Internet Corporation for Assigned Names and Numbers

AT-LARGE COMMUNITY INFORMATIONAL DOCUMENTS SERIES

AT-LARGE COMMUNITY REPORT

FOR THE PUBLIC FORUM IN LISBON

Speech delivered by the Chair of the At-Large Advisory Committee, Jacqueline Morris, on 29th March 2007 as part of the Lisbon ICANN Meeting.

Introductory Note by the ICANN Staff

The URLs for the resolutions referenced in the presentation attached may be found at:

Domain Tasting / Monetisation: https://st.icann.org/alac/index.cgi?al_2007_r_1
Contractual Relations between ICANN and Registrars: https://st.icann.org/alac/index.cgi?al_2007_r_2
Implementation of IDNs: https://st.icann.org/alac/index.cgi?al_2007_r_3

[End of Introduction]

Public Forum Presentation

The At Large Advisory Committee has had a very busy three months since Sao Paulo. Today we have the signing of the Memorandum of Understanding between ICANN and the two new regional organisations - Africa and Europe. Asia/Australia/Pacific has also concluded their MoU. These new RALOs join the Latin America and Caribbean RALO in making the ALAC truly representative of and responsible to the individual Internet Users in these regions. North America has been a challenge for the ALAC. It has the lowest participation even though it is among the largest in terms of number of Internet users. We are working hard to form the NARALO, and hope to have some positive news for you by our next meeting, which will be held in the North America region, in San Juan, Puerto Rico in June.

These advances have led to many changes in the composition of the ALAC, as the Interim ALAC members who have spent a long time getting these RALOS up and running are replaced by the RALO-voted members. At this meeting, we will have 6 new ALAC members (out of 15), with LAC's two members having joined us in Sao Paulo. Familiar faces are moving on, but I'm sure they will remain involved with ALAC and ICANN. At this point, I would like to thank the outgoing Interim ALAC members for their dedication and hard work. We also have to thank our last chair, Annette Muehlberg, who resigned recently for personal reasons, but who led us very well through almost all of the RALO formation process to date.

ALAC has also been deeply involved in policy issues that affect the individual Internet users. We have drafted statements on three of these issues, and I will expand a bit on them now. The statements are available in their entirety as handouts in this room, and will be available online.

On Domain Tasting and Domain Monetisation
These are 2 different issues, only one of which we believe falls within ICANN's purview, namely domain tasting. We believe the 5-day add-drop loophole is being exploited to the instability of Internet addressing resources. However, we recognize that more rigorous

research is required to establish this effect in a completely convincing manner. ALAC is therefore taking the necessary steps to formally request the initiation of a PDP by GNSO on this matter. I am happy to report that we are actively working on this with several constituencies within the GNSO. At the same time, we invite any other constituencies and groups who share our concern on this issue to work with us on achieving a common consensus position.

While many of us believe that domain monetisation may cause confusion and does not benefit user experience, we consider it a content issue and hence outside the realm of ICANN regulation.

On IDNs

Through ALAC's efforts, nearly 100 user organizations rooted in more than 40 language communities on all five continents have joined the ICANN community. You may have noticed that recently ICANN has translated some documents into Spanish, French and Portuguese, and has provided simultaneous interpretation at the meetings. More is needed, and we hope that soon ICANN will function effectively in multiple languages. Internationalized domain names (IDNs) will remove the last barrier that prevents non-Latin script users from conveniently and effectively using the Internet. Despite all the challenges and difficulties in implementation, IDNs are crucial to the achievement of true global participation in the Internet community.

ALAC has been actively participating in the IDN activities of the President's Advisory Committee on IDNs and in the policy-making activities in the GNSO and ccNSO. ALAC is committed to bringing the users' voices to ICANN and facilitating relevant research and policy. Deployment of IDNs raises many technical problems and policy concerns. We strongly suggest the following be taken into account in the policy-making and technical application processes:

- Representatives from at-large community, particularly from the Regional At-Large Organizations, be able to join all the ICANN IDN policy-making processes with full membership and voting rights;
- Local/regional pre-existing developments regarding IDN gTLDs be taken into account when considering introduction of new IDN domains;

- Support from the local language community be a key element to be considered for evaluation of IDN TLD applications;

- ICANN IDN policy-making and implementation processes be substantively accelerated and no delay be tolerated.

In recent days we have heard extensively about the Registerfly issue. But we should recognize that this is more than a singular incident. Having examined the events connected with the "RegisterFly" case, noting the request for input made to the community by ICANN's CEO Paul Twomey, and in its commitment to seeking the best interests of individual registrant, the ALAC has resolved that:

ICANN, as the entity responsible for accreditation of gTLD registrars and registries and for the related contractual conditions, should make it a duty to ensure that such contracts guarantee the minimal protection and prerogatives of registrants - especially individual ones - that are necessary to keep the market effective and competitive, by allowing consumers to freely select and change their domain name suppliers, and to enforce such rights in a predictable and accessible manner.

Specifically, in regard to the contractual agreements:

- Recognizing that the public Internet users are intended beneficiaries of its contracts, ICANN should strike the "no third-party beneficiary" language from its Registrar Accreditation Agreements and Registry Agreements;

- ICANN should promptly adopt a schedule and provisions for escrowing of data from all registrars, as envisioned in RAA 3.6, and from all registries;

- ICANN should ensure that the agreements contain appropriate clauses that, while ensuring the security of the process, allow all registrants to promptly transfer their domain names away from registrars that provide a dissatisfactory level of service, without financial or procedural burdens;

- ICANN should ensure that the agreements require registrars - and resellers, to the extent possible - to provide adequate information to all registrants about their contractual rights;

- ICANN should enforce its contracts, possibly while adding intermediate and graduate actions against breaches.

The ALAC recognizes that much more can be obtained by adequate education of registrars, resellers and registrants, and by the establishment of voluntary light-weight best practices regarding procedures and relationships between these parties. The ALAC proposes to work together with the Registrar Constituency and any other interested party to build consensus on a mix of useful actions to address these issues.

Thank you all, e quero dar agradecimentos ao comitê organizando local de Lisboa que fiz de esta reunião tal grande successo.