IGF 2016: The Power of Noncommercial Users on the Internet

Session Title	The Power of Noncommercial Users on the Internet
Date	Thursday, 8 December 2016
Time	10:45 a.m. – 12:15 p.m.
Session Organizer	Rafik Dammak and Robin Gross, on behalf of the Noncommercial Users Constituency (NCUC) of ICANN
Chair/Moderator	Farzaneh Badii, Chair, NCUC, and Researcher, Internet Governance Project
Rapporteur/Notetaker	Farzaneh Badii, Chair, NCUC, and Researcher, Internet Governance Project Rachel Pollack Ichou, Individual Member, NCUC
List of Speakers and their institutional affiliations	Corinne Cath, DPhil Candidate, Oxford Internet Institute Rachel Pollack Ichou, Individual Member, NCUC Giovanni Seppia, International Relations Manager, EURid Tatiana Tropina, Senior Researcher, Max Planck Institute for Foreign and International Criminal Law
Key Issues raised **(1 sentence per issue):**	ccTLDs and civil society Civil society in Brazil Domain names, trademarks and Civil Society successes Privacy at ICANN and failures of Civil Society Civil Society at IETF Human rights and civil society
If there were presentations during the session, please provide a 1-paragraph summary	The workshop started with the brief presentations by the speakers. Ms. Cath explained civil society activism at IETF, Mr. Seppia discussed ccTLD's governance and civil society role, Mrs. Pollack discussed examples of successes and failures of civil society in Internet governance policy making based on a

for each Presentation	crowdsourcing exercise before and during the IGF. .Dr Tropina discussed human rights efforts at ICANN and noncommercial users' achievements.
Please describe the Discussions that took place during the workshop session: (3 paragraphs)	The workshop aimed to discuss the failures and successes of the noncommercial users in Internet policy. However, many of the non-civil society stakeholders were unwilling to discuss the potential negative effects of noncommercial users on Internet governance policy making. Therefore, the discussion of the failures involved both the wider number of participants and workshop speakers. The workshop first highlighted successes of noncommercial users: At ICANN, noncommercial users have been able to make ICANN implement respect for human rights as a core value within its new bylaws. The new Core Value will come into force upon the adoption of a Framework of Interpretation. Noncommercial users at ICANN have also succeeded in achieving a better balance between trademark protection and rights to freedom of expression and access to knowledge. In ccTLDs, noncommercial users can get involved with policy making ever more. At the IETF, activists have succeeded in drawing the attention of the technical community to human rights. Other successes include the defeat of SOPA/PIPA bills on intellectual property protection in the United States in 2012, following online campaigns and petitions led by civil society organizations such as EFF, as well as Wikipedia and private sector companies like Google. Another recent success can be seen in the efforts of the "Keep It On" coalition of more than 100 organizations led by Access Now, which has mobilized thousands of individuals against Internet shutdowns, resulting in shortening shutdowns and bringing back access in several countries in Africa. These successes could be partially explained by the partnerships that civil society developed with other stakeholders with shared interests. The failures discussed included lack of coordination and organized efforts as well as conflicts within civil society. Two cases of failure were noted in the discussion on the crowdsourcing exercise related to threats to privacy. Within ICANN, despite the efforts of noncommercial users, contractual requirements related to the WHOIS database and in the Registrars Accreditation Agreement continue to pose risks to the privacy and data protection of domain name registrants. Another

	example was the trend in laws legalizing government mass surveillance, contrary to the efforts of civil society following the Snowden revelations. In both cases, civil society actors questioned have attributed these "failures" as stemming from the organizational and regulatory environments in which they acted, more than their specific actions or inactions. Another issue addressed was the lack of funding for non-commercial actors (especially in ICANN but also elsewhere) needed to engage in a way (and with a presence) commensurate to that of commercial entities.
Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)	It was suggested that noncommercial users should share their achievements more widely with other stakeholders. It was noted that sometimes the efforts of noncommercial users are diluted in organizations that do not have membership or stakeholder groups, such as the IETF. It was clear from the discussion that civil society has to coordinate more within its own groups and with other stakeholders.