trademark that's important, because I'm sure

there's Betty Ford Alcoholic Clinic and there's Ford Materials and Ford Construction and whatever. They all have a right to .ford. It's first and best dressed as far as top-level domains – well, at least second-level domains are concerned. So, I don't know that just because Ford has a trademark of Ford Motor Cars that they can necessarily claim that they have .ford.

Male: How we will distinguish between Ford Alcoholic and Ford Cars? (1:46:40 Unintelligible) just to maintain the rights for each trademark, isn't it?

Adrian Kinderis: Maybe the lawyers can speak up here (1:46:52 unintelligible).

Liz Gasster: I'm always interested to add comments but they may not be informed comments. I know that trademark lawyers have an obligation to protect their brand and that geographical differences do matter. So, Ford may be a global brand that's equally represented throughout the world, but my previous little anecdote about my friend with Built Right Construction in the mountains of California, if you look at Built Right Construction, there are hundreds of them around the world and they may be not entitled to the same breadth or global reach of trademark protection, depending on how they're understood to do business, and also where they filed patent trademark protection throughout the world.

So, I think there's some variables and I'm definitely not qualified to speak beyond that. But, it does make a difference. It does make a difference how you're enforcing your brand and what the recognition of your brand is. So if you have a brand that's exclusively recognized in the Middle East and is unknown everywhere else, then there's going to be different rules that apply.

Jawdat Abu Jwaied: The last thing which I want to talk about and we will finish after that is that when we open a subset – top-level domains in several languages, actually, we are opening, let us say, a cross directional registration for example. You want to register your trademark as the sector for example, if I want to mention Ford, shall I mention Ford as a U.S. American company or as a cars sector for example.

So in this case, this is open cross-directional registration. I think we need to develop, based on our policy, we need to develop a mechanism or a standard about this issue, and later on, to provide a (1:48:49 unintelligible) system, for example IT system or algorithm for example, to make the steps for safe registration without attacking the others trademarks successful.

Anyone is interested to comment on that?

Marika Konings: It's just a comment, but isn't it up to the company organization applying to decide how they want to brand or market themselves? I'm not really sure whether it should be for ICANN to create a system why they fit. Isn't it a decision in the end of the applicant if they want to be Ford Motors or Ford Cars or Ford U.S.?

Male: (1:49:33 unintelligible).

Marika Konings: Well, to me, it's not clear how ICANN would create – or I don't know if you're suggesting that ICANN should create a system around that.

Jawdat Abu Jwaied: (1:49:43 Unintelligible) let us say, like some standards. If I want to register a Ford, the Ford as I mean it that it's an American cars manufacturer. So in this case, if Ford wants to register the top-level domains in Arabic/Persian, okay, Ford is still a Ford, but in different geographic regions or in different sectors for example. So in this case, when Ford wants to register Ford as a trademark, this registration, let us say, standards or registration phases or registration steps need to be set such that it will not attack another trademark.

Female: (1:50:30 Unintelligible) when we have a domain name, a domain name is a very unique identifier, but when we have a trademark, trademarks can be registered in different classes, right, according to the (1:50:45 unintelligible) convention or whatever country convention there are, they can be registered in different classes. And there's a lot of flexibility the trademarks have to co-exist in different classes in the same marketplace or even around the world because of that class system. We don't have that in domain names. In domain names, it's a very unique identifier. So, if you register .ford, that's it, it's .ford. However, whoever it was that registered .ford is going to market it in a certain way depending what the company is without any kind of attribute.

But, there was some conversation about letting somebody registered as United. Could maybe the different companies that have the United brand share a site and then have the site as being a triage so to speak site. There was some conversations done about that. But still, whoever registered .united or .ford, this is the owner of or this is the company that is managing that extension and that's the applicant, the unique applicant of that extension.

Adrian Kinderis: I think that's right, and it comes back to use for mine. When Ford Motor Company puts their application to ICANN, they're going to say, "We're Ford Motor Company. We're applying for a community TLD that's going to be used by us." Now, if they decided to then register Betty.ford or construction.ford or something outside of that that started to infringe some other mark, they would have a case, I would assume, to be able to take

ICANN to task and say, "They're not using their name for the purpose that they said they were going to." So, I think it's that post-delegation objection sort of thing that you were talking about before that. Ford's a bad example and I'm struggling to find a good one at this late time in the day.

But, I think that there is – it's the same as registering a domain name at the second level. You can register that and have rights over that name, but if you use it to infringe somebody else's mark, then you can WIPO'ed and you can have it taken off you, because it's the content that you put in the use of that name that holds you out. I think the same applies for gTLDs. You must do what you say you're going to do, and not a (1:52:58 unintelligible). But it's an interesting discussion. Thank you.

Jawdat Abu Jwaied: Thank you. I'm finished. Anyone interested to add anything?

Female: I just want to say one thing. It's not only the use, but it's also the bad faith in registration. So it's important to look at those two things, and that's the only way in which you can determine if it's infringing. That's how the current dispute resolution policy is right now, so I think that in using that moving forward, it would be the same thing for the top-level domains. So, it really doesn't change much in my opinion.

Male: Thank you Jawdat. Are there any other questions to the speakers or any comments or questions on any of the previous presentations/discussions? This is your last chance to ask or to make any comments.

Okay. So thank you very much for coming. Thank you for staying with us until the end.

Oh, Adrian wants to say something.

Adrian Kinderis: (1:54:10 Unintelligible). I just wanted for the record – (1:54:14 unintelligible) for the record, and I said this (unintelligible) Karla to (unintelligible) the ICANN staff here. Please don't consider the turnout here today as – and I'm speaking on behalf of my friends here in this region – as the people (1:54:30 unintelligible) this region are not interested in these issues. I, doing business here and having done business here for the last three years, know that there are very much people that are interested and I know that there are certain circumstances around the way that we held it this time and that sort of thing. But, please don't go away from this meeting, ICANN, thinking that the people don't necessarily have something to say. They do and I'm sure that as (1:54:55 unintelligible) said this morning, we would welcome back any opportunity to participate in this region. So, please come back soon.

Male: Thank you Adrian. I think this is a very valid comment. Thank you very much. And please join me in thanking our speakers for this panel.

END TRANSCRIPT