

European Chapters Coordinating Council (ECC)

Brussels, 29 January 2013

Ms Walda Roseman
Chief Operating Officer, Internet Society
1775 Wiehle Avenue, Suite 201
Reston, Va 20190, USA

Dear Walda Roseman:

Allow me to revert to the Board of Trustees' Resolution [12-36](#) of 19 September 2012 and your subsequent [letter](#) of 21 November 2012. I also refer to my telephone conversations with Eva Frü ick on 28 September and with yourself on 23 November 2012. I am writing on behalf of the Executive Committee of ISOC-ECC, following consultation among ECC membership.

This unfortunately egregious episode by the Board of Trustees gives rise to several comments on our part:

1. The BoT evidently considered that they were in a position to take such a resolution without any prior notice, consultation or – as I had previously requested – invitation to representatives of ECC to be present and to be heard. Such arbitrary top-down methods fly in the face of both the multistakeholder approach and any concept of democracy among the members of the Internet Society. As such, I believe that most of the members of ECC would question the very legitimacy of such a BoT resolution.
2. Specifically, the third *Whereas* of the BoT resolution adverts that the “European Bureau now provides the functions that the bylaws of the ISOC-ECC charged the ISOC-ECC with providing”. That really goes too far! The parties to the ECC Bylaws are the ECC members. It is for them to decide what are, or are not, the functions of ECC as a co-operation and coordination platform of [Internet-centric not-for-profits](#), joined the ECC.

That the Trustees, so very few of whom have any experience, and no mandate, from the Chapters or from Europe, consider taking such a decision unilaterally verges on arrogance were it not so absurd.

3. As I am sure you will by now have been told, several of our members and their senior officers have served ISOC and ECC for many years. Some, including my own Chapter, are founding members of ECC. As a relative newcomer (2007) I defer to their advice: we have no experience of ECC harming in any way ISOC, the BoT, the Advisory Committee or any Chapter. On the contrary, ECC served the Internet community, especially by making Europe aware of ISOC, its mission, goals and activities.
4. With regard to the European Bureau, I have little to add at this time. Whilst we advocated and welcomed the creation of the Bureau, it has clearly not been allowed to provide the support to ECC and our members that we requested. Also, some of our member Chapters, including my own, consider that it is politically not acceptable in Europe for the Bureau, or other senior ISOC staff, to represent our members (Chapters and Individuals) without explicit prior consultation and consent. That remains an essential function of ECC.

The Bureau cannot represent EU civil society and European Internet users to the EU Institutions without consultation and consent with the European Chapters.

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5. With regard to your letter of 21 November about the ISOC 'trademarks' I must say that many of us in Europe find the Trustees' affection for those marks rather touching. Indeed, I think that "ISOC" refers to the whole of the organisation, including all our members, which – as you know – I consider should include, formally, all our Chapters. These signs are not "owned" by the Trustees, even less by the staff. Strictly speaking, I am not aware of any formal licence agreement regarding the use of ISOC signs by our Chapters, nor by ECC. On what basis has that been withdrawn? Does an analogous threat hang over all our Chapter members?

As you know, following your letter, ECC has removed, for the time being, current references to the ISOC signs on our website. Not to be misunderstood, this does not reflect acquiescence on our part, rather it is a response to the – hardly veiled – threat from ISOC staff of legal proceedings in the United States against our individual officers, present and past (possibly implicating their families) who have been working for ISOC and ECC in a purely voluntary capacity. That was obviously not acceptable either to ECC or as a precedent, anywhere else in the world.

Regarding the archive, it is impossible to remove historical references. I think that ISOC has no retrospective rights to that effect. Regarding the future, ECC will proceed to choose a new name and domain. The work involved – which, if I may say so, has been gratuitously imposed on us – will necessarily take ECC considerable time and effort, which will no doubt be undertaken in due course.

6. Finally, may I say that the sole positive outcome of this sorry story, reflecting as it does so badly on the Board of Trustees and ISOC staff, is that it removes the main obstacle to the necessary reform of ECC. Indeed, the attempts by ISOC staff during 2012 to dictate to ECC what was, or was not, acceptable reform was unwelcome, was rejected, and went well beyond their mandate. That is now over.

ECC exists, legally and financially, our membership remains the same; so, hardly anything has changed. I recall Eva Frölich's assurance to me on 28 September that there is nothing to prevent the European Chapters independently representing our positions to the EU on any matter, within the framework of the ISOC mission. I accepted that statement. (Although allow me to wonder, then, what was all the fuss about?)

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ECC and our Chapter members wish to maintain a cooperative relationship with ISOC. We welcome the presence of the European Bureau amongst us, but not as a top-down emanation of the Trustees and staff. The reputation of the BoT and staff in Europe can but be improved by a mutually acceptable agreement, in contrast to the present rather damaged feeling. A common understanding and a common wish to remedy the present unpleasant situation is called for.

Yours sincerely

Christopher Wilkinson
Chair, ISOC-ECC

cc: Eva Frölich, Chair, Board of Trustees
Lynn St Amour, President and CEO, ISOC
Scott Bradner, Secretary to the Board of Trustees
Markus Kummer, Ted Mooney,
Executive Committee and Members, ISOC-ECC

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