
ICANN67 | Virtual Community Forum – GAC:.org Acquisition Discussions
Monday, March 09, 2020 – 15:30 to 16:00 CUN

MANAL ISMAIL, GAC CHAIR: Thank you, Gulden and everyone. It's difficult to say in this remote setup whether everyone is back in the Zoom room, but I hope you all are, and this is our session, a 30 minute slot for discussing the .org topic. Scheduled from 20:30 to 21:00 UTC or 15:30 to 16:00 Cancun time. As you may all know, we did not have this session originally on our schedule but given the interest expressed by GAC members and as we were revisiting the schedule for this remote meeting, we introduced this 30 minute slot for discussing the topic. I appreciate your interest in the proposed change of control of public interest registry, the PIR from the Internet society to Ethos capital. I hope all interested GAC members and observers had the chance to participate to the public forum earlier today. I already met a few over there. I hope everyone had the chance to listen in at least. There have been several exchanges also of letters inter-sessionally, the last of which was received from ICANN CEO, Göran Marby and shared with you all something like 12 hours ago. So without any further delay and since we have now less than 30 minutes, I would like to open the floor directly for any comments or remarks yes, please, Vincent, France, please go ahead.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

FRANCE: Thank you, hello, can you hear me?

MANAL ISMAIL, GAC CHAIR: Yes, I can hear you.

FRANCE: That you, this is Vincent Guillard for the record. First, I would like to thank the GAC leadership and support team for your tremendous work. This is really impressive. Also thank you very much for dedicating a session to the sale of PIR, this by the tight schedule and very special circumstances of ICANN67's organization. I am very glad to be able to discuss this issue right now with you all. As it was far from granted in early January, we are very glad that the GAC and rest of the community have been given the opportunity to debate on the matter during ICANN67. For France and many others, the .org gTLD is very specific and we think it must be managed according to the public interest and saving this is what we must aim for. Of course there are other registries that pursue public interest very well and upon which registrants could fall back on. I cannot help but [indiscernible] from my home [indiscernible] dot EU, which are managed very well in this way. But still we think we have a responsibility as governments, to keep the public interest at the heart of the .org gTLD. So this issue as we all know evolving very rapidly. Recently as you all know, Ethos has committed to adopting a PIC and this does go in the right direction. However, we think that this PIC must be developed and reinforced, especially regarding the independence of the so-called

stewardship council and its ability to carry out its mission. Ethos invokes great ideals and lofty goals to make the .org gTLD community thrive, to protect privacy and freedom of speech, et cetera. We in France completely agree with these goals, but in our eyes if Ethos is to reach them, the PICs need to be strengthened. So here we are talking about a matter that under other circumstances would have been dealt with for a month and a half. This is already a success and France would like to thank all of those that have mobilized on the issue. But we also call on the GAC not to miss this opportunity. We think it's definitely relevant to try and reach GAC advice on the matter and look forward to discussing this possibility with all of you. Thank you very much.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, France and thank you also for setting the scene for this discussion. Any comments or other remarks from GAC colleagues? Any reactions to this? I understand it's a topic of interest and I note also that we have it on our -- on the potential topics that we would like to discuss with the board. So I would like that we share our views during this 30 minute discussion so that we can first of all agree on what to share with the board but also see whether as we discussed earlier, whether by the end of this session whether something needs to go into the communique or not. Yes, please, Lithuania, go ahead.

LINA RAINIENE:

Thank you, Manal. Lina Rainiene for the record. Thank you. I would like to reflect a little bit on today's public forum topics which basically Vincent already reflected in a way because certain aspects were correlating, talking about the stewardship council, impartiality and the community and raised the issues on the possibility to guarantee certain public interest of the registry for the future. So basically there are really important issues which we should think about whether we will raise within the GAC together with in our discussions with the board. Because in one way or another, certain decisions will be made. There is a question of the legality and of the public interest correlation because there is a lot of correspondence on the table but no indications of the view at all and no prospects on which way the decision will be made. There were expressions that there are certain investigations in place but no views and feeling which direction this investigation is going now on behalf of the ICANN board and on the other hand on behalf of the acquisition process as such. The main question would be if the board will agree with the outcome maybe stating certain conditions or they will disagree for now also stating certain conditions. Today there is PICs mentioned as a [indiscernible] for the establishment of certain guarantees. There were reflections maybe to discuss the contents of the contract itself. Maybe think about getting back to the earlier provisions which were amended on the regulation of the process on the regulation of the .org. So therefore I think here in the GAC we should more or less express our views. So from my point of view, it's more -- we need certainty. So we could think about asking certain questions which will help the participants participating in this process to decide one way or another

at least to put argumentation on the table. So I would call the GAC colleagues to intervene and provide their views. Thank you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Lithuania, and France for triggering the discussion. I see more hands now. And Lina, just to quickly respond on parts of what you have said regarding we don't know what the decision is, and I think this is because the decision is still under discussion. I don't think the board is even clear yet what the decision is. So I fully understand the difficulty to share the decision as currently being discussed. But I fully agree with you, we need to share our views, our concerns in order to make sure everything is taken into consideration during the decision. Vernita, please. Sorry to keep you waiting, go ahead, US. Vernita, if you are speaking, we cannot hear you, you may be on mute I still cannot hear you. Is it only me?

GULTEN TEPE: No, Manal, it's not only you.

MANAL ISMAIL, GAC CHAIR: Thank you, Gulden.

GULTEN TEPE: Vernita, we will dial out to you and meantime, we can move to Suada's comments.

MANAL ISMAIL, GAC CHAIR: Thank you, Gulten. Suada. Please, go ahead.

SUADA HADZOVIC: Good evening, everybody. Suada Hadzovic speaking. I totally agree with [indiscernible] and I'm really concerned about this issue after I read many letters on ICANN correspondence page. Well, I would like to stress one of the letters on ICANN correspondence, the page, it is a letter from Zach [indiscernible] from 15th of November 2019 from Internet commerce association and wrote to ICANN board, and I cite this part: Shortly after you removed the price caps from the .org registry agreement, despite widespread opposition from nonprofits and registrants, ISOC announced that it intends to sell the .org registry to private [indiscernible] so well, my question is for discussion, what assurance can ICANN board provide that .org sale shall not set a precedent for public technical identifiers sale. That was my question for discussion with you. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Suada. So there are assurances, and I think we already have it on our list of questions. Before going back to Vernita, I'm just reading from the chat, Rob saying we seem to have lost the

captioning feed. Technical team is investigating. Thank you, Rob, and actually I was looking for for the captioning. And Jorge in the chat as I commented earlier, today in the public forum I feel there are two main building blocks for addressing the menu reactions in the community we have witnessed so far to the transfer. One, including clear and enforceable safeguards to protect the subject's interest including on prices, privacy, and freedom of expression; two, engaging with the community in a meaningful manner that engenders the measures to protect the public interest truly legitimate. I personally hope ICANN board will do its utmost to --

GULTEN TEPE: We just lost Manal. This is Gulden speaking. Okay, Manal, you are back.

MANAL ISMAIL, GAC CHAIR: So I got disconnected. On audio but I'm now connected in the Zoom. Sorry for this so now back to you, Vernita, very sorry. We still can't hear you, Vernita. So Gulden, can you hear me.

GULTEN TEPE: Manal, I can hear you but I am having difficulty to reach out to Vernita.

MANAL ISMAIL, GAC CHAIR: So let's move to Olivier then, European Commission. Please, go ahead.

EUROPEAN COMMISSION: I very much agree with a lot of what has been said until now and first of all, I welcome very much this session on this important topic, organized on the very first day of the GAC and I very much also welcome the public session, the very informative public session that took place earlier today and in general transparency of ICANN on the assessment they're conducting of the transaction. To us this is not only a procedural matter. The interest of millions of registrants is at stake including not for profit registrants, some of which are serving the public interest. So for us there is a policy that I mentioned to this assessment and we think the board has to take full ownership of course and conduct a thorough assessment of the transaction and this is irrespective of the assessment by relevant authorities. I heard this afternoon in the public session for example that the Pennsylvania Attorney General had to validate the change of the not to profit status of PIR into a for-profit status and of course we know that the California Attorney General is also conducting an inquiry. So I very much agree with the two points which Jorge has mentioned in the public session and again in the chat for our session. We think it's very important to take into account the views of the community and to have a dialogue between the community and ICANN and the public session this afternoon was a very good first step. And of course we now expect some replies from the board on all the points which has been raised.

And in particular we think that the GAC views need to be taken into account for what concerns public interest aspects.

The second point also we agree that the public interest needs to be preserved in the transaction and that appropriate safeguards with regards to affordability, quality service, with regard to to the protection of fundamental rights like freedom of speech and privacy are ensured and we welcome very much the PICs proposed by Ethos but we also think like France that this needs to be carefully studied and it may require further refinement in order to ensure the full independence of this stewardship council and make sure that it has real power according to its mandate.

So we think all these points could be covered in the communique, possibly in an advice, but this is something to be discussed among ourselves. I also understand that we may have the correspondence with the board so we will need to discuss what we want to put in the communique now and what we want to put in further correspondence, but we think we should not miss, as someone said, the opportunity of saying something about this very important transaction and its public interest impact in the communique. Thank you.

MANAL ISMAIL, GAC CHAIR: I'm sorry, I was on mute. Thank you very much, European Commission. Thank you, Olivier for this. And which as you rightly

mentioned, we need to categorize our concerns I think some need to go to ICANN board, some maybe need to be posed to Ethos and PIR. What we need to exchange with the board and what we need to put as an advice as well, I think those are all very good points. Just to remind you all, we sent a letter to the board with three main things, first to be kept informed, second asking about mechanism, how they would take community input and third regarding the public interest. We have received a wealth of information that was publicly available so this is to the point of being kept informed.

We have received the recent letter from Göran yesterday on this public forum that was held earlier today, and this may address the community feedback, although I'm sure the community is waiting for reaction to their comments and questions, because today was more of a listening exercise. And finally, the public interest that's coming everywhere, those are the two points also enforced by Switzerland in the chat. And I see also Germany supporting Switzerland and France, and we should also discuss the change at PIR from nonprofit to a for-profit organization and also there was mention of enforcements. I see another comment in the chat but maybe I'll take Kavouss first. So Vernita, is this a new hand? Sorry, Kavouss, just a second --

GULTEN TEPE:

Kavouss, this is Gulden speaking, can we please give the floor to Vernita first and then you will take over.

UNITED STATES:

Thank you Gulden, for fixing my technical difficulties. Hi, everyone. Just wanted to respond to the conversation on the dot PIR and the sale of .org. We thought today's public forum was a really good step in having PIR -- having the public forum, having the community able to voice their concerns and opinions on the sale of .org. We do think it will be very difficult for us to get to GAC consensus advice, we're not sure had that that would look like so right now we would not be supporting that. We do think that the community has raised some concerns that we suggest one way forward might be to compile lessons learned from these events in order to avoid these issues and to protect affected communities. We also note that we are having discussions on what is the public interest in other forums. So again, we want to cautious here that we make sure that we have the appropriate venue where those are being discussed. Thanks.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Vernita. I have Kavouss next, please, go ahead.

IRAN:

Yes, sorry, I didn't know that Vernita had asked for the floor before me. No problem. I think.

MANAL ISMAIL, GAC CHAIR: There was a technical problem --

IRAN: No problem, I'm patient. No problem. I think -- I may be wrong -- this issue would be one of the topic of the communique, if I am correct. In that case we should work very, very carefully and cautiously of the language of the communique in this regard. We should not ask something that could not be implemented. I think at this stage we should stick to further information, further investigations, and further descriptions of pros and cons and so on, so forth, rather than saying don't do this or don't do this, because something that ICANN may come to us and say they may not properly understand how to implement that. So I suggest Manal those working on that that maybe from now they should have some way of thinking to see what would be the language of the communique. You have put something in the letter, very good, that's the basis of that but we have to work out the terms that have. This is number one.

Number two, this legacy TLD, seems that there's some sort of trading now. If this first trading will occur, it will have or may have a second or third trading so on, so forth so we would have I would say unclear future. So we should be very carefully, if the second case is probably handled, the second or third may not happen or if happen would be properly handled as well. So we should be quite careful of the situation. I was among those people also that's supporting the first intervention or letter from France and Switzerland, I asked you that

you please convey that to the ICANN board and you said, Manal, yes, it has been done and thank you very much for that. This is one of the top priorities in the communique and we have to work on that because we have very little time available to us between now and Thursday so we have to see now what again -- and Manal you asked maybe some volunteers or assigned or designated somebody to work on this. What would be the language based on the guidance that you have provided in your letter to the ICANN board as well as the letter of France and support of Germany. I don't think Germany and France need any further support because everyone in GAC is concerned about this. This is very important. So I think most of the people or overwhelming majority supporting the idea that we need careful consideration and clarifications and the consequence of this and public interest and how it will be protected as well as the GAC consensus perhaps to us as the GAC is one of the most top priority issues that we have. I don't go beyond that and will listen to distinguished colleagues to learn more from them but this is something from the GAC communique that we have to work on that and prepare something to further discussions and exchange among ourselves. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. I have Paul next, UK. Please, go ahead.

UNITED KINGDOM:

Hello, can you hear me? Thank you. Hello, everybody. I think that we had a very good discussion earlier today in the community. There are a number of issues raised, some concerns expressed, suggestions for strengthening the PIC but also a recognition that the PIC -- with the PIC it could be better than the status quo, the current situation isn't an ideal perfect situation for the public interest. The PIC could bring some benefits. So for us this is not a black and white issue, it's actually quite a mixed picture. We think it's right that all parts of the community should have the opportunity to take part in these discussions and we're rather disappointed that governments did not make their voices heard more clearly. In that discussion. Switzerland was the only government to take part in that discussion and that's a missed opportunity. So we would be cautious about any consensus advice. We know that advice has a special status and in the current circumstances, it would be very difficult to agree exclusively consensus advice. Many people are not able to take part fully in this meeting, whether for bandwidth issues, time zones, lack of interpretation. Everyone has done a great job allowing this meeting to happen, yet still there are some people excluded and we think it will be difficult to have advice in these circumstances. We should discuss this with the board, absolutely and use the ongoing discussions with the community. Where we have concerns we should engage in good faith with those discussions and speak up but we would be cautious about jumping straight to consensus advice at this stage. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Paul. I see no further requests for the floor for now, and we're just right on time for the following session. I was told that we need at least 30 seconds to transition from one session to the other to allow us 30 seconds to start the following session and I think we can continue our discussion since the topic is on the agenda with the board as well. So just 30 seconds to transfer to the following session.

[END OF TRANSCRIPTION]