

GAC Advice – Barcelona Communiqué: Actions and Updates (27 January 2019)

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
<p>§1.a.I Two-character Country Codes at the Second Level</p>	<p>a. the GAC advises the ICANN Board to:</p> <p style="padding-left: 40px;">i. Explain in writing how and why it considers it is implementing GAC advice on the release of country codes at the second level; and</p> <p><u>RATIONALE:</u></p> <p>This advice is adopted to support and oversee implementation by the Board of existing GAC Advice on the matter, including calling upon the Board to work towards resolution of countries concerns relating to the release of country codes as a result of the withdrawal of the release process in 2016.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to explain in writing how ICANN Board is implementing GAC advice on the release of two-character labels at the second level.</p> <p>The Board acknowledges that the GAC adopted this advice to support and oversee implementation of existing GAC Advice on the matter. The Board notes this includes the GAC advising the Board to work towards a resolution of countries’ concerns relating to the release of their corresponding country codes at second level.</p>	<p>The Board resolution taken in November 2016 adopting the Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes followed a multi-year effort of community consultation, including consideration of requests from registry operators, relevant GAC advice and individual government input.</p> <p>The Board took its initial action directing the ICANN org to develop an efficient procedure for the release of two-character labels following the receipt of Registry Service Evaluation Process (RSEP) requests in 2014. Over the subsequent two years, the ICANN org implemented the Measures in phases, as described in a letter from Akram Atallah in August 2015. In each phase of development, the Board directed the ICANN org to make changes to the process based on GAC advice, including advice from the Los Angeles, Singapore, and Dublin Communiqués.</p> <p>The Board is aware that there is some concern among GAC members that the Board did not consider the advice regarding two-characters in the Helsinki Communiqué until after the November 2016 resolution. While the Board did not formally resolve on the advice prior to the resolution of November 2016 (the Board formally resolved on the advice in December 2016), the Board would like to note that this advice was discussed within the Board prior to the resolution and was incorporated into the Measures. The November 2016 resolution states: “Whereas, in the GAC’s Helsinki Communiqué (30 June 2016), the GAC</p>

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			<p>advised the Board to ‘urge the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered.’ The advice was incorporated in the proposed measures to avoid confusion.”</p> <p>Since the Helsinki Communiqué, and starting with the Copenhagen Communiqué, the ICANN Board and GAC have agreed upon a new procedure for addressing GAC advice to ensure that advice is formally addressed at least four weeks prior to the subsequent ICANN meeting. This procedure is implemented by ICANN Org and has now been in place for over a year, to mutual satisfaction.</p> <p>The ICANN org has provided detailed explanations of this development process in their memo to the GAC dated 22 January 2019 as well as in a Historical Overview of the process.</p> <p>Based on the above, the Board believes it has both fully considered and implemented the GAC advice on two-character labels at the second level.</p>
<p>§1.a.II Two-character Country Codes at the Second Level</p>	<p>a. the GAC advises the ICANN Board to:</p> <p>ii. Explain in writing whether its Resolution of 8 November 2016 and its change from the preexisting release process (indicated in specification 5.2 of the Registry Agreement, sentence 1) to a new curative process (under sentence 2) are compatible with GAC advice on</p>	<p>The Board understands that the GAC wishes for the ICANN Board to explain in writing whether the Board’s Resolution of 8 November 2016 and its change to a new curative release process are compatible with GAC advice by 31 December 2018. The Board notes that previous GAC advice on this matter stands.</p>	<p>The Board sees the November 2016 resolution as compatible with and taking into account GAC advice. As stated in the November 2016 resolution: “...[T]he Board considered the public comments, the staff summary and analysis report of public comments, and GAC advice. The proposed measures were updated to take into account the public comments and GAC advice relating to the proposed measures and two-character labels.”</p>

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	<p>this topic, or whether it constitutes a rejection of GAC advice. The GAC advises the Board to set out its explanation in writing by 31 December 2018. Previous GAC advice on this matter stands.</p> <p><u>RATIONALE:</u></p> <p>This advice is adopted to support and oversee implementation by the Board of existing GAC Advice on the matter, including calling upon the Board to work towards resolution of countries concerns relating to the release of country codes as a result of the withdrawal of the release process in 2016.</p>	<p>The Board acknowledges that the GAC adopted this advice to support and oversee implementation of existing GAC Advice on the matter. The Board notes this includes the GAC advising the Board to work towards a resolution of countries’ concerns relating to the release of their corresponding country codes at second level.</p>	<p>As explained in detail in the ICANN org memo and Historical Overview, Specification 5, Section 2 of the Registry Agreement provides two alternate paths for release of two-character labels at the second-level, the second of which is based on ICANN approval. Accordingly, it is within the ICANN org’s remit to pursue a process by which registry operators seek approval for release of two-character labels from ICANN.</p> <p>The November 2016 resolution did not constitute a switch from a “release process” to a “curative process”, but rather was the culmination of a multi-year process of development, which allowed for input from registry operators, GAC members and individual governments, and other community members. As expressed to the GAC throughout the development process, it was intended that a set of standard measures would be developed that could be implemented by any registry operator.</p> <p>The Board examined the issue with respect to ICANN's mission, commitments and core values, and believes that it adopted a resolution that is consistent with GAC advice. The Board shares the GAC's concern that use of two-character strings corresponding to country codes should not be done in a way to deceive or confuse consumers, and, based on the process described in the ICANN org memo and Historical Overview, believes it has implemented a solution that resolves any issues related to user confusability. The Board is not aware of any further negative consequences from the 8 November 2016</p>

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			resolution regarding security, stability, or user confusability.
<p>§1.a.III Two-character Country Codes at the Second Level</p>	<p>a. the GAC advises the ICANN Board to:</p> <p>iii. Ensure that its direction to the ICANN CEO to “engage with concerned governments to listen to their views and concerns and further explain the Board’s decision making process” (Board Resolution 2017.06.12.01) is fully implemented including direct engagement with those governments in order to fully address their concerns.</p> <p><u>RATIONALE:</u></p> <p>This advice is adopted to support and oversee implementation by the Board of existing GAC Advice on the matter, including calling upon the Board to work towards resolution of countries concerns relating to the release of country codes as a result of the withdrawal of the release process in 2016.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN CEO to engage directly with concerned governments to listen to their views and concerns, fully address their concerns, and further explain the Board’s decision making process.</p> <p>The Board acknowledges that the GAC adopted this advice to support and oversee implementation of existing GAC Advice on the matter. The Board notes this includes the GAC advising the Board to work towards a resolution of countries’ concerns relating to the release of country codes.</p>	<p>The Board acknowledges that some GAC members have expressed concerns regarding the process for release of two-character labels at the second-level and that the GAC has issued advice directing the ICANN org to engage with concerned governments.</p> <p>The Board notes that the ICANN org conducted telephonic conversations with concerned governments in May 2017 explaining the rationale and development of the framework adopted by the 8 November 2016 Board resolution. Additionally, the ICANN Board and org engaged in discussions with the GAC at the Board-GAC Recommendation Implementation (BGRI) meetings at ICANN61, ICANN62 and ICANN63.</p> <p>The adopted Measures also urged registry operators to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name in question was already registered, advice which the GAC provided in its Helsinki Communiqué.</p> <p>The Board notes that the ICANN org is developing a dedicated webpage for the GAC members to easily track the registration of two-character domain names that correspond with a specific country code and which enables GAC members to submit a request for ICANN compliance action in the event of a perceived misuse. This service will aggregate two-character second level domains</p>

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			<p>automatically to a table on the GAC site, which can also be downloaded for offline analysis by GAC members. The service will run daily after all root zone files are updated, aggregating all new two-character second-level domain registrations and displaying to GAC Members.</p> <p>The ICANN org also describes this engagement and these tools in its memo and Historical Overview.</p> <p>Although the Board believes that the advice to engage with concerned governments to explain the process and rationale has been fully implemented, the Board directs the ICANN President and CEO to continue to develop the tools as noted above to allow concerned GAC members to track two-character registrations.</p>
<p>§2.a.I IGO Protections</p>	<p>a. The GAC advises the ICANN Board to:</p> <p>i. Facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC in an effort to resolve the longstanding issue of IGO protections, on which it reaffirms its previous advice, notably with respect to the creation of a curative mechanism and maintenance of temporary protections.</p> <p><u>RATIONALE</u> The GAC understands that the GNSO has decided at this stage to not vote on the final report for the PDP on IGO-INGO Access to Curative Rights Protection Mechanisms, which adopted recommendations in direct conflict with longstanding GAC advice. Noting the positive advancements achieved to bridge the gap between GNSO</p>	<p>The Board understands that the GAC wishes for the ICANN Board to facilitate a solutions-oriented dialogue between the GNSO and the GAC to resolve the longstanding issue of IGO protections. The Board notes that the GAC reaffirms its previous advice on this topic.</p> <p>The Board acknowledges the GAC’s understanding that, at this stage, the GNSO has decided not to vote on the final report for the PDP on IGO-INGO Access to Curative Rights Protection Mechanisms.</p> <p>The Board notes, further, that the GAC remains optimistic that a substantive dialogue between the GAC and the GNSO may be helpful in reaching a lasting solution that can provide IGOs with GAC-</p>	<p>The Board stands ready to facilitate a substantive, solutions-oriented discussion should it be invited to do so by the GNSO and the GAC and is aware that a dialogue has been initiated between the GNSO and the GAC on this topic. The Board intends to consider GAC advice in accordance with the process documented in the ICANN Bylaws. The Board confirms that the interim protections afforded to IGO acronyms at the second level of the domain name system will remain in place pending the GNSO’s final recommendations and the Board’s consideration of those recommendations.</p>

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	and GAC advice on identifiers for the Red Cross, the GAC remains optimistic that a substantive dialogue with the GSNO could help both sides better understand the issues at play and reach a lasting solution that can provide IGOs with GAC-advised protections for their acronyms while addressing the concerns of the GNSO.	advised protections for their acronyms while addressing the concerns of the GNSO.	

GAC Advice – Barcelona Communiqué: Follow-up on Previous Advice (27 January 2019)

GAC Follow-up on Previous Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
1. GDPR and WHOIS	<p>We emphasize the GAC consensus advice from ICANN62 that urged ICANN to take all steps necessary to ensure the development and implementation of a unified access model that addresses accreditation, authentication, access and accountability, and applies to all contracted parties. We welcome ICANN’s efforts to facilitate the necessary community discussion through the Unified Access Model papers and emphasize the need to drive these discussions towards concrete and timely results.</p>	<p>The Board understands that the GAC urges the ICANN Board to take all steps necessary to develop and implement a unified access model that applies to all contracted parties and addresses accreditation, authentication, access, and accountability. The Board also understands the GAC emphasizes the need to drive these discussions towards detailed and timely results.</p>	<p>The Board acknowledges and appreciates this follow-up on the GAC’s advice regarding GDPR and WHOIS. ICANN org continues to solicit community input on a possible unified access model with the aim of diminishing the legal risks for contracted parties and in order to create a predictable and consistent user experience. In relation to this and as raised at ICANN63, in order to inform the EPDP and the Community, the ICANN org is forming a technical study group to explore possible technical solutions for accrediting, authenticating and providing access to non-public registration data. ICANN org will continue to keep the community apprised and updated.</p>
2. Dot Amazon Applications	<p>The GAC welcomes the 16 September 2018 Board resolution on the .Amazon applications directing the ICANN President and CEO “to support the development of a solution that would allow the .AMAZON applications to move forward in a manner that would align GAC (Governmental Advisory Committee) advice and inputs on this topic”.</p> <p>The GAC notes that the rationale of the 16 September 2018 Board resolution states that “[t]he Board is taking this action today to further the possibility of delegation of the .AMAZON applications...while recognizing the public policy issues raised through GAC advice on these applications”.</p>	<p>The Board understands that the GAC welcomes the 16 September 2018 Board resolution on the .AMAZON applications and calls upon the Board to continue facilitating work that results in a mutually acceptable solution for the Amazon countries and for the applicant.</p>	<p>The Board acknowledges and appreciates this follow-up on the GAC’s advice regarding the .AMAZON applications. Following the Board resolution on .AMAZON at ICANN63, a Reconsideration Request was filed by the ACTO member states on 5 November 2018. The Board took action on this Reconsideration Request on 16 January 2019, including a resolution that “encourages a high level of communication between the President and CEO and the relevant stakeholders, including the representatives of the Amazonian countries and the Amazon corporation, between now and ICANN 64, and directs the President and CEO to provide the Board with updates on the facilitation process in anticipation of revisiting the status of the .AMAZON applications at its meeting at ICANN64”.</p> <p>The Board also notes the most recent letter of 18 December 2018 from the ICANN org President & CEO to the GAC Chair regarding the facilitation process between</p>

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	<p>The GAC recalls its latest advice on the matter where “[t]he GAC recognizes the need to find a mutually acceptable solution” for the Amazon countries and for the applicant, and calls upon the Board to continue facilitating work that could result in such a solution (GAC Communiqué, Abu Dhabi, 1 November 2017).</p>		<p>the ACTO member states and the Amazon corporation, led by ICANN org. ICANN org notes in the letter that over the last 12 months it has put great effort into working with ACTO member states and the Amazon Corporation to develop a solution for the delegation of .AMAZON that would be of mutual benefit to the peoples of the Amazon region, as well as the Amazon Corporation. It is for this reason, that both the Board and ICANN org believe that the recent turn of events is truly unfortunate and sincerely hope that we can move forward together in a constructive and positive manner towards the best possible outcome for all parties concerned.</p>
<p>3. Protection of the Red Cross and Red Crescent Designations and Identifiers</p>	<p>The GAC welcomes the progress made in the process of reconciliation between the GAC’s consistent advice and the GNSO’s past policy determinations on the issue of the protection of the Red Cross and Red Crescent designations and identifiers and marks its appreciation for the inclusive consultative process conducted under the auspices of the GNSO’s reconvened Working Group on the Red Cross and Red Crescent names.</p> <p>The Board is encouraged to adopt the GNSO Council’s recommendations, which regard the reservation of the list of names of the 191 National Red Cross and Red Crescent Societies in relevant languages, as well as of the international organizations within the International Red Cross and Red Crescent Movement.</p>	<p>The Board understands that the GAC encourages the ICANN Board to adopt the GNSO Council’s recommendations regarding the reservation of the list of names of the 191 organizations within the International Red Cross and Red Crescent Movement.</p> <p>The Board acknowledges the GAC’s note that the issue of the acronyms ICRC and IFRC were not covered under the GNSO’s reconvened process. The Board understands that the GAC advises the temporary protections given to these acronyms remain in place until an appropriate resolution of this issue is reached.</p>	<p>The Board acknowledges and appreciates this follow-up on the GAC’s advice regarding the Protection of the Red Cross and Red Crescent designations and identifiers. The Board notes, however, that prior to any Board action the transparency provisions in Section 3.6 of the ICANN Bylaws require that the Board: (1) provide a reasonable opportunity for the public to comment on proposed policies that substantially affect the operation of the Internet or third parties; and (2) request the GAC’s opinion where public policy concerns may be affected. Accordingly, the Board intends to take into account any public comments and GAC advice that may be timely received when it considers the GNSO’s policy recommendations.</p> <p>Please also see the Board’s response to item §2.a.I above regarding IGO Protections.</p>

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	<p>The GAC notes that the issue of the acronyms of the two international organizations within the Movement (ICRC and IFRC) were not covered under the abovementioned GNSO process and recalls standing GAC Advice that the temporary protections presently accorded to these acronyms remain in place until such time an appropriate resolution of this issue is reached.</p>		
<p>Follow-up to the joint statement by ALAC and GAC (Abu Dhabi, 2 November 2017)</p>	<p>The At-Large Advisory Committee (ALAC) and the Governmental Advisory Committee (GAC) thank the ICANN Board for its response to their joint statement “Enabling inclusive, informed and meaningful participation at ICANN”, issued at ICANN60 in Abu Dhabi on 2 November 2017.</p> <p>In its response, the Board referred to the Information Transparency Initiative (ITI), launched in January 2018, which hopefully will lead to the creation of a document managing system that – as required by the ALAC and the GAC – will allow, even to non-expert stakeholders, a quick and easy access to ICANN documents. However, its development will take time. According to the ICANN website, its delivery is expected in December 2019.</p> <p>In their joint statement, the ALAC and the GAC also asked ICANN to produce executive summaries, key points and synopses for all relevant issues, processes and activities – something that could be implemented without delay.</p>	<p>The Board acknowledges the GAC’s thanks for the Board’s response to the GAC’s joint statement with the ALAC on “Enabling inclusive, informed and meaningful participation at ICANN”.</p> <p>The Board understands that while the GAC finds the current provision of information through monthly newsletters, pre-and post-meeting reports, video interviews and the ICANN Learn online platform commendable, the GAC believes those initiatives are not enough to reach the goal that the ALAC and GAC have in mind.</p> <p>The Board understands that the ALAC and GAC request that executive summaries be provided at least on issues put out for public comment.</p> <p>The Board understands that the ALAC and GAC are asking ICANN to put the same level of effort and service as was done for the IANA stewardship transition process toward all relevant issues for the community.</p>	<p>The Board notes that the GAC has provided clarification on this advice in a letter from the GAC Chair to Cherine Chalaby of 20 December 2018. The Board thanks the GAC for this clarification.</p> <p>The Board affirms its response to the original advice, in which it stated: “The Board accepts this advice and is committed to accountability and transparency and pursuing easily understandable and relevant information on matters of concern to all stakeholders. The Board’s commitment to these values aligns with the recently started Information Transparency Initiative (https://www.icann.org/news/blog/creating-contentgovernance-and-rebuilding-the-infrastructure-of-icann-spublic-sites). The Board acknowledges and agrees with the need to ensure effective and equal participation in the policy process by all stakeholders, which is in line with the Mission, Commitments, and Core Values, as expressed in the Bylaws” (see the Abu Dhabi scorecard).</p> <p>Additionally, the Board understands that the ICANN organization is currently undertaking a review of the relevant interface and format of public comment proceedings. The Board intends to direct the ICANN</p>

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	<p>In its response, the Board referred to the current offer of monthly newsletters, pre-and post-meeting reports and video interviews, as well as to the ICANN Learn online platform. All these initiatives are commendable and likely to improve access to information and content regarding ICANN activities. However, they are not enough to reach the goal that the ALAC and GAC have in mind.</p> <p>Particularly in policy development processes, non-expert stakeholders need executive summaries to be able to quickly determine, whether a particular issue is of concern to them, and if yes, to participate in the process easily and effectively, on equal footing with other stakeholders, even if ICANN is not in their full-time focus. Summaries should be provided at least, but not only, on issues put out for public comment. Clear and up-to-date information to facilitate quick understanding of relevant issues and high interest topics is key for inclusive, informed and meaningful participation by all stakeholders, including non-experts.</p> <p>In the context of the IANA transition process, ICANN was able to offer timely and comprehensible information by breaking down complex issues into understandable components, which allowed interaction within the entire community. The ALAC and the GAC are now asking</p>		<p>organization to explore specific improvements to public comments, including the use of summaries, that can allow the community to quickly identify the questions being asked in each proceeding.</p> <p>The Board notes that the provision of timely and comprehensible information on all other relevant topics will mean additional financial and staff resources will be needed. In view of the current budgetary constraints, the Board intends to consult with the ICANN organization to consider the feasibility of prioritizing possible topics for ongoing improvements in this area.</p>

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	from ICANN that the same level of effort be made and the same service be provided to the community concerning information on all other relevant issues.		

GAC Advice – Barcelona Communiqué: Follow-up on Deferred Advice (27 January 2019)

GAC Deferred Advice Item	Advice Text	Board Understanding on Previous Scorecard	Board Response on Previous Scorecard	Board Response on Barcelona Scorecard
<p>San Juan Communiqué §1.a.IV GDPR and WHOIS</p>	<p>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</p> <p>iv. Distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR;</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>iv. Distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR;</p>	<p>As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p>	<p>Previously, the Board stated in response to this item that, as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>
<p>San Juan Communiqué §1.a.V GDPR and WHOIS</p>	<p>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</p> <p>v. Ensure continued access to the WHOIS, including non-public data, for users with a legitimate purpose, until the time when the interim WHOIS model is fully operational, on a mandatory basis for all contracted parties;</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>v. Ensure continued access to the WHOIS, including non-public data, for users with a legitimate purpose, until the time when the interim WHOIS model is fully operational, on a mandatory basis for all contracted parties;</p>	<p>As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p>	<p>Previously, the Board stated in response to this item that, as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>
<p>San Juan Communiqué §1.a.VI GDPR and WHOIS</p>	<p>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</p> <p>vi. Ensure that limitations in terms of query volume envisaged under an</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>vi. Ensure that limitations in terms of query volume envisaged</p>	<p>As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p>	<p>Previously, the Board stated in response to this item that, as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The</p>

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	<p>accreditation program balance realistic investigatory crossreferencing needs;</p>	<p>under an accreditation program balance realistic investigatory crossreferencing needs; and</p>		<p>Board is currently monitoring progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>
<p>San Juan Communiqué §1.a.VII GDPR and WHOIS</p>	<p>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</p> <p>vii. Ensure confidentiality of WHOIS queries by law enforcement agencies.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>vii. Ensure confidentiality of WHOIS queries by law enforcement agencies.</p>	<p>As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p>	<p>Previously, the Board stated in response to this item that, as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>
<p>San Juan Communiqué §2.a.I IGO Reserved Acronyms</p>	<p>Noting ongoing developments in the PDP on IGO access to curative rights protection mechanisms, which the GAC is monitoring closely, the GAC affirms its advice from previous Communiqués concerning preventative protection of IGO identifiers, recalls the importance of maintaining temporary protections until a permanent resolution on IGO identifiers is reached in order prevent irreparable harm to IGOs and</p> <p>a. advises the ICANN Board to:</p> <p>i. Ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible.</p>	<p>The Board sent a letter to the GAC requesting clarification regarding this advice. The GAC provided a response on 15 May 2018. Based on the GAC’s response, the Board understands that the GAC wishes for the ICANN Board to:</p> <p>i. Ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible.</p> <p>The Board understands that the GAC and IGOs remain engaged on this issue and that the GAC is concerned that a</p>	<p>The Board thanks the GAC for the clarifications provided on 15 May 2018. The Board has asked the ICANN Organization to review the advice in light of these responses and to assess the feasibility of the request. The Board will defer action on this item at this time, and in due course will engage with the GAC should further clarifications be necessary before taking action on this advice.</p>	<p>The Board continues to defer action on this item as the ICANN org continues to assess the feasibility of the GAC’s request. The Board is aware that a dialogue has been initiated between ICANN Org and the GAC to ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible. The Board will monitor progress of this dialogue and will engage with the GAC as necessary before taking any further action on this advice.</p>

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	<p><u>RATIONALE</u> Despite indications to the contrary, the GNSO has still not concluded its PDP on curative rights protection mechanisms. The GAC and IGOs remain fully engaged on this issue and emphasize that a removal of interim protections before a permanent decision on IGO acronym protection is taken could result in irreparable harm to IGOs. In the interim, ICANN has moved forward to implement GAC advice related to protection of IGO full names at the second level. These protections will be based on a list of IGOs that fulfil previously agreed-upon criteria. To ensure this advice is effectively implemented, following significant work undertaken by IGOs resulting in significant progress on compiling this list, a focused effort is needed to contact remaining IGOs, so their names are protected accurately in the chosen two languages. ICANN has been in contact with the OECD and WIPO on this initiative, which the GAC supports.</p>	<p>removal of interim protections before a permanent decision on IGO acronym protection is taken could result in irreparable harm to IGOs.</p> <p>The Board also understands that the GAC emphasizes that to ensure this advice is effectively implemented, a focused effort is needed to contact remaining IGOs so their names are protected accurately in the chosen two languages.</p>		
<p>Panama Communiqué §3.a.I Two-character Country Codes at the Second Level</p>	<p>a. The GAC advises the ICANN Board to:</p> <ul style="list-style-type: none"> i. Work, as soon as possible, with those GAC members who have expressed serious concerns with respect to the release of their 2-character country/territory codes 	<p>The Board understands that the GAC wishes for the ICANN Board to:</p> <ul style="list-style-type: none"> i. Work with those GAC members who have expressed serious concerns with respect to the release of their 2-character 	<p>The Board will defer a formal response to the GAC on this advice pending further discussions with the GAC.</p>	<p>The Board acknowledges this advice and refers the GAC to the Board’s responses on items §1.a.I, II, and III above in the Barcelona consensus advice section. The Board also directs the GAC to the ICANN org memo and Historical Overview for additional details regarding this topic.</p>

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	<p>at the second level in order to establish an effective mechanism to resolve their concerns in a satisfactory manner, bearing in mind that previous GAC advice on the matter stands.</p> <p><u>RATIONALE</u> The GAC notes the range of actions taken by the Board in response to concerns previously expressed with regard to release of 2-character codes at the second level. However, these actions have not been sufficient from the perspective of the concerned countries.</p> <p>On 15 March 2017, through the Copenhagen Communiqué, the GAC communicated its understanding to the ICANN community, and in particular to the ICANN Board, that there were “changes created by the 8 November 2016 Resolution” relating to the release procedure of 2- Character Country/Territory Codes at the Second Level.</p> <p>As stated in the 15 March 2017 Copenhagen Communiqué, the changes introduced by the 8 November 2016 Resolution meant that, contrary to the then prevailing practice, “it is no longer mandatory for the registries to notify governments of the plans for their use of 2-letter codes, nor are registries required</p>	<p>country/territory codes at the second level in order to establish an effective mechanism to resolve their concerns in a satisfactory manner.</p> <p>The Board acknowledges that some GAC members believe that the Board actions taken with regard to the release of 2-character codes at the second level have not been sufficient.</p> <p>The Board notes that in the 15 March 2017 Copenhagen Communiqué the GAC communicated there were changes created by the 8 November 2016 Resolution relating to the release procedure of 2-Character Country/Territory Codes at the Second Level which meant that it is no longer mandatory for the registries to notify or seek agreement of governments when releasing 2-Character country codes at the second level.</p> <p>The Board also notes that the GAC requested in the Copenhagen Communiqué the Board take into</p>		

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	<p>to seek agreement of governments when releasing two-letter country codes at the second level”.</p> <p>Accordingly, in the 15 March 2017 Copenhagen Communiqué, the GAC provided full consensus advice to the ICANN Board, which included requests that the Board “[t]ake into account the serious concerns expressed by some GAC Members as contained in previous GAC Advice”; “[i]mmediately explore measures to find a satisfactory solution of the matter to meet the concerns of these countries before being further aggravated”; and “[p]rovide clarification of the decision-making process and of the rationale for the November 2016 resolution, particularly in regard to consideration of the GAC advice, timing and level of support for this resolution.”</p> <p>Under the 8 November 2016 Resolution, ICANN’s “President and CEO, or his designee(s), is authorized to take such actions as appropriate to authorize registry operators to release at the second level the reserved letter/letter two-character ASCII labels, not otherwise reserved pursuant to Specification 5, Section 6 of the Registry Agreement, subject to these measures.”</p>	<p>account the serious concerns by some GAC members; immediately explore measures to find a satisfactory solution; and provide clarification of the decision-making process and of the rationale for the November 2016 Resolution.</p> <p>The Board understands that prior to the 8 November 2016 Resolution the GAC considered that in the event that no preference has been stated, a lack of response should not be considered consent for the release of 2-character country/territory codes. The Board also understands that prior to the 8 November 2016 Resolution there was an established process, as advised by the GAC in the Singapore Communiqué, for requests to release two-character country/territory codes.</p> <p>The Board understands that some GAC members have raised concerns about ICANN’s ability to engage with the relevant GAC members after the 12 June 2018 authorization by ICANN for the Registry Operator for .XXX to release all two-character labels not previously authorized.</p>		

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	<p>Previously to the “changes created by the 8 November 2016 Resolution”, in its 30 June 2016 Helsinki Communiqué, it was stated that “[t]he GAC considers that, in the event that no preference has been stated [as to the requirement that an applicant obtains explicit agreement of the country/territory whose 2-letter code is to be used at the second level], a lack of response should not be considered consent.”</p> <p>Also, previously to the “changes created by the 8 November 2016 Resolution”, there was an established process for requests to release two-letter codes. As advised by the GAC in its 11 February 2015 Singapore Communiqué, this process involved “an effective notification mechanism, so that relevant governments can be alerted as requests are initiated”, and it relied on “[a] list of GAC Members who intend to agree to all requests and do not require notification”.</p> <p>On 20 June 2018, the GAC was informed that, on 12 June 2018, ICANN had authorized the Registry Operator for .XXX “to release for registration to third parties and activation in the DNS at the second level all two-character letter/letter ASCII labels not previously authorized by ICANN for release and not otherwise required to be reserved pursuant to the Registry</p>			

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	<p>Agreement". The announcement of the release of not previously authorized 2-character codes at the second level has caused some GAC members to reiterate serious concerns about ICANN's ability to engage with the relevant GAC members to find a satisfactory solution to the matter. These unresolved concerns include doubts about ICANN Board's ability to provide a satisfactory explanation for the "changes created by the 8 November 2016 Resolution", as well as to adopt measures – pending a satisfactory settlement of the matter – to prevent further consequences from the "changes created by the 8 November 2016" for the concerned GAC members.</p>			
<p>Panama Communiqué §3.a.II Two-character Country Codes at the Second Level</p>	<p>a. The GAC advises the ICANN Board to:</p> <ul style="list-style-type: none"> ii. Immediately take necessary steps to prevent further negative consequences for the concerned GAC members arising from the November 2016 Board Resolution. 	<p>The Board understands that the GAC wishes for the ICANN Board to:</p> <ul style="list-style-type: none"> ii. Immediately take necessary steps to prevent further negative consequences for the concerned GAC members arising from the November 2016 Board Resolution. 	<p>The Board will defer a formal response to the GAC on this advice pending further discussions with the GAC.</p>	<p><i>See response on item §3.a.I above.</i></p>