

Nick Wenban-Smith, candidate statement for ccNSO Councillor 2018

Nominated by Hilde Thunem (.no), seconded by Roelof Meijer (.nl) and Peter Vergote (.be)

Dear European ccNSO colleagues

Firstly thanks to my nominator and seconders for their encouragement to put myself forward for the role of ccNSO Councillor. Ordinarily I'd have been very happy for Peter to continue in the role uncontested, but I understand completely his reasons for stepping down. Many thanks to him for his years of service. In fact, kudos to all the individuals from throughout the ccTLD community for participating in any ICANN processes. The sheer volume of time and effort required, often at anti-social hours and with painful paperwork to deal with, deserves all of our thanks and recognition.

The ccNSO performs a key role within ICANN, representing ccTLDs outside of their local communities, sharing best practices and participating in matters of fundamental importance to all of us. Historically this included the IANA transition, but we now have the various ongoing reviews, cross-community working groups, the Customer Standing Committee and our Empowered Community responsibilities. The Council is the body that on our behalf guides these processes in the background and takes the key decisions. Although I am taking part in this election process with Nominet's support, the role of Councillor is however a personal appointment. I understand that if elected I would be the representative of all the European ccNSO members. In terms of what I would aim for as a Councillor, I would like to work towards increased engagement between ccNSO members, and also to foster relationships with other parts of the ICANN ecosystem. The sheer richness and diversity of our business models and traditions is wonderful, and I believe that the ccTLDs are surely one of ICANN's 'hidden treasures'.

In this statement I will briefly set out my background and experience, and why you might wish to support my candidacy.

- I am currently General Counsel at Nominet UK, where I have worked since 2007. In the past two years this role has included overseeing Nominet's engagement in international policy and internet governance issues. During my time at Nominet I have also been the Company Secretary to the Nominet board. I have provided advice and counsel on numerous and complex questions including: corporate governance, international engagement and ICANN affairs, competition law, and intellectual property. Prior to Nominet I worked as in-house counsel for a pharmaceutical company and then at a private equity financed financial services company. I qualified as a UK solicitor in 1997 and spent four years in private practice law firms. For better or for worse, many of the ICANN activities and paperwork are legalistic, and I think it will be helpful to have some strength and depth in legal affairs on the Council.
- In terms of ICANN issues, I am currently actively participating in the ccNSO PDP on retirement of ccTLDs, geographic names for future new gTLDs (Work Track 5 in the Subsequent Procedures PDP) and the impact of the General Data Protection Regulation (GDPR) on WHOIS. I have presented at ICANN meetings on mitigation of malicious behaviours, rights protection mechanisms, geographic names and GPDR including representation on cross-community panels. So I am already heavily involved in ICANN matters in which ccTLDs have an interest. In these fora I have always advocated for ccTLDs and the many examples of good practice that exist in our community and which could be a template for wider adoption and showcasing. Not least, for example, the many examples of

GDPR compliant WHOIS systems that have been adopted without too much drama in the European ccTLDs.

- Over the past decade I have been very actively engaged in CENTR's Legal & Regulatory working group, participating and presenting in many meetings all over Europe. It is truly a great pleasure to have made so many good friends and colleagues amongst the European ccTLD legal community. As a result of these many interactions and country visits I feel I have very good understanding of many (but not all, yet!) of the ccTLDs in and around the European region.
- Operationally I have very much enjoyed being the line manager for our complaints and award-winning alternative dispute resolution service for .uk domain name registrations. This has given me huge experience dealing with the real issues facing all ccTLD stakeholders, including individual registrants and small businesses, very large corporations, intellectual property protection companies, government departments and international and domestic law enforcement agencies. The service is strongly based on a mediated solution being the best way forward for parties in dispute, where possible, and I am a strong advocate for alternative dispute resolution mechanisms. As a result, I have also made good contacts within the gTLD communities which could prove helpful to the ccNSO.
- I handled Nominet's successful defence of a legal claim for intermediary liability brought against us by Cartier, in which they attempted to make the registry responsible for alleged counterfeit sales and in particular an obligation to disable domain registrations upon the mere notification by a private company. Registry responsibility for content is an ongoing issue for many ccTLDs. I participate in the CENTR legal sub-group which is looking at this in detail with a view to positively influencing the debate in which more regulation may be on the horizon.
- I am a member of the UK's multi-stakeholder advisory group on internet governance (MAGIG) and secretariat of the UK IGF. At the most recent global IGF meeting in Geneva in December 2017 I chaired a lively National and Regional IGFs session on Fake News, Disinformation, Misinformation: Challenges for Internet Governance featuring colleagues from Columbia, Nigeria, Croatia, USA, and the Netherlands youth IGF. This was a most enriching experience which really brought home to me some of the common issues which we all face. A good understanding of the global multistakeholder community is essential for effective engagement in ICANN.

My personal style is to be open and approachable. My undergraduate degree was in the natural sciences and mathematics and I like things to be clear and logical. I enjoy discussing issues on a wide range of topics, both professional and personal, and listening to and understanding the perspectives of others. In my spare time I enjoy competitive triathlon-related activities. I am also a parent trustee of the Oxford Youth Choirs charity.

In summary, I would consider it an honour and a privilege to be elected to the ccNSO Council, and I would ask for your support in voting for me. Please feel free to email me directly if you wish to discuss any of the issues raised above. I look forward to our face to face interaction at ICANN63 in Barcelona and will gladly make myself available for any questions you may have.

Best wishes

Nick

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