

**AT-LARGE SUMMIT****AL.SUM/GS.02/DOC/02****ORIGINAL: English****DATE: 4th March 2009****STATUS: FINAL****FINAL DECLARATION**

ATLAS I

Introductory Text
By the Staff of ICANN

Representatives of eighty-eight (88) At-Large Structures (“ALSes”) from five Regional At-Large Organizations (“RALOs”) representing ICANN's global At-Large community met in the At-Large Summit (ATLAS) as a part of the the 34th International ICANN meeting in Mexico City.

Amongst the various activities of the Summit were five working groups on issues of concern to the At-Large community. The subjects for the working groups were chosen via a survey of the entire At-Large community in December 2008 and January 2009. Respondents were asked to choose in order of importance from amongst 15 of the most important subjects under consideration in the ICANN community today; the list of subjects was itself compiled by the volunteers from the community working to organise the programme of the Summit.

The top five choices overall were automatically selected as the subjects for the working groups, which were tasked with drafting and coming to agreement on five statements on these important subjects during the course of the Summit. Each Summit participant was assigned to the working group that they selected as of most interest to them, balanced regionally and taking into account language needs. The working groups are as follows:

- * Working Group 1: [At-Large Community Engagement in ICANN](#)
- * Working Group 2: [The Future Structure and Governance of ICANN](#)
- * Working Group 3: [New gTLDs including IDN gTLDs](#)
- * Working Group 4: [ICANN Transparency and Accountability](#)
- * Working Group 5: [DNS Security Issues within ICANN's Remit](#)

All Working groups commenced their work in February 2009 in advance of the Summit, and then met on two occasions during the Summit itself to finalise their statements. The text that follows is the compilation of all statements presented to the Board of ICANN at its public session in Mexico City.

[End of Introduction]

This document has been translated from English in order to reach a wider audience. While the Internet Corporation for Assigned Names and Numbers (ICANN) has made efforts to verify the accuracy of the translation, English is the working language of ICANN and the English original of this document is the only official and authoritative text. You may find the English original at: <http://www.atlarge.icann.org/files/atlarge/correspondence-05mar09-en.pdf>.

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| AT-LARGE ENGAGEMENT IN ICANN – WORKING GROUP 1 |
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The actual state of affairs shows a lack of effective participation from the At-Large community in the activities of ICANN.

The commitment and the participation of the different parts of the community require some previous knowledge of the things at stake in the issues being discussed. In order to improve the quality of the participation, it is important to explain the meaning and the limits of ICANN's mandate, the stakes and the impact sought for. The At-Large interaction with ICANN is vested in the ALAC Bylaws: (<http://www.icann.org/en/general/archive-bylaws/bylaws-15dec02.htm>).

A major awareness campaign across all the RALOs and the ALSes, in their respective languages, would be a first step towards this. Meaningful participation implies knowledge of the issues on which decisions must be taken. The means by which participation is effected are many and varied. They include email discussion lists, teleconferences, fora, videoconferences, electronic votes, wikis, blogs as well as face-to-face meetings. More traditional information and communication media can help reach a larger public of potential Internet users. A calendar that establishes the timing for community input is essential to stimulate a critical mass of participation. This calendar would allow more effective planning and optimal engagement of the community.

Even as we celebrate the diverse methods and tools available, we recognize that many challenges remain to be overcome for effective participation of users at the edge. Some are entirely technical and will improve with time. Others, however, will require commitment to improvement in interactions from all stakeholders, users included.

The next chapters will help highlight the preoccupations of the At-Large community. The recommendation in the following chapters will not cover all of the problems affecting participation of the individual Internet users, but will surely be of great importance to foster a greater involvement of end users in the future.

I GENERAL PARTICIPATION

The general participation is examined here at 5 different levels:

1) Participation in the GNSO

Due to the highly technical nature of GNSO issues and their impact on users both as registrants and in ordinary, At-Large participation in the GNSO proceedings demands perhaps the heaviest investment in time and knowledge from participants. We therefore see the

development of specialists on GNSO issues in At-Large as the optimal response. However, coming on the projected GNSO improvements, the GNSO has proposed collaboration with the ALAC in drafting a Registrant Bill of Rights. This development provides a timely opportunity for greater involvement of the wider At-Large community and is heartily embraced.

2) Advancing participation under the Internationalized Domain Names (IDNs) policy

We believe that the introduction of IDNs is a major step in the evolution of the Internet. As such, it deserves from ICANN a focused public awareness information campaign.

IDN policy is very important because the script is still an obstacle to participation in many parts of the world.

Recommendations:

* The funding of an adequate and timely public information campaign in collaboration with At-Large Structures should be included in the next budget. In order to execute an efficient information campaign, ICANN should consult regional ALSes for the most effective ways to reach communities and end users.

3) Participation of local communities

We wish to promote more democratic participation. The facilitation of timely consultations is even more so. We know for a fact that we must produce documents in end-user-friendly language that clarify the issues to allow informed contributions from public consultations. Summaries of all important ICANN documents should be produced in the official UN languages.

Meaningful participation lies not only in the opportunity to express opinions and to vote, but in being prepared to contribute. The regional approach to ICANN policy development process is established through ALAC.

Recommendations:

* In order to guarantee effective results, we wish to insist once more upon the need for a face-to-face At-Large meeting in each region once a year. These regional meetings would enable the participants to identify and discuss the issues, important for each region of the At-Large community. We would welcome participation of other established ICANN constituencies in this regional approach.

* Community input to regional meetings should be initiated in advance, using communication media such as local radio or SMS, identified or selected with the help of the RALOs.

4) Participation in the ICANN meetings

The At-Large community has expressed strong disappointment towards the overall organization and management of the Cairo meeting. Lack of proper acknowledgment and recognition of the community's feedback, concerns, and issues has been aired through all RALOs. Poor remote participation opportunity, mistakes in the agenda, unmonitored chat sessions, last minute dissemination of working documents were just part of the concerns.

We refer the several recommendations from ALAC to the ICANN Board in its communication of 11 December 2008.
(<http://www.atlarge.icann.org/correspondence/correspondence-11dec08-en.htm>).

The creation of a committee charged with the organization of meetings was recommended. We note with pleasure the formation of the Board Committee of Public Participation. The At-Large organization commits to work closely with the Board committee to improve public participation.

We believe that an assessment on the effectiveness of the measures instituted to improve participation would be required periodically.

Recommendations:

* Providing reliable working remote participation systems is vital. Telephonic participation, chat interface, and video streaming should be run to a far more professional standard than they currently are. ICANN should approach the entire idea of participation in a far more significant and serious way than has been done in the past, as this is the only possible way for participation for vision and hearing-impaired users.

* ICANN should consider providing opportunities for the regional communities to work together on specific issues face-to-face and with regional groups on horizontal level, which can then feed back into the process on international level. This model has the potential to improve the policy development process by voicing regional differences in views in a more comprehensive way. This model would also allow more regular face-to-face meetings than would be possible with international meetings alone.

II. GLOBAL OUTREACH

By Global Outreach, we mean more participation and engagement of the worldwide Internet-using community, regardless of their geographical location, their language, and their economic, cultural and social backgrounds. ICANN needs end users' participation to influence, provide orientation for the making of the decisions within ICANN and to give feedback about its policy development, implementation and impact.

There is:

- Uneven participation and engagement of the community in ICANN-related issues.
- Lack of a differentiated approach to involve a diverse community in the management and the implementation of ICANN activities.
- Lack of mechanisms to connect ICANN with the end users (ICANN is very far from the users at the local level to benefit from their participation)

These result in misrepresentation of the interests of the global stakeholders' community.

We acknowledge efforts by ICANN to remedy these problems. For example, in his report on January 29, 2008, Paul Twomey, President and CEO of ICANN, explained the “Nonbinding partnering relationships with private IGOs to aid in outreach to governments and local Internet communities’ with organizations in all the continents”.
[[https://delhi.icann.org/files/Presidents_Rpt_29Jan08\(v2\).pdf](https://delhi.icann.org/files/Presidents_Rpt_29Jan08(v2).pdf)]

There is a continued support for participation by our community from ICANN (travel support, Summit, provision of translation, remote participation systems), but there is still a lot to be done for better participation and engagement from the user community.

Recommendations:

- ALAC must be given the opportunity to comment on issues early in supporting organization policy development processes in order to reflect the diversity concerning end users.
- ALAC and the Fellowship committee should work more closely in order to enhance the outcomes from both outreach efforts.
- Support the ALSes to provide feedback from local users on ICANN’s activities (Information, sensitization, training seminars on ICANN related issues with radio, TV, etc.)

III. TRANSCRIPTION AND TRANSLATION

The issue of language accessibility has been a long-standing issue for ICANN documents and working processes. Providing translations of working documents has been identified as a matter of central importance. Lack of translation of strategic documents, consultations and policy development processes is questioning ICANN's credibility and transparency.

Multilingual transcriptions and translations of ICANN's documents are crucial for the international community. Since ICANN is dealing with issues of significant importance for the whole information society, it is necessary to allow wider and equal access to strategic discussions and decisions, which are taken in the name of and are affecting the overall Internet community.

Recommendations:

- ICANN should continue to work closely and use the multilingualism best practices of other international organizations, such as the UN.
- We believe that optimization of translations is desirable. We therefore suggest that a mechanism allowing the ALSes to be actively involved in the process of translation of documents that are important to be displayed in other languages (the UN official languages) be collaboratively developed. ALSes with their capacities and skills in ICANN matters could be considered as a possible translating resource, and to have the opportunity to step into the translation cycle with all the responsibilities of a third party translator. RALOs could help in identifying the documents which need to be translated and process this information to ICANN.

IV. TRAVEL SUPPORT

Travel support is a mechanism to facilitate participation of geographically dispersed communities in order to secure their due influence into the decision making processes of the organization. Due to the all volunteer-based structure of the At-Large, travel support is essential to full participation and collaborative work.

The administrative handling of travel support has improved over the past years, but there are still issues that require attention and further improvement.

The per diem payment arrangements process needs to take into account that in some countries, receiving international wire transfers is impractical or impossible. In many cases it is difficult for some participants to cover their expenses on their accounts before the per diem or reimbursement is received.

The process of obtaining a visa for the host country as well as transit visas is often complex, expensive and time-consuming. Official invitation letters are typically needed, and depending on the country, air travel tickets may be required prior to starting the visa process.

Choice of the locations for the international ICANN meetings sometimes is made in way which is excluding some of the stakeholders simply because of the high price of accommodation.

Recommendations:

- Since few or no At-Large participants have jobs even remotely related to ICANN issues, full travel support to ICANN meetings will be required. Without it, the ALAC will not be able to fulfil its regionally-oriented mandate to involve users in ICANN. ICANN should continue to fully fund ALAC travel costs as well as that of its Bylaw-mandated liaisons and key RALO leaders.
- ICANN should start the travel process sufficiently early to allow all participants to obtain their visas. In cases where the costs of travel to obtain visas, or the visa costs themselves are significantly in excess of those costs used in the per diem estimates, such costs should be reimbursed. Where possible, the local host should facilitate the

process of obtaining visas for their country.

- Meeting planners should ensure that locations for international meetings are chosen with affordability as one criterion. More timely decision on ticketing and other travel

arrangements would help to reduce cost.

- ICANN shall establish a process to delivering per diem remuneration taking into account the different money transfer rules in the several countries in order to assure members will have timely access to per diem funds. Mechanisms to handle per diem in cash should also be considered and developed.

- ICANN should avoid accommodating volunteer ALAC members and representatives

from ALSes in low-quality hotels that are very remote from the main venue.

- For regional meetings, all members of Bylaw-recognized bodies from that region should receive travel and expense support on the same basis and to the same extent as

at International Meetings.

- Amending the Rules and Procedures for Travel Support to comply with the proposals from the At-Large Advisory Committee Statement to the ICANN Board on the Public Consultation Related to Development of a Travel Policy, May 5, 2008 AL.ALAC/BUD.SC/0308/1/1

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(List to be continued)

The Future Structure & Governance of ICANN – Working Group 2

Background

Working Group 2 will prepare a statement encapsulating the views of the At-Large community on “the future structure and governance of ICANN”. This is a major current initiative of ICANN, referred to as the “Improving Institutional Confidence” process.

More than two years ago, the President's Strategy Committee (PSC) commenced a series of consultations on how to strengthen and complete the ICANN multi-stakeholder model. In addition, the recent midterm review of the Joint Project Agreement (JPA) between the United States Department of Commerce and ICANN produced useful comments about ICANN's performance and future. More information about this process may be found at:

<http://www.icann.org/en/jpa/iic/improving-confidence-revised.htm>

Comments responding to documents prepared by the PSC, and specifically concerning “Improving Institutional Confidence, where organized in 5 focus areas:

- Capture
- Accountability
- Globalization
- Financial and Operational Security
- Security and Stability

Working Group 4 is tasked with addressing “ICANN Transparency and Accountability”.

The Working Group 5 is tasked with addressing “DNS Security Issues within ICANN's Remit”

To avoid (as much as possible) overlap with these other working groups, WG2 will concentrate its work on the following 3 items:

- Capture
- Globalization
- Financial and Operational Security

During the last ICANN meeting in Cairo, ALS representatives had an in person meeting with PSC members and since then, At-Large participants have attended conference calls with PSC members participating.

Meanwhile, Working Group 2 began its work – prior to the Mexico ICANN meeting and our ALS Summit held concurrently with the meeting, and also prior to the most recent revision of the PSC document ”Improving Institutional Confidence in ICANN” due out before the Mexico meeting. That revision, posted the 27 of February 2009, is available at:

<http://www.icann.org/en/jpa/iic/draft-iic-implementation-26feb09-en.pdf>

As At-Large members, we are one of the newer stakeholder groups, having had a long and difficult history to reach where we find ourselves today. We are strong participants and supporters of ICANN's multi-stakeholder model.

1. Safeguarding against capture

At-Large suggests the following definition of “Capture”:

Capture is defined in terms of a decision or a group of decisions taken by a sole party, or when an organization ends up acting systematically to favor particular vested interests.

So, for example, if one entity, interest, or group of interests has undue or out-of-proportion pressure, influence or control over ICANN, or any structural subdivision of ICANN, or any decision or group of decisions made within ICANN may be considered to have been captured.

There are different possible ways to capture ICANN. Included among them would be capture of the organization, or capture of the policy making process. Capture may be full or partial, subtle or overt. The capturer could be a person, private or public entity, government, group of

governments, or an international organization. The examples given are not intended to be exhaustive.

Recommendations:

At-Large suggests the following actions as safeguards against capture:

- maintain easily accessible open public forums for all meetings.
- retain the multi-stakeholder model
- broaden participation of all stakeholders
- give special attention to end-user participation
- broader involvement by all communities
- solicit, maintain and address the concerns of all constituencies
- stakeholder education and explanation regarding ICANN and its structures
- stakeholder education and explanation regarding the ICANN policy making-process
- (better) facilitate participation in multiple languages
- creation of simple documents (translated into different languages), and/or document summaries and abstracts, to facilitate greater participation (also discussed under “internationalization” below)
- allow sufficient time for outreach and community feedback and comment
- protocol for reporting and investigation claims of capture or attempted capture
- a regular performance review process, to include risk analysis and consideration of complaints and investigations, to ensure the safeguards are actually working

Institutional confidence is a result of the ability to meaningfully participate

Potential conflict of interests and non-disclosed interests of ICANN participants implicate capture concerns. Should, for example, a single individual be entitled to participate within ICANN wearing different hats? Each individual has the potential to speak on behalf of:

- Oneself, as an individual end-user
- One's organization (e.g., group of end-users)
- One's company or employer, as a business end-user or any other business having an interest in the ICANN process (e.g., registries, registrars, brand owners)
- One's country
- One's religion, tribe, or culture
- One's moral, political or philosophical bent

At-Large suggests that participants be required to (1) disclose all (non-personal) affiliations and (2) state, fully and without reservation, on whose behalf the participant is acting. The ICANNWiki could be a good tool for facilitating affiliation disclosures.

Capture is also implicated by voting and structure participation. At-Large encourages multi-participation but suggests consideration of the following restrictions concerning voting and/or structure participation:

1. Restriction on Voting Rights:

- i. One vote per person for each structure in which the person participates. If a person is a participant within more than one ICANN structure, that person would remain eligible to vote once in each of the structures; or
- ii. One vote per person within the whole of ICANN, irrespective of the number of ICANN bodies the person participates in. If a person is a participant within more than one ICANN structure, that person would have to elect which structure she or he would vote in.

2. Restriction on Multiple Roles: A person cannot be elected or appointed to more than one ICANN body with voting rights.

A majority of Working Group 2 participants favored the restriction on voting rights expressed in paragraph 1.2 above and agreed with the restriction on multiple roles expressed in paragraph 2 above.

Capture is also implicated by lack of accountability on the part of ICANN and the Board to issues raised by At-Large. Working Group 2 participants expressed the perception that issues raised by ALEs were either not being listened to or that there was no indication from the Board that the ALSes concerns were being heard. At-Large suggests a mechanism be put in place, similar to that in place with the GAC, requiring the Board to provide some kind of response or feedback to issues raised by At-Large.

Also expressed was that At-Large should have a more substantial way of influencing Board discussion and decisions. This could be through direct elections of Board members and would be in line with the final draft of the Independent ALAC Review document.

or

- ii. One vote per person within the whole of ICANN, irrespective of the number of ICANN bodies the person participates in. If a person is a participant within more than one ICANN structure, that person would have to elect which structure she or he would vote in.

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Capture is also implicated by lack of accountability on the part of ICANN and the Board to issues raised by At-Large. Working Group 2 participants expressed the perception that issues raised by ALSes were either not being listened to or that there was no indication from the Board that the ALSes concerns were being heard. At-Large suggests a mechanism be put in place, similar to that in place with the GAC, requiring the Board to provide some kind of response or feedback to issues raised by At-Large.

Also expressed was that At-Large should have a more substantial way of influencing Board discussion and decisions. This could be through direct elections of Board members and would be in line with the final draft of the Independent ALAC Review document.

2. Further internationalization of ICANN

The Internet is a critical resource to all humanity. Given the economic and social importance globally of a safe and stable Internet, the process of internationalization of ICANN must:

- safeguard the global/worldwide role of ICANN regarding domain names and numbers identifiers;
- promote larger participation from all stakeholders globally.

At-Large agrees that governments should continue to play a role in the work of ICANN, but should not direct ICANN's functions or decisions. No government should capture ICANN. ICANN should continue to move in a direction such that U.S. influence in ICANN's work and decisions, whether real or just perceived, diminishes. While moving in this direction, ICANN needs to stay vigilant regarding the danger of capture by others.

At-Large already functions regularly in a very international environment. Our experiences can be useful to the larger ICANN community. We:

- regularly work in multiple languages, including in conference calls
- we produce documents in multiple languages
- we comprise real multi-regional bodies (i.e. ALAC, Ex-com, Secretariat coordination)
- the At-Large Summit is fully tri-lingual

The internationalization of ICANN needs to address, respect and accommodate not only language issues, but also issues arising from cultural diversity.

ICANN has made good initial progress in producing important documents in the main UN languages. At-Large believes ICANN should go further to make a summary of all the ICANN documents available in English and in all the UN languages. In our view, having more summary documents translated is better than having some full documents translated. At the same time ICANN should encourage the preparation of original documents in languages other than English and arrange for the translation of these non-English documents as well.

Translations must be prepared in a timely manner with the goal of having the same document available in all languages at the same time, as opposed to the non-English versions lagging the English language versions.

At-Large members expressed the view that ICANN should make a greater effort to geographically diversity its organs, staff and activities. One way to accomplish this would be to have important ICANN functions and responsibilities split among various regions, languages and cultures:

- Headquarters
- Chair of the Board
- Vice-Chair of the Board
- President and CEO
- Vice-presidents
- Chairs of the SO/AC
- Oversight by?
- Bureaus
- Staff

The splitting of functions and responsibility, however, should not be done in a way that would result in inefficiencies or duplication of effort. ICANN must also remain vigilant concerning the efficient use of its resources (topic 3 below).

More activities (to be determined) could be managed from outside the USA, through secretariats, for example, located in different geographic regions of the world.

Also discussed was the possibility of having ICANN comprised of a number of sub-entities or affiliated entities, each being a national of, or having a presence in, a nation state within one of the five ICANN regions. It was pointed out, however, that this would cause ICANN to become the subject of multiple and likely conflicting national laws and regulations, burdening ICANN and hampering its work.

During the process of internationalization, ICANN should avoid developing a burdensome bureaucracy of the type encountered among U.N. organizations. ICANN should remain flexible in order to accomplish its important work.

3. Exploring alternative sources of funding

Diversification of funding sources:

- Does ICANN need this?
- What is the goal of a diversification of funding sources?
- Is the goal more sources or/and more resources?

One of At-Large's main concerns is how ICANN is allocating and monitoring resources and funding sources. Working Group 2 members felt ICANN should focus on using its current resources more efficiently, and that it implement a system that measures the effectiveness of its use of resources.

Currently, most of the funds are coming from the registrants (individuals and businesses).

There was some discussion of looking to those businesses who obtain substantial revenues from e-commerce as a source for additional ICANN revenues, but also expressed was the view that ICANN not attempt to levy activities not directly related to the DNS.

Any new funding should be without condition, express or implied. ICANN should have unfettered discretion in the manner it determines to use funds, for example, to subsidize improvements to infrastructure in areas that are economically disadvantaged.

If needed, what other funding sources could be acceptable to the individual end users?

And how will this change ICANN and its relationship with each and all the constituencies / stakeholders?

At-Large agrees that capture, internationalization and the continued funding of ICANN are among the more important governance issues now facing ICANN. The ideas and recommendations presented above are offered to assist ICANN to better navigate these concerns. At Large is prepared to work together with the other ICANN constituencies to address and solve these issues.

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Vice-Chair: Sylvia Herlein Leite - LACRALO

Chair: Sebastien Bachollet - EURALO

Glossary

ALAC - At-Large Advisory Committee (Also referred as At-Large)

ALS - At-Large structure

ICANN - The Internet Corporation for Assigned Names and Numbers

IDNs - Internationalized Domain Names

GNSO - Generic Names Supporting Organization

RALO - Regional At-Large organization

IGO - Inter Governmental Organizations

General issues

We agree with and support the expedient introduction of new gTLDs, especially those offering support for IDNs. In fact, we believe that a number of components of the proposed policy present unnecessary barriers to entry for the broadest possible variety of gTLD applicants.

Categorization

We believe that the process of categorizing new gTLD applications into "open" and "community-based" is incomplete. It does not take into account all of the issues that differentiate the categories; indeed, it is likely that more than two categories may be necessary to adequately address the diversity of stakeholders and potential applicants.

Further study may be required to determine the exact categorization, but we agree that it should not be so complex as to cause confusion or significant logistical problems. It is possible that existing concerns may be addressable by the existing two categories with some refinement.

The categories should not determine merely the dispute resolution procedure; they should also encompass other distinctions such as pricing, recognizing (for instance) the ability to pay -- by organizations of all kinds -- in developing and least developed countries. ICANN may allow applicants to assert in advance that their proposed gTLD string is based on an existing intellectual property.

We recognize the potential for "gaming" the process if differential pricing is enabled. However, we believe that proper wording and appropriate guidelines will minimize abuse. In any case, we believe that a small number of new gTLDs inappropriately given lower fees is preferable to the 2nd draft's current barriers to entry for would-be applicants in developing and least developed countries.

Fees

The current fee schedule is a clear barrier to entry of potential applicants, especially those who have no interest in monetizing the TLD and those initiated in developing and least developed countries.

We urge a fee structure based on current and actual cost-recovery, not one which amortizes ICANN's fixed costs or charges a risk penalty even for low-risk gTLDs. If a lowering of gTLD application fees follows from such a re-calculation, we welcome the higher numbers of applications which will occur as a result.

In the place of the proposed system of refunds, we recommend a phased fee system under which an applicant would pay a portion initially and additional fees as each milestone is achieved. While ICANN will still be paid up-front for its evaluations, applicants only need pay for the stages which they are eligible to pursue.

String Confusion

It may be possible to alleviate many problems and barriers related to string contention through a hybrid process. Because of the substantial pent-up demand for new gTLDs, it is not reasonable (and too easily gamed) to make string allocation initially based on "first come, first served" -- the technique usually used for second-level domains.

We suggest opening a third round of gTLD applications, with a fixed deadline, that will be subject to the string contention dispute mechanisms described in the current guide. After the third round is complete, perhaps it is possible to revert to a fourth round with a "first come, first served" process of string allocation, of course subject to the objection mechanisms.

We do NOT believe in an interim third round with an arbitrarily limited number of applications as a "trial run". Such an interim round can be gamed no matter what selection process is used, and therefore any interim round is unlikely to serve its intended goals.

Legal Rights

The protection of trademark rights is legitimate and necessary. However, we are concerned that the proposed "Legal Rights" objection protocol exceeds existing territorial and class-of-goods limitations contained in current international trademark treaties.

ICANN should not engage in any trademark protection regime which extends beyond existing international treaties; to do so in effect turns ICANN into an unauthorized treaty organization.

It is also the obligation of ICANN to recognize the non-trademark "traditional knowledge" rights of Indigenous Peoples, in a manner consistent with international treaties.

Objection on Morality and Public Order

We emphatically call for the complete abolition of the class of objections based on morality and public order. We assert that ICANN has no business being in (or delegating) the role of comparing relative morality and conflicting human rights.

Abolishing the morality and public order class of objection will eliminate the risk to ICANN of bearing responsibility for delegating morality judgement to an inadequate DSRP.

Certain extreme forms of objectionable strings may be addressed through minor modifications to the "Community" class of objection. While we fully appreciate the motivation behind this class of objection, we cannot envision any application of it that will result in fewer problems than its abolition.

The Independent Objector

The description of this role is that of an independent body, provided resources by ICANN, to represent the public interest in ICANN processes.

This is a perfectly accurate description of At-Large.

We understand ALAC is a formal ICANN body and may be considered non-independent. However, the regional at-large organizations, at-large structures and (in some regions) individual participants have nothing more than a memorandum of understanding -- and often less than that.

At-Large is ICANN's logical and natural source for public interest advocacy; it would be counter-productive and inefficient to create a parallel public interest advocate separate from At-Large.

In addition, At-Large has the existing grass-roots connections to ensure that communities are made aware of gTLD attempts being made in their name. It is pointless for ICANN to recreate such a facility outside of At-Large.

In addition to the listed functions ascribed to the Independent Objector, this role should also be able to offer an independent appeal mechanism in case a gTLD applicant believes that they were unfairly or improperly rejected. The parameters of this role could be sufficiently constrained to prevent frivolous appeals; however, the availability of an independent third-party capable of reviewing decisions -- possibly requiring unfair rejections to be re-evaluated -- would be an extra and beneficial addition to the transparency of the evaluation process.

Legal status of applicants

It is our position that being convicted of a crime, on its own, should not disqualify someone from being part of a gTLD application. It is not ICANN's role to further punish people who have been convicted and served their sentence; The only exceptions are people convicted of fraud and officers of any ICANN-contracted party that has been de-accredited.

Required technical facilities

Applicants must have an understanding of IDNs; however, applicants for non-IDN TLDs should not be required to implement IDN technology. On the other hand, applicants must demonstrate familiarity with DNSSEC technology and provide an implementation plan to enable DNSSEC when it becomes widespread in line with ICANN policy.

Dispute Resolution Service Providers

We have severe concerns about the lack of transparency in the initial selection of Dispute Resolution Service Providers before the selection criteria has been fully published. Parties requiring the use of DSRPs must have the right to select the appropriate provider.

I. Transparency:

The At-Large Community is encouraged by ICANN's efforts to achieve a high level of transparency in all its operations and to implement its bylaws accordingly. To an outside Internet user, ICANN presents a high degree of transparency and accountability. ICANN should be commended for its efforts in setting a standard for other organizations to aspire to. However, for Internet users who wish to contribute directly to ICANN's policy development, the At-Large Community identifies several areas where transparency should be further improved.

1. Timing of Major Documents

Rationale:

Documents are often presented late, thus At Large members have difficulty providing timely input to the policy development process and in understanding how community input has been used.

Recommendations:

- Bring more transparency into how staff deals with input from constituencies, in developing documents for the Board, and;
- Reconsider the schedule for documents and Executive Summaries, in various languages, which would allow enough time for discussion and to make comments.

2. Finance

Rationale

To date, ICANN has not been able to provide financial information about the costs of each ICANN entity, including ALAC itself, or for specific At-Large projects. Consequently ALAC has not been able to undertake its own cost-benefit analysis and budgetary planning. Indeed, At-Large is not yet included explicitly in the ICANN's FY2010 Operating Plan and Budget.

Recommendations:

- Develop a budget for each ICANN entity (including At-Large) according to their mandates including staff costs, and make it public;
- Define the responsibilities for executing these budgets;
- Institute a periodic public evaluation of each entity's budgetary execution.

3. Budget

Rationale:

Transparency of the budget as it affects ALAC and its constituent ALS could be improved. We need clear financial allocation and expenditure procedures. ALAC supports Recommendations 1.13 and 2.4 of the Draft Implementation Plan for Improving Institutional Confidence.

Recommendations:

- Create budgetary allocation for expenditure by ALAC and its constituent RALOs, for agreed activities, including accountability;
- Account for expenditures made by, or on behalf of, ALAC and its constituent members.

4. Accounting for Public Input

Rationale:

ALAC encourages ICANN to continue to improve the transparency of the way in which public input has been taken into account.

Recommendations:

- Act upon the PSC Recommendation 2.4.1 to this effect; and
- Appropriately annotate substantive ICANN documents under consultation to indicate the origin of support or dissent for specific proposals.

5. Contractual Compliance and Process

Rationale:

An important mission of a contract-based organization is ensuring contractual compliance. Without consistent and clearly defined process for monitoring and where necessary, enforcing implementation, the objective of policy development may be undermined. A transparent end-to-end compliance and remedy process should complete the contractual cycle.

Recommendations:

- Document the life cycle of compliance procedures, requirements, metrics, follow-up, enforcement and appeals;
- Make available for public review what is required of the contracting parties, including the timeline for compliance, related correspondence and statistics;
- Periodically audit and improve goals to help this effort with the result of allocating additional resources should ICANN staff be unable to cope with the resultant high volume of complaints.

6. ICANN's Public Service Role

Rationale:

Enhancing ICANN's public service role would be facilitated by improved opportunities for participation by representatives of Internet users, consumers and civil society.

Recommendations:

- Annually orient one ICANN meeting towards issues relating to non-commercial, commercial and individual users; and
- Opening up the periodic ICANN regional meetings to participants concerned with the public interest from the region concerned.

7. Conflicts of Interest

Rationale:

The existing conflict of interest policy is today inadequate, in view of the extensive roles of ICANN participants in decision- making processes.

Recommendation

Review and update conflict-of-interest policies as they apply to Supporting Organizations, Advisory Committees and other relevant entities.

II. Accountability:

ICANN is accountable to the global Internet community and the public at large. In the event of a conflict between the interests of individual ICANN constituencies and the interests of the public at large, the latter should have priority. ICANN directors serve the interests of the public at large rather than those of the constituencies which appointed them. To this effect, At-Large welcomes improvements to existing accountability mechanisms such as reconsideration policy, the review process, the Ombudsman and other provisions of the Bylaws which ensure accountability in its day-to-day operations.

The At-Large community has several concerns regarding the implementation of accountability in the future, particularly in a post-JPA phase. ICANN needs to re-think its procedures for interacting with stakeholders, supporting organizations and advisory committees.

1. Joint Project Agreement

Rationale:

The Joint Project Agreement (JPA) acts as an external accountability check on ICANN's policies, progress and processes. After the conclusion of the JPA, there may be a need to present alternative mechanisms to achieve analogous objectives.

Recommendation:

- To sustain its public interest credentials in the future post-JPA period, ICANN should improve the balance between operator and business interest on the one hand and ALAC and GAC on the other hand.

2. Procedures for Addressing ALAC Advice**Rationale**

There is no formal procedure in place for the interaction between ALAC and the Board, and how the Board treats ALAC Advice. Furthermore, the At-Large community is under-represented in the Board.

Recommendations

- ALAC proposes a procedure for the interaction between ALAC and the Board which would include an obligation for the Board to react formally to advice from ALAC and, in case the Board decides not to adopt ALAC advice, to enter into formal consultations to discuss the disagreement. In the event that this does not produce any results, the Board should explain why it has rejected ALAC's advice.
- ALAC also envisages that in order to give ICANN a clearer image of a multi-stakeholder organisation, including Civil Society, the composition of the Board should be re-balanced to afford greater visibility and representation of Civil Society as represented by the At Large Community. ALAC proposes that the ICANN Board should include two voting Directors nominated by the At Large Community.

ICANN's legitimacy in the eyes of the global Internet community, depends on improved transparency and accountability.

We look forward to moving ahead in this direction.

Internet users want all reasonable steps taken for a more secure internet

We recognize that there is no “silver bullet” technology or policy that will make the Internet entirely secure. We also recognise that ICANN is not the only organisation that deals with securing the Internet. But we are concerned with the role ICANN should play to better secure the Internet for Internet users.

Recently, ICANN's constituent communities have begun to ask how ICANN could work within its remit and have a positive impact to reduce activities which use the DNS in criminal, malicious or fraudulent ways.

For its part, ICANN's mission includes as a core component ensuring the stability and security of the DNS, which is in its remit. We believe that there are actions that ICANN can and should take that will mitigate and possibly stop such malicious or criminal activities.

We believe ICANN should act in the following areas:

- DNSSEC
 - Signing the root
 - Requirements for Registries and Registrars
- Fighting exploitation of the DNS
 - Accuracy and verifiability of registration data
- Registration abuse

DNSSEC

The introduction of DNSSEC, especially signing the root, might harm the some network implementations i.e. WIFI hotspots. Several authentication systems are likely to fail. ICANN should initiate a study of such possible impacts.

ICANN should support industry efforts to accommodate DNSSEC and its provision in more secure environment.

Signing the root

We urge ICANN to proceed in the process of having the root signed in a way that provides integrity and is globally accepted. We believe international accountability for generating the signatures to be the most acceptable solution.

Until the root is signed, third party trust anchor repositories (especially ITAR) should be used.

Requirements for Registries and Registrars

All TLDs should be signed as soon as possible, to establish a valid trust chain. Trust anchor repositories do not scale at that level due to domain explosion. Therefore, we urge all new TLDs to be signed from their inception. DNSSEC should be a technical requirement for new registries and new TLDs.

ICANN should modify the registry and registrar contracts to include provisions that would allow registrants to deploy DNSSEC in a convenient way. (See Annex A for details).

Fighting exploitation of the DNS

Currently the most prominent example of exploitation of the DNS is Fast-Flux hosting as described in the following documents:

<http://gnso.icann.org/issues/fast-flux-hosting/fast-flux-initial-report-26jan09.pdf>,

http://www.apwg.org/reports/APWG_RegistrarBestPractices.pdf

We support the APWG Best Practices and urge all stakeholders to implement the proposed steps as soon as possible. There is no need for further studies; it is time to act.

We urge ICANN to support the following points:

- Encourage a stricter registration process to minimize fraudulent registrations.
- Enforce technical methods to restrict fast-flux as defined by the APWG at the registry level.
- Adopt a clearly defined, universal process for accelerated suspension of misused domains.
- Promote improvement of data sharing and analysis regarding criminal or malicious activities among registry, registrar, law enforcement and anticrime communities. Data protection and privacy issues must be considered.
- Collect and promote best practices for registries and registrars to protect their customers from fraudulent activities. Provide the information translated to the native languages of the end users, i.e. <http://www.identidadrobada.com/>

Registration abuse

For the Internet user and domain registrant, the following issues are important:

- Domain Name Hijacking
- Registrant impersonation by social engineering

- Domain transfer pitfalls
- Erroneous delete

We strongly encourage ICANN to promote the prompt implementation of the recommendations from the 2005 Hijacking report:

<http://www.icann.org/en/announcements/hijacking-report-12jul05.pdf>

The working group recognizes that the recommendations therein have been implemented to varying degrees, however, full implementation will go a long way to addressing all of the issues above.

Typo squatting is registering a domain name which can be easily confused with an existing one. The issue becomes more widespread and difficult to solve with the introduction of IDN. Together with other fraudulent look-alike domain presentations such registrations should not be allowed in the first place. These techniques are used in the distribution of malware and for purposes of PII theft, as well for search engine result gaming. We recommend applying the existing detection algorithm to all registries and encourage a study on the new issues with IDNs.

Conclusion

In order to deploy DNSSEC in a wide scale, the registry and registrar contracts should be amended to include provisions relative to DNSSEC. Existing TLDs should be signed as soon as possible. New TLDs should be signed from the start. The root should be signed as soon as possible.

There could be some issues for the Internet users to be able to effectively benefit from the added security introduced by DNSSEC. It is also crucial that mechanisms are put in place at registry and registrar level to allow domain name registrants to deploy DNSSEC in a convenient way.

A number of malicious and criminal activities involving domain name registration could be mitigated by stricter registration processes and monitoring of unusual registration activities.

Summary of recommendations

- ICANN should initiate a study of such possible impacts of the introduction of DNSSEC on the installed base.
- ICANN should proceed in the process of having the root signed in a way that provides integrity and is globally accepted.
- ICANN should modify the registry and registrar contracts to include provisions that would allow registrants to deploy DNSSEC in a convenient way.
- ICANN should encourage a stricter registration process to minimize fraudulent and criminal registrations.
- ICANN should proceed further with implementing the proposals from the 2005 Hijacking report.

Annex A

From the Internet user perspective, an effective DNSSEC solution should address the following points:

- Domain management through the reseller chain has to include all DNSSEC features. Registrants need a single entity to deal with.
- Publish escalation matrix for DNSSEC failure: Wrong or expired signatures render the zone unusable. Key loss due to operational error is expected to be the most common error and will only be noticed, when the first signatures times out. Quick reaction is important. Otherwise DNSSEC will be disabled.
- Require minimal DNSSEC capabilities at every point in the reseller chain: Removing key material by authorized people to deal with transferring signed domains.
- Extend holder change policies to a seamless key rollover as the default change procedure even with unwilling parties. Zones should be kept signed during this process.
- Unauthorized or malicious people must not be able to disturb the DNSSEC.

STATEMENTS FROM THE REGIONAL AT-LARGE ORGANISATIONS (RALOs)

AFRALO

L'assemblée générale de l'organisation régionale Africaine des Structures At-Large était une importante occasion pour la communauté At-large Africaine de discuter la stratégie de cette dernière en vue de renforcer la participation à la prise de position dans le processus de développement des normes concernant les différentes politiques de l'ICANN. Les participants ont aussi mis le point sur la nécessité du renforcement de capacités des ALS Africains.

Khaled KOUBAA, membre d'AFRALO

APRALO

APRALO made necessary changes to its RALO Operational procedures, elected three new Officers and appointed a new Secretariat while ensuring regions were represented in office and ICANN positions. Formed a working relationship with the IGF with future participation plans and as a need will begin to invest in Web 2.0 technologies for communication and outreach. All decisions were unanimously accepted, with one of 99 per cent in favour.

EURALO

EURALO strongly appreciates this first ever User Summit at ICANN which offered an excellent opportunity for exchange of opinion, discussions on various ICANN issues and a get-to-know-each-other in the At-Large community. It was an encouragement for all the EURALO ALSes participating. But if you want EURALO getting more effective, known and having increased impact, just give us the means to do it.

NARALO

The members of NARALO appreciate the opportunity provided by this Summit for enabling us to meet face to face. It has not only helped our newer members to recognize the processes involved but also allowed us to move forward in real policy work. Over all, we are very pleased by the results of the Summit and are encouraged by the positive developments for our region and all of ALAC. We feel that At-Large is now able to make real contributions to ICANN's evolution. NARALO's members have been energized by what we have experienced this week and we are committed to ongoing active participation.

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| SUMMARIES FROM THE THEMATIC SESSIONS |
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Statement from Participation and Outreach Thematic Session

The thematic session "Participation and Outreach: A Regional Perspective" resulted in the ALAC creating a new outreach committee. The Committee will be led by RALO chairs, open to any ALS and will, inter alia, discuss the development and sharing of outreach resources and possible funding mechanisms for outreach activities.

Thematic session on "Internet rights and principles"

The thematic session on "Internet rights and principles" was focused on a number of rights-related issues that fall under the purview of ICANN.

First of all, it was noted that ICANN still lacks a coherent and systemic approach to evaluate the impact that its policy decisions have on rights in general, be them human rights, consumer rights or other founding principles, as internationally recognized and/or defined in the major national legislations. It was suggested that ICANN should include in its policy development processes, prior to final Board consideration, a formalized assessment of such an impact, made by a staff function knowledgeable in the matter and in ICANN's technical and business environment.

About WHOIS and Privacy

ICANN's inability to progress and to make policies compatible with the various national laws was noted: ICANN should cease aiming at a single global policy and accommodate national differences instead, depending on the country of the registrar and registrant.

About freedom of expression and new gTLDs

There was general unhappiness with the ongoing policy provision to allow ICANN to reject applications based on morality-based objections. Most people found inappropriate for the ICANN Board to take this kind of decisions, and suggested deferring them to appropriate global bodies, though one stressed the importance of full self-governance instead. Nevertheless it was also acknowledged that this is a very complex topic and a true challenge to find a globally applicable solution that is satisfactory to all cultures. Therefore, appropriate time and occasion for discussion that includes human rights experts should be organized by ICANN.

About the right to participate in cultural life and its relevance to new gTLDs

There was unanimous consent that the \$185,000 application fee is too high and will exclude applicants from developing countries or organizations of a non-profit nature, though it was reported that other ICANN constituencies do not share the same view. A comparison to spectrum allocation where frequencies are given for free or very low fees to communities and non-profits has been brought up. Several reasonable proposals for differentiated or progressive fees have been posted in past months to ICANN's public comment fora, but they were openly ignored: it is clear that such exclusion is actually desired by ICANN.

Finally, there was general support for the idea of a standardized statement of registrant rights (Registrants Rights Charter) to be compulsorily shown by registrars (and resellers as well) when a registrant buys a domain name. Participants agreed to work on a proposal for its substance as well as means to include the charter into ICANN's policy body as a follow-up to the meeting. Anybody interested in joining this effort please go to:

<http://internetrightsandprinciples.org/node/74>

Thematic session on WHOIS

1. Companies should have accurate data in WHOIS, but privacy of personal registrations at the registrants' request should be protected with the highest regard, with information made available only as strictly necessary and in limited circumstances. Important considerations among the community include:

- Law enforcement investigations
- Networking problems

2. ICANN is an international body, and as such, must respect national laws on privacy.

Thematic Session on Power Issues in new gTLDs: Gender, Development and Big Business

The existence of many digital divides, including the gender digital divide, has been well-documented. ICANN's policies, and specifically its policies regarding new gTLDs, have the potential to affect these digital divides, making it easier - or harder - for the broadest possible variety of actors from around the world to take part in shaping Cyberspace. Unfortunately, from the point of view of gender and development, the policy discussions within ICANN routinely take place in such lofty heights - meaning in such a gender-blind and development-blind rhetoric and approach - that many of those who might have the largest stake in shaping the discussions are furthest removed from them and in fact alienated by them. Therefore, we call upon ICANN to recognize this disjuncture and remedy it: ICANN needs to initiate an open, gender- and development-aware discourse within its processes of formulating policies. And it needs to strengthen its efforts to pull the constituencies into these processes that have so far been marginalized or overlooked, and to encourage female leadership. At bottom, since ICANN allocates precious global resources, it needs to be accountable to all world regions and to the world's female as well as male population and work for the global common good.

Thematic Session on Registries, Registrars and Abuse of Domains

This session was focusing on two aspects: the failure of ccTLD's in regards the identity control of registrants and registrars. A second aspect was the misuse/abuse of the weakness of registrars in the GTLD space giving the spammers and other criminals free way to do what they want.

The room was almost full, with some ICANN representatives, registrar representatives and many consumer representatives. Earlier in the presentation there were some tensions that went down once the picture and the understanding became clear. It shows the communication between the different parties has to be reviewed: to often the sphere is negative while all parties cannot go on without each other. And that was somehow also the message we wanted to bring. Consumer groups bring up problems but also solutions that make it possible to find answers for the many difficulties encountered due to the increasing e-Crime.

This Summit is not just an event terminated with the closing ceremony in Mexico. For the majority of its participants it is a starting point for further activities and challenges. In its success we see a point of transition. For here we have demonstrated that we have not only turned vision into mission, but also mission into action.
