ICANN 36 (SEOUL): CONSTITUENCY DAY – NCSG MEETING

Tuesday October 26, 2009

The Chair called the meeting to order shortly after 9 a.m.

1. CONSTITUENCY BUSINESS

1.1 Introduction

The meeting began with introductions. This is the largest in-person showing of NCUC (now NCSG) members at face-to-face (F2F) ICANN meetings, and displays a diversity of geographical representation as well as an increasing number of new members. Several members also participated remotely. In total, more than members and several observers were present, from more than a dozen countries.

1.2 Membership Survey

Rebecca Mackinnon presented the results of a Membership Survey she conducted recently. This is the first comprehensive survey of the membership, and the group agreed that it resulted in some very helpful statistics and comments, although the fact that the survey was conducted shortly before the Seoul meeting meant that fewer responses were received than might otherwise have been the case. Several members expressed some concern over whether and how the results would be anonymized prior to their public release and the group discussed a suggestion that the results (appropriately anonymized) be sent directly to ICANN Board and staff after it is made publicly available. A comment that was made by one survey respondent relating to the technical and access issues that some members, particularly in developing countries, have with joining in our online meetings and discussions was also discussed.

1.3 Building Stronger Relationships within the ICANN Community

A discussion then ensued on how to build stronger relations with other entities within ICANN, including ALAC and the GAC. The Chair mentioned that, of all the efforts that had been made, Bill Drake (one of the current Councillors and NCUC-appointed liaison to ALAC) has been instrumental in bridging the communications gap between NCUC and ALAC. Several members gave suggestions on possible ideas and mechanisms to better inform the ICANN community on NCUC's membership and issues.

Suggestions included an informal list informing the membership of the work being undertaken at ICANN, selecting from and discussing some of the issues highlighted by Rebecca in her survey, strengthening the role of the various liaisons, taking advantage of F2F meetings (whether informally or arranged across constituencies/groups) and finding ways to inform the

membership about current ICANN policy work to enable them to join working groups, drafting teams etc.

It was also emphasized that we need to improve relations with the Board, in that it was clear during the charter negotiations that many Board members were unfamiliar with NCUC and unacquainted with many of our members personally.

1.4 ICT & Website Issues

Brenden Kuerbis outlined the online communication tools we are currently using, e.g. the listservs, website and limited Twittering. He suggested that we take a step back and consider the reasons and guidelines for using these tools, i.e. access, accessibility, resource-intensiveness (time and energy), scalability, interaction with/across other civil society platforms, and the need for archiving.

The Chair thanked Brenden for his time and IGP-supported efforts at basically being the one person who has been responsible for developing and educating members on the use of these tools.

Other members commented on the need to deploy different tools (e.g. IRC and not just Elluminate) to take into account high and low bandwidth as well as blocking in different countries; there is, however, some risk of confusion with multiple information platforms and information overload.

1.5 Funding

Funding remains a problem, e.g. the Internet Governance Project (IGP) that funds much of Brenden's work for us, will see its current grant expire early in 2010.

It also seems clear that we need administrative and human resource support. Rob Hoggarth (ICANN staff) noted that the GNSO Operations Steering Committee (OSC) will be sending to the Council a toolkit of support mechanisms, which as part of the GNSO Improvements process is intended to assist with some of these issues.

Rebecca Mackinnon noted that some foundations may be interested in funding developing world participants for ICANN meetings, especially given the recent growth in membership.

Some discussion ensued over the appropriateness of receiving substantial funding from ICANN versus independent sources. The Affirmation of Commitments (endorsing the public interest and the multi-stakeholder approach) and the ICANN Fellowship program (e.g. requesting a dedicated number of Fellows per ICANN meeting) were highlighted.

Carlos Afonso mentioned that certain entities (e.g. CGI Brazil, Nominet in the UK and CRIA in Canada) might be interested in funding ICANN participation by non-commercial representatives.

While the members present welcomed any resource contributions from ICANN to support NCUC administrative activities, they agreed maintaining the independence of its communication tools was important.

2. NEW gTLD PROGRAM

The Chair outlined the basic positions that NCUC has taken previously in relation to the Draft Applicant Guidebook (DAG) for new gTLDs. The DAG is now in its third iteration (DAG-3). The Chair also reminded members of the tight deadlines for various public comments, i.e. **22 November** (for DAG-3 and for the two ICANN staff proposals regarding trademark protection).

Kathy Kleiman and Konstantinos Komaitis led a discussion on trademark protections in new gTLDs, including the establishment of and timelines for a Special Trademark Interests (STI) review team being set up by the GNSO in order to address the two issues (a Trademark Clearinghouse and a Uniform Rapid Suspension system) that the Board has referred to the GNSO community for consensus.

Kurt Pritz (ICANN Senior Vice President for Policy) then briefed the group on some developments in DAG-3. Many members had questions for Kurt relating to several issues of concern to NCUC regarding DAG-3 and new gTLDs, including trademark protection, morality and public order, and the objection process.

*** The group broke for lunch after the discussion with Kurt Pritz ***

3. REGISTRAR-REGISTRY SEPARATION

Richard Tindal (eNom) and Brian Cute (Afilias) gave presentations discussing the benefits and risks of integrating registries and registrars under the new gTLD regime. Milton Mueller led a question-and-answer session between the presenters and members.

4. TRADEMARK ISSUES: THE BOARD LETTER TO THE GNSO

Kathy Kleiman, Konstantinos Komaitis and Wendy Seltzer led a discussion about the Board letter to the GNSO requesting feedback from the GNSO community on the ICANN staff models for a Trademark Clearinghouse and a Uniform Rapid Suspension system.

The members present agreed to have those NCSG members who will be representing the NCSG on the GNSO review group prepare the NCSG positions on these proposals, with input from other interested members. Several members asked for clarification on the proposals, and suggestions were made regarding NCSG's possible positions to take on the proposals.

5. NCSG CHARTER DISCUSSION

The group reviewed the meeting between the Board and the NCSG that took place on 25 October. It was agreed that it was a positive and helpful meeting, and opened the door to further good faith discussions with the Board's Structural Improvements Committee (SIC) on a final NCSG Charter.

The group then discussed the question how to maintain good relationships with At Large. Wendy Seltzer reminded the group that the Board does not want to have to consider minute details regarding the methods of participation by non-commercial actors in ICANN, and that it would welcome proposals that determined clearly but succinctly the workings of the non-commercial space, particularly if they could be demonstrated to have achieved consensus between At Large and NCSG.

Avri Doria presented a preliminary proposal for transitioning into the NCSG until the final Charter is confirmed with the ICANN Board. The idea is to present the SIC with the proposal for NCUC-NCSG transition before the end of the week. Discussion ensued over the proposal, as well as the workings of the SIC Interim Charter. The transition proposal met with the general approval of the members present, who also suggested a few amendments.

Rob Hoggarth (ICANN staff) answered questions from the members present relating to the Transitional NCSG Charter and the various Board decisions relating to the NCSG.

A motion was proposed by Mary Wong, seconded by Bill Drake, as follows:

"WHEREAS, at its meeting on 30 July 2009, the ICANN Board adopted a Transitional Charter for the Non-Commercial Stakeholder Group (NCSG) that was drafted by the Board's Structural Improvements Committee (SIC);

WHEREAS, at its meeting on 30 September 2009, the ICANN Board appointed three new Councillors to the GNSO Council, in accordance with that Transitional Charter;

WHEREAS, the terms of the Transitional Charter contemplates the formation of an Executive Committee for the NCSG;

WHEREAS, pursuant to the Board resolution of 30 September, the three appointed Councillors may elect, for the duration of their term, to serve on the Executive Committee for the NCSG;

WHEREAS, the NCSG held its first meeting at the 36th ICANN meeting in Seoul, Korea, on 27 October 2009;

AND WHEREAS, under the terms of the Transitional Charter, the Executive Committee for the NCSG shall initially include two representatives from each Constituency of the NCSG;

BE IT RESOLVED, THEREFORE, that the NCSG shall establish its Executive Committee under the terms of the Transitional Charter and in accordance with the Board Resolution of 30 September 2009;

BE IT RESOLVED, FURTHER, that the Non-Commercial Users Constituency (NCUC) be requested to appoint two members to the Executive Committee for the NCSG, comprising the current NCUC Chair and one of the NCUC Executive Committee members recently elected by that constituency."

The meeting adopted the motion as presented.

6. ANY OTHER BUSINESSS

The group discussed the upcoming election for a GNSO Chair and a Non-Contracted Party House Vice-Chair.

There being no other business, the meeting ended at 5.30 p.m.

RESPECTFULLY SUBMITTED,

Mary Wong