
GAC First Timers Session

Session 0 - GAC First Timers Session

Contents:

Session Objective	1
Background	1
Agenda	2
Key Reference Documents:	2
Further Information	2

Session Objective

The purpose of this non-plenary pre-meeting session is to welcome GAC participants attending their first GAC in-person meeting and to inform them about the goals, processes, practices and general environment of the GAC experience during an ICANN Public Meeting.

Background

GAC members realize that the ICANN meeting experience can be a challenging one for new participants and directed GAC Support Staff to develop a regular mechanism for welcoming and on-boarding new participants.

Before every ICANN public meeting, GAC Support staff identify “first-time” GAC meeting participants and, in a small non-plenary session (prior to the start of the official GAC meeting), offer them an informal briefing featuring an introduction to the purposes, logistics and administration of an in-person GAC meeting during an ICANN Public Meeting. The first briefing session occurred before the ICANN63 meeting and the agenda has evolved to reflect topics that are of interest to new participants.

The intention of the briefing is to provide first-time participants with an overview of GAC public meetings (background and purpose), familiarize them with GAC Meeting operations and logistics and to prepare them to participate and contribute at the meeting.

Agenda

During the session the staff and new participants cover:

1. An Overview of Expectations For GAC Public Meetings
2. A Review of GAC Membership, Leadership and Secretariat Support Meeting Roles
3. Information about the Public Meeting Logistics and Awareness including:
 - a. What to know about an ICANN Meeting
 - i. GAC Pre-Meeting preparation (agenda prep and schedule overview)
 - ii. GAC's role at ICANN Public Meetings
 - iii. GAC Membership Participation in GAC Meeting
 1. Seating
 2. Contributions/Participation
 - b. b. Communicate drafting sessions and purpose
4. ICANN66 Questions and Answers

Key Reference Documents:

- ICANN66 GAC Meeting Schedule - <https://gac.icann.org/agendas/icann66-montreal-agenda>
- Attending Your First GAC Meeting - <https://gac.icann.org/meeting-services/attending-your-first-gac-meeting>

Further Information

About the GAC - <https://gac.icann.org/about/index>

Document Administration

Meeting	ICANN66 Montreal, 2-7 November 2019
Title	Session 0 - GAC First Timers Session - Briefing
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 14 October 2019

GAC Opening Plenary Session

Session 1 - GAC Opening Plenary Session

Contents:

Session Objective	1
Background	1
Recent Developments	2
Key Reference Documents	2
Further Information	2
Document Administration	3

Session Objective

The Opening Plenary Session is the first opportunity for GAC participants to gather, introduce themselves and prepare for the meeting week. During this session, the GAC Chair offers Information and updates for the GAC about developments since the last in-person meeting and preparation for the meeting week ahead.

Background

The Opening Plenary session of the GAC gives delegates from all the attending GAC members and observer organizations the opportunity to introduce themselves. During an opening “tour de table”, each delegate in attendance provides their name and the GAC member or observing organization they represent. Support staff tracks attendance for purposes of meeting records, quorum determination, development of meeting minutes and publication of the GAC Communiqué.

The opening plenary session also gives the GAC Chair an opportunity to provide an overview report on what delegates can expect during the coming week of meetings. During this opening Montreal session, the GAC Chair plans to report on the committee efforts made regarding action items and next steps identified during the previous GAC meeting in Marrakech, Morocco. GAC participants are invited to share comments on their meeting goals and expectations.

Since the ICANN64 in Kobe, Japan, the GAC has also offered the GAC representative from the country hosting the ICANN Public Meeting the opportunity to provide welcoming and introductory remarks to the GAC participants.

Recent Developments

The GAC has been an active contributor to a number of ICANN community public forums and cross community efforts in the last few months including [Evolving ICANN's Multistakeholder Model of Governance](#) and [GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations for ICANN Board Consideration](#). Those documents are recorded and tracked on a special web page of the GAC web site and can be located here -

<https://gac.icann.org/activity/gac-public-comment-opportunities>

Since ICANN65, the GAC has also sent and received correspondence regarding several matters of importance to GAC members including such topics as DNS Abuse Mitigation, IGO-INGO Access to Curative Rights Protection Mechanisms, GAC interactions with the ICANN Nominating Committee, and the tracking of GAC Advice by ICANN org. Those documents are recorded and tracked on a special web page of the GAC web site and can be located here -

<https://gac.icann.org/advice/correspondence/>.

The GAC leadership has also seen results from the recent efforts to encourage more GAC participants to volunteer for working group efforts. At the GAC leadership team's direction, GAC Support staff has conducted a full inventory of the participation in all GAC working groups. The GAC Support staff team is currently updating working group membership records and will be working with the co-chairs of each group to confirm each group's member list and looking to add new members. The goal of this process is to ultimately establish and maintain efficient records in a single location so that support staff can effectively manage the information as various GAC participants depart and new members volunteer, and so new working groups can be smoothly accommodated as they are created.

During the ICANN65 meeting in Marrakech, the GAC Support Staff noted a number of follow-up matters and action items agreed to among GAC attendees. Those items are tracked via a google collaboration document that can be accessed here -

<https://docs.google.com/spreadsheets/d/1q2jygHjk1MQHoUYj2k1hjPDaw5TAebMRWqG98Go6eEY/edit#gid=1067667374>

Key Reference Documents

GAC ICANN65 Action Points (Google Doc) -

<https://docs.google.com/spreadsheets/d/1q2jygHjk1MQHoUYj2k1hjPDaw5TAebMRWqG98Go6eEY/edit#gid=1067667374>

GAC Public Opportunities Web Page -

<https://gac.icann.org/activity/gac-public-comment-opportunities>

GAC Correspondence Web Page - <https://gac.icann.org/advice/correspondence/>

Further Information

GAC Working Group Volunteer Information -

<https://mm.icann.org/mailman/private/gac/2019-May/017706.html>

Guidelines For High Level Government Meetings -

<https://gac.icann.org/meeting-services/guidelines-for-high-level-government-meetings>

GAC Public Comment Filings -

<https://gac.icann.org/activity/gac-public-comment-opportunities#act-outcomes-head>

Document Administration

Meeting	ICANN66 - Montreal, Canada
Title	GAC Briefing - Session 1 - GAC Opening Plenary
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version1: 14 October 2019

Two Character Country Codes at the Second Level in New gTLDs

Session 7 - Two Character Codes Update Discussion - Registration Search Tool Evaluation

Contents

Session Objectives	1
Background	1
Recent Relevant Developments	3
GAC Action	4
Key Reference Sources	4
Further Information	4

Session Objectives

During this session, GAC members will have an opportunity to share their assessments and experiences and make suggestions for improvements to the [Two-character Country Code Registration Search Tool](#) that was released by ICANN org prior to ICANN64.

Background

Two-character country codes are internationally recognized codes established by the ISO (International Organization for Standardization) that designate every country and most dependent areas a two-letter combination. These codes (set forth in the “ISO 3166” list) act like an acronym, that stands for a country or a state. The Domain Name System uses these codes to identify top level country code domains on the Internet (ccTLDs).

In the context of the first round of new gTLDs, ICANN’s community discussed how to to guarantee that the release of these two letter codes at the second level will not cause any confusion with the current use of these two letter codes at the first level.

Specification 5, Section 2 of the New gTLD Registry Agreement requires that for registry operators to reserve two-character ASCII labels within the TLD at the second level.

Section 2 states that the reserved two-character labels “may be released to the extent that a Registry Operator reaches agreement with the related government and country-code manager of the string as specified in the ISO 3166-1 alpha-2 standard. The Registry Operator may also propose

the release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes, subject to approval by ICANN.”

Thus, the current regime for overseeing the use of country codes at the Second Level in New gTLDs is that of a [blanket authorization and associated Measures to Avoid Confusion with Corresponding Country Codes](#) which New gTLD Operators (Registries) are expected to implement. This regime was introduced pursuant to an ICANN Board [resolution](#) (8 November 2016) which retired a previously existing [Authorization Process for Release of Two-characters ASCII Labels](#), itself the result of several years of interactions between governments, the GAC and both the ICANN Organization and ICANN Board.

The November 2016 Board resolution was of significant interest to GAC members for a substantial period of time. New readers to this issue may benefit from review of several previous GAC Briefing documents recounting the recent history of this subject:

- ICANN63 - Barcelona - Pre-Meeting Briefing - [icann63-2-characters-briefing-v2-20oct18.pdf](#) ;
- ICANN64 - Kobe - Pre-Meeting Briefing - [https://gac.icann.org/file-asset/public/icann64-ga-briefing-2-characters-country-codes.pdf?language_id=1](#) ; and
- ICANN65 - Marrakech - Pre-Meeting Briefing - [https://gac.icann.org/file-asset/public/icann65-gac-briefing-02.2-two-char-country-codes-at-2nd-level-v1-17jun19.pdf?language_id=1](#)

Some GAC Members expressed concerns regarding the 2016 decision resulting in the current process for the release of country codes, particularly in view of previous GAC Advice. Other GAC Members are concerned with the use of their country codes at the second level of the DNS. Those concerns include consumer confusion and the use of country codes without the permission of relevant authorities.

After much dialogue and exchange of information between concerned Members of the GAC, the ICANN Board and the ICANN org on this subject (recounted in the briefing documents above), ICANN org developed a web-based tool to enable interested GAC members to monitor registrations of their two-character country and territory codes at the second level across all TLDs. After much progress, the final phase of that tool development was completed shortly before the ICANN64 Kobe Meeting.

The current Two-Character country code registration search tool is basically a data table that enables GAC members to monitor registrations of their two-character country and territory codes at the second level across all TLDs. The tool displays an up-to-date view of all current two-letter second-level domain registrations across both gTLDs and ccTLDs, and an approximate date of registration. The table allows the user to quickly toggle between viewing gTLDs and ccTLDs and includes dynamic sorting, filtering and a downloadable dataset to Excel for offline analysis.

On 26 February 2019, ICANN org formally introduced this tool to the GAC Membership in a demonstration webinar. A recording of that webinar is available on the GAC Website at: [https://gac.icann.org/sessions/demo-webinar-new-tool-to-monitor-2-character-country-codes-at-the-second-level](#) (GAC Member login required).

At the ICANN64 Kobe meeting, GAC members agreed that that they should have time to use and evaluate the tool and that it would be appropriate for feedback to be shared with ICANN org staff at the ICANN66 Montreal meeting.

Recent Relevant Developments

Registration Search Tool Evaluation

At the ICANN65 Marrakech meeting the GAC conducted a plenary session on the registration search tool (see

<https://gac.icann.org/sessions/icann65-block-7-session-7-1-second-level-country-code-registration-search>). During the session, ICANN org staff briefed GAC members on the history of the issue and an overview of the current authorization regime and conducted a live demonstration of the use of the registration search tool. During the session, certain GAC members also shared preliminary observations about the tool and their experiences with it.

Based on those Marrakech discussions, ICANN org staff has worked to develop a survey to collect information from GAC members about their use of the tool. That survey may be shared with the GAC prior to the ICANN65 meeting. ICANN org staff will also be present at the GAC meeting in Montreal to get first-hand feedback about the tool from GAC members.

ICANN65 GAC Marrakech Communiqué

As “Follow-Up on Previous Advice”, the GAC most recently addressed this subject in the ICANN65 GAC Marrakech Communiqué. In that document, the GAC stated

“The GAC remains concerned that GAC advice on the procedure for the release of country codes at the second level under new gTLDs was not taken into consideration as intended, and advises that meaningful steps be taken to ensure this does not happen in the future.

Moreover, the GAC notes the provision of a search tool by ICANN. GAC Members have highlighted that the effectiveness of the tool is still being evaluated.

The GAC urges ICANN to continue to engage with concerned GAC members in order to address their concerns.”

ICANN Board Scorecard Response to GAC Marrakech Communiqué

In its 8 September 2019 scorecard response to the GAC Marrakech Communiqué (see, <https://www.icann.org/en/system/files/files/gac-icann65-marrakech-communique-scorecard-08sep19-en.pdf>) the Board stated,

“The Board is aware of the ongoing concerns among some GAC members regarding the consideration of GAC advice on the procedure for the release of two-character country codes at the second level under new gTLDs. The ICANN org has provided detailed explanations of its process and the Board’s consideration of relevant GAC Advice in a memo to the GAC dated 22 January 2019 as well as in a Historical Overview of the process. The Board also notes that during the BGIG meeting at ICANN65 in Marrakech it was discussed that the BGIG meeting at ICANN66 in Montreal could be used to discuss the two-character search tool.

Between now and ICANN66, the Board recommends that GAC members use the tool to gain experience and to note any concerns, where appropriate.”

GAC Action

During this session, GAC members will have an opportunity to share their assessments and experiences and make suggestions for improvements to the [Two-character Country Code Registration Search Tool](#) that was released by ICANN org prior to ICANN64.

Key Reference Sources

- ICANN65 - Marrakech GAC Communique -
- ICANN Second Level Country Code Registration Search Tool:
<https://gac.icann.org/activity/second-level-country-code-registration-search>

Further Information

- ICANN Org Website Reference Page:
<https://www.icann.org/resources/two-character-labels>
- GAC Activity Web Page - Two Character Country Codes at the Second Level:
<https://gac.icann.org/activity/two-letter-country-codes-at-the-second-level>

Document Administration

Meeting	ICANN66 Montreal, November 2019
Title	Two Character Country Codes at the Second Level in New gTLDs
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 14 October 2019

GAC Underserved Regions Working Group (USRWG) Plenary Meeting

Session 3.0

Contents

Session Objective	1
Background	1
Agenda and Outcomes	2
Relevant Developments	2
Key Reference Documents	5
Glossary	5

Session Objective

The GAC USR WG will meet in plenary to provide an update to the GAC Members.

Background

The GAC Underserved Regions Working Group (USR WG) was created to focus on regions that are under-served by the Domain Name System (DNS) industry, least developed economies and small island developing states. A particular focus is made on under-served economies from the Africa, Caribbean and Pacific (ACP) regions.

The overall objective of the Working Group is to empower and enable GAC members in :

- 1) Developing relationships and building a meaningful network with other GAC members, the ICANN community as well as with their regional technical communities, industries and civil societies;
- 2) Building knowledge of ICANN processes to participate more effectively and meaningfully within the GAC and in ICANN policy development processes, including issues of concern and of national interest;
- 3) Enhancing the understanding, growth and development of the domain name industry (DNS), especially in underserved regions; and

The work of the USR WG has been carried out by its Co-Chairs, Pua Hunter (Cook Islands) and Karel Douglas (Trinidad and Tobago) along with Luisa Paez and Rita Houkayem's support (Canada).

Agenda and Outcomes

The agenda for the meeting on Saturday 2 November from 13:30 to 14:30 is as follows:

1. FY20 GAC Capacity Building Workshops

- Bahrain Workshop (September 2019)
 - The Government Engagement (GE) Team will provide an update on the workshop (themes discussed, feedback and next steps)
- ICANN67 (March 2020)
- Pacific workshop (April 2020 during the Annual General Meeting of the Pacific Islands Telecommunications Association)
- ICANN68 (June 2020)

2. New gTLDs Subsequent Rounds

- GAC Focal Group
 - Mandate
 - Areas of GAC interest
- GAC USR WG potential concerns

The Working Group will discuss potential future participation in the GAC Focal Group on Subsequent Rounds.

3. Work plan actions stocktaking

- Prioritization of short term actions
- Next steps (intersessional work until ICANN67)

The Working Group will start prioritizing and discussing how best to implement its work plan actions.

Relevant Developments

GAC and New gTLDs Subsequent Procedures

The GNSO Subsequent Procedures Working Group Policy Development Process (PDP) focuses on considering the 2012 round policy and determining what changes might need to be made to the original GNSO recommendations from 2007, which resulted in the Applicant Guidebook and the 2012 round of the new gTLD Program.

Following ICANN64, the GAC launched a focal group to build capacity, assist GAC members navigate the GNSO Subsequent Procedures Working Group Policy Development Process (PDP) and

coordinate the GAC's timely input into the final deliberations of the New Generic Top-Level Domains (gTLDs) Subsequent Procedures Policy Development Process (PDP) Working Group. This also includes tracking the initial recommendations on the Competition, Consumer Trust, and Consumer Choice (CCT) Review. The GAC's main topics of interest cover areas such as the new gTLD's application process, requirements, evaluation, objections, and string contention. A [scorecard on the status of substantive areas of interest to the GAC](#) has been created to help prioritize and guide the work of the GAC Focal Group.

The focal group met for the first time during ICANN65 and started work on building the capacity of GAC members to navigate the interrelated policy development and implementation discussions on future rounds of New gTLDs.

At ICANN66, the Focal Group will brief the GAC on its deliberations and discussions.

- Why is this matter important to GAC Underserved Regions Working Group Members?

1. Following 1st Round (2012) and the Applicant Guidebook (AGB) (2011), the GAC dealt with numerous issues related to new gTLDs which some directly impacted underserved regions (i.e .africa, .islam, .halal).
2. Involvement of underserved regions relating to new gTLDs was limited
3. High importance for underserved regions to be informed and aware of the process pertaining to new gTLDs in order to:
 - a. Develop relevant expertise in order to play an active role at a local level within their governments and their DNS community
 - b. Manage to mitigate situations related to local public policies impacted new gTLDs strings

- What topics may be considered by the GAC underserved regions Working Group Members?

This briefing is not intended to tell GAC Underserved Regions Working Group Members what topics are of importance to their region, as this is a matter only they can respond to.

However, this briefing is a preliminary document created to initiate GAC USRWG Members' understanding of the situation and where they can potentially play an active role within the GAC on matters related to new gTLDs in their respective regions.

As mentioned above, the GAC Focal Group created a [scorecard on the status of substantive areas of interest to the GAC](#) to help prioritize and guide the work of the group including the [Final CCT Recommendations with Board Action](#) (taking stock of the first round from a competition, consumer trust, and consumer choice perspective).

Below is a list of topics identified on the preliminary GAC scorecard that GAC USR WG Members may wish to consider for future discussions.

Process related issues

For issues related to process, GAC Members may look at the [GAC scorecard on Subsequent Rounds](#).

Subsequent Rounds of New gTLDs: Reviews, Policy Development and Prerequisites

- Policy Development Process:
- Future Releases of New gTLDs (Timing and Prerequisites)

New gTLD Applications Process

- Clarity and Predictability of Application Process
- Freedom of Expression
- TLD Categories (or Types)
- Community-Based Applications

Potential policy related issues

- New gTLD Applications Requirements
 - **Applicant Support and Participation of Underserved Regions:** The Applicant Support Program (ASP) was an initiative developed in addition to the new gTLD Program. The Applicant Support Program assists potential new gTLD applicants seeking both financial and non-financial support. There are three ways to participate in this program (Access to pro bono services for startup gTLD registries, Financial assistance and The Applicant Support Fund).
 - **Closed Generic TLDs:** A "generic string" means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things (e.g. .book, .bank, .weather etc.). A closed generic refers to applications where the applicant would impose restrictive eligibility criteria to limit registrations at the second level exclusively to a single person, entity or group of affiliate. "For strings representing generic terms, exclusive registry access should serve a public interest goal" (GAC Beijing Advice)¹
 - **Reserved Names:** Names that cannot be applied as a string. The application system will recognize the Reserved Names and will not allow the application to be submitted.
- New gTLD Applications Requirements - Safeguards and Public Interest Commitments
 - **Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse):** ICANN's New gTLD Program (2008 to today) has led to the introductions of over 1,000 new gTLDs in the root of the DNS. In the course of policy development, policy implementation, and operation of the program, members of the ICANN Community, including the GAC and GAC Members, have raised a range of concerns regarding possible negative impacts.
 - **Public Interest Commitments (PICs):** were created during the processing of applications in the 2012 Rounds of New gTLDs, as a contractual mechanism between ICANN and Registry Operators, to implement various GAC advice related to public policy issues that emerged once applications were revealed. ICANN Board proposed a new Specification 11 which became the vehicle for new contractual provisions that were not originally envisioned in the base Registry Agreement.

¹ <https://www.icann.org/resources/board-material/resolutions-new-gtld-2015-06-21-en#2.a> Board response to the GAC Advice.

- claiming that a Registry may not be complying with one or more of its Public Interest Commitments (PICs) per Specification 11 of its [Registry Agreement](#) with the Internet Corporation for Assigned Names and Numbers (ICANN)
- **Global Public Interest:** Mechanisms to be employed to serve the public interest, in addition to Public Interest Commitments (PICs).
- New gTLD Applications Evaluation, Objections and String Contention
 - **GAC Early Warnings and GAC Advice:** GAC Early Warning provided earliest possible notice of potential public policy concern and served the interests of both applicants and the GAC should be an integral part of any future rounds. The GAC is open to increasing transparency and fairness of GAC Early Warning and GAC Advice, including giving applicants an opportunity for direct dialogue with the GAC. The GAC does not consider that the PDP should make recommendations on GAC activities which are carried out in accordance with the ICANN Bylaws and the GAC's internal procedures.
 - **String Similarity:** a proposed gTLD string creates a probability of user confusion due to similarity with any reserved name, any existing TLD, any requested IDN ccTLD, or any new gTLD string applied for in the current application round.
 - **Auctions Procedures:** An auction of two or more applications within a contention set. The auctioneer successively increases the prices associated with the applications within the contention set, and the respective applicants indicate their willingness to pay these prices. As the prices rise, applicants will successively choose to exit from the auction.

Key Reference Documents

[GAC Focal Group Page](#) (includes material on certain substantive areas relating to Subsequent Rounds)

Glossary

<https://newgtlds.icann.org/en/applicants/glossary>

New gTLD Program: The New gTLD Program is an initiative coordinated by the Internet Corporation for Assigned Names and Numbers (ICANN), that is enabling the largest expansion of the domain name system. Via the introduction of new top-level domains (TLDs), the program aims to enhance innovation, competition and consumer choice.

Applicant Guidebook (AGB): The Applicant Guidebook is an ICANN guidebook describing the entire process of applying for new gTLDs in the New gTLD Program.

Contention set: A group of applications containing identical or similar applied-for gTLD strings.

Early Warning: A notice issued by individual GAC members concerning a gTLD application indicating that the application is seen as potentially sensitive or problematic by one or more governments.

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	GAC Briefing - Session 3 - GAC Underserved Regions Working Group
Distribution	GAC Members and Public (after meeting)
Distribution Date	14 October 2019

GAC Operating Principles Evolution Working Group (GOPE WG) Plenary Meeting

Session 4

Contents

Session Objective	1
Background	1
Leadership Proposal for GAC Action	2
Relevant Developments	2
Key Reference Documents	2
Further Information	2

Session Objective

The Working Group will brief the GAC membership on its progress toward the development of guidelines for working group operations.

Background

At the ICANN63 meeting in Barcelona, Spain, the GAC created a new working group to study, develop and make recommendations to the GAC membership for changes to the current [GAC Operating Principles](#). It is intended that the efforts of this new GAC Operating Principles Evolution (GOPE) Working Group will help the GAC improve the organization, scope, clarity and specificity of the committee's processes and procedures - particularly in the new era of the ICANN Empowered Community.

Based on the working group terms of reference, the results of the GOPE effort may range from recommending:

- Modifications to or reorganization of the overall structure of the current GAC Operating Principles; or
- Changes to existing operating principles to provide more clarity and specificity; or

- The addition of new operating principles that provide more guidance and specificity to the operations of the committee; or even
- Proposals to remove principles that are no longer relevant to the committee's work.

Based on consultation with GAC leadership and GAC members, the GOPE WG has been focusing its work on the development of GAC Working Group Guidelines in the year 2019.

Leadership Proposal for GAC Action

Review updated working group guideline recommendations for potential adoption by the GAC - noting the need for future alignment with updated GAC Operating Principles.

Relevant Developments

At the ICANN65 meeting in Marrakech, Morocco, discussions were initiated about new working guidelines - the first initiative on the working group's work plan. Since the ICANN65 meeting, GOPE WG members have continued these discussions and have worked toward a complete set of draft working group guideline recommendations that can be endorsed by the GAC and further fashioned, as appropriate, into more general concepts that can be aligned with updated GAC Operating Principles applicable to future GAC working group efforts.

Key Reference Documents

[GOPE WG Terms of Reference](#) as affirmed by the GAC (14 March 2019)

[Initial Work Plan of the GOPE WG for Year 2019](#), as affirmed by GAC (March 2019)-

[Framework of GAC Working Group Guidelines](#) (Working Document)

Further Information

GOPE WG Web Page -

<https://gac.icann.org/working-group/gac-operating-principles-evolution-working-group-gope-wg>

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	GAC Briefing - Session 4.1 - GAC Operating Principles Evolution Working Group
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 2: 28 October 2019

Meeting of GAC Working Group to Examine the GAC's Participation in NomCom

Session 5 - Meeting of GAC NomCom Working Group

Contents

Session Objective	1
Purpose and Background	1
Recent Developments	2
Agenda	2
Further Information	3

Session Objective

During this session, members of the GAC Working Group to Examine the GAC's Participation in NomCom will review and finalize recommendations the working group has made to the GAC regarding the criteria the Nominating Committee should take into account when considering candidates for ICANN leadership positions. The working group will be looking for GAC endorsement of the recommendations for submitting to the 2020 Nominating Committee.

Purpose and Background

The Working Group on GAC Participation in NomCom (hereinafter “NomCom Working Group”) was created in 2014 and is chaired by Olga Cavalli (Argentina). The NomCom Working Group was originally created to assess and analyze options for GAC participation in the ICANN Nominating Committee (NomCom).

The ICANN Nominating Committee (NomCom) is an independent committee tasked with identifying and selecting individuals for ICANN leadership positions. Nomcom representatives are appointed by the different Supporting Organizations and Advisory Committees. The ICANN Bylaws call for the NomCom to make a specified number of appointments to the ICANN Board of Directors (Board), the Generic Names Supporting Organization (GNSO) Council, the Country-Code Names Supporting Organization (ccNSO) Council, and the At-Large Advisory Committee (ALAC).

Section 8.2 (e) of the ICANN Bylaws provides the GAC with a non-voting liaison position on the NomCom and Section 12.2(a)(vi) of the ICANN bylaws states that the GAC “shall annually appoint one non-voting liaison” to the NomCom. The GAC position on the NomCom has been vacant for some years as there have been divergent views about appointing a GAC representative to this role.

As an alternative to appointing a NomCom member, the GAC agreed to submit to the Nomcom a group of recommendations that Nomcom members should have available when considering, evaluating and selecting candidates for ICANN leadership positions. The Nomcom has requested the GAC to send these recommendations every year.

During ICANN62 in Panama, the GAC discussed a number of proposals from the NoCom Working Group to be presented by the GAC to the NomCom for the NomCom to consider using in selecting members for the ICANN Board. Those recommendations included:

- The personal qualities and experience identified by the ICANN Board in its periodic advice to the NomCom
- Experience of working with or in the public sector, including national or local government, public authorities or inter-governmental bodies.
- An understanding and appreciation of advancing the public interest through building partnerships and consensus
- Experience in the multicultural setting and understanding of the value and importance of diversity for ICANN as a global coordinator of the Domain Name System

The GAC agreed to formally submit those recommendations and they were transmitted to the NomCom in August 2018 (see [GAC Chair Letter Regarding NomCom Criteria](https://gac.icann.org/contentMigrated/gac-chair-letter-regarding-the-nomcom-criteria) - [https://gac.icann.org/contentMigrated/gac-chair-letter-regarding-the-nomcom-criteria.](https://gac.icann.org/contentMigrated/gac-chair-letter-regarding-the-nomcom-criteria))

Recent Developments

Since the ICANN65 Marrakech meeting, members of the NomCom WG have reviewed the 2018 NomCom criteria as a baseline for recommendations for what criteria the GAC could share with the 2020 Nominating Committee.

The NomCom Working Group intends to share those recommendations with the GAC prior to the ICANN66 Montreal meeting and then discuss them with GAC members during the plenary session on 1 November.

Agenda

At ICANN66, the working group will consider the following preliminary plenary session agenda:

- Introductions
- Background of GAC Relationship with the Nominating Committee

- Discuss annual resubmission of GAC recommendations to the NomCom for Board selection criteria
- Discussion of potential future consideration of GAC resuming its place on the NomCom
- AOB

Further Information

- 2020 ICANN Nominating Committee Public Web Page - (not yet published)
- 2019 ICANN Nominating Committee Public Web Page - <https://www.icann.org/nomcom2019>
- ICANN Board 2018 recommendations to ICANN Nominating Committee (December 2018) - <https://www.icann.org/en/system/files/correspondence/chalaby-to-nomcom-21dec18-en.pdf>
- GAC 2018 Recommendations to 2019 ICANN Nominating Committee - <https://gac.icann.org/contentMigrated/gac-chair-letter-regarding-the-nomcom-criteria>

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	GAC Briefing - Session 5 - Meeting of GAC NomCom Working Group
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 3 October 2019

RSSAC (Root Server System Advisory Committee) Co-Chairs Briefing to the GAC

Session 6 - RSSAC Co-Chairs Briefing to the GAC

Contents

Session Objective	1
Background	1
Recent Developments	2
Agenda and Outcomes	3
Key Reference Documents	3
Document Administration	4

Session Objective

The Co-Chairs of the GAC will share with GAC members an update on progress regarding a proposal to effectuate an evolution of the governance of the Root Server System.

Background

The RSSAC

The Root Server System Advisory Committee (RSSAC) advises the ICANN Board and community on matters relating to the operation, administration, security, and integrity of the Root Server System, as outlined in the [ICANN Bylaws](#). The RSSAC consists of representatives from the organizations responsible for operating global root service.

The RSSAC Caucus

The RSSAC Caucus is comprised of DNS experts who have an interest in the Root Server System, broadening the base of diverse, technical expertise available for RSSAC work. The Caucus of DNS and root server system experts will be responsible for the essential work of the RSSAC. The primary role of the Caucus is to perform research and produce publications on topics relevant to the mission of the RSSAC.

A Proposal For Evolving the Root Server System

Following the Internet Assigned Numbers Authority (IANA) stewardship transition, the RSSAC developed an initial framework to evolve the Root Server System (RSS). In June 2018, RSSAC presented its proposed governance model for the RSS in “[RSSAC037: A Proposed Governance Model for the DNS Root Server System](#)” (RSSAC037) and three recommendations for next steps in “[RSSAC038: RSSAC Advisory on a Proposed Governance Model for the Root Server System](#)” (RSSAC038) to the ICANN Board and ICANN community. Both documents presented detailed proposals that addressed various aspects of the structure and organization of a new system of governance of the RSS.

As part of the ICANN Board’s consideration of RSSAC037 and RSSAC038, ICANN org prepared a “[Concept Paper on a Community-Driven Process to Develop a Final Model Based on RSSAC037](#)” (Concept Paper). The Concept Paper outlined a community-driven process to develop a final model for the RSS to be led by the RSS Governance Working Group (GWG).

The Concept Paper asserted that supporting the evolution of the RSS contributes to the commitment of ICANN to strengthen the security, stability, and resiliency of the DNS. It is also within ICANN’s role of facilitating and coordinating the evolution and operation of the DNS RSS per ICANN’s mission and it is in the public interest because it supports the enhancement and evolution of the DNS.

The Concept Paper also noted that evolving the RSS would enable direct interaction between the ICANN community and the Root Server Operators (RSOs). The inclusion of the RSOs in the ICANN community and the evolution of the RSS will ensure global root service remains accountable and sustainable into the future, according to the RSSAC

The paper noted that, evolving the RSS will result in significant changes to the ICANN community and ICANN org and that any budgetary and financial implications will be handled through ICANN processes that ensure accountability and transparency.

Recent Developments

RSSAC leaders provided an informal briefing on the proposal to GAC leaders during the ICANN65 meeting in Marrakech and it was thought that the entire GAC would benefit from an explanation of the proposal in Montreal.

A Public Comment proceeding on Evolving the Governance of the RSS opened on 23 May 2019 and closed on 9 August 2019 (see <https://www.icann.org/public-comments/rss-governance-2019-05-23-en>)

There were nine comment submissions from the community:

- Six from ICANN community groups: At-Large Advisory Committee (ALAC); Business Constituency (BC); Non-Commercial Stakeholder Group (NCSG); Registries Stakeholder Group (RySG), Security and Stability Advisory Committee (SSAC); and the Root Server System Advisory Committee (RSSAC) itself.

- Three from outside the ICANN community: One from the Internet Architecture Board (IAB), one from a Chinese registrar—Chinese Organizational Name Administration Center (CONAC), and one from an individual—Paul Muchene (PM).

Overall, the submissions support evolving the governance of the RSS. There are four general themes to the submissions:

1. Definition of stakeholders – explicitly including end users (ALAC, SSAC, PM); a more inclusive definition of “ICANN community” (NCSG).
2. Structural clarifications – description of coordination roles in Secretariat Function and appeal path for decisions about designation/removal of Root Server Operators (IAB), conflict of interest concerns (BC), representation and selection mechanisms for functions/groups (CONAC, NCSG).
3. Funding questions – sourcing and costs of operating the final model (ALAC, NCSG).
4. Future work – composition (SSAC) and transparency/reporting requirements (SSAC, BC) of the RSS GWG.
 - ICANN org modified the charter, operating procedures, and work plan of the GWG to incorporate Public Comment feedback.
 - ICANN org prepared areas one, two, and three for the consideration of the RSS GWG.

Agenda and Outcomes

In Montreal, the RSSAC Co-Chairs will provide an overview of the RSSAC’s proposal for evolving the governance of the Root Server System and provide an update to the GAC on the status of the work.

Key Reference Documents

RSSAC Web Page - <https://www.icann.org/groups/rssac>

ICANN Public Comment Proceeding- Evolving the Governance of the Root Server System - <https://www.icann.org/public-comments/rss-governance-2019-05-23-en>

RSSAC037 - A Proposed Governance Model for the DNS Root Server System - <https://www.icann.org/en/system/files/files/rssac-037-15jun18-en.pdf>

RSSAC038 - RSSAC Advisory on a Proposed Governance Model for the DNS Root Server System - <https://www.icann.org/en/system/files/files/rssac-038-15jun18-en.pdf>

Concept Paper - A New Cooperation and Governance Model for the Root Server System / Concept Paper on a Community-Driven Process to Develop a Final Model Based on RSSAC037 - <https://www.icann.org/en/system/files/files/rss-governance-model-concept-paper-23apr19-en.pdf>

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	GAC Briefing - Session 6 - RSSAC Co-Chairs Briefing to the GAC
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 14 October 2019

IGO Protections

Session 2

Contents

Background	2
Issues	3
Leadership Proposal for GAC Action	4
Relevant Developments	4
Maintenance of the GAC's IGO List	4
Discussion of IGO Access to Curative Rights Protection Mechanisms	6
Current Positions	10
Key Reference Documents	13
Annex: Final Report on Update of Protection of IGO Names (ICANN Org Project)	

Session Objective

- Consider the final report of ICANN org's initiative to update the 2012 IGO List (per GAC San Juan Communiqué Advice)
- Regarding IGO Access to Curative RPMs, the GAC will assess the status of the ICANN Board's consideration of GNSO Policy Recommendations as well as progress on chartering new GNSO Policy Development work on this matter.

Background

The protection of the names and acronyms of International Governmental Organizations (IGOs) against unauthorized use in the DNS emerged as an issue as part of the [Second WIPO Internet Domain Name Process](#) (2001). Over the following decade, several attempts were made¹ at addressing WIPO's recommendations to include IGO names in the scope of the [Uniform Dispute Resolution Procedure](#) (UDRP).

In the meantime, the [GAC Principles regarding New gTLDs](#) (28 March 2007) recognized that *"the process for introducing new gTLDs must make proper allowance for prior third party rights, in particular [...] rights in the names and acronyms of [...] IGOs"*.

During the development of the [New gTLDs Program](#), the issue was raised by legal counsels of several IGOs through an [open letter](#) (13 December 2011), followed by an IGO Common Position Paper² (4 May 2012) and a [letter on behalf of the United Nations Secretary General](#) (11 July 2012) providing the legal basis and rationale for *"targeted exclusion of third party registrations of the names and acronyms of IGOs both at the top and second level, at least during ICANN's first application round and until further appropriate policy could be developed"*.

Subsequent interactions on this matter between the ICANN Board ([Request for policy advice](#), 11 March 2012), the GAC ([GAC Toronto Communiqué](#) and subsequent communiqués) and the GNSO (which [Initiated](#) a Policy Development Process on this matter on 17 October 2012) led to establishing the foundations of an enduring mixed regime of initial temporary protections to be replaced by permanent protections eventually.

However, since the GNSO delivered its [recommendations on the Protection of IGO and INGO Identifiers in All gTLDs](#) (20 November 2013), the ICANN Board has been challenged to reconcile the divergence between these policy recommendations and GAC Advice, as reflected in the Board [resolution](#) of 30 April 2014, while the United Nations Secretary General BAN Ki-moon [requested](#) assistance from all Members States *"in obtaining protection for the names and acronyms of IGOs from being registered as Internet Domain Names by third parties who misrepresent themselves as the IGOs in question"* (June 2016).

More recently, the outcome of the ensuing [IGO/INGO Access to Curative Rights Protection Mechanism GNSO PDP](#) (June 2016-July 2018) has been disputed by IGOs as summarized in a [letter from the United Nations Assistant Secretary-General, Office of Legal Affairs to the ICANN Board](#) (27 July 2018)³. It should be noted that IGOs positions have been consistently supported by the GAC, including through GAC Consensus Advice.

¹ see [WIPO-2 Joint Working Group](#) (2003-2004), and [GNSO Issue Report on Dispute Handling for IGO Names and Abbreviations](#) (2007)

² see Annex 5 of the [Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs](#)

³ letter sent on behalf of the Legal Counsels of the OECD, UPU, WHO, and WIPO, as part of a broader coalition of 40 IGOs, and to which the ICANN CEO [responded](#) on 29 November 2018

Issues

As a result of the development of the [New gTLD Program](#), and the divergence that subsequently emerged between GNSO policy recommendations and GAC Advice, IGO names and acronyms are subject to a multifaceted regime of protections, pending outcomes of several ongoing processes:

At the top level of the DNS (IGO identifiers as Top-Level Domain Names)

- Under the rules of the 2012 [New gTLD Applicant Guidebook](#), IGOs were eligible to file objections on New gTLD Applications (see Legal Rights Objections, Section 3.2 of the [New gTLD Applicant Guidebook](#))
- Per ICANN Board [resolution](#) (30 April 2014) adopting GNSO Policy recommendations not inconsistent with GAC Advice, Full Names of IGOs on the [GAC List](#) are now permanently reserved at the Top Level.
- It is unclear at this stage whether and how these provisions could be affected by the ongoing [New gTLD Subsequent Procedures PDP](#)

At the second level of the DNS (IGO identifiers as Second Level Domain Names)

- Full Names of IGOs listed on the [GAC List](#) are permanently protected in two languages by virtue of the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#) (an ICANN [Consensus Policy](#) effective since 1 August 2018)
- Acronyms of IGOs listed on the [GAC List](#) are temporarily protected by virtue of an ICANN Board [resolution](#) (9 January 2014) consistent with GAC Advice in the [GAC Buenos Aires Communiqué](#) (20 November 2013), and pending the resolution of [inconsistencies](#) between existing GNSO policy recommendations and GAC Advice, including consideration of the contested [Final Report](#) of the [IGO/INGO Access to Curative Rights Mechanism PDP WG](#) (17 July 2018) [adopted](#) in part by the GNSO Council (18 April 2019)

Currently the GAC is focussing on the following issues:

1. Ensuring that the GAC's [IGO List of 22 March 2013](#) is updated⁴, as complete as possible, and its currency is maintained in the future, consistent with [Advice](#) in the [GAC San Juan Communiqué](#), in response to which the Board [directed](#) a feasibility study.
2. Seeking to resolve the long-standing issues created by the divergence of policy advice provided to the ICANN Board by GNSO and GAC regarding the regime of protections afforded to IGO acronyms
3. Specifically, addressing the concerns that IGOs immunities (under international and national laws) and related proposals, have not been appropriately taken into account in the Final Report of the GNSO PDP WG on IGO Access to Curative Rights Protection Mechanisms, now [adopted](#) in part by the GNSO Council (18 April 2019) and under consideration by the ICANN Board, which the GAC [recently advised](#) to "*abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward*" in a letter to the ICANN Board on 20 August 2019.

⁴ According to a set of [criteria](#), as included in the [letter](#) to the ICANN Board date 22 March 2013 which introduced the IGO List.

Leadership Proposal for GAC Action

1. **Consider the conclusions of the recently completed work by ICANN org's** in connection with [Advice](#) in the [GAC San Juan Communiqué](#) and related Board [response](#), in particular:
 - assessing the outcomes of this short term project (with the collaboration of IGO representatives), and the possible terms of more permanent arrangements to ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible
 - discussing the GAC's role in the longer term maintenance of the existing list, and, in addition, a potential GAC process for approving new inclusions into the GAC IGO List.
2. **Follow-up with the ICANN Board on its consideration of the GNSO policy recommendation regarding IGO Access to Curative Rights Protection Mechanisms** following the closure of the recent [public comment period](#) and the GAC's [submission](#) (20 August 2019), including advice to abstain from taking a decision on these recommendations. Very recently, the ICANN Board [responded](#) (14 October 2019) that it *"does not presently intend to act on the GNSO's PDP recommendations 1, 2, 3, and 4 until the newly formed Board Caucus Group has completed its review of the matter and formulated suggestion for possible paths forward"*
3. **Consider the adequacy of the GNSO's Draft Charter for a new IGO Work Track** under the ongoing GNSO Review of All RPMs PDP **to address the rejection of Recommendation 5 of the IGO Access to Curative RPMs PDP WG**, and in particular whether the proposed mechanism is conducive to:
 - an effective consideration and representation of IGOs and GACs input, and
 - the possibility of the Recommendation 1-4 of the IGO Access to Curative RPMs adopted by the GNSO Council to be superseded by new policy recommendations

Relevant Developments

Maintenance of the GAC's IGO List

- In the [GAC Toronto Communiqué](#) (17 October 2012), the GAC advised the ICANN Board with a view to seek the protection of IGO names and acronyms at the second level of new gTLDs
- The implementation of these protections has relied on the [IGO List](#) assembled by the GAC according to a set of [criteria](#), per the GAC Chair [letter](#) to the ICANN Board on 22 March 2013
- As part of the effort to implement protections of IGO names ([Consensus Policy](#) effective 1 August 2018), consistent with GNSO Policy [recommendations](#) as [adopted](#) by the ICANN Board (30 April 2014), IGO representatives have identified the need to ensure completeness of the reference IGO List
- Consequently, in the [San Juan Communiqué](#) (15 March 2018) the GAC advised the ICANN Board to *"Ensure that the list of IGOs eligible for preventative protection is as accurate and*

complete as possible” and provided subsequent [clarifications](#) (15 May 2018) in response to ICANN Board questions.

Regarding whether the GAC should remain “*the authoritative organization to determine which IGOs are to be protected, [...] as well as to determine any updates that are to be made to the list?*” the GAC indicated that it “*does not seem best placed to continue to fulfil these functions, e.g. facilitating discussions and interfacing between IGOs and ICANN (who would maintain the aforementioned list). The GAC cannot assume other activities as it currently lacks the resources to be able to carry out such roles effectively.*”

- In the San Juan GAC Advice [scorecard](#) (30 May 2018), the ICANN Board resolved to defer action on the advice until it could assess the feasibility of the GAC’s request
- On 20 October 2018, during a meeting in Barcelona, representatives from the ICANN Org, the GAC Chair, OECD and WIPO agreed on principles of a collaboration on this matter
- In January 2019, an ICANN Org project team was formed to assess the feasibility of the GAC’s request and to update the IGO List, building on previous work conducted by OECD, with subject matter expertise provided by IGO representatives. During this initial work, the GAC was expected to remain the authoritative organization ultimately responsible for determining eligibility of IGOs for inclusion in the list and for determining whether any updates are to be made to the GAC List. .
- The integral part of this Project was communication with as many IGOs as possible (on the GAC List) to seek contact information, whether their name was configured correctly, and whether they wished for their name to be protected in a second language (as allowed for in the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#)).
- The Project, so far, has resulted in 36 IGOs seeking protection of their name in a second language. Only a handful of IGOs have sought small adjustments to their listed name. IGOs are still responding to the communications from the project team. In their Final Report of the project (See Annex to this briefing), ICANN org has suggested that the GAC may consider how adjustments to the GAC list might be made as further adjustments or additions are requested by these IGOs.
- Consideration should also be given for an approval process be put in place in order to confirm the addition of new IGOs in the GAC [IGO List](#), consistent with the associated GAC [criteria](#) (per the GAC Chair [letter](#) of 22 March 2013). The GAC Leadership and GAC Topic Leads have discussed a possible three step process:
 1. A committee of experts (possibly from ICANN, WIPO and OECD) would advise,
 2. The GAC Leadership would consider and share a proposal to the GAC for comments
 3. The GAC would be given a window for comments, before adoption of the decision and the necessary communication with ICANN Org.

Discussion of IGO Protections at the Second Level in connection with the GNSO PDP Working Group on IGO Access to Curative Rights Protection Mechanisms

Historical Developments and Substantive Contributions (from IGOs, GAC, GNSO and ICANN)

- The [initiation](#) (5 June 2014) of the [IGO/INGO Access to Curative Rights Protection Mechanism Policy Development Process](#) (IGO CRPM PDP) stemmed from the [Final Report](#) of the preceding PDP on [Protection of IGO and INGO Identifier in All gTLDs](#) (10 November 2013) which recommended that current policies be “*amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections*” (recommendation 3.5.3).
- On 14 April 2014, **IGOs provided [comments](#)** as part of the development of the [Final Issue Report](#) (25 May 2014) required for the PDP to be initiated, stating:
 - “*IGOs dissented from the Working Group's recommendation against preventative protection for IGO acronyms [...]. If, however, owing to the Working Group's recommendation, protection for IGO [acronyms] at the second level is to be curative rather than preventative, it is vital that the limited protections ICANN is willing to grant are implemented in as effective a way as is possible within a registration-driven framework*”
 - noting that “*The focus of the GAC, GNSO, and NGPC is now on second-level protection of IGO identifiers through administrative dispute resolution mechanisms*”, “*IGOs agree with the Staff recommendation that it is more appropriate to create a separate dispute resolution procedure modeled on the UDRP (and one on the URS) but narrowly-tailored to accommodate the particular circumstances of IGOs*”
- In the [GAC Los Angeles Communiqué](#) (16 October 2014), the **GAC issued [Advice to the ICANN Board](#)** regarding the question of whether the UDRP should be amended or a separate dispute resolution procedure should be created for IGOs: “*The GAC advises the ICANN Board: i. That the UDRP should not be amended;[...]*”.
- On 29 April 2015, the **GAC [responded](#)** to a [request from the PDP Working Group](#) for input noting that “*GAC advice to the ICANN Board has repeatedly emphasized that IGOs are in an objectively different category to other rights holders and that governments support the implementation of appropriate protections of IGO names and acronyms on public policy grounds*” and pointing to an earlier [IGO Small Group response to questions from the Working Group](#) (16 January 2015) discussing in detail aspects of the legal issues at hand.
- In the course of its deliberations the IGO CRPM PDP Working Group requested that ICANN retains [Professor Edward Swaine](#) from George Washington University (USA) to prepare a **legal memo** in response to a set of specific questions related to IGOs immunity from judicial process. Pr. Swaine delivered an [Initial Synopsis of a Draft Memo](#) (28 February 2016) and eventually released the [Memorandum on IGO Immunity](#) (17 June 2016)
- In response to the legal memo, certain **IGO representatives** (WIPO, OECD, World Bank) [commented](#) (12 July 2016), inter alia, that the analysis in the Memo was not requested by

the IGOs and reiterated “longstanding statements of the IGOs regarding the basic facts that preclude IGO recourse to the UDRP”

- On 4 October 2016, the **ICANN Board communicated to the GNSO Council the [IGO Small Group proposal](#)** for the protection of IGO Acronyms at the Second Level of the Domain Name System, which the GAC referred to in the [Hyderabad Communiqué](#) (8 November 2016) as striking “a reasonable balance between rights and concerns of both IGOs and legitimate third parties”, and called on ICANN to establish all of the following:
 - a procedure to notify IGOs of third-party registration of their acronyms;
 - a dispute resolution mechanism modeled on but separate from the UDRP, which provides in particular for appeal to an arbitral tribunal instead of national courts, in conformity with relevant principles of international law; and
 - an emergency relief (e.g., 24-48 hours) domain name suspension mechanism to combat risk of imminent harm.
- On 31 October 2016, the **legal counsels of the IGO coalition wrote to the GNSO Council Leadership** “to provide the perspective of IGOs on some of the political, legal and practical considerations” of the issue, referring to the [IGO Small Group proposal](#) as a “compromise proposal follow[ing] on years of comprehensive negotiations involving representatives of the ICANN Board, the GAC, IGOs and ICANN staff”, and noted that “thus far, we have seen policy-making on this important matter dominated by Internet domain name registration interests”
- In the [GAC Hyderabad Communiqué](#) (8 November 2016), **the GAC advised the ICANN Board:**
 - “to [...] facilitate, through a transparent and good faith dialogue, the resolution of outstanding inconsistencies between GAC advice and GNSO recommendations with regard to the protection of IGO acronyms in the DNS and to report on progress at ICANN 58.”
 - “that a starting basis for resolution of differences between GAC Advice and existing GNSO Recommendations would be the [small group compromise proposal](#) set out in the October 4, 2016 letter from the ICANN Board Chair to the GNSO”
- On 20 December 2016, **representative of the ICANN Board, Organisation, GAC and GNSO met to prepare a facilitated discussion** during ICANN58 (see [Notes](#) of the meeting). Eventually, these preparations led to the circulation of three documents:
 - [Proposed Process For a Facilitated Dialogue Between GAC and GNSO](#)
 - [Problem Statement](#) (10 March 2017)
 - [Briefing Paper: Reconciling GAC Public Policy Advice & GNSO Policy Recommendations](#) (10 March 2017)
- On 19 January 2017, the IGO CRPM PDP **WG released its [Initial Report](#)** on which, **the GAC submitted [comments](#)** (12 March 2017), pointing to inadequate consideration of GAC Advice and IGO contributions. The [US Government](#) and 21 IGOs also submitted contributions. See

section IV. Analysis of Comments in the [Report of Public Comments](#) (5 May 2017) for a summary of comments.

- In the meantime, on 12 March 2017, during the ICANN58 meeting in Copenhagen **the GAC and GNSO participated in a [Facilitated Dialogue session](#)** (see [summary](#) by the session's facilitator). There were no subsequent developments in the facilitation process as the facilitator, Bruce Tonkin eventually [indicated](#) (16 June 2017) a dependency on progress of the IGO CRPM PDP WG.
- In the November 2017-June 2018 timeframe, **the IGO CRPM PDP Working Group experienced procedural difficulties and formal challenge** in the formation of consensus on its recommendation, as discussed in a GNSO Council [Paper on Policy & Procedural Options relating to IGO Jurisdictional Immunity](#) (9 March 2018). A later [Summary Report on the Current Status of Consultations with the IGO IGO CRPM PDP WG](#) (12 April 2018) recognized a number of challenges in the PDP WG deliberations which made them “highly unlikely” to “result in clear consensus”, noting that “*any consensus recommendation on this topic will likely conflict with GAC advice*”. This ultimately led a closer involvement of the GNSO Council with sought a timely delivery of the Final Report.
- In the [GAC Panama Communiqué Advice](#) (28 June 2018), the **GAC advised the ICANN Board** to work with the GNSO to ensure that GAC Advice and the [IGO Small Group proposal](#) is “adequately taken into account in any related Board decision”. The rationale referred the [2007 GNSO Issue Report on Dispute Handling for IGO Names and Abbreviations](#) as providing “a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the ‘small group’ proposal.”

Conclusion of the IGO CRPM PDP, GNSO Council deliberations and GNSO/GAC engagement

- On 17 July 2018, **the IGO CRPM PDP Working Group** submitted its [Final Report](#) for consideration by the GNSO Council. The report includes several substantial Minority Statements (see Annex B)
- On 27 July 2018, **IGOs disputed the Final Report** in a [letter from the United Nations Assistant Secretary-General, Office of Legal Affairs to the ICANN Board](#). In reaction, participants of the PDP Working Group expressed their views with the ICANN Board ([Letter From IGO-INGO Working Group](#) and [Letter from Paul R. Keating](#), 16 August 2018)
- In a letter from [GAC Chair to GNSO Council Chair](#) (21 October 2018), the **GAC expressed “its serious concerns about this report given the clear conflict between its conclusions and longstanding GAC advice”** and asked “*that the GNSO Council gives serious consideration to the option of deferring its decision on the [...] PDP final recommendations until a dialogue between GAC and GNSO Council has been conducted*”
- During the ICANN63 meeting (22 October 2018), at the request of the GNSO Council, **IGO representatives provided a [high-level overview of concerns](#)** with the IGO CRPM PDP WG Final Report, quoting or echoing the minority statement of the resigned co-chair of the Working Group (in addition to a more detailed discussion of each recommendation):

- *“After four years of effort this WG has utterly failed to provide a policy recommendation that reasonably resolves the central challenge it confronted”*
- *“Not only has the working group failed to provide any recommendations that would facilitate IGO access to curative rights mechanisms, they have actually passed one recommendation that would *penalise* an IGO that successfully asserts an immunity claim”*
- it also pointed the *“imbalance of the working group members’ votes on the final recommendations: “Of the 11 WG members who supported the Recommendation, a majority (7) were either domain investors or attorneys representing domain investors (domainers), indicating that the WG’s consensus call process had been captured by a narrow segment of the ICANN community with a significant commercial interest in the outcome”*
- In the [GAC Barcelona Communiqué](#) (25 October 2018), the GAC [advised](#) the ICANN Board to: ***“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.”***
- On 29 November 2018, the ICANN CEO hinted at the ICANN Board’s readiness to facilitate the requested dialogue in his [response to the Legal Counsels of the IGOs](#), while [reassuring](#) other stakeholders that the *“ICANN Board is fully cognizant of the need for the bottom-up policy”*.
- On 27 January 2019, the ICANN Board confirmed its readiness to *“facilitate a substantive, solutions-oriented discussion should it be invited to do so by the GNSO and the GAC”* in its [response](#) to the GAC Barcelona Communiqué.
- On 18 April 2019, after 9 months of internal deliberations (including a dedicated [webinar](#) on 9 October 2018), and in spite of engagement with the GAC through correspondence ([response to GAC Chair](#) on 14 January 2019) and bilateral meetings ([GAC/GNSO Leadership discussion](#) on 14 February 2019, [GAC/GNSO Joint Meeting during ICANN64](#) on 10 March 2019), the GNSO Council [resolved](#) to approve Recommendations 1 to 4 of the IGO CRPM PDP WG Final Report and to refer Recommendation 5 to the ongoing RPM Review PDP WG.
- To date, GAC efforts to secure the GNSO’s participation in a facilitated dialogue, both before the GNSO Council vote ([GAC letter](#) of 17 April 2019) and after its decision ([GAC/GNSO Leadership Call](#) on 21 May 2019 and the subsequent GAC Chair [letter](#) of 23 May 2019), have been unsuccessful. The GNSO Council confirmed, in its [response](#) to the GAC Chair (31 May 2019), to be awaiting the ICANN Board’s decision on Recommendation 1-4, while initiating work on charter further work on Recommendation 5.
- During the ICANN65 meeting, representatives from the GAC, IGOs, GNSO, and ICANN Board discussed informally the possibility to complete new policy development in relation to Recommendation 5 expeditiously. GAC and IGO representative indicated that this would be acceptable to the extent that there would be appropriate safeguards in place to ensure that

GAC and IGO input are taken into account, that the issues would be considered comprehensively and that new policy recommendation would be permitted to overtake the current Recommendation 1-4 of the IGO Access to Curative RPM PDP WG. It was understood that the ICANN Board's flexibility on the matter would allow such an outcome.

- As a consequence, in its [response to the ICANN Board's notification](#) (20 August 2019) of its consideration of the GNSO's policy recommendations 1-4, the GAC advised the ICANN Board to *"abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward"*.
- In its [response](#) (14 October 2019), the ICANN Board indicated that *"At its workshop at ICANN65 in Marrakech in June 2019, the Board decided to form a Board Caucus Group to review the community's work on this matter."* and that consequently it *"does not presently intend to act on the GNSO's PDP recommendations 1, 2, 3, and 4 until the newly formed Board Caucus Group has completed its review of the matter and formulated suggestion for possible paths forward"*

Current Positions

GAC Advice (in reverse chronological order)

- GAC [response](#) (20 August 2018) to the ICANN Board [letter](#) (11 July 2019), including Advice to the ICANN Board to *"abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward"*
- ICANN63 [Barcelona Communiqué](#) (25 October 2018) includes [Advice](#) regarding the facilitation of a dialogue and reaffirming previous advice on maintaining of temporary protections and creating curatives rights mechanisms.
- ICANN62 [Panama Communiqué](#) (28 June 2018) includes [Advice](#) regarding the maintenance of the IGO List, maintaining temporary protections and the ICANN Board working with the GNSO to ensure that GAC Advice and the [IGO Small Group proposal](#) is *"adequately taken into account in any related Board decision"*. The rationale refers to a [2007 GNSO Issue Report](#) which *"provided a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the "small group" proposal."*
- ICANN61 [San Juan Communiqué](#) (15 March 2018) includes [Advice](#) regarding the maintenance of the IGO List, followed by subsequent [clarifications](#) (15 May 2018)
- ICANN60 [Abu Dhabi Communiqué](#) (1 November 2017) includes [Advice](#) calling on a close review of decisions related to the IGO CRPM PDP WG with a rationale signaling the expectation that recommendations would conflict with GAC Advice and comments on the Initial Reports.

- ICANN59 [Johannesburg Communiqué](#) (29 June 2017) includes [Advice](#) regarding the creation of curative dispute resolution mechanism and calling on the Board to ensure IGO input and expertise is reflected in the IGO CRPM PDP WG's recommendations
- ICANN58 [Copenhagen Communiqué](#) (15 March 2017) notes the start of the facilitated dialogue and includes [Advice](#) regarding maintaining the temporary protections, facilitating continued discussions and urging the IGO CRPM PDP WG to take into account the GAC's [comments](#) on its Initial Report.
- ICANN57 [Hyderabad Communiqué](#) (8 November 2016) includes [Advice](#) calling on the Board to "take action" and facilitate the resolution of inconsistencies in GAC advice and GNSO recommendations by ICANN58, on the basis of the [Small Group proposal](#), inviting the IGO CRPM PDP WG to take into account this proposal, and maintaining the temporary protections.
- ICANN54 [Dublin Communiqué](#) (21 October 2015) includes [Advice](#) to facilitate the timely conclusion of discussions with the "small group" to resolve the issue of IGO protections.
- ICANN53 [Buenos Aires Communiqué](#) (24 June 2015) [notes](#) progress and invites "small group" to develop a concrete proposal, while preventative protections remain in place.
- ICANN51 [Los Angeles Communiqué](#) (15 October 2014) reaffirms advice from Toronto, [Beijing](#), [Durban](#), [Buenos Aires](#), [Singapore](#) and [London](#) regarding protection of IGO names and acronyms at the top and second levels and [advises](#) the ICANN Board that: the UDRP should not be amended, and that interim protections should remain in place while dialogue continues between Board, GAC and GNSO to develop concrete solutions to long standing GAC Advice.
- [Letter from the GAC Chair to the ICANN Board](#) (22 March 2013) on agreed [criteria](#) and corresponding [final list for protection of IGO names and acronyms](#) at the second level in the current round of gTLDs.
- ICANN45 [Toronto Communiqué](#) (17 October 2012) includes advice to implement IGO protections at the second level prior to the delegation of any new gTLDs, and in future rounds of gTLDs at the second and top level

Other GAC Contributions and Statements (in chronological order)

- GAC [response](#) to a [request](#) for input from the IGO CRPM PDP WG (29 April 2015)
- GAC [comments](#) on the IGO CRPM PDP WG Initial Report (12 March 2017)
- Letters from [GAC Chair to GNSO Council Chair](#) (9 August 2018) regarding the IGO CRPM PDP WG Final Report
- Letter from [GAC Chair to GNSO Council Chair](#) (21 October 2018) regarding the IGO CRPM PDP WG Final Report

- Letter from [GAC Chair to GNSO Council Chair](#) (17 April 2019) regarding the expected vote on the IGO CRPM PDP WG Final Report recommendations
- Letter from [GAC Chair to GNSO Council Chair and ICANN Board](#) (23 May 2019) seeking GNSO Council participation in a Board facilitation process
- Letter from [GAC Chair to the ICANN Board Chair and GNSO Council](#) (13 June 2019) regarding the expected Board consideration of the GNSO recommendations.

IGO Statements and Substantive Contributions (in chronological order)

- [Open Letter from IGOs on the Expansion of gTLDs](#) (13 December 2011)
- IGO Common Position Paper, included as Annex 5 in the [Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs](#) (4 May 2012)
- [Letter on behalf of the United Nations Secretary General](#) to ICANN (11 July 2012)
- IGOs [comments](#) on Issue Report to amend the UDRP and URS to enable access by protected IGOs (14 April 2014)
- [IGO Small Group response](#) to IGO CRPM PDP WG (16 January 2015)
- [United Nations Secretary General BAN Ki-moon letter to Member States](#) requesting assistance from all Members States in obtaining protection for the names and acronyms of IGOs (June 2016)
- [Response by certain IGO representatives](#) (WIPO, OECD, World Bank) to the CRO PDP Legal Memorandum on IGO Immunity (12 July 2016)
- [IGO Small Group proposal](#) for the protection of IGO Acronyms at the Second Level of the Domain Name System (4 October 2016)
- [Letter of the legal counsels of the IGO coalition](#) to the GNSO Council Leadership (31 October 2016)
- [21 IGOs comments](#) on the IGO CRPM PDP WG Initial Report (5 May 2017)
- [Letter from the United Nations Assistant Secretary-General, Office of Legal Affairs](#) to the ICANN Board (27 July 2018)

Key Reference Documents

- [IGO Small Group proposal](#) for the protection of IGO Acronyms at the Second Level of the Domain Name System (4 October 2016)
- [Final Report](#) of the IGO Access to Curative RPM PDP Working Group (17 July 2018)
- [Letter from the United Nations Assistant Secretary-General, Office of Legal Affairs](#) to the ICANN Board (27 July 2018)
- [IGO representatives' High-Level Overview of Concerns](#) with the IGO Access to Curative RPM PDP WG Final Report (22 October 2018)
- [GNSO Council resolution](#) adopting Recommendations 1-4 of the IGO Access to Curative RPM PDP WG (18 April 2019)
- [Report of Public Comments](#) for Board Consideration of the GNSO Council recommendations related to IGO Access to Curative RPMs (4 September 2019)

Further Information

ICANN Board Facilitation Documentation

- [Proposed Process For a Facilitated Dialogue Between GAC and GNSO](#) (March 2017)
- [Problem Statement Relating to the Protection of Acronyms of IGOs at the Second Level in gTLDs](#) (10 March 2017)
- [Briefing Paper: Reconciling GAC Public Policy Advice & GNSO Policy Recommendations](#) (10 March 2017)
- [Presentation](#), [recordings](#) and [summary](#) of the GNSO-GAC Facilitated Dialogue on IGO Protections (12 March 2017)

Policy Development Documentation

- [Issue Report](#) on Dispute Handling for IGO Names and Abbreviations (15 June 2007)
- [Final Issue Report](#) on amending the UDRP and URS to enable access to them by protected IGOs (24 May 2014)
- Pr. Edward Swaine [Legal Memorandum on IGO Immunity](#) (17 June 2016)
- [Initial Report](#) of the IGO CRPM PDP WG (19 January 2017)
- GNSO Council [Paper on Policy & Procedural Options relating to IGO Jurisdictional Immunity](#) (9 March 2018)
- [Summary Report on the Current Status of Consultations with the IGO IGO CRPM PDP WG](#) (12 April 2018)
- [Final Report](#) of the IGO CRPM PDP WG (17 July 2018)

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	GAC Briefing - Session 2 - IGO Protections
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 3: 28 October 2019

Annex

Final Report on Update of Protection of IGO Names (ICANN Org Project)

PROJECT ON UPDATE OF PROTECTION OF INTERNATIONAL GOVERNMENTAL ORGANISATIONS (IGO) NAMES: FINAL REPORT

This project was initiated pursuant to GAC advice in the San Juan (ICANN 61) Communique.

Summary

This “trial” project between GAC and ICANN Organisation has been successful in allowing a significant number of IGOs to update the form of their name (for protection from registration at 2nd level) as well as identifying their name in a second language. It has also demonstrated the difficulty in contacting IGOs (for this purpose), and the need to have some form of on-going arrangements to allow additional IGOs to be contacted and those currently on the List to continue to update their information.

Detail

1. Consultation with IGOs

The project team set out to contact the 192 IGOs on the current list of protected names (the GAC IGO List of 22nd March 2013). The latter was derived from work in GAC back in March 2003 and is at <https://www.icann.org/en/system/files/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf>

The primary vehicle for this communication was a letter (approved by GAC leadership) that outlined the policy rationale for protection of IGO names and acronyms, invited IGOs to assess the current protection they had for their names and to determine whether protection of their name in a second language was appropriate. The letter, where appropriate, was followed up by a reminder and, in several cases, e-mail or voice communication.

Responses from IGOs were requested by the end of July. It is though clear that responses are being, and will be, made on an on-going basis. Several IGOs talked to had requirements to consult their membership before replying.

2. Project Team

It consisted of representatives from representatives of the GAC (OECD and WIPO), the GAC Support Team, and ICANN Organisation (GDD and Government Engagement).

Results

In total, formal communication was made with 168 of the 192 IGOs on the base list. Of the IGOs who have currently responded (only a handful have taken opportunity of changing the designation of their name, with the remainder confirming that the current designation was correct.

Thirty-six IGOs, in their responses, have so far taken the opportunity of asking for their name to be protected in a second language. These can be seen in [Annex 1](#).

While the formal communication did not request any responses concerning IGO acronyms, several IGOs confirmed their designations of such, welcoming, and noting the importance of the protection currently provided from registration at the 2nd level.

While the actual response rate from IGOs was low, we know from personal communication that many IGOs were simply pleased to know that their names had a degree of protection. In addition, the work securing contact details of the vast majority of the “192” will enable more efficient communication in the future.

Next Steps and Action for GAC

This brief Report is submitted to the GAC for their consideration. Pursuant to the latter the GAC is invited to approve, and if they so wish, give instruction to the Organisation (specifically GDD) to update the list of IGO names afforded protection at the 2nd level as per Annex 2.

While beyond the scope of this project, that fact that some responses from IGOs are still being received and will be on an on-going basis, indicate a need for an on-going mechanism through which IGOs can provide ICANN with relevant information.

Consideration may also be given as to a process under which IGOs not on the current list may also have their names protected at the second level.

There are also upward of 20 listed IGOs which, despite efforts, were not formally communicated with.

GE Team, October 2019

IGO Names - Janella_List [Dennis_List - DERIVED FROM Janella_List. Please edit this list to determine final list]

[Dennis_List - DERIVED FROM Janella_List. Please edit this list to determine final list]

About this Sheet: This included an update on the status of each organization on the original Dryden list

Columns:

Column A [List]: (O = Original Dryden List, P = Potential IGO'S researched by Jonathan)

List	mergedID	08232019 status	Sent Communication	Protected Name 1	Protected Language 1	Req_Acronym	Protected Name 2	Protected Language 2	Req_Acronym 2
O		1 No Change Requested	Sent Communication	African Development Bank		AfDB			
O		2 No Change Requested	Sent Communication	African Union		AU			
O		3 No Change Requested	Sent Communication	African, Caribbean and Pacific Group of States		ACP			
O		4 No Change Requested	Sent Communication	Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean		OPANAL			
O		5 No Change Requested	Sent Communication	Andean Community		CAN			
O		6 Contact info needed		Andean Development Corporation		CAF			
O		7 No Change Requested	Sent Communication	Asian Development Bank		ADB			
O		8 No Change Requested	Sent Communication	Asociación Latinoamericana de Integración		ALADI			
O		9 No Change Requested	Sent Communication	Association of Caribbean States		ACS			
O		10 No Change Requested	Sent Communication	Association of Southeast Asian Nations		ASEAN			
O		11 No Change Requested	Sent Communication	Caribbean Community		CARICOM			
O		12 No Change Requested	Sent Communication	Central American Integration System		SICA			
O		13 No Change Requested	Sent Communication	Collective Security Treaty Organization		CSTO			
O		14 No Change Requested	Sent Communication	Commission de l'Océan Indien		COI			
O		15 Update Requested	Sent Communication	Common Fund for Commodities	English	CFC			
O		16 No Change Requested	Sent Communication	Commonwealth of Independent States		CIS			
O		17 No Change Requested	Sent Communication	Community of Sahel-Saharan States		CEN-SAD			
O		18 Contact info needed - GAC List		Comunidade dos Países de Língua Portuguesa		CPLP			
O		19 Contact info needed		Cooperation Council for the Arab States of the Gulf		GCC			
O		20 No Change Requested	Sent Communication	Council of Europe		COE			
O		21 No Change Requested	Sent Communication	East African Community		EAC			
O		22 No Change Requested	Sent Communication	Economic Community of Central African States		ECCAS			
O		23 Update Requested		Economic Community of West African States	English	ECOWAS / CEDEAC	Communauté Ecor	French	
O		24 No Change Requested	Sent Communication	Economic Cooperation Organization		ECO			
O		25 Update Requested	Sent Communication	International Energy Charter	English	IECh			
O		26 No Change Requested	Sent Communication	Eurasian Development Bank		EABR			
O		27 No Change Requested	Sent Communication	EurAsian Economic Community		EurAsEC			
O		28 Update Requested		European Organization for Nuclear Research	English		Organisation euroj	French	
O		29 Contact info needed - GAC List		European Union		EU			
O		30 Update Requested	Sent Communication	Hague Conference on Private International Law	English	HCCH	Conférence de La i	French	
O		31 Update Requested		Inter-American Development Bank	English		Banco Interameric	Spanish	
O		32 Contact info needed		Intergovernmental Authority on Development		IGAD			
O		33 No Change Requested	Sent Communication	International Centre for Migration Policy Development		ICMPD			
O		34 No Change Requested	Sent Communication	International Criminal Court		ICC-CPI			
O		35 Update Requested		International Development Law Organization	English	IDLO / OIDD	Organisation Interi	French	
O		36 Update Requested	Sent Communication	International Humanitarian Fact-Finding Commission	English	IHFFC	Commission intern	French	
O		37 No Change Requested	Sent Communication	International Hydrographic Organization		IHO			
O		38 No Change Requested	Sent Communication	International Institute for Democracy and Electoral Assistance		IDEA			
O		39 No Change Requested	Sent Communication	International Organization for Migration		IOM			
O		40 No Change Requested	Sent Communication	International Renewable Energy Agency		IRENA			
O		41 No Change Requested	Sent Communication	International Seabed Authority		ISA			
O		42 No Change Requested	Sent Communication	International Tribunal for the Law of the Sea		ITLOS			
O		43 No Change Requested	Sent Communication	Islamic Development Bank Group		IDB			
O		44 No Change Requested	Sent Communication	Italian-Latin American Institute		IILA			
O		45 No Change Requested	Sent Communication	Latin American and Caribbean Economic System		SELA			
O		46 No Change Requested	Sent Communication	Latin American Parliament		PARLATINO			
O		47 No Change Requested	Sent Communication	League of Arab States		LAS			
O		48 Update Requested	Sent Communication	Organisation for Economic Co-operation and Development	English	OECD	Organisation de co	French	
O		49 Update Requested	Sent Communication	francophonie	French	OIF	Organisation interi	English	
O		50 No Change Requested	Sent Communication	Organisation of Eastern Caribbean States		OECS			
O		51 Update Requested		Organisation of Islamic Cooperation	English		Organisation de Cc	French	
O		52 Update Requested	Sent Communication	International Institute for Democracy and Electoral Assistance	English	International IDEA			
O		53 Update Requested	Sent Communication	Organization of American States	English	OAS	Organización de Es	Spanish	OEA
O		54 No Change Requested	Sent Communication	Organization of the Black Sea Economic Cooperation		BSEC			
O		55 No Change Requested	Sent Communication	Pacific Islands Forum		FORUMSEC			
O		56 Update Requested	Sent Communication	Permanent Court of Arbitration	English	PCA	Cour permanente i	French	
O		57 No Change Requested	Sent Communication	Shanghai Cooperation Organisation		SCO			
O		58 No Change Requested	Sent Communication	South Asian Association for Regional Cooperation		SAARC			
O		59 No Change Requested	Sent Communication	South Centre		SOUTHCENTRE			
O		60 No Change Requested	Sent Communication	Southern African Development Community		SADC			
O		61 No Change Requested	Sent Communication	The OPEC Fund for International Development	English	OFID			
O		62 No Change Requested	Sent Communication	Union Economique et Monétaire Ouest Africaine		UEMOA			
O		63 No Change Requested	Sent Communication	Union of South American Nations		UNASUR			
O		64 No Change Requested	Sent Communication	World Customs Organization		WCO			
O		65 No Change Requested	Sent Communication	African Intellectual Property Organization		AIPO			
O		66 No Change Requested	Sent Communication	African Petroleum Producers Association		APPA			
O		67 No Change Requested	Sent Communication	African Regional Intellectual Property Organization		ARIPO			
O		68 Update Requested		Amazon Cooperation Treaty Organization	English	ACTO	Organización del T	Spanish	
O		69 No Change Requested	Sent Communication	ASEAN Promotion Centre on Trade, Investment, and Tourism		ASEAN			
O		70 No Change Requested	Sent Communication	Asian Productivity Organization		APO			
O		71 Update Requested		Bank for International Settlements	English		Banque des Règler	French	
O		72 No Change Requested	Sent Communication	Benelux Organization for Intellectual Property		BOIP			
O		73 No Change Requested	Sent Communication	Black Sea Trade and Development Bank		BSTDP			

IGO Names - Janella_List [Dennis_List - DERIVED FROM Janella_List. Please edit this list to determining final list]

[Dennis_List - DERIVED FROM Janella_List. Please edit this list to determining final list]

About this Sheet: This included an update on the status of each organization on the original Dryden list

Columns:

Column A [List]: (O = Original Dryden List, P = Potential IGO'S researched by Jonathan)

List	mergedID	08232019 status	Sent Communication	Protected Name 1	Protected Language 1	Req_Acronym	Protected Name 2	Protected Language 2	Req_Acronym 2
O	74	Update Requested	Sent Communication	Bureau international des poids et mesures	French	BIPM	International Bure	English	
O	75	Incomplete		Caribbean Telecommunications Union		CTU			
O	76	Contact info needed		Central Bank of West African States		BCEAO			
O	77	Update Requested	Sent Communication	European Conference of Postal and Telecommunications Administrations	English	CEPT	Conférence européenne	French	
O	78	No Change Requested	Sent Communication	Council of Europe Development Bank		CEB			
O	79	Update Requested	Sent Communication	EFTA Surveillance AuthorityEFTASURV.INT	English				
O	80	No Change Requested	Sent Communication	EFTA Surveillance Authority		EFTASURV			
O	81	No Change Requested	Sent Communication	EUCLID University		EUCLID			
O	82	No Change Requested	Sent Communication	Eurasian Patent Organization		EAPO			
O	83	Contact info needed		European Atomic Energy Community		EURATOM			
O	84	No Change Requested	Sent Communication	European Bank for Reconstruction and Development		EBRD			
O	85	Contact info needed		European Central Bank		ECB			
O	86	No Change Requested	Sent Communication	European Centre for Medium-Range Weather Forecasts		ECMWF			
O	87	Contact info needed		European Commission		EC			
O	88	No Change Requested	Sent Communication	European Conference of Ministers of Transport		ECMT			
O	89	No Change Requested	Sent Communication	European Council		EUCO			
O	90	Contact info needed - GAC List		European External Action Service		EEAS			
O	91	Update Requested	Sent Communication	European Forest Institute	English	EFI			
O	92	No Change Requested	Sent Communication	European Free Trade Association		EFTA			
O	93	No Change Requested	Sent Communication	European Investment Bank		EIB			
O	94	Update Requested		European Molecular Biology Laboratory	English	EMBL	Europäisches Laboratorium	German	
O	95	Update Requested	Sent Communication	European Organisation for Astronomical Research in the Southern Hemisphere	English	ESO	European Southern Observatory	English	ESO
O	96	No Change Requested	Sent Communication	European Organisation for the Safety of Air Navigation		EUROCONTROL			
O	97	Contact info needed		European Parliament		EP			
O	98	Update Requested	Sent Communication	European Patent Office	English	EPO	Office européen des brevets	French	
O	99	Contact info needed		European Patent Organisation		EPO			
O	100	Contact info needed - GAC List		European Police Office		EUROPOL			
O	101	No Change Requested	Sent Communication	European Space Agency		ESA			
O	102	No Change Requested	Sent Communication	Food and Agriculture Organization of the United Nations		FAO			
O	103	Update Requested		Inter-American Investment Corporation	English		Corporación Interamericana de Fomento	Spanish	
O	104	Update Requested	Sent Communication	International Anti-Corruption Academy	English	IACA			
O	105	Update Requested		International Atomic Energy Agency	English				
O	106	No Change Requested	Sent Communication	International Centre for Advanced Mediterranean Agronomic Studies		CIHEAM			
O	107	No Change Requested	Sent Communication	International Centre for Settlement of Investment Disputes		ICSID			
O	108	Update Requested		INTERNATIONAL CIVIL AVIATION ORGANIZATION	English		ORGANISATION INTERNATIONALE DE L'AVIATION CIVILE	French	
O	109	Update Requested	Sent Communication	International Cocoa Organization	English	ICCO	Organisation internationale de la cacao	French	
O	110	No Change Requested	Sent Communication	International Coffee Organization		ICO			
O	111	No Change Requested	Sent Communication	International Court of Justice		ICJ-CIJ			
O	112	No Change Requested	Sent Communication	International Development Association		IDA			
O	113	No Change Requested	Sent Communication	International Energy Agency		IEA			
O	114	No Change Requested	Sent Communication	International Exhibitions Bureau		BIE			
O	115	No Change Requested	Sent Communication	International Finance Corporation		IFC			
O	116	No Change Requested	Sent Communication	International Fund for Agricultural Development		IFAD			
O	117	No Change Requested	Sent Communication	International Institute for the Unification of Private Law		UNIDROIT			
O	118	No Change Requested	Sent Communication	International Joint Commission		IJC			
O	119	No Change Requested	Sent Communication	International Labour Organization		ILO			
O	120	No Change Requested	Sent Communication	International Maritime Organization		IMO			
O	121	No Change Requested	Sent Communication	International Mobile Satellite Organization		IMSO			
O	122	No Change Requested	Sent Communication	International Monetary Fund		IMF			
O	123	No Change Requested	Sent Communication	International Olive Oil Council		IOOC			
O	124	No Change Requested	Sent Communication	International Organization for Economic, Scientific and Technical Cooperation in the Americas		INTERELECTRA			
O	125	No Change Requested	Sent Communication	International Science and Technology Center		ISTC			
O	126	No Change Requested	Sent Communication	International Sugar Organization		ISO			
O	127	Update Requested	Sent Communication	Union internationale des télécommunications	French	UIT	International Telecommunications Union	English	ITU
O	128	No Change Requested	Sent Communication	International Telecommunications Satellite Organization		ITSO			
O	129	Update Requested	Sent Communication	International Tropical Timber Organization	English	ITTO			
O	130	No Change Requested	Sent Communication	International Tropical Timber Organization		ITTO			
O	131	Update Requested	Sent Communication	International Whaling Commission	English	IWC			
O	132	Update Requested	Sent Communication	ITER International Fusion Energy Organization	English	ITER	Organisation internationale pour la maîtrise contrôlée de la fusion	French	
O	133	No Change Requested	Sent Communication	ITER International Fusion Energy Organization		ITER			
O	134	No Change Requested	Sent Communication	Mekong River Commission		MRC			
O	135	No Change Requested	Sent Communication	Mercado Común de Sur América		MERCOSUR			
O	136	No Change Requested	Sent Communication	Multilateral Investment Guarantee Agency		MIGA			
O	137	Update Requested		NORDIC INVESTMENT BANK	English		NORDISKA INVESTMENT BANK	Swedish	
O	138	No Change Requested	Sent Communication	Nordic Patent Institute		NPI			
O	139	Update Requested	Sent Communication	North Atlantic Salmon Conservation Organization	English	NASCO	Organisation pour la conservation du saumon atlantique	French	NASCO
O	140	Update Requested		North Atlantic Treaty Organization	English		Organisation du traité de l'Atlantique Nord	French	
O	141	No Change Requested	Sent Communication	North Pacific Marine Science Organization		PICES			
O	142	No Change Requested	Sent Communication	Organisation for Joint Armament Co-operation		OCCAR			
O	143	No Change Requested	Sent Communication	Organisation for the Harmonisation of Business Law in Africa		OHADA			
O	144	Update Requested	Sent Communication	Organisation for the Prohibition of Chemical Weapons	English	OPCW	Organisation pour la prohibition des armes chimiques	French	
O	145	No Change Requested	Sent Communication	Organisation Internationale de la Vigne et du Vin		OIV			
O	146	Contact info needed		Organization of the Petroleum Exporting Countries		OPEC			

IGO Names - Janella_List [Dennis_List - DERIVED FROM Janella_List. Please edit this list to determining final list]

[Dennis_List - DERIVED FROM Janella_List. Please edit this list to determining final list]

About this Sheet: This included an update on the status of each organization on the original Dryden list

Columns:

Column A [List]: (O = Original Dryden List, P = Potential IGO'S researched by Jonathan)

List	mergedID	08232019 status	Sent Communication	Protected Name 1	Protected Language 1	Req_Acronym	Protected Name 2	Protected Language 2	Req_Acronym 2
O	147	No Change Requested	Sent Communication	Pacific Community		SPC			
O	148	No Change Requested	Sent Communication	Pan American Health Organization		PAHO			
O	149	No Change Requested	Sent Communication	Postal Union of the Americas, Spain and Portugal		PUASP			
O	150	No Change Requested	Sent Communication	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organiza		CTBTO			
O	151	No Change Requested	Sent Communication	The Common Market for Eastern and Southern Africa		COMESA			
O	152	Update Requested	Sent Communication	Union Benelux	French	BENELUX	Benelux Unie	Dutch	
O	153	No Change Requested	Sent Communication	United Nations		UN			
O	154	Update Requested	Sent Communication	UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION	English	UNCCD	CONVENTION DES	French	
O	155	Update Requested		United Nations Educational, Scientific and Cultural Organization	English		Organisations des	French	
O	156	No Change Requested	Sent Communication	United Nations Framework Convention on Climate Change		UNFCCC			
O	157	No Change Requested	Sent Communication	United Nations Industrial Development Organization		UNIDO			
O	158	Update Requested	Sent Communication	Union postale universelle	French	UPU	Universal Postal U	English	UPU
O	159	No Change Requested	Sent Communication	World Bank		IBRD			
O	160	No Change Requested	Sent Communication	World Health Organization		WHO			
O	161	Update Requested		World Intellectual Property Organization	English		Organisation Moni	French	
O	162	Update Requested		World Meteorological Organization	English		Organisation mété	French	
O	163	No Change Requested	Sent Communication	World Organisation for Animal Health		OIE			
O	164	No Change Requested	Sent Communication	World Tourism Organization		UNWTO			
O	165	No Change Requested	Sent Communication	World Trade Organization		WTO			
O	166	No Change Requested	Sent Communication	Asian-African Legal Consultative Organization		AALCO			
O	167	Update Requested	Sent Communication	Secretariat of the Conference on Interaction and Confidence Bu	English	CICA Secretariat	Секретариат Сове	Russian	
O	168	No Change Requested	Sent Communication	International Conference on the Great Lakes Region of Africa		ICGLR			
O	169	Update Requested	Sent Communication	International Criminal Police Organization - INTERPOL	English	INTERPOL	Organisation inter	French	INTERPOL
O	170	No Change Requested	Sent Communication	International Fund for Saving the Aral Sea		IFAS			
O	171	No Change Requested	Sent Communication	International Union for Conservation of Nature and Natural Resources		IUCN			
O	172	No Change Requested	Sent Communication	Organization for Security and Co-operation in Europe		OSCE			
O	173	No Change Requested	Sent Communication	Parliamentary Assembly of the Mediterranean		PAM			
O	174	No Change Requested	Sent Communication	Partners in Population and Development		PPD			
O	175	No Change Requested	Sent Communication	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and B		RECSA			
O	176	No Change Requested	Sent Communication	The Commonwealth		COMMONWEALTH			
O	177	No Change Requested	Sent Communication	University for Peace		UPEACE			
O	178	No Change Requested	Sent Communication	International Trade Centre		INTRACEN			
O	179	No Change Requested	Sent Communication	Joint United Nations Programme on HIV/AIDS		UNAIDS			
O	180	Contact info needed		United Nations Children's Fund		UNICEF			
O	181	No Change Requested	Sent Communication	United Nations Conference on Trade and Development		UNCTAD			
O	182	No Change Requested	Sent Communication	United Nations Development Programme		UNDP			
O	183	No Change Requested	Sent Communication	United Nations Entity for Gender Equality and the Empowerment of Women		UNWOMEN			
O	184	No Change Requested	Sent Communication	United Nations Environment Programme		UNEP			
O	185	No Change Requested	Sent Communication	United Nations High Commissioner for Refugees /UN Refugee Agency		UNHCR			
O	186	Incomplete		United Nations Human Settlements Programme		UN-HABITAT			
O	187	No Change Requested	Sent Communication	United Nations International Computing Centre		UNICC			
O	188	No Change Requested	Sent Communication	United Nations Office for Project Services		UNOPS			
O	189	No Change Requested	Sent Communication	United Nations Population Fund		UNFPA			
O	190	No Change Requested	Sent Communication	United Nations Relief and Works Agency for Palestine Refugees in the Near East		UNRWA			
O	191	Update Requested	Sent Communication	United Nations University	English	UNU	国際連合大学	Japanese	
O	192	No Change Requested	Sent Communication	World Food Programme		WFP			

New gTLD Subsequent Procedures Policy Development Process Work Track 5 on Geographic Names at the Top Level

Session 8 - New gTLD Subsequent Procedures

Contents

Background	2
Issues	3
Leadership Proposal for GAC Action	3
Relevant Developments	4
Current Positions	6
Key Reference Documents	9

Session Objective

Review the conclusions of the Work Track 5 and consider appropriate next steps

Background

Policy discussions on the use and protection of Geographic Names at the Top level of the DNS have [significant history](#) at ICANN¹. On 27 March 2007, in the context of future expansion of the gTLD namespace, the GAC Principles Regarding New gTLDs recognized that “*New gTLDs should respect: [...] The sensitivities regarding terms with national, cultural, geographic, and religious significance*” (§2.1).

In light of challenges posed by contested applications in the 2012 New gTLDs round, the GAC established a [Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs](#) during ICANN47 in Durban (18 July 2013). This GAC Working Group was mandated to clarify the rationale for such protections, review their implementation, and develop policy options for their improvement.

After submitting initial [proposals](#) (29 August 2014) for [community discussion](#), and subsequently developing possible [best practices](#) (29 January 2016), the Working Group has been focusing on community debates and ongoing GNSO policy development for future expansions of new gTLDs.

On 17 December 2015, the GNSO initiated the New gTLD Subsequent Procedures PDP (Sub Pro PDP) to determine whether changes to existing policy recommendations on the introduction of new gTLDs were needed. It assigned the discussion of Geographic Names as gTLDs to a dedicated group: the so-called [Work Track 5](#), formed on 17 January 2018, including formal GAC [participation and co-leadership](#).

In the meantime, an intensive cross-community effort was undertaken to prepare and build consensus through:

- An initial [webinar](#) (25 April 2017) which sought to facilitate a broad dialogue and presented the wide range of views held in the community on this topic
- A [series of cross community meetings](#) during ICANN59 (27-29 June 2017), including a [report](#) from independent facilitators summarizing current challenges, policy options and stakeholders positions, and highlighting certain “*stakeholder interests that are not necessarily in conflict*” (p.19)
- Two Cross Community Sessions during ICANN62 ([25 June](#) and [28 June 2018](#))

¹ As summarized in a [webinar](#) (8 February 2018) and reference documents from the ccNO, GNSO and GAC: [GNSO Geographic Names at the Top Level Webinar Background Paper](#) (20 April 2017), [Cross-Community Working Group -Framework for use of Country and Territory Names as TLDs \(CWG - UICN\). Final Paper](#) (June 2017), and [GAC and Geographic Names at the Top Level: Advice to the Board and other inputs to end of ICANN 60](#) (November 2017)

Issues

The [deliberations](#) of Work Track 5 has shown continued divergence of views on new policy options, beyond maintaining the status quo of protections as established for the 2012 round of New gTLDs (per section 2.2.1.4 of the [New gTLD Applicant Guidebook](#)), that is:

- Unavailability for application as New gTLD of country and territory names in various forms (including ISO 3166-1 alpha-3 codes)
- Required support or non-objection from relevant governments or public authorities for capital city names in any language, city name if intended use as such, ISO 3166-2 sub-national place names, and other regional groupings)

Areas of disagreement have included²:

- Modifications in the definition of geographic names (inclusion of new categories of terms, or exclusions of terms previously protected)
- Allowing or continuing to reserve the use of 3-letter country codes as gTLDs
- Protecting geographic names in various languages
- Allowing the use of a protected geographic name for a distinct purpose (“intended use” debate)
- Choosing (and balancing) between preventive protections (required support or non objection) and curative protections (applicant commitments associated with enforcement/dispute mechanisms)
- Legal justifications for protections and consequences on rights of parties
- Role of the GAC in future rounds of new gTLDs, including through new instruments such as a government-maintained Repository of Geographic Names

Within the GAC, there also exist a variety of views on a number of these areas, beyond the consensus established in the GAC Principles Regarding New gTLDs (28 March 2007) or subsequent GAC Advice on specific issues (see [Current Positions](#) and GAC Geonames WG documentation below).

Leadership Proposal for GAC Action

1. **Consider whether the outcome of Work Track 5**, as reflected in its recent [Draft Report to the New gTLD Sub Pro PDP WG](#) (1 October 2019), reflects an acceptable outcome for the GAC in **light of GAC Members positions and existing GAC consensus**
2. **Discuss next steps** for the GAC and its dedicated Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLD

² See [Annex B](#) of Work Track 5 Initial Report for the a complete list of open questions and policy options being discussed

Relevant Developments

- On 17 January 2019, a [GAC webinar](#) was hosted by the GAC co-leader of the GNSO Sub. Pro. PDP Work Track 5 (Olga Cavalli, Argentina) to assist in the development of comments on the [Initial Report](#) by the GAC and interested GAC Members.
- This was followed, on the [GAC Mailing List](#), by discussions of the GAC's approach to possible comments and contributions (see [GAC Chair email](#) on 21 January 2019 and ensuing thread), leading to the [finalization](#) of the GAC [Comment](#) (1 February 2019)
- The [Public Comment period](#) on the Work Track 5 Initial Report attracted significant interest (42 contributions), including comments from 15 individual GAC Members or Observers (see [report of Public Comments](#)).
- While the Work Track 5 team initially focused on the [triage of comments](#), it has now shifted to deliberating substantively on the public comments received, towards developing its final recommendations. This is reflected in a new [Summary Document](#) that is being updated progressively to reflect deliberations.
- Currently, as agreed by the WT5 co-leads (and reflected in the WT5 [Current Status Document](#)), the 13 preliminary recommendations included in the [Initial Report](#) are being considered the baseline, and default outcome, unless the Work Track Team reaches consensus³ on deviating from them.
- In practice, this means that unless new policy is agreed upon in Work Track 5, the outcome of this track of policy development for future rounds of New gTLDs will be the confirmation of existing policy regarding the protection of:
 - All two-character letter-letter ASCII combination for existing and future country codes
 - Country and Territory Names (Prelim. Recommendations. 2-9)
 - Geographic terms requiring letters of support or non-objection (Preliminary Recommendations 10, 12, 13)
 - Geographic terms requiring letters of support or non-objection depending on Intended Use (Preliminary Recommendation 11)
- Since 1 October 2019, Work Track 5 has been considering a [Draft Report to the New gTLD Sub Pro PDP WG](#) as its final work product, which It is working to submit to the Full Work Group for consideration as soon as possible. As expected, for lack of agreement on any new policy proposal, the final recommendations of Work Track 5 are to maintain the status quo for subsequent rounds, if with some clarifications regarding the protection of country and territory names and the definition of “macro geographical (continental) regions, geographical subregions, and selected economic and other groupings” for which relevant government support continues to be required.

³ As defined in section 3.6 of the [GNSO Working Group Guidelines](#)

Current Positions

GAC Contributions and deliberations

- GAC [Comment](#) on WT5 Initial Report (1 February 2019) indicated that *“The GAC has not had an opportunity to discuss or agree on responses to the specific proposals and questions in the Initial Report. We note there are different views within the GAC on these specific proposals and questions. However, the GAC continues to take a close interest in these issues and, for information, we would like to reiterate relevant existing GAC advice”*, and went on to recall the relevant GAC Principles Regarding New gTLDs and prior GAC Advice (as listed below)
- [GAC Panama Communiqué](#) (28 June 2018) noted (in Section IV “Other Issues”) that *“Several GAC members expressed concern that the timeline for this work should allow for the complexity and sensitivity of many of the issues.”*
- [GAC San Juan Communiqué](#) (15 March 2018) noted (in Section IV.1 regarding “New gTLD Policies: Geographic Names” as part of “Section IV. Other Issues”) that *“discussions in Work Track 5 should take into account any material available or being produced outside the ICANN context relating to names with geographical significance”*

GAC Members and Observers comments on WT5 Initial Report (Jan-Feb. 2018)

- [Spain](#) provided general comments that the rules of the 2012 round *“worked generally well and [...] should be maintained”* including the preventative measures (*“non-objection framework”*), which it advised should be extended to geographic names not covered by 2012 rules, with potential improvements in the interest of applicants to avoid the type of conflicts experienced with the 2012 round. It also addressed questions (1-11) and stated its position on the policy proposals succinctly (1-38). These comments were endorsed and reiterated by: [European Broadcasting Union](#), [France](#), [Iceland](#), [Peru](#) and [Switzerland](#) (Federal Institute of Intellectual Property). Several countries reiterated these comments with modifications;
 - [Argentina-Chile-Colombia](#) provided explicit support for recommendation 1-13, input on Questions 1-4 and variations in answers to other questions and Proposals 9, 10, 14, 15, 22, 23, 25, 26
 - [Germany](#) provided explicit support for recommendation 1-13
 - [Portugal](#) provided additional general comments (pertaining to applicable law and legitimate international venues for discussions of geographical names) and further specific input (question 2 to 5, 7, 9, 11 and Proposals 5). It diverged from Spain on Proposal 3, 4, 9, 14, 34, 37)
- [Singapore](#) expressed support for selected recommendations (2, 3, 4, 5, 7, 9, 10, as well as part of recommendation 8). expressed a preference for preventive rather than curatives protection (question 3), explicitly supported Proposals 1, 8 and 14, while not supporting Proposals 3, 5 and 7.

- [Georgia](#) commented on recommendation 11(a), expressed non support for proposals 6,7, 11-13, 17-20, 26-33, and full support for all other proposals
- [Brazil](#) drew attention of WT5 to findings of an [ACTO Working Group report](#) (27 August 2017) as relevant public information that must be taken into account; provided rationale for requiring approval of the relevant public authorities for TLD names with geographical and cultural significance or *“associated with identifiable relevant communities, e.g. cities, provinces, states, countries, recognizable regions from individual countries or a group of countries”*, as well as a rationale for maintaining the objection procedure to New gTLD applications based on GAC Advice. It provided input on questions 2, 5, 9, 11.
- [United States](#) provided a general overview of their position on geographic names (*“Since there are no inherent governmental rights in geographic names or terms, the United States does not support the notion of reserving geographic names or terms or requiring documents of individual government support or non-objection” while supporting “a curative mechanism approach (i.e., public interest commitments in the registry agreement) to ensure that the TLD would not be used in [a false or deceptive] manner”*) and provided responses to all questions and proposals.

GAC Advice and Principles

- [GAC Helsinki Communiqué](#) (30 June 2016) addressed the issue of 3-letter codes as gTLDs in future rounds, by advising the ICANN Board to:
 - i. encourage the community to continue in depth analyses and discussions on all aspects related to a potential use of 3-letter codes in the ISO-3166 list as gTLDs in future rounds, in particular with regard to whether such a potential use is considered to be in the public interest or not.*
 - ii. keep current protections in place for 3-letter codes in the ISO-3166 list in place and not to lift these unless future in depth discussions involving the GAC and the other ICANN constituencies would lead to a consensus that use of these 3-letter codes as TLDs would be in the public interest.*
- [GAC Durban Communiqué](#) (18 July 2013) the GAC recommended regarding Geographic Names that *“ICANN collaborate with the GAC in refining, for future rounds, the Applicant Guidebook with regard to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.*
- [GAC Nairobi Communiqué](#) (10 March 2010) addressed the need for agreement with relevant government and mechanisms to resolve post-delegation deviation from condition of approval or non objection, by stating in its “Annex B - GAC Comments on New gTLDs”:
 - *The GAC interprets para 2.2 of the GAC gTLD principles that strings which are a meaningful representation or abbreviation of a country or territory name should be handled through the [then] forthcoming ccTLD PDP, and other geographical strings*

could be allowed in the gTLD space if in agreement with the relevant government or public authority.

- *The GAC urges that mechanisms be established for the resolution of post-delegation deviation from conditions for government approval of or non-objection to the use of a geographical name. The GAC is of the view that this could be achieved with the inclusion of a clause in the registry agreement requiring that in the case of a dispute between a relevant Government and the registry operator, ICANN must comply with a legally binding decision in the relevant jurisdiction. However, in case of the need for approval or non-objection from multiple governments, proper mechanisms for resolving post delegation disputes must be detailed.*
- [Letter from GAC Chair to ICANN Chairman of the Board](#) (18 August 2009) which stated that *"Strings that are a meaningful representation or abbreviation of a country name or territory name should not be allowed in the gTLD space"* (see Paragraph. II.3)
- [GAC Principles Regarding New gTLDs](#) (28 March 2007). Relevant extracts:

2. *Public Policy Aspects related to new gTLDs*

When considering the introduction, delegation and operation of new gTLDs, the following public policy principles need to be respected:

Introduction of new gTLDs

2.1. *New gTLDs should respect:*

a) The provisions of the [Universal Declaration of Human Rights](#) which seek to affirm "fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women".

b) The sensitivities regarding terms with national, cultural, geographic and religious significance.

2.2. *ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.*

2.3. *The process for introducing new gTLDs must make proper allowance for prior third party rights, in particular trademark rights as well as rights in the names and acronyms of inter-governmental organizations (IGOs).*

2.4. *In the interests of consumer confidence and security, new gTLDs should not be confusingly similar to existing TLDs. To avoid confusion with country-code Top Level Domains no two letter gTLDs should be introduced.*

Delegation of new gTLDs

2.5. *The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation*

of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.

2.6. *It is important that the selection process for new gTLDs ensures the security, reliability, global interoperability and stability of the Domain Name System (DNS) and promotes competition, consumer choice, geographical and service provider diversity.*

- [GAC Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains](#) (5 April 2005) included as part of 'Guidelines For a Communication Between The Relevant Government or Public Authority and ICANN': *"Recognising ICANN's responsibilities to achieve consensus in the creation of any new generic TLDs, ICANN should avoid, in the creation of new generic TLDs, well known and famous country, territory or place names; well known and famous country, territory or regional language or people descriptions; or ISO 639 Codes for representation of languages unless in agreement with the relevant governments or public authorities."* (§8.3)

Key Reference Documents

- [Draft Work Track 5 Report](#) to the New gTLDs Sub. Pro. PDP WG (1 October 2019)
- [Work Track 5 Initial Report](#) (12 December 2018)
- [Work Track 5 Summary Document](#), summarizing comments received and deliberations on an ongoing basis
- [Work Track 5 Triage of Public Comments](#)
- [Work Track 5 Current Status Document](#) (as of 5 June 2019)

Further Information

Documentation of GAC Working Group on Geographic Names

- [Proposals](#) on the protection of geographic names in the new gTLD process (29 August 2014) including discussion of:
 - The rationale for protection of geographic names
 - Differences between trademarks and New gTLDs
 - Suggestions to avoid misuse of geographic names in future gTLD rounds (including best practices for future rounds and suggested changes to the Applicant Guidebook)
- [Community Input](#) on the GAC WG Proposal, which were [summarized](#) (February 2015)
- [Work Plan](#), draft version 4 (19 May 2016)
- [Working Paper](#) on Best Practices for future rounds (29 January 2017)
- [Presentation](#) during the Cross Community Webinar (25 April 2017) including a status on proposals for “*a future agreed framework for terms with geographic significance*” and divergent views in the GAC on the matter.

Ressources on Work Track 5 and the GNSO PDP on New gTLDs Subsequent Procedures

- <https://gac.icann.org/activity/new-gtlds-subsequent-rounds>
- <https://gac.icann.org/activity/new-gtlds-subsequent-rounds-geographic-names-as-tlds-wt5>
- <https://gnsso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	New gTLD Sub. Pro. PDP Work Track 5 on Geographic Names at the Top Level
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 1: 14 October 2019

.AMAZON Update

Session 9 - .AMAZON Update

Contents

Session Objectives	1
Introduction	1
Background	2
Recent Relevant Developments	4
GAC Action	8
Key Reference Documents	8
Further Information	9
Document Administration	10

Session Objectives

During this session, GAC members will discuss the latest developments regarding the .AMAZON applications, hear views expressed by interested country representatives and, if needed, discuss potential follow-up by the GAC or GAC members.

Introduction

The .AMAZON applications have been of substantial interest to the GAC for several years and have been the subject of GAC advice. This brief is intended to provide a high-level overview of the developments on this issue since the ICANN65 Marrakech Meeting - followed by links to the correspondence and developments that have taken place among various parties since that meeting.

¹

The Background section of this document provides historical information about the proceeding and will assist readers who are new to the matter. More experienced GAC participants may wish to focus on the Recent Relevant Developments section of this brief.

¹ Extensive background briefings on this topic were shared in the .AMAZON briefings provided for the ICANN64 Kobe and ICANN 65 Marrakech meetings and can be reviewed here - https://gac.icann.org/briefing-materials/public/icann64-gac-briefing-.amazon-version2.pdf?language_id=1 and here https://gac.icann.org/file-asset/public/icann65-gac-briefing-05.2-dot-amazon-update-v1-17jun19.pdf?language_id=1

Background

Initial Applications -

As part of the ICANN new gTLD program, the Amazon corporation applied for .AMAZON and two Internationalized Domain Name (IDN) versions of the word 'Amazon' ("the .AMAZON applications"). In response to the .AMAZON applications, the governments of Brazil and Peru, with the endorsement of Bolivia, Ecuador and Guyana, submitted an Early Warning through the GAC, in accordance with the Applicant Guidebook. The concerned governments stated that: "[g]ranting exclusive rights to this specific gTLD to a private company would prevent the use of this domain for the purposes of public interest related to the protection, promotion and awareness raising on issues related to the Amazon biome. It would also hinder the possibility of use of this domain to congregate web pages related to the population inhabiting that geographical region." (see Early Warning, available at <https://gacweb.icann.org/display/gacweb/GAC+Early+Warnings?preview=/27131927/27197938/Amazon-BR-PE-58086.pdf>)

Application Reactions -

After indicating in the ICANN46-Beijing Communiqué (April 2013) that the .AMAZON Applications required further GAC consideration (see <https://gac.icann.org/contentMigrated/icann46-beijing-communicue>), the GAC provided consensus advice (GAC Advice) to the ICANN Board in the ICANN47-Durban Communiqué (18 July 2013) that the Amazon Applications “should not proceed” (see - <https://gac.icann.org/contentMigrated/icann47-durban-communicue>).

On 14 May 2014, the ICANN Board (acting through the New gTLD Program Committee) accepted the GAC Advice and directed ICANN not to proceed with the Amazon Applications. (Resolution 2014.05.14.NG03, available at ICANN64 GAC Briefing - .AMAZON Page 1 of 9, <https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-05-14-en%20#2.b>).

Independent Review Process -

In October 2015, the Amazon corporation submitted a proposal to the Amazon Cooperation Treaty Organization/Organização do Tratado de Cooperação Amazônica (ACTO/OTCA) member states in an attempt, “to develop and implement a mutually acceptable solution to the challenging issue of geographic names” for the .AMAZON TLDs. ACTO/OTCA Member States considered that the dispute had come to an end following the Board’s decision of 2014, and that they were bound not to consider the October 2015 proposal. Subsequently, the Amazon corporation began an Independent Review Process (IRP) in March 2016.

On 11 July 2017, the IRP Panel issued its [Final Declaration](#), which stated that the NGPC acted in a manner inconsistent with the ICANN Bylaws because “the NGPC [New gTLD Program Committee] failed in its duty to independently evaluate and determine whether valid and merits-based public policy interests existed supporting the GAC's consensus advice”; the Panel recommended the ICANN Board re-evaluate the .AMAZON applications.²

² See .AMAZON IRP Final Declaration:

<https://www.icann.org/en/system/files/files/irp-amazon-final-declaration-11jul17-en.pdf>

IRP Aftermath -

On 29 October 2017, following the outcome of the IRP, the Board asked the GAC if “it has: (i) any information to provide to the Board as it relates to the “merits-based public policy reasons,” regarding the GAC’s advice that the Amazon applications should not proceed; or (ii) any other new or additional information to provide to the Board regarding the GAC’s advice that the Amazon applications should not proceed” (Resolution 2017.10.29.02 - <https://www.icann.org/resources/board-material/resolutions-2017-10-29-en#2.a>).

In October 2017, at ICANN60 in Abu Dhabi, the GAC expressed in its ICANN60 GAC Communiqué the need to find a mutually acceptable solution in the case of the .Amazon gTLD applications for the countries affected and for the Amazon corporation (see <https://gac.icann.org/contentMigrated/icann60-abu-dhabi-communique>).

On 4 February 2018, the ICANN Board accepted this [advice](#) and tasked the ICANN org with supporting the Amazon corporation and ACTO/OTCA member states in negotiating a solution.

During the ICANN60 meeting in Abu Dhabi, the Amazon corporation had presented to the GAC and ACTO/OTCA member states a new proposal for a “practical compromise”. In February 2018, based on further negotiations facilitated by the ICANN org, the Amazon corporation submitted a further updated proposal.

On 15 March 2018, the GAC [responded](#) to the October 29, 2017 Board request for information “regarding the GAC’s advice that the Amazon applications should not proceed” by referring to the expressed “...need to find a mutually acceptable solution in the case of the .amazon gTLD applications for the countries affected and for the Amazon corporation”, as well as to “the final transcript of the relevant sessions where these issues were discussed” at ICANN 63 in Abu Dhabi.

On 5 September 2018, following review of the proposal by the ACTO/OTCA Working Group, at a meeting of the Amazon Cooperation Council, the ACTO/OTCA member states issued a statement declaring that “...[t]he Amazon countries have concluded that the proposal does not constitute an adequate basis to safeguard their immanent rights relating to the delegation of the ‘.amazon’ TLD.”

On 16 September 2018, the ICANN Board approved resolutions 2018.09.16.12 and 2018.09.16.13 that directed the ICANN President and CEO to: “support the development of a solution for delegation of the strings represented in the .AMAZON applications that includes sharing the use of those top-level domains with the ACTO member states to support the cultural heritage of the countries in the Amazonian region”; and “if possible, to provide a proposal to the Board, on the .AMAZON applications to allow the Board to take a decision on the delegation of the strings represented in the .AMAZON applications.” The Board explained in its rationale to the resolutions that it was taking action to: “further the possibility of delegation of the .AMAZON applications as contemplated in the declaration of the IRP Panel, while recognizing the public policy issues raised through GAC advice on these applications.”

The Board further stated its intention that the work “could result in a solution that would allow the .AMAZON applications to move forward in a manner that would align with GAC advice and inputs on this topic.”

In its ICANN63 Barcelona Communiqué (see <https://gac.icann.org/contentMigrated/icann63-barcelona-communique>), the GAC acknowledged the 16 September 2018 Board resolution. The GAC noted that the rationale of the resolution stated that “[t]he Board is taking this action today to further the possibility of delegation of the .AMAZON 10 applications ... while recognizing the public policy issues raised through GAC advice on these applications”. The GAC recalled its Abu Dhabi 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.”

The [pre-meeting Briefing](#) for the ICANN64 Kobe meeting includes three pages of detailed developments of activities between the Barcelona and Kobe meetings. The [pre-meeting Briefing](#) for the ICANN65 Marrakech meeting includes further detailed developments transpiring between the Kobe and Marrakech meetings.

Recent Relevant Developments

(May 2019 - October 2019)³

Events leading up to ICANN65 -

On 15 May 2019, the ICANN Board (see Resolution 2019.05.15.13) directed the ICANN org President and CEO, or his designee(s), to continue processing of the .AMAZON applications according to the policies and procedures of the New gTLD Program. This direction included the publication of the Public Interest Commitments (PICs), as proposed by the Amazon corporation, for a 30-day public comment period, as per the established procedures of the New gTLD program.

In making its determination, the Board noted that while it “recognize[d] the need to balance concerns of all those involved, and that it should act fairly and transparently at all times, it is also cognizant of the time that has lapsed since the .AMAZON applications were submitted in 2012, and since the Amazon corporation prevailed in its Independent Review Process against ICANN in July 2017.”

The Board said it had “considered the Amazon corporation proposal in light of all that ha[d] come before, including previous GAC advice and the Amazon IRP Final Declaration.” The Board also said it had considered it had “complied with the operative GAC advice on this matter as stated in the November 2017 Abu Dhabi Communiqué, to ‘continue facilitating negotiations between the Amazon Cooperation Treaty Organization's (ACTO) member states and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .amazon as a top level

³ Previous background information about this matter (from March 2019 to June 2019) can be found in the ICANN65 GAC Pre-meeting briefing. That briefing can be found at this link - [icann65-gac-briefing-05.2-dot-amazon-update-v1-17jun19.pdf](#) .

domain name.”

Finally, the Board determined, “that the Amazon corporation proposal is not inconsistent with GAC advice and that there is no public policy reason for why the .AMAZON applications should not be allowed to proceed in the New gTLD Program.

On 15 June 2019, Colombia transmitted to the ICANN Board a reconsideration request for resolutions 2019.05.15.13 thru 2019.05.15.15 that were approved during the ICANN Board meeting held on 15-May-2019 (hereinafter “Reconsideration Request 19-1”)(see access link in the [Key Reference Documents](#) section of this document).

GAC Actions at ICANN65 -

On 24 June 2019, the GAC met in plenary session with ICANN Board Members at ICANN65 in Marrakech. During that meeting several GAC members expressed their concerns about :

- the recent Board decision to find the Amazon corporation proposal of 17 April 2019 acceptable;
- the recent Board decision directing the ICANN org to continue processing of the .AMAZON applications according to the policies and procedures of the New gTLD Program; and
- the possibility of the outcome in the .AMAZON case becoming a precedent for similar cases for delegation of sensitive strings that the GAC has stressed as raising public policy concerns in future.

Several GAC members referenced the ICANN60 Abu Dhabi GAC Communiqué in which the GAC recognized “the need to find a mutually acceptable solution in the case of the .Amazon gTLD applications for the countries affected and for the Amazon corporation.” The comments to the Board reflected concern that such a mutually acceptable solution has not yet been achieved.

ICANN Board members expressed different views with regard to these concerns, reflecting that GAC advice was followed by ICANN. Board members noted ICANN org’s efforts in facilitating parties coming together. They stated these efforts were conducted in good faith and with a "view to reach a mutually acceptable solution," as articulated in the Abu Dhabi GAC advice. Board members further expressed that the Board takes GAC advice seriously, not just because it is important, but also because it is in accordance with ICANN bylaws. Board members indicated that they looked forward to the GAC Marrakech Communique and that they stood ready to respond to any GAC Consensus Advice.

On another note, some GAC members urged all parties to exhaust all means consistent with applicable procedures to facilitate a mutually acceptable solution.

At the end of the ICANN65 meeting the GAC published it’s Communique in which it included the following “Follow-Up on Previous Advice” regarding the topic of the “.AMAZON applications”.

“The GAC asks the Board to explain in writing whether and why it considers that its decision to proceed with the .AMAZON applications, based on a proposal that the eight Amazon countries considered did not address their concerns, complies with GAC Advice.

RATIONALE

During the meeting with the ICANN Board, several GAC members expressed their concerns about the recent Board decision to find the Amazon corporation proposal of 17 April 2019 acceptable and directing the ICANN org to continue processing of the .AMAZON applications according to the policies and procedures of the New gTLD Program. Concerns were also expressed with the possibility of the outcome in the .AMAZON case becoming a precedent for similar cases for delegation of sensitive strings that the GAC has stressed as raising public policy concerns in future. Several members referenced the ICANN60 Abu Dhabi Communiqué, where:

a) in section “V. Follow-up on Previous Advice”, with regard to the “Application for .amazon and related strings”, “[t]he GAC expressed the need to find a mutually acceptable solution in the case of the .Amazon gTLD applications for the countries affected and for the Amazon corporation”; and

b) in section “VII. GAC Consensus Advice to the Board”, with regard to “Applications for .amazon and related strings”, “[t]he GAC recognizes the need to find a mutually acceptable solution for the countries affected and the Amazon corporation to allow for the use of .amazon as a top level domain name”.

Several members also referenced the letter the GAC sent to the Board on 15 March 2018 in response to the Board’s request for “new or additional information to provide to the Board regarding the GAC’s advice that the Amazon applications should not proceed”, where it was stated that “the GAC does not have any additional information to provide to the Board on this matter, beyond referring to the GAC Abu Dhabi Communiqué.”

Some members did not necessarily agree with the basis of these concerns as articulated above nor with the interpretation of GAC advice on this subject.

On another note, some GAC members during the discussion with the ICANN Board, urged all parties to exhaust all means consistent with applicable procedures to facilitate a mutually acceptable solution.

This request for a written response from the Board should be considered a follow-up to the GAC-Board discussion during ICANN65 and should not be construed as new GAC Advice on this matter.”

Events Since ICANN65 -

GNSO Comments

On 25 July, the Generic Names Supporting Organization (GNSO) transmitted its “GNSO Comments on GAC Advice” to the Board (see

https://gac.icann.org/file-asset/public/GNSO%20Council%20Review%20of%20GAC%20Communique%20-%20Marrakech%20-%20June%202019.pdf?language_id=1. The GNSO stated,

“As this Advice from the GAC is merely a request for the Board to explain its actions, the GNSO Council sees little harm in the Board doing so.”

Board Consideration of Colombia Reconsideration Request 19-1

On 14 August 2019 the ICANN Board’s Accountability Mechanisms Committee (BAMC) considered Reconsideration Request 19-1 that had been submitted by Colombia (see <https://www.icann.org/resources/board-material/agenda-bamc-2019-08-14-en>). The BAMC produced a 35-page document that concluded with a recommendation indicating,

“The BAMC has considered the merits of Request 19-1 and, based on the foregoing, concludes that neither the Board nor the staff took action without consideration of material information, based on false or inaccurate relevant information, or in contradiction of ICANN’s Bylaws. Accordingly, the BAMC recommends that the Board deny Request 19-1.”

On 23 August 2019, ICANN the Secretary General of the Amazon Cooperation Treaty Organization presented ICANN with a Joint Declaration of the Presidents of the Mercosur Member States and Associate States, which is a result of the Mercosur Summit of Presidents, held on July 17th and 18th, 2019 in Santa Fe, Argentina. The declaration served to “highlight the concern of the relevant Member States in relation to the decision made by the ICANN Board of Directors to delegate the “.amazon” top level domain to Amazon Inc. on an exclusive basis.”

Board Scorecard Response to GAC Communique

On 8 September 2019, the ICANN Board approved its Scorecard response to the GAC’s Marrakech Communique. On the subject of the .AMAZON applications, the Board stated its understanding that

“[T]he GAC wishes for the ICANN Board to explain in writing whether and why the ICANN Board considers that its decision to proceed with the .AMAZON application, based on a proposal that the eight Amazon countries considered did not address their concerns, complies with GAC Advice.”

The Board produced a 985-word explanation in the Scorecard (see <https://www.icann.org/en/system/files/files/gac-icann65-marrakech-communique-scorecard-08sep19-en.pdf>) in which it concluded that

“The Board has therefore met the GAC advice from Abu Dhabi, in that the ICANN org President and CEO facilitated discussions between the two parties for over a year. Likewise, the Board has received sufficient input and had the necessary materials to make this decision...”

and stated

“The Board understands that some GAC members have concerns regarding this resolution but hopes that the above provides additional insight into the reasons why the Board has taken the action that it has.”

Board Decision on Colombia Reconsideration Request 19-1

Also on 8 September 2019, the ICANN Board considered the 14 August 2019 recommendation of the BAMC and resolved to adopt the 14 August 2019 Recommendation of the BAMC regarding Colombia's Reconsideration Request 19-1. As rationale for its decision, the Board stated,

- The Board Did Not Fail to Consider Material Information Before Adopting the Resolutions;
- The Board Did Not Adopt the 15 May 2019 Resolutions Based on False or Inaccurate Information;
- The Board's Adoption of the Resolutions Was Consistent with ICANN's Bylaws; and
- No Meeting Was Scheduled with the RySG to Discuss a Potential Process to Modify PICs.

Opportunity to Comment on Amazon Corporation PICs

Subsequent to the Board's decision, on 13 September 2019, the GAC Chair alerted the GAC that the proposed Public Interest Commitments (PICs) from the Amazon corporation, along with the proposed Specification 13, had been posted by ICANN org for public comment (see - <https://mm.icann.org/mailman/private/gac/2019-September/017877.html>). It was noted that the documents, along with additional information related to the applications, were available at:

- **xn—cckwcxetd:** <https://gtldresult.icann.org/applicationstatus/applicationdetails/929>
[\[gtldresult.icann.org\]](https://gtldresult.icann.org)
- **xn--jlq480n2rg:** <https://gtldresult.icann.org/applicationstatus/applicationdetails/926>
[\[gtldresult.icann.org\]](https://gtldresult.icann.org)
- **.AMAZON:** <https://gtldresult.icann.org/applicationstatus/applicationdetails/984>
[\[gtldresult.icann.org\]](https://gtldresult.icann.org)

and that the proposed Specification 13 submissions for the .AMAZON applications were available at:

<https://newgtlds.icann.org/en/applicants/agb/base-agreement-contracting/specification-13-applications> [\[newgtlds.icann.org\]](https://newgtlds.icann.org). GAC Members were advised that the PICs and Specification 13 would be open for comment until 12 October 2019.

In advance of the 12 October 2019 filing deadline, representatives of Brazil, Ecuador and ACTO each filed comments on the Public Interest Commitments from the Amazon Corporation. Those comments were shared on the GAC mailing list and links to them have been posted on the ICANN Global Domains division web page at this link -

<https://newgtlds.icann.org/en/applicants/agb/base-agreement-contracting/specification-13-applications>. Links to the individual comments can be found in the Key Reference Documents section of this briefing document.

GAC Action

During this session the GAC will discuss the latest developments regarding the .AMAZON applications, hear views expressed by interested country representatives and, if needed, discuss potential follow-up by the GAC or GAC Members.

Key Reference Documents

Significant Recent (2019) ICANN Board Documents and Resolutions:

- 10 March 2019 - ICANN Board Resolution (2019.03.10.01) - <https://www.icann.org/resources/board-material/resolutions-2019-03-10-en#1.a>
- 15 May 2019 - ICANN Board Resolution (2019.05.15.13) - <https://www.icann.org/resources/board-material/resolutions-2019-05-15-en#1.c>
- 14 August 2019 - Recommendation of the Board Accountability Mechanisms Committee (BAMC) - Reconsideration Request 19-1 - <https://www.icann.org/en/system/files/files/reconsideration-19-1-colombian-bamc-recommendation-14aug19-en.pdf>
- 8 September 2019 - ICANN Board Resolution (2019.09.08..08) adopting 14 August 2019 Recommendation of BAMC regarding Reconsideration request 19-1 - <https://www.icann.org/resources/board-material/resolutions-2019-09-08-en#2.b>

Significant Recent Correspondence - shortly before and since ICANN65 - Marrakech Meeting:

- 4 June 2019 - Letter from Ambassador Arturo Jarama Director, Department for Science and Technology Ministry of Foreign Affairs, Peru RE: New gTLD Application for .AMAZON, providing the “Special Declaration of the Andean Presidential Council on the Use of New Technologies and the TLD .amazon”, signed by the Presidents of Peru, Colombia, Bolivia, and Ecuador. - <https://www.icann.org/en/system/files/correspondence/jarama-to-chalaby-04jun19-en.pdf>
- 13 June 2019 - Letter Reply to Ambassador Arturo Jarama from ICANN CEO Goran Marby - advising that “per resolution 2019.05.15.13, ICANN org will now proceed with processing of the .AMAZON applications.” - <https://www.icann.org/en/system/files/correspondence/marby-to-jarama-13jun19-en.pdf>
- 15 June 2019 - Reconsideration request from Colombia Regarding ICANN Board resolutions 2019.05.15.13 thru 2019.05.15.15 on .Amazon - <https://mm.icann.org/mailman/private/gac/2019-June/017736.html> (document not publicly posted on ICANN.org as of briefing publication - link from private GAC mailing list)
- 23 August 2019 - Transmittal of and Joint Declaration of the Presidents of the Mercosur Member States and Associate States, which is a result of the Mercosur Summit of

Presidents, held on July 17th and 18th, 2019 in Santa Fe, Argentina -

<https://www.icann.org/en/system/files/correspondence/moreira-to-marby-23aug19-en.pdf>

- 13 September 2019 - Notice to GAC from GAC Chair of Availability of .AMAZON public Interest Considerations and Specification 13 for Public Comment until 12 October 2019-
<https://mm.icann.org/mailman/private/gac/2019-September/017877.html>
- 9 October 2019 - Comment by Brazil's Representative to GAC on .amazon application and PIC - <https://mm.icann.org/pipermail/spec13-request/2019-October/000011.html>
- 11 October 2019 - Letter from Ambassador of Ecuador in Brazil to ICANN President and CEO - presenting Ecuador's Comments on the Amazon PICs -
<https://mm.icann.org/mailman/private/gac/attachments/20191012/98816e56/NOTA4-7-047-2019-0001.jpeg> (jpeg photo of letter shared with GAC mailing list)
- 11 October 2019 - Amazon Cooperation Treaty Organization comments on the "Public Interest Commitment" regarding the attribution of the Dot Amazon Top Level Domain presented by Amazon Inc. -
<https://mm.icann.org/pipermail/spec13-request/2019-October/000013.html>

Further Information

- ICANN64 - Kobe Pre-Meeting Briefing for the GAC - .AMAZON - Block 2 - GAC Follow-Up on Specific Issues, Session 2.3 .Amazon -
https://gac.icann.org/briefing-materials/public/icann64%20-%20gac%20briefing%20-%20amazon-%20version2.pdf?language_id=1
- ICANN65 - Marrakech Pre-Meeting Briefing for the GAC - dotAmazon - Block 5 - Session 5.2 -
https://gac.icann.org/file-asset/public/icann65-gac-briefing-05.2-dot-amazon-update-v1-17jun19.pdf?language_id=1
- ICANN65 GAC Communique -
<https://gac.icann.org/contentMigrated/icann65-marrakech-communique>

Document Administration

Meeting	ICANN66 - Montreal, Canada , November 2019
Title	.AMAZON Update - #9 - Briefing
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 15 October 2019

WHOIS and Data Protection Policy

Session 10, 19

Contents

Session Objective	1
Background	3
Issues	3
Leadership Proposal for GAC Action	4
Relevant Developments	5
Overview of Current Status	5
Focus: EPDP on gTLD Registration Data	7
Focus: gTLD Registration Data Policy	9
Focus: ICANN Org Engagement with Data Protection Authorities (DPAs)	10
Current Positions	11
Key Reference Documents	13
Annex: GAC Webinar Discussion Paper (23 September 2019)	14

Session Objective

- Update the GAC Membership on development related to the Expedited Policy Development Process (EPDP) and discuss other relevant developments in terms of ICANN engagement with DPAs, impact on law enforcement needs and other legitimate users.
- The GAC will also discuss the outcomes of the expected ICANN66 Cross Community Session on this matter.

Background

Over the past decades, information pertaining to the individuals or entities holding a domain name (domain registration data) made available publicly through the WHOIS protocol and related WHOIS services¹, has grown to become an indispensable tool for attributing content, services and crime on the Internet. Consequently, WHOIS has been the subject of long-standing attention for the ICANN Community, including the GAC, particularly in relation to challenging issues such as concerns about the lack of protection of personal data, and the inaccuracy of registration data.

Defining the right approach to WHOIS - or as alternatively known, Registration Directory Services (RDS) - requires taking into account the important issues of data protection and the legitimate and lawful practices associated with protecting the public, including to combat illegal conduct such as cybercrimes, fraud and infringement of intellectual property, to ensure cyber-security, promoting user confidence and consumer trust in the Internet, and protecting consumers and businesses. Prior GAC Advice² and the ICANN Bylaws recognize these vital interests.

While various new data protection legal frameworks have emerged or will emerge across the world, the entry into force of the EU General Data Protection Regulation (GDPR) on 25 May 2018 spurred the ICANN Organization, Contracted Parties and the ICANN Community to bring WHOIS into compliance with applicable law.

Issues

Protecting the public in the context of the DNS requires taking into account the equally important issues of data protection and the legitimate and lawful practices associated with protecting the public, including to combat illegal conduct such as fraud and infringement of intellectual property, cyber-security, promoting user confidence and consumer trust in the Internet, and protecting consumers and businesses. Prior GAC Advice and the ICANN Bylaws recognize these vital interests.

Moreover, both the Article 29 Data Protection Working Party and the European Data Protection Board have recognized that *“enforcement authorities entitled by law should have access to personal data in the Whois directories”* and stated their expectation that ICANN should *“develop a WHOIS model that will enable legitimate uses by relevant stakeholders, such as law enforcement [...]”*.

However, as highlighted in GAC Advice and various GAC contributions since the ICANN60 meeting in Abu Dhabi (Nov. 2017), efforts to date by ICANN org and the ICANN Community have failed to adequately accommodate both the necessity of data protection and protection of the public interest. Currently, much of the once public WHOIS information is redacted with no real process or mechanism for accessing the information for legitimate use. Namely, law enforcement, cybersecurity experts, and intellectual property rights holders no longer expect to access information that is critical to protecting the public interest³.

¹ See ICANN's [WHOIS High-Level Technical Brief](#) (20 April 2018)

² See in particular the [GAC Whois Principles Regarding gTLD WHOIS Services](#) (28 March 2007)

³ For further discussion, see “Importance of a Unified Access to Non-Public gTLD Registration Data” in the GAC Webinar Discussion Paper attached to this briefing (23 October 2019)

Leadership Proposal for GAC Action

- 1. Assess whether the EPDP Phase 2 has achieved the swift and considerable progress expected by the GAC** consistent with [Advice](#) in the [GAC Kobe Communiqué](#) (14 March 2019) and the Phase 2 [inaugural statement](#) (8 April 2019) by GAC Representatives on the EPDP Team
- 2. Consider what could be an acceptable accreditation model for access to non-public gTLD registration data** by law enforcement and other legitimate public authorities
 - a. The GAC Small Group on GDPR/EPDP expects to share possible such models with the GAC Membership prior to the start of the ICANN66 meeting
 - b. GAC Members may wish to report on initiatives in their governments to gather the list of public authorities requiring access to non-public gTLD registration data (See Action Points in [ICANN65 Minutes](#), section 2.1)
- 3. Discuss GAC expectations regarding the timely deployment of a Unified Access Model,** including:
 - a. A clear articulation by ICANN to the Community of its ability and willingness to take on responsibilities and liability associated with an access/disclosure model
 - b. Greater clarity and guidance from European Data Protection Authorities to ICANN regarding the feasibility of an access/disclosure model
 - c. Process and timing for completion of the development and implementation of an access/disclosure model

Relevant Developments

Overview of Current Status

- Following the [adoption](#) by the GNSO Council (4 March 2019) of the [recommendations](#) (20 February 2019) made in the first phase of the Expedited Policy Development Process on gTLD Registration Data (EPDP Phase 1), **several stakeholders provided input to the ICANN Board**, including:
 - The GAC in a [response](#) (24 April 2019) to the ICANN Board's [notification](#) (8 March 2019) of the GNSO's approval of the EPDP Phase 1 Policy Recommendations
 - The US Government in a [letter](#) from the Department of Commerce Assistant Secretary for Communication and Information (4 April 2019) to which the ICANN CEO [responded](#) (22 April 2019)
 - The European Commission in a [letter](#) and [public comment](#) (17 April 2019), and subsequent [clarification](#) (3 May 2019) per an ICANN Board [request](#) (26 April 2019)
 - Other stakeholders, as [reported](#) in the [public comment period](#) (23 April 2019)
- On 15 May 2019, **the ICANN Board took action** (detailed in a [scorecard](#)) on the EPDP Phase 1 Recommendations. It **adopted all recommendations but two** which it deemed not to be *"in the best interest of the ICANN Community of ICANN"*, which are expected to be further discussed as part of Phase 2 of the EPDP:
 - **Recommendation 1, Purpose 2**⁴ which it sees as needing to consider recent input from the European Commission amid concerns that as currently worded, this purpose for registration data processing may be deemed inconsistent with the GDPR;
 - **Recommendation 12 (collection and display of the Organization field)**, given concerns that deletion (as opposed to redaction) of this information may result in loss of or changes to the name of the registrant, inconsistent with the public interest.
- The ICANN Board also [responded](#) to the [GAC Kobe Communiqué](#) (14 March 2019) by acknowledging each piece of [GAC Advice](#) (which focused on ensuring appropriate continuation of work in Phase 2 of the EPDP and implementation of Phase 1 recommendations). In addition the ICANN Board also accepted one of the four [pending GAC Advice on GDPR and WHOIS](#) from the [GAC San Juan Communiqué](#) (15 March 2018)⁵
- On 20 May 2019, the [Temporary Specification on gTLD Registration Data](#) expired as expected, and was replaced by the [Interim Registration Data Policy for gTLDs](#), which requires **Contracted Parties to continue to implement measures that are consistent with**

⁴ "Contributing to the maintenance of the security, stability, and resiliency of the Domain Name System in accordance with ICANN's mission through enabling responses to lawful data disclosure requests."

⁵ San Juan Communiqué §1.a.v: a. the GAC advises the ICANN Board to instruct the ICANN Organization to: 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;

the Temporary Specification, pending the [implementation](#) of the final Registration Data Policy once implementation of the EPDP Phase 1 recommendations is complete.

- In the meantime, the contours of a future GDPR-compliant gTLD Registration Data Policy continue to be defined through interrelated work ongoing in two settings:
 - **The EPDP Team**, as part of Phase 2 of its deliberations towards the definition of a System for Standardized Access and Disclosure, made most progress by considering a [set of concrete use cases](#)⁶ which enabled the ongoing discussion of [preliminary policy recommendations](#), including [policy principles](#) and [building blocks](#).
 - **The engagement by ICANN org of the European Data Protection Authorities, in collaboration with the European Commission**, leveraging a possible model for unified access to non-public gTLD registration data (UAM) based on the [Technical Model](#) for Access to Non-Public Registration Data ([complete](#) since 2 May 2019) on the basis of which the ICANN org has been [seeking](#) to confirm it could consolidate responsibility for the processing activity of disclosure within UAM removing the legal liability from contracted parties for providing access to non-public gTLD registration data. On 25 October 2019, ICANN org's CEO [officially sought clarity from the European Data Protection Board](#) as to whether this model would comply with the GDPR, on the basis of a new paper [Exploring a Unified Access Model for gTLD Registration Data](#).
- Most recently, several significant developments should be noted:
 - A [GAC webinar on EPDP/gTLD Registration Data](#) (25 September 2019) proposed by the GAC Representatives on the EPDP Team and supported by a [Discussion Paper](#) (also attached in annex to this briefing), enabled a **GAC discussion** of:
 - The importance of a unified access to non-public gTLD registration data and the prospects for the implementation of such a model
 - Several policy issues being debated, including: accuracy of gTLD Registration Data and accreditation into a Standardized System for Access and Disclosure
 - **The GAC Small Group on GDPR/EPDP has started developing possible accreditation models for public authorities**, in connection with work conducted by the European Commission to identify all public authorities requiring access to non-public gTLD registration data. This is expected to be discussed in GAC plenary during ICANN66
 - **The EPDP Team [requested](#) (10 October 2019) that the ICANN Board clarifies its “position on the scope of operational responsibility and level of liability (related to decision-making on disclosure of non-public registration data) they are willing to accept on behalf of the ICANN organization”, considering that, currently “at a**

⁶ These use case, proposed for illustration and discussion purposes only, discussing a wide range of real world scenario, discussed: who would be legitimate requestors for non-public data, what data elements would be disclosed, what the purpose would be for requesting the data, under what legal bases both requests and disclosures of the data would be made, and what safeguards would need to be put in place regarding access and use of the data.

critical junction”, the EPDP Team requires ICANN Board input “in order to further [its] work to produce realistic, timely, implementable policy recommendations”

Focus: EPDP on gTLD Registration Data

- On 20 February 2019, the **EPDP has concluded Phase 1 of its work** by releasing its [Final Report](#) to the GNSO Council, which [adopted](#) it on 4 March 2019.
- The EPDP Phase 1 report provides 29 policy recommendations to eventually replace the terms of the [Temporary Specification on gTLD Registration Data](#), and responds to a set of [charter](#) questions, a number of which were identified as a prerequisite (“gating questions”) to the EPDP discussing a “standardized access model” in its Phase 2.
- Since 2 May 2019, the EPDP Team has entered Phase 2 of its deliberations and resumed its [weekly meetings](#), with a few changes:
 - A new Chair, Janis Karklins, current Latvian Ambassador to the UN in Geneva and former GAC Chair, [nominated](#) (see Item 4, p.3) on 18 April by the GNSO Council
 - A slight recomposed GAC’s representation in the EPDP Team:
 - 3 GAC representatives designated as “Members”:
 - Ashley Heineman (US)
 - Georgios Tsenlentis (European Commission)
 - Chris Lewis-Evans (UK)
 - 3 GAC representatives designated as “Alternates”
 - Laureen Kapin (US)
 - Rahul Gossain (India)
 - Olga Cavalli (Argentina)
- The scope of work⁷ in Phase 2 includes:
 - Priority 1 items: the development of policy recommendations for sharing non-public registration data with third parties, also known as the **System for Standardized Access/Disclosure of Non-Public Registration Data (SSAD)**, including the definition of user groups, accreditation and authentication of third parties, purposes and legal basis for disclosure of personal data to third parties, codes of conduct, and the various associated processes.
 - Priority 2: Addressing a number of **issues not fully addressed in Phase 1** including: the distinction between legal and natural persons; the feasibility of unique contacts to have a uniform anonymized email address; WHOIS data accuracy; and possible additional ICANN purpose for processing data for research needs of its CTO Office.
 - Phase 1 recommendation not adopted by the ICANN Board: considering the ICANN board’s [resolution](#) (15 May 2019), the EPDP is also expected to deliberate further, in coordination with the GNSO Council’s engagement with the ICANN Board, on

⁷ which the GAC [advised](#) should be clearly defined (14 March 2019)

Purpose 2⁸ for processing personal data in the WHOIS, and the collection and display of the Organization field.

- Originally the EPDP Team had been working towards a Phase 2 Initial Report by ICANN66 and the Final Report by ICANN67. However, due to challenges in progressing its deliberations, under the latests [planning assumptions](#) the **EPDP Team targets the delivery of an EPDP Phase 2 Initial Report towards the end of 2019 and its final policy recommendations in April 2020**, after the ICANN67 meeting. As highlighted during the recent [GAC Webinar](#) (25 September 2019) and its associated [Discussion Paper](#) (also attached in annex to this briefing): *“it should be understood that the EPDP policy recommendations are likely to consist of high level assumptions, principles and guidelines which will require substantial implementation work before any centralized or standardized system may be put in place”*.
- **Currently, EPDP deliberations focus on policy requirements** needed in various [building blocks](#) of a Standardized System for Access and Disclosure, as part of a [preliminary set of policy recommendations](#), to eventually constitute the EPDP’s Phase 2 Initial Report.
- However, The EPDP Team reports being at a critical juncture where progress is dependant on a **clear delineation of the role and responsibility of the ICANN organization in any access model** in order *“to produce realistic, timely, implementable policy recommendations”*. This is why a [letter to the ICANN Board](#) (10 October 2019) as well as a set of [questions to the ICANN Org](#) (23 October 2019) were issued very recently. In effect, depending on the degree of centralization of decision making in the model, and the scope of processing being centralized, ICANN’s responsibility in decision making could range:
 - **From limited**, as in the existing distributed model of Temporary Specification in which registries/registrars independently respond to queries on a case by case basis;
 - **To extensive**, by either endorsing the legitimacy of a request for non public data, or issuing a determination of whether or not the registrar or registry should or must disclose the non-public data to the third party requester;
 - **Including (or not) some support functions** such as approving accrediting bodies, or functioning as an accrediting body itself.
- To date, the most significant work products of the EPDP Phase 2 include:
 - A proposed set of [Working definitions](#) (30 May 2019)
 - A set of [worksheets](#) on each of the key policy areas discussed (continuously updated)
 - A set of [use cases](#) (June-August 2019) which have instrumental in identifying the building blocks of a possible standardized System for Access and Disclosure to be recommended by the EPDP

⁸ *“Contributing to the maintenance of the security, stability, and resiliency of the Domain Name System in accordance with ICANN’s mission through enabling responses to lawful data disclosure requests.”*

- A set of [preliminary policy recommendations](#) (27 August 2019), including [policy principles](#) (discussed in the GAC Webinar on 25 September 2019), and with [building blocks](#) currently being augmented and refined.

Focus: gTLD Registration Data Policy

- Following the ICANN Board [action](#) on the EPDP Phase 1 Recommendations (15 May 2019), the [Temporary Specification on gTLD Registration Data](#) expired on 20 May 2019, and is now replaced by the [Interim Registration Data Policy for gTLDs](#).
- This interim Policy requires **Contracted Parties to continue to implement measures that are consistent with the Temporary Specification**, pending the [implementation](#) of the final Registration Data Policy per EPDP Phase 1 recommendations.
- Work of ICANN org and Community representatives in the [Implementation Review Team](#) (IRT), delivered a [3-stage plan](#) for **the implementation of the final Registration Data Policy**, consistent with the principles set out in EPDP Phase 1 Recommendation 28.
- However, as [reported](#) recently to the GNSO Council (2 October 2019), **the IRT deems the deadline for implementation of 29 February 2020 to be “not feasible”**, due to the large scope of work and complexity, **and is not able to provide any timeline** at this point.
- As a consequence, the **impact of the Temporary Specification on law enforcement investigations**, as noted in section IV.2 of the [GAC Barcelona Communiqué](#) (25 October 2018), **will not be addressed in the short term**. Concerns include:
 - The current Temporary Specification has created a fragmented system for providing access consisting potentially of thousands of distinct policies depending upon the registrar involved
 - Existing requirements in the Temporary Specification governing gTLD Registration Data are failing to meet the needs of the law enforcement and cyber-security investigators (with similar concerns existing for those involved in protecting intellectual property) due to:
 - investigations being delayed or discontinued;
 - users not knowing how to request access for non-public information;
 - and many of those seeking access have been denied access.
- In its [Advice](#) in the ICANN64 [GAC Kobe Communiqué](#) (14 March 2019), the GAC stressed the need for *“swift implementation of the new Registration Directory Services policies as they are developed and agreed, including by sending distinct parts to implementation as and when they are agreed, such as the questions deferred from Phase 1”*.
- In its [response](#) (15 May 2019), the ICANN Board accepted this advice and stated it *“will do what it can, within its authority and remit, and in light of other relevant considerations”*
- In the meantime, the Implementation Review Team (IRT) continues to review and analyze the EPDP Phase 1 recommendations, as well as the related draft language proposed by the ICANN org Implementation Project Team (IPT) to eventually become contractually

enforceable ICANN [Consensus Policy](#). The IRT is expected to [meet](#) twice before and twice during ICANN66.

Focus: ICANN Org Engagement with Data Protection Authorities (DPAs)

- **Between September and November 2018, ICANN reported on its work⁹** with European DPAs seeking legal clarity on a possible unified access model, and its exploration of legal and technical avenues in order to consolidate responsibility for providing access to non-public registration data while establishing a globally scalable unified solution for access to data.
- ICANN reported considering the following avenues:
 - Setting ICANN as the gateway for vetting third party authorised requests to access non-public WHOIS data, which it would in turn request from relevant Registries and Registrars through the new Registration Data Access Protocol (RDAP),
 - Developing a WHOIS Code of Conduct with relevant bodies, in line with Art. 40 GDPR
 - Researching whether existing documentation adopted in the EU regarding the public interest role of the WHOIS meet the requirement of the GDPR for justifying related data processing.
- In relation to these efforts, ICANN had submitted for community comments two iterations of its framing documentation regarding a Unified Access Model: the [Framework Elements for a Unified Access Model](#) (18 June 2018) and subsequent [Draft Framework for a Possible Unified Access Model](#) (20 August 2018). The GAC submitted [Initial Comments](#) (16 October 2018) on the Draft Framework for a Possible Unified Access Model, shortly before the ICANN63 meeting.
- Since the ICANN63 meeting, substantial work was undertaken in the [Technical Study Group \(TSGS\) on Access to Non-Public Registration Data](#) that was [formed](#) on 14 December 2018 to explore a technical solution that would have the ICANN organization serve as the sole entity receiving authorized queries for non-public registration data.
- On 2 May 2019, the TSG [announced](#) having submitted its [Final Technical Model](#) (30 April 2019) to the ICANN CEO, and indicated it would be used in discussions with the European Commission and the European Data Protection Board. ICANN org's Strawberry Team is working with the European Commission to formulate appropriate input to the European Data Protection Authorities, so as to obtain actionable guidance from the latter with respect to whether a unified access model that consolidates disclosure-related within a centralized system is legally viable.
- On 25 October 2019, the ICANN org CEO [announced](#) that it was now [officially seeking](#) clarity from the European Data Protection Board as to whether a UAM based on the TSG Technical Model would comply with the GDPR, on the basis of a new paper [Exploring a Unified Access Model for gTLD Registration Data](#). The 21-pages paper includes a set of 5 questions on which the ICANN org is seeking clarification (see section 8 "Guidance requested" p. 19).

⁹ This was done through an [ICANN GDPR and Data Protection/Privacy Update blog](#) (24 September 2018), a [presentation](#) by ICANN's CEO during the EPDP Team Fac-to-Face meeting (25 September 2018), a [Data Protection/Privacy Update Webinar](#) (8 October 2018), a [Status Report](#) to the GAC (8 October 2018) in response to [GAC Advice](#) and a [Data protection/privacy issues: ICANN63 wrap-up and next step blog](#) (8 Nov. 2018).

Current Positions

The current positions of the GAC are listed below in reverse chronological order:

- GAC [Early Input into Phase 2 of the EPDP](#) (19 July 2019) focused on the GAC's understanding of key working definitions of the EPDP
- [GAC Marrakech Communiqué](#) (27 June 2019)
- GAC [letter](#) to the ICANN Board on EPDP Phase 1 Policy Recommendations (24 April 2019), which included the following statements:
 - The GAC has highlighted public policy concerns regarding these recommendations in the [GAC Input on the EPDP Final Report](#) (19 February 2019) and most recently in the [GAC/ALAC Statement on EPDP](#) (13 March 2019). In addition, in the [GAC Barcelona Communiqué](#) (25 October 2019), the GAC specifically took note of the fact that *“existing requirements in the Temporary Specification governing gTLD Registration Data are failing to meet the needs of the law enforcement and cyber-security investigators”*, due in particular to the *“fragmented system for providing access consisting of potentially thousands of distinct policies depending upon the registrar involved”*
 - The GAC deems the EPDP Phase 1 policy recommendations to be a sufficient basis for the ICANN Community and organization to proceed - with all due urgency - to the completion of a comprehensive WHOIS model covering the entirety of the data processing cycle, from collection to disclosure, including accreditation and authentication, which would restore consistent and timely access to non-public registration data for legitimate third party interests, in compliance with the GDPR and other data protection and privacy laws
 - The GAC commits to supporting subsequent developments with appropriate expertise towards the expeditious development and implementation of a comprehensive WHOIS regime, which balances the various legitimate public and private interests at stake, including privacy and accountability, for the foreseeable future.
- GAC [Advice](#) in the ICANN64 [GAC Kobe Communiqué](#) (14 March 2019) focused on ensuring appropriate continuation of work in Phase 2 of the EPDP and implementation of Phase 1 recommendations
- GAC [Input](#) on EPDP Final Report (20 February 2019)
- GAC [Input](#) on EPDP Initial Report (21 December 2018)
- GAC Notes on WHOIS and Data Protection Legislation (Section IV.2) and Follow up on Previous Advice (Section VI.2) in the [ICANN63 Barcelona Communiqué](#) (25 October 2018) and ICANN Board response in its [scorecard](#) (27 January 2019)
- GAC [Initial Comments](#) (16 October 2018) on the Draft Framework for a Possible Unified Access Model that was [published](#) by ICANN on 20 August 2019.
- GAC [Advice](#) in the ICANN62 [GAC Panama Communiqué](#) (28 June 2018)

- GAC [Advice](#) in the ICANN61 [GAC San Juan Communiqué](#) (15 March 2018) was the subject of an informal [consultation](#) between the GAC and the ICANN Board (8 May 2018) which led to the release of the Board's [scorecard](#) (11 May 2018). In response, the GAC [requested](#) that the Board defer taking action on advice it could have rejected (17 May 2018). The ICANN Board released its updated [scorecard](#) (30 May 2018) as part of a formal [resolution](#).
- GAC [Feedback](#) (8 March) on the Proposed Interim Model for GDPR Compliance
- GAC [Comments](#) (29 January 2018) on the proposed interim models for compliance with GDPR including:
 - Highlights of the legal analysis supporting ICANN's goal to maintain the WHOIS to the greatest extent possible
 - Concerns and disagreement with some conclusions of the legal analysis relating to hiding the Registrant email and the need for legal process to support law enforcement requests for non-public Whois data
 - A review of each of the 3 proposed models with recommendations
 - A proposed fourth compliance model calling for: a differentiated treatment of natural and legal person's data; longer data retention periods; the development of an accreditation system for all parties with a legitimate need to access non-public data, including mandatory self-certification arrangements in the interim; a strict application of the model to parties covered within the scope of the GDPR, while others would keep an open Whois
- GAC [Advice](#) in the [ICANN60 Abu Dhabi Communiqué](#) (1 November 2017) accepted per the ICANN Board's [scorecard](#) (4 February 2018) touched on 4 areas including:
 - the continued relevance of the [2007 GAC Whois Principles](#);
 - Accessibility of Whois for recognized users with legitimate purposes;
 - Lawful availability of Whois data for the needs of consumer protection and law enforcement, as well as the public;
 - Involvement of the GAC in the design and implementation of any solution and transparency of ICANN in this process.
- [GAC Principles regarding gTLD WHOIS Services](#) (28 March 2007)

Key Reference Documents

- ICANN org's CEO [correspondence](#) to the EDPB (25 October) seeking clarity as to the compliance of a UAM with the GDPR, as described in a new paper [Exploring a Unified Access Model for gTLD Registration Data](#)
- EPDP Team [Letter to the ICANN Board](#) (10 October 2019) and EPDP Team [Questions to the ICANN Org](#) (23 October 2019) regarding roles and responsibilities of ICANN Org
- [EPDP Phase 2 Draft Preliminary Policy Recommendations](#) (27 August 2019)
- [Technical Model for Access to Non-Public Registration Data](#) (30 April 2019)
- [Interim Registration Data Policy for gTLDs](#) (20 May 2019) replacing the [Temporary Specification on gTLD Registration Data](#) (17 May 2018)
- ICANN Board [Response](#) to the GAC Kobe Communiqué (15 May 2019)
- ICANN Board [Scorecard on EPDP Phase 1 Recommendations](#) (15 May 2019)
- European Commission [public comment](#) (17 April 2019), and subsequent [clarification](#) (3 May 2019) regarding EPDP Phase 1 Recommendations
- EPDP Phase 1 [Final Report](#) (20 February 2019)
- [Letter from the European Data Protection Board](#) (5 July 2018)
- [Statement of the European Data Protection Board on ICANN/WHOIS](#) (27 May 2018)
- [Letter from the Article 29 Working Party](#) (11 April 2018)
- [Letter from the Article 29 Working Party](#) to ICANN (6 December 2017)

Further Information

GAC Reference Page on WHOIS and Data Protection Legislation

<https://gac.icann.org/activity/whois-and-data-protection-legislation>

ICANN Org Reference Page on Data Protection/Privacy Issues

<https://www.icann.org/dataprotectionprivacy>

GNSO Expedited Policy Development Process on Temporary Specification for gTLD Registration Data

<https://gnso.icann.org/en/group-activities/active/gtld-registration-data-epdp>

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	WHOIS and Data Protection Policy
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 3: 25 October 2019

GAC Discussion Paper - EPDP on gTLD Registration Data

23 September 2019

Prepared by members of the GAC Small Group on EPDP/GDPR

ICANN | GAC

Governmental Advisory Committee

The purpose of this document is to help GAC Members prepare for discussion during the GAC Webinar on EPDP scheduled for Wednesday 25 September 1300-1500 UTC. Questions on this paper or any related matter for discussion during the webinar may be sent to gac-epdp@icann.org.

Discussion Paper	14
Ongoing Policy Development Process: EPDP on gTLD Registration Data	14
Policy Discussions in EPDP Phase 2: Overview	15
Policy Discussions in EPDP Phase 2: Focus on Specific Issues	16
For Further Reference	18
Appendix - Background	19
Background on WHOIS and Data Protection Law	19
Temporary Specification on gTLD Registration Data: Interim GDPR Compliance	19
Importance of a Unified Access to Non-Public gTLD Registration Data	20
Appendix - Preliminary EPDP Policy Principles	22

1. Ongoing Policy Development Process: EPDP on gTLD Registration Data

Following the adoption of the [Temporary Policy on gTLD Registration Data](#), the Expedited Policy Development Process (EPDP) was established¹⁰ to develop a replacement for the temporary Policy and define a new ICANN consensus policy framework on WHOIS. The GAC has been represented by 6 participants in this process. They currently are: Olga Cavalli (Argentina), Georgios Tsenlentis (European Commission), Rahul Gossain (India), Chris Lewis-Evans (UK), and Ashley Heineman and Lauren Kapin (US).

Between August 2018 and February 2019, in Phase 1 of its work, the EPDP developed consensus recommendations laying out the foundations of a new policy framework, including topics such as: purposes for processing Data, gTLD Registration Data elements to be collected, those to be redacted and criteria for requests and responses to requests for access to non-public gTLD Registration Data.

This first set of policy recommendations contained in the EPDP Phase 1 [Final Report](#) (20 February 2019), which the GAC deemed “*a sufficient basis [...] to proceed to the completion of a comprehensive WHOIS model*”¹¹, and which for the most part were [adopted](#) by the ICANN Board (15 May 2019)¹², are now subject to implementation discussions and have yet to take effect¹³.

In the meantime the provisions of the Temporary Specification have been incorporated into the [Interim Registration Data Policy for gTLDs](#), pending conclusion of implementation discussions and additional ICANN org work directed by the ICANN Board.

Since May 2019, as part of Phase 2 of its work, the EPDP team has focused on critical and unresolved issues, and as a matter of highest priority: the development of policy recommendations for a System for Standardized Access to Non-Public Registration Data, now referred to as a System for Standardized Access/Disclosure to account for the importance of disclosure decisions and responsibilities involved¹⁴.

There are other issues of importance which the EPDP is expected to continue addressing during Phase 2, as recognized in the Phase 1 Final Report or as requested by the ICANN Board¹⁵, including: Differentiation between registrants on geographic basis (Recommendation 16), Distinguishing publication of gTLD Registration Data for Legal vs. Natural entities (Recommendation 17) and Data Accuracy requirements.

It is expected that a Phase 2 Initial Report will be published before the end of 2019, with a view to issue final policy recommendations after ICANN67, in April 2020. This is consistent with GAC Advice in the [GAC Kobe Communiqué](#) (24 April 2019) which called for “*expeditiously concluding and implementing a carefully scoped and appropriately resourced phase 2 of the EPDP on gTLD Registration Data, within 12 months or less, and with “considerable and demonstrable” progress, if not completion by ICANN66 in Montreal*”. However, it should be understood that the

¹⁰ See the [GNSO’s EPDP Website](#) and the [EPDP Team charter](#) (19 July 2019) for further information on context, objectives and composition of the EPDP Team.

¹¹ See [GAC Response to ICANN Board regarding EPDP Phase 1 Policy Recommendations](#) (24 April 2019)

¹² See in particular the [ICANN Board’s Scorecard: EPDP Phase 1 Recommendations](#) (15 June 2019) which details the Board’s expectations from the implementation phase as well as Phase 2 of the EPDP Work regarding a number of the EPDP Phase 1 policy recommendations. It should be noted that the ICANN Board did not accept one specific recommendation (Recommendation 1 Purpose 2), consistent with input received from European Commission in [comments](#) (17 April 2019) and follow-up [letter](#) (3 May 2019).

¹³ The [Interim Registration Data Policy for gTLDs](#) which replaced the Temporary Specification on 20 May 2019 details a phased implementation with targeted effective date of the Final Policy by 29 February 2020. However, as noted by the ICANN Board upon its adoption of EPDP Phase 1 Policy Recommendation 28: “*there is a possibility that this date may not be met.*”

¹⁴ Consistent with Recommendation #3 of the EPDP Phase 1 [Final Report](#)

¹⁵ See the [ICANN Board’s Scorecard: EPDP Phase 1 Recommendations](#) (15 June 2019)

EPDP policy recommendations are likely to consist of high level assumptions, principles and guidelines which will require substantial implementation work before any centralized or standardized system may be put in place. This implementation process, itself, may generate discussions and debates about particular approaches to access and disclosure.

Consequently, it is likely that a model for Unified Access to Non-Public gTLD Registration Data may not become a reality before a substantial timeframe of implementation, that is developing and rolling out new systems, negotiating contracts between ICANN and contracted parties, ICANN and technical suppliers, etc.

2. Policy Discussions in EPDP Phase 2: Overview

In the second phase of its work, the EPDP set out to address policy questions related to three main areas in relation to a System for Standardized Access/Disclosure:

- Purposes for accessing data: legitimate purposes, legal bases, scope of data elements to be disclosed, etc.
- Credentialing into such a system: how would legitimate user groups be accredited and authenticated
- Terms of access to and use of registration data, including appropriate accountability mechanisms.

After attempts at tackling these interdependent topics from various perspectives, the EPDP made most progress by considering a [set of concrete use cases](#) discussing for each real world scenario: who would be legitimate requestors for non-public data, what data elements would be disclosed, what the purpose would be for requesting the data, under what legal bases both requests and disclosures of the data would be made, and what safeguards would need to be put in place regarding both access and use of the data. It is also important to note that these use cases were for illustrative / discussion purposes and were not intended to be operational documents to be used for any other purpose.

The discussion of these use cases enabled the EPDP Support team to derive preliminary policy recommendations¹⁶ which are now being debated and further developed in the weekly EPDP Team meetings. This section provides an overview of the policy principles envisioned in these preliminary recommendations.

In the context of these policy discussions, it is important to understand the impact of overarching principles of data protection law on a potential System for Standardize Access/Disclosure, and in particular the roles and responsibilities of parties in disclosing personal data, as well as the necessity to implement safeguards in association with disclosures of personal data. These two topics are discussed further below.

Roles and Responsibilities in disclosing non-public data

The EPDP has spent a great deal of time around policy issues surrounding roles and responsibilities associated with access/disclosure of redacted WHOIS information and the corollary legal liability risks. Under GDPR, roles and responsibilities associated with every step of data processing must be identified.

At a high level, for illustrative purposes, for any access and disclosure model there will be the responsibility to collect, transfer, and disclose domain name registration data. With each of these responsibilities comes legal liability risk. ICANN's contracted parties are very concerned about shouldering all the risk (the fines that can be levied if a company is found to be in noncompliance with GDPR).

¹⁶ See the [Preliminary Recommendations Draft For Discussion](#) and associated [Diagram](#) (27 August 2019) shared in advance of the recent [Face-to-Face meeting of the EPDP](#) (9-11 September 2019)

Therefore, the EPDP has and continues to work to find ways to limit these risks. ICANN, similarly, is working in parallel with the EPDP to identify questions for posing to European Data Protection Authorities in an effort to get assurances or guidance on what is legally possible in terms of spreading out liability so that contracted parties don't find themselves overly burdened and/or otherwise discouraged from participating in an access/disclosure model.

Registrant safeguards in association with disclosure of personal data

From a public policy perspective, in addition to ensuring legitimate access to non-public gTLD Registration data, the GAC has recognized the importance of appropriate personal data protection. For instance, per Data Protection Law principles, domain name registrants should have the right:

- to obtain, upon request, confirmation of the processing of personal data relating to them and the communication in an intelligible form of the data processed
- to obtain, upon request, rectification or erasure, as the case may be, of inaccurate data or data that is being, or has been, processed contrary to the provisions of the agreed policy governing the WHOIS protocol
- not to be subject to a decision significantly affecting them based solely on an automated processing of data unless this is authorised by law providing appropriate safeguards, including at least the right to obtain human intervention
- to lodge a complaint with the supervisory authority, when they consider that their data protection rights have been violated
- to an effective remedy before an independent and impartial tribunal when they consider that their data protection rights have been violated

The discussion of such safeguards in the EPDP have manifested in particular in the attention given to who and under what circumstances should non-public registration data be disclosed. A considerable amount of time was spent discussing the allowable bases for requesting and disclosing personal data under the GDPR, per Article 6(1) on Lawfulness of Processing.

Further, given the likely need for a System for Standardized Access/Disclosure to rely on the legal basis provided by GDPR Art. 6(1)(f) to justify disclosures of non-public registration data by the data controller to a majority of third party requests, the EPDP is debating responsibility, standardization and automation of the necessary balancing of interests of the controller(s), requestor(s) and data subject(s), considering that there is no exhaustive list of what should be taken into account when conducting such a balancing test. At a minimum such tests should consider:

- the nature of the personal data being processed;
- the reasonable expectations of the data subject; and
- the likely impact of the processing on the data subject and whether any safeguards can be put in place to mitigate negative impacts.

3. Policy Discussions in EPDP Phase 2: Focus on Specific Issues

In this section of the Discussion Paper, the GAC Small Group on EPDP/GDPR would like to bring to GAC Members' attention two policy issues of particular importance to governments and public policy: accreditation into a system for requests and disclosure of non-public gTLD Registration data, and accuracy of gTLD Registration Data.

Accreditation into a Standardized System for Access/Disclosure of non-public gTLD Registration data

As anticipated in the [GAC Early Input into EPDP Phase 2](#) (19 July 2019), deliberation on the topic of 'accreditation' requires clarity on definition of terms as well as a clear distribution of functions and roles among parties and

components involved in such a system. To date, the lack of clarity on these matters may have prevented substantial progress in related EPDP deliberations.

In the GAC Early Input, accreditation is addressed as follows:

“the GAC views this as a critical component to an access/disclosure model whereby parties linked by common cause can be “accredited” by a known and eligible/recognized third party. The accreditation provider would be responsible for managing and policing the groups of entities/individuals it accredits for purposes of providing rigor and accountability on the requestor side of the house. By no means does the GAC equate accreditation with automatic or assumed access to disclosed information”

More recently, the GAC Small Group has identified 3 key functions to be achieved in an accreditation model:

- Identification: determining which legitimate entities should be given credentials
- Credentialing: supplying credentials to the identified entities
- Authentication: verifying credentials to ensure entities are who they purport to be

These conceptual distinctions should ultimately help the EPDP Team determine which are in scope of policy recommendations and which are to be left for third parties interested in accessing non-public data to determine. In fact, the EPDP preliminary recommendations already recognize that *“user groups interested in accreditation should self-organize and develop a proposed accreditation mechanism that is shared with the European Data Protection Board for review”*.

In this context, the GAC and its Members, as representatives of public authorities requiring access to non-public gTLD Registration Data for legitimate purposes, and concerned with the ability of cybersecurity and Intellectual Property actors to continue fulfilling their public interest objectives, may need to discuss appropriate roles for national authorities, potential relevant international bodies and their interactions with a Standardized System for Access and Disclosure.

Accuracy of gTLD Registration Data

Discussions in the EPDP have highlighted the desire of stakeholders to circumscribe the issue of ‘Data Accuracy’ as a right of data subjects in Data Protection Law, therefore limiting the corresponding obligations of parties responsible for processing gTLD registration data to enabling registrants to exercise their associated rights. This is illustrated by recommendation #4 of the EPDP Phase 1 Final Report in which *“The EPDP Team recommends that requirements related to the accuracy of registration data under the current ICANN contracts and consensus policies shall not be affected by this policy”*.

However, considering the importance of the accuracy of registration data for the legitimate purposes which the WHOIS has traditionally served (per the [GAC Whois Principles Regarding gTLD WHOIS Services](#), 28 March 2007), GAC representatives on the EPDP have consistently argued that ‘Data Accuracy’ in the context of EPDP policy discussions must be understood more broadly, including as an obligation on relevant data controllers by virtue of the legitimate purposes for which gTLD Registration Data is processed.

This is why a caveat was associated with the EPDP Phase 1 recommendation that *“The topic of accuracy as related to GDPR compliance is expected to be considered further as well as the WHOIS Accuracy Reporting System”*, including in consideration of specific legal analysis¹⁷ that was provided to the EPDP on this topic.

¹⁷ See Bird & Bird memorandum [Advice on the meaning of the accuracy principle pursuant to the General Data Protection Regulation](#) (9 February 2018)

Indeed, the GDPR recognizes accuracy of personal data as one of the general principles of the protection of personal data. Article 5 GDPR provides that personal data shall be “*accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay*”. Therefore, for WHOIS personal data, the importance of the data’s accuracy should be determined in relation to the purpose for which it is being processed: reasonable steps should be taken to ensure data accuracy so that the purpose can be still served. Primarily this includes the purpose for which the WHOIS data is collected, but could possibly also encompass any further legitimate purposes for which the data may subsequently be processed.

Regarding the interdependency between EPDP policy discussion and ICANN’s [WHOIS Accuracy Reporting System](#), it should be noted that the ICANN Org reported in a [letter](#) to the GNSO Council (21 June 2019) that “*The last report was issued in June 2018 using data collected in January 2018, prior to adoption of the Temporary Specification; however, since the adoption of the Temporary Specification in May 2018, ICANN org has not published further ARS reports*” and that it is seeking “*the GNSO Council’s clarification on whether the Phase 2 EPDP Team will be considering the subject of data accuracy, including projects that utilize gTLD registration data, such as WHOIS ARS.*” This has not been clarified yet.

4. For Further Reference

Most Recent Documentation

- [Temporary Policy on gTLD Registration Data](#) (17 May 2018)
- [ICANN Board Resolution](#) on EPDP Phase 1 Policy Recommendations (15 May 2019)
- [ICANN Board Scorecard on EPDP Phase 1 Recommendations](#) (15 May 2019)
- [Interim Registration Data Policy for gTLDs](#) (20 May 2019)
- [GAC Early Input into Phase 2 of the EPDP](#) (19 July 2019)
- [EPDP Phase 2 Draft Preliminary Policy Recommendations](#) (27 August 2019)

General Resources

- GNSO EPDP webpage: <https://gns0.icann.org/en/group-activities/active/gtld-registration-data-epdp>
- EPDP Team wiki: <https://community.icann.org/display/EOTSFGRD>
- ICANN Data Protection and Privacy Issues webpage: <https://www.icann.org/dataprotectionprivacy>

Appendix - Background

1. Background on WHOIS and Data Protection Law

Over the past decades, information pertaining to the individuals or entities holding a domain name (domain registration data) made available publicly through the WHOIS protocol and related WHOIS services¹⁸, has grown to become an indispensable tool for attributing content, services and crime on the Internet. Consequently, WHOIS has been the subject of long-standing attention for the ICANN Community, including the GAC, particularly in relation to challenging issues such as concerns about the lack of protection of personal data, and the inaccuracy of registration data.

Defining the right approach to WHOIS - now known as Registration Data Services (RDS) - requires taking into account the important issues of data protection and the legitimate and lawful practices associated with protecting the public, including to combat illegal conduct such as cybercrimes, fraud and infringement of intellectual property, to ensure cyber-security, promoting user confidence and consumer trust in the Internet, and protecting consumers and businesses. Prior GAC Advice¹⁹ and the ICANN Bylaws recognize these vital interests.

While various new data protection legal frameworks have emerged or will emerge across the world, the entry into force of the EU General Data Protection Regulation (GDPR) on 25 May 2018 spurred the ICANN Organization, Contracted Parties and the ICANN Community to bring WHOIS into compliance with applicable law.

2. Temporary Specification on gTLD Registration Data: Interim GDPR Compliance

Since ICANN58 in March 2017, the ICANN Community has debated the ways in which WHOIS needed to be brought into compliance with GDPR.

In this process, the GAC set forth public policy concerns in its Advice to the ICANN Board²⁰, as well as in various contributions from the GAC²¹ and some of its members²². Data Protection Authorities have also provided guidance to ICANN²³, which has sought and published legal advice it received from an external law firm²⁴.

On 17 May 2018, in preparation for the entry into force of the GDPR, the ICANN Board adopted an emergency²⁵ [Temporary Policy on gTLD Registration Data](#) which aimed to allow ICANN and gTLD registry operators and registrars

¹⁸ See ICANN's [WHOIS High-Level Technical Brief](#) (20 April 2018)

¹⁹ See in particular the [GAC Whois Principles Regarding gTLD WHOIS Services](#) (28 March 2007)

²⁰ See [GAC Abu Dhabi Communiqué](#) (1 November 2017), [GAC San Juan Communiqué](#) (15 March 2018), [GAC Panama Communiqué](#) (28 June 2018) and [GAC Kobe Communiqué](#) (14 March 2019)

²¹ See GAC contributions to community discussions outside of policy development processes, in the form of [Clarifying Questions](#) to ICANN following GDPR Announcements (17 December 2017), [Comments](#) on the proposed interim models for compliance with GDPR (29 January 2018), [Feedback](#) on the Proposed Interim Model for GDPR Compliance (8 March 2018) and [Initial Comments](#) on the Draft Framework for a Possible Unified Access Model (16 October 2018)

²² See contributions from the Council of Europe's [Bureau of the Convention 108](#) (23 January 2018) and [Secretariat of the Cybercrime Convention Committee](#) (25 January 2018), [Europol EC3 Advisory Group on Internet Security](#) (26 January 2018), [European Commission](#) (29 January 2018), the [UK National Crime Agency](#) (29 January 2018), [United States Government](#) (28 January 2018), [WIPO Arbitration and Mediation Center](#) (29 January 2018), [European Commission](#) (7 February 2018), [Europol EC3 Advisory Group on Internet Security](#) (10 April 2018) and [United States Government](#) (20 April 2018)

²³ See [statement from the Dutch DPA](#) (26 October 2017), [Letter from the Article 29 Working Party](#) (6 December 2017), [Working Paper adopted by the Berlin Group](#) (28 November 2017), [Letter from the Article 29 Working Party](#) (11 April 2018), [Statement of the European Data Protection Board on ICANN/WHOIS](#) (27 May 2018), [Letter from the European Data Protection Board](#) (5 July 2018), Letters from the Belgian DPA on [16 July 2018](#), [26 September 2018](#) and [15 January 2019](#).

²⁴ See GDPR Legal Analysis Memoranda by the European law firm Hamilton Advokatbyrå: [Part 1](#) (16 October 2017), [Part 2](#) (15 December 2017) and [Part 3](#) (21 December 2017).

²⁵ See the ICANN Board's [Advisory Statement](#) (17 May 2018) providing a detailed rationale for use of an extraordinary provision in Registry and Registrar Agreements.

to comply with GDPR while continuing to adhere to existing ICANN contractual requirements and community-developed policies, and maintaining the existing WHOIS system to the greatest extent possible.

This policy specified a redaction of most gTLD domain name registrants' personal data collected by Registries and Registrars in the output of their WHOIS services, virtually on a global basis and without requiring that a differentiation be made between registrations of legal and natural persons. Access to non-public data by legitimate parties was addressed in the Temporary Policy as a requirement for Registries and Registrars to provide "*reasonable access [...] except where such interests are overridden by the interests or fundamental rights and freedoms of the Registered Name Holder or data subject pursuant to Article 6(1)(f) GDPR*"²⁶. The Temporary Specification did not provide guidance on what constitutes "reasonable access" and hence created a situation where each contracted party could determine for itself what was permissible hence creating a risk of many distinct and possibly conflicting standards.

3. Importance of a Unified Access to Non-Public gTLD Registration Data

As a consequence of the ICANN Board's emergency decision, and as highlighted in the [GAC Barcelona Communiqué](#) (25 October 2018), the "*Temporary Specification has created a fragmented system for providing access consisting of potentially thousands of distinct policies depending upon the registrar involved. This lack of consistent policies to access non-public information causes delays. If investigations are delayed or stopped, the potentially injurious conduct continues to harm the public with negative results that include physical and financial harm. Hence, time is of the essence for implementation of a final specification governing gTLD directory services and developing a unified access model for third-party access to non-public WHOIS data. Existing requirements in the Temporary Specification governing gTLD Registration Data are failing to meet the needs of the law enforcement and cyber-security investigators.[...] Similar concerns exist for those involved in protecting intellectual property.*"

In practice, until the Temporary Specification was adopted on 17 May 2018, various civil and criminal law enforcement agencies, government entities, cybersecurity researchers and intellectual property interests worldwide have relied on the real time public WHOIS databases, on a daily basis, as a key investigative tool. To illustrate the importance of this tool to their work, in many instances, Law Enforcement Agencies (LEA) reported WHOIS lookup rates above 10,000 per month in a survey conducted by the RDS/WHOIS2 Review Team²⁷.

Before May 2018, 98% of surveyed LEAs indicated that WHOIS met their investigative needs, either partially or fully. In June 2018, after adoption of the Temporary Specification, this rate dropped to 33%.

A survey of cybersecurity researchers²⁸ indicated that since the adoption of the Temporary Specification, investigations have been affected for 90% of them. Close to 50% of cybersecurity researchers declared not knowing how to request non-public WHOIS data; more than 75% percent reported being denied such access upon request; and when granted access, those parties reported this took more than 24 hours in 92% of cases, and more than 7 days in more than 25% of cases.

This is why, in anticipation of such impacts, the GAC has consistently sought since March 2017, in its contributions to ICANN Community debates and in relevant GAC Advice the ICANN Board:

- a system be created "*that continues to facilitate the legitimate activities recognized in the [2007 GAC Principles on WHOIS], including by: Keeping WHOIS quickly accessible for security and stability purposes, for consumer protection and law enforcement investigations, and for crime prevention efforts, through*

²⁶ See Section 4. Access to Non-Public Registration Data in [Appendix A](#) of the [Temporary Specification for gTLD Registration Data](#)

²⁷ See Section 5.3.1 in the [Draft Report](#) of the Registration Directory Services 2 Review Team (31 August 2018)

²⁸ See [Joint Survey](#) from the Anti-Phishing and Messaging Malware and Mobile Anti-Abuse Working Groups (18 October 2018)

user-friendly and easy access to comprehensive information to facilitate timely action; and Keeping WHOIS quickly accessible to the public (including businesses and other organizations) for legitimate purposes, including to combat fraud and deceptive conduct, to combat infringement and misuse of intellectual property, and to engage in due diligence for online transactions and communications” ([GAC Abu Dhabi Communiqué](#), 1 November 2017)

- *“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”* ([GAC San Juan Communiqué](#), 15 March 2018)
- *“a Unified Access Model would be developed to meet the needs of all legitimate third parties, while ensuring compliance with relevant data protection law”* ([GAC Panama Communiqué](#), 28 June 2018)

Additionally, in their letters to the ICANN Organization, the Article 29 Data Protection Working Party and the European Data Protection Board have recognized that *“enforcement authorities entitled by law should have access to personal data in the Whois directories”* and stated their expectation that ICANN should *“develop a WHOIS model that will enable legitimate uses by relevant stakeholders, such as law enforcement.”*²⁹

In the context of ICANN’s multi-stakeholder model, the above GAC public policy advice, Data Protection Authorities guidance and various expert legal advice³⁰, have been met with conflicting private interests, including those of contracted parties, concerned with liability risks in collecting and disclosing personal data, and those of civil society stakeholders, concerned with misuse of personal data disclosures. .

With intention to facilitate further discussion with the ICANN Community and Data Protection Authorities, In this context, and in complement to the bottom-up policy development process in the EPDP initiated as a consequence of the emergency measures decided by the ICANN Board, the ICANN org has explored parameters of a possible unified access model³¹ to possibly reduce or shift liability risks for contracted parties through the centralization of certain data processing required to enable third party access to non public data (including accreditation, authentication and disclosure of registration data). In support of this objective, a [technical model](#) (30 April 2019) was designed by a [Technical Study Group](#), showing the viability of such an approach, which the ICANN org is seeking to confirm with Data Protection Authorities. It is expected that the outcome of this ongoing engagement with European authorities would inform the outcome of the policy development associated with an access and disclosure model being conducted in the meantime.

²⁹ See [Letter from the Article 29 Working Party](#) (6 December 2017) and [Letter from the European Data Protection Board](#) (5 July 2018)

³⁰ See footnote 7 for legal advice by the Hamilton Advokatbyrå law firm between October and December 2017, and see new legal advice by the Bird & Bird law firm in support of the work of the EPDP during its [Phase 1](#) (August 2018 - February 2019) and [Phase 2](#) (since May 2019):

³¹ See [Draft Framework for a Possible Unified Access Model for Continued Access to Full WHOIS Data](#) (20 August 2018)

Appendix - Preliminary EPDP Policy Principles

The principles listed below are extracted from the Preliminary EPDP Policy Recommendations regarding a System for Standardized Access/Disclosure of gTLD Registration Data (SSAD), as of 18 September 2019. Emphasis added by the GAC Small Group below is meant to highlight the most substantive and impactful principles.

- Policy Principle #1.** **The objective of the SSAD is to provide a predictable, transparent and accountable mechanism for access/disclosure of non-public registration data to third parties with a legitimate interest and a legal basis.**
- Policy Principle #2. Compliance with GDPR and other applicable data protection legislations underpins the SSAD.
- Policy Principle #3. The mechanism chosen to ultimately implement the SSAD must have the ability to adhere to these policy principles and recommendations.
- Policy Principle #4. Requestors must comply with the requirements outlined in the policy recommendations when submitting disclosure / access requests.
- Policy Principle #5. Requests must be justifiably necessary and proportionate to the legitimate interest identified in the request for disclosure. In addition, the non-public data elements requested should not be readily available through other means.
- Policy Principle #6. Contracted parties must comply with the requirements outlined in the policy recommendations when receiving disclosure / access requests.
- Policy Principle #7.** **Automated processing of SSAD requests is desirable, but only where it has been established that doing so does not negatively affect the rights of the data subject. Automation does not imply automatic disclosure / access.**
- Policy Principle #8. If user groups are created, being identified as part of a particular user group does not create an automatic right of disclosure or access to certain data elements (see also policy principle #6).
- Policy Principle #9.** **Each processing activity in the context of access/disclosure requires its own lawful basis, as outlined in the GDPR. Specifically, a requestor of registration data must have a lawful basis for both its receipt and any subsequent processing of the data. Separately, the controller must have a lawful basis for disclosing registration data to the requestor. The EPDP Team's work will focus on the lawful basis of the entity disclosing the data's disclosure, although it is not within the EPDP Team's remit nor expertise to conclusively determine which lawful basis may apply – this will remain the responsibility of the entity disclosing the data. The requestor will be responsible for identifying its lawful bases; those determinations are not within the remit of the EPDP Team.**
- Policy Principle #10.** **The entity disclosing the data will remain ultimately responsible for assessing whether any disclosure or non-disclosure is in violation of any applicable laws.**
- Policy Principle #11. Contracted parties are only responsible for disclosing non-public registration data for the domain names under their management.
- Policy Principle #12.** **In order to facilitate implementation of the policy recommendations, requestors may be categorized, and these categories may be used to organize certain processes as described in the policy recommendations (e.g. accreditation, authentication)**

GAC Meeting with the ICANN Board - Preparation and Meeting

Session 11 - Preparation for GAC Meeting with the ICANN Board

Session 25 - GAC Meeting with the ICANN Board

Contents:

Purpose and Background	1
Relevant Developments and Previous Meetings	1
Agenda	2
Further Information	3
Document Administration	3

Purpose and Background

One of the key operational features of an ICANN Public Meeting is that it creates the opportunity for the GAC to meet and interact with other ICANN groups, organizations and structures - to coordinate and resolve specific policy work and operational matters and to build channels of communication to facilitate future exchanges.

Within the ICANN multistakeholder community, the GAC has a fundamental relationship with the ICANN Board of Directors that is detailed in the ICANN Bylaws (see ICANN Bylaws Section 12.2(a)) and the Board-GAC meeting is a regular feature of every ICANN Public Meeting.

In addition to its separate relationship with certain Board members through the Board-GAC interaction Group (see briefing document for ICANN64 Session 9.2), the GAC sets aside two plenary sessions at every ICANN meeting that are devoted to both preparing for and then conducting the meeting with the full ICANN Board. The GAC also hosts a meeting of the Board GAC Interaction Group (BGIG) which is covered by a separate briefing document.

Relevant Developments and Previous Meetings

Recent GAC-Board Meetings have covered a range of subjects and topics and mostly center on the meeting agendas generally center around formal questions the GAC submits to the Board about three weeks before the start of the ICANN Public Meeting.

At ICANN66, in addition to the GAC questions, the ICANN Board Chair has indicated his interest in having a discussion with the GAC about the strategic direction of the organization. In preparation for the meeting, the Board Chair has asked the GAC to share suggestions regarding the following three initiatives:

- The draft Strategic Plan 2021-2025;
- The first consultation paper on a 2-Year budgeting process; and
- The draft FY21-25 Operating Plan & Financial Projections that are expected to be published later this year.

Agenda

Session 11 - GAC Preparation for Meeting with the ICANN Board

During this session the GAC typically reviews the proposed questions that have previously been shared with the ICANN Board (usually about three weeks in advance of the ICANN Public Meeting) and identifies any new issues that may have risen shortly before or during the public meeting that merit identification to or discussion with the Board.

Session 25 - GAC Meeting with the ICANN Board

As noted above, this session agenda will likely center around two major subject areas:

- (1) *GAC feedback and suggestions to the Board about the strategic direction of the ICANN organization, and*
- (2) *Specific questions that the GAC has identified for the Board (the GAC questions are expected to be formally shared with the Board before the meeting).*

- Opening Remarks
- Follow-up on GAC Advice from the Marrakech Communiqué
- GAC Feedback to Board on Strategic Matters
- Dialogue on GAC topics/questions posed to Board
- AOB

The specific topics/questions the GAC has proposed to the Board are:

1. GDPR/WHOIS Matters -

Regarding this important community topic, GAC members will share with the Board:

- *GAC expectations for concluding the EPDP Phase 2 effort in a timely manner;*
- *GAC support for ICANN seeking greater clarity and guidance from European Data Protection Authorities; and*
- *GAC support for ICANN to express the expectation that a process for developing and implementing an access/disclosure model be articulated and agreed including an anticipated deadline for completing.*

2. DNS Abuse Mitigation -

As it sets out to implement new strategic objectives relating to DNS Abuse, can the Board elaborate on the operational steps it intends to take to:

- 1. promote “a coordinated approach to effectively identify and mitigate DNS security threats and combat DNS abuse”? and*
- 2. maintain itself as a “source of unbiased, reliable, and factual information on DNS health? In particularly does ICANN intend to take steps to:*

- a. increase transparency about actors responsible for systemic abuse (especially in connection with DAAR and ICANN Compliance complaints and dispositions)?; and*
- b. convene relevant stakeholders for discussions on new contractual provisions in ICANN's contracts, consistent with the relevant CCT Review Recommendations?*

3. Policy Implementation and Operational Readiness for a Subsequent Round of new gTLDs - GAC Views of ICANN org Current "Working Assumptions" –

Can the ICANN Board report on the Community's reception of ICANN org's assumption and how it intends to keep ICANN org's preparation work aligned with ongoing policy development and implementation of reviews recommendation, in light of applicable GAC Advice?

GAC members will have an opportunity to review and potentially fine-tune these questions during the Session 11 preparation time.

Further Information

Article 12 of the ICANN Bylaws -

<https://www.icann.org/resources/pages/governance/bylaws-en/#article12>

ICANN Strategic Plan for Fiscal Years 2021-2025 -

<https://www.icann.org/public-comments/strategic-plan-2018-12-20-en>;

ICANN First Consultation on a 2-Year Planning Process -

<https://www.icann.org/public-comments/two-year-planning-2018-12-21-en>

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	Meeting with the ICANN Board - Preparations and Meeting - Briefing
Author	Robert Hoggarth
Distribution	GAC Members Public
Distribution Date	Version 2 : 21 October 2019

CCWG New gTLDs Auction Proceeds Discussion

Session 12 - Auction Proceeds

Contents

Session Objectives	1
Background	1
Additional Relevant ICANN Board Action	4
Issues	4
Leadership Proposal for GAC Action	4
Relevant Developments	4
Current Positions	5
Key Reference Documents	5
Further Information	5

Session Objectives

- Update from CCWG New gTLDs Auction Proceeds Co-Chairs on recent developments to GAC Membership
- GAC membership discussion of GAC input on the CCWG Auction Proceeds Final Report.

Background

Significant funds have accrued as a result of several last-resort auctions conducted to resolve new gTLD contention sets between identical or similar terms for new gTLDs. The proceeds derived from these auctions have been reserved and earmarked until the ICANN Board authorizes a plan or mechanism for allocating them. The CCWG was formed for the purpose of proposing a mechanism for the Board's consideration. The GAC is one of the chartering organizations of the CCWG.

The CCWG commenced its deliberations at the end of January 2017 with 26 members appointed by Chartering Organizations, 49 participants and 28 observers. The CCWG is tasked with developing a proposal(s) for consideration by the Chartering Organizations on the mechanism that should be developed in order to allocate the new gTLD Auction Proceeds. To facilitate its deliberations, the CCWG agreed to divide its work in phases (see details below).

As part of its recommendations, the CCWG also expected to consider the scope of fund allocations, due diligence requirements that preserve ICANN's tax status, as well as how to deal with directly related matters such as potential or actual conflicts of interest. The CCWG will not make any recommendations or determinations with regards to specific funding decisions. This means that the CCWG will not decide, nor provide recommendations on which specific organizations or projects are to be funded or not.

The CCWG's [Initial Report was published for public comment and the public comment report was posted](#) shortly before the ICANN63 meeting in Barcelona. The GAC did not submit a comment during the public comment process, and the GAC last held a discussion on the work of the CCWG at ICANN64 in Kobe.

In the [Initial Report](#), the CCWG identified four possible mechanisms for further consideration that could serve as a possible organizational structure for fund allocation, namely:

- **Mechanism A:** A new ICANN Proceeds Allocation Department is created as part of ICANN Org;
- **Mechanism B:** A new ICANN Proceeds Allocation Department is created as part of ICANN Org which would work in collaboration with an existing charitable organization(s);
- **Mechanism C:** A new structure would be created e.g. ICANN foundation;
- **Mechanism D:** An established entity/entities (e.g. foundation or fund) are used (ICANN would organize the oversight of processes to ensure mission and fiduciary duties are met)

After analyzing these potential frameworks, and in light of legal and fiduciary constraints and other criteria identified by the CCWG and outlined in the report, the CCWG agreed to focus its responses to the charter questions primarily on [mechanisms A and B](#), which it considered - at the time - most promising to meet the constraints as well as criteria identified. Mechanism C was also addressed. Mechanism D was kept as a viable option but was less favored by CCWG members/participants. The CCWG held a session at ICANN63 and ICANN65 to provide the community with an update of the CCWG's progress and an overview of the Initial Report. The public comment period closed on 11 December 2018, after which a [Report of Public Comments](#) was published.

Beginning in January 2019, the CCWG met regularly to review and analyze the public comments received and determine what changes, if any, should be made to the recommendations and responses to the charter questions in the report. This included a working session at ICANN64 in Kobe to make progress on the review of public comments and receive input through participation from the broader community. Materials related to CCWG's consideration of public comments are

available on the CCWG wiki. The CCWG recently completed the review of public comments and identified a few major issues that are still under consideration for further review.

ICANN Board Input

In late 2018, the ICANN Board provided [input](#) to the CCWG stating that:

- 1) ICANN Org does not anticipate applying for funds itself.
- 2) *“SO/AC structures that are not legal entities in their own right, independent of the multistakeholder ICANN structure, would be unable to apply for proceeds as they likely do not meet due diligence requirements...”*
- 3) *“This would not preclude consideration of applications from participants in an SO/AC structure that are also established legal entities outside the multistakeholder model provided:*
 - a) *The request does not include an activity or project that is or should be covered by ICANN’s operational budget.*
 - b) *Conflict of interest considerations are met, including but not limited to ensuring that those applying are not part of the evaluation process.*
 - c) *All other application criteria are met.”*

The CCWG Auction Proceeds sought Board input on multiple questions on [29 July 2019](#) and [5 August 2019](#), to which the ICANN Board responded on [29 September 2019 via a written response](#), reiterating principles it provided to the CCWG Auction Proceeds in [May 30 2019](#).

The CCWG requested the Board’s input on *“whether it would be beneficial to recommend that auction proceeds are divided into segments and distributed to grant recipients in a series of “baskets,” each “with a different programmatic focus” and if the Board sees any risks or has suggestions related to this approach.”* The Board believes that the concept of “basketing” should be deferred.

The CCWG noted changes to Annex C (Guidance for Proposal Review and Selection) and Annex D (Examples of Projects) that have been made with input from ICANN Org in response to the Board’s concerns outlined in its submission to the Draft Report Public Comment Period in October 2018 and asked if the Board is supportive of these specific changes and for any additional concerns. The Board is supportive of the specific changes to Annex C and Annex D that were made in collaboration with ICANN org; however, as the CCWG is still in the process of updating its final report and this is an evolving process, the Board will rereview the full updated text of Annex C and Annex D once finalized.

In terms of the role of the community, the ICANN Board stressed its view of the importance of the community since it has an important role to play within this program, but noted that the focus should not necessarily be on the community’s role in program review, as is the case in the current version of the draft Final Report. The Board noted that they “encourage the CCWG to begin by identifying areas where it sees a role for the community other than in reviews. For example, [the Board] believe[s] that the community could contribute to the development of application materials and training materials for the independent panel that will review and act on specific applications.

Additionally, the Board emphasized the importance of ensuring that the Evaluation Panel tasked with the review of applications must be completely independent. The Board has stressed since the outset of this work that the eventual mechanism must be free from not only actual conflicts of interest but also potential or even perceived conflicts of interests.

In addition to the above requested feedback, the Board reiterates previous feedback on a second Public Comment Period, noting that *“given the changes under consideration by the group, particularly on the community involvement component and given the amount of proceeds at issue, it is important to take the additional time for further Public Comment.”*

¹

Additional Relevant ICANN Board Action

At the ICANN63 meeting in Barcelona, the ICANN Board directed the President and CEO, or his designee(s), to *“take all actions necessary to allocate US\$36 million of auction proceeds to the Reserve Fund, as soon as technically feasible”* (see, Resolution 2018.10.25.23). In its rationale for the resolution, the Board stated, *“The remaining auction proceeds continue to be segregated and are not intended to be used for day-to-day operations. The Board will review the CCWG recommendations for a disbursement mechanism, as approved by the chartering organizations, and will then make a decision on the mechanism by which available proceeds should be disbursed, for implementation by ICANN org.”* (see

<https://www.icann.org/resources/board-material/resolutions-2018-10-25-en#2.f>)

Issues

1. Update from CCWG new gTLD Auction Proceeds Co-Chair on recent developments;
2. Discussion of a way forward to develop a GAC position on the matter;
3. Identify channels to provide GAC input (GAC participation via GAC representatives within the CCWG, public comment; input as Chartering Organization).

Leadership Proposal for GAC Action

1. Consideration of possible further engagement within the CCWG for the GAC to consider best mechanism/opportunities for input on the final recommendations.
2. Identify GAC position(s) to provide GAC Input within the CCWG Auction Proceeds prior to the Final Report being published via GAC members on the CCWG; and
3. As a Chartering Organization of the CCWG, the GAC may wish to consider the Final Report once it is published and provide GAC Input.

Relevant Developments

At the time of this briefing, the CCWG Auction Proceeds is working on revising the draft final report and considering final outstanding issues that need to be resolved before the publishing of the final report. The CCWG plans to finalize the proposed Final Report and further discussions will be held at ICANN66. The possible upcoming public comment will be an additional opportunity for the GAC to

¹ [ICANN Board Liaison Reply to CCWP-AO Request for Input \(July-Aug 2019\) - 29 September 2019](#)

weigh in. Any public comment period will likely to be narrow in scope and focused on specific questions for input.

Additionally, regardless of whether a new public comment proceeding is opened, once the Final Report is complete, it will be sent to all of the chartering organizations, including the GAC, for their consideration.

Current Positions

The GAC is a Chartering Organization of this CCWG. Nominated members of the GAC participating in the effort include Argentina, India and Iran. Participants include Cook Islands. Observers include Egypt, CTU and the United States.

No substantial discussions have been held at the time of this briefing on this topic by the GAC and no official GAC member input was submitted in the last public comment forum.

Key Reference Documents

- [CCWG new gTLD Auction Proceeds Draft Final Report](#) (as of 29 July 2019)
- [CCWG new gTLD Auction Proceeds Initial Report](#)

Further Information

- [CCWG Wiki Space](#)
- [CCWG Charter](#)
- [CCWG new gTLD Auction Proceeds Public Forum](#)
- [Public Comment Report](#)
- [CCWG Auction Proceeds Questions for ICANN Board and ICANN Org submitted on 30 July 2019](#)
- [CCWG Auction Proceeds Additional Question for ICANN Board and ICANN Org submitted on 5 August 2019](#)
- [Response from ICANN Board to CCWG Auction Proceeds - 29 September 2019](#)
- [Response from ICANN Org to CCWG Auction Proceeds - 10 October 2019](#)

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	GAC Briefing - Session 12 - CCWG New gTLDs Auction Proceeds Discussion
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 2: 28 October 2019

GAC Sessions with GNSO - GNSO Council and Registries Stakeholder Group (RySG)

Session #13 - GAC/RySG Dialogue

Session #14 - GAC/GNSO Council Dialogue

Contents

Session Objective	1
Background	1
Agenda	2
Further Information and Documentation	3
Document Administration	4

Session Objective

These two sessions will feature discussions with representatives of the GNSO in hopes of furthering understanding and resolving various issues - including the long-standing issue of access to curative rights protection mechanisms for intergovernmental organizations (IGOs), the development of subsequent procedures for potential future rounds of new gTLDs and matter of mutual interest regarding the evolution of ICANN's multistakeholder model and approaches to mitigate cases of DNS abuse.

Background

With the pace of GAC participation changes in recent years, it has been observed that information sharing with various parts of the ICANN community is valuable to help GAC members understand the context of various DNS issues. Occasional dialogue with members of other ICANN communities can enhance communications and information sharing and create connections that can be relied on as new policy and operational topics are introduced and discussed.

At recent public meetings, the GAC has interacted with other groups from the gTLD space including business, intellectual property and non commercial interests. These meetings with

the GNSO Council and contracted parties in Montreal will continue that strategic communications approach.

The Generic Names Supporting Organization (GNSO) is a body within the ICANN community responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. The GNSO is the largest Supporting Organization within the ICANN framework.

The GAC normally meets with the Chair and other members of the GNSO Council at each ICANN public meeting to discuss issues of common concern and identify methods for better cooperation. The current Chair of the GNSO Council is Mr. Keith Drazek. Vice Chairs are Ms. Pam Little and Mr. Rafik Dammak. The GNSO Liaison to the GAC is Mr. Johan (Julf) Helsingius.

The GNSO is a “federation” of different stakeholder groups. It is comprised of two “Houses” - one “house” for parties contracted to ICANN (Registries and Registrars) and a second “house” for other parties – commercial and non-commercial interests.

The GNSO Council and the GNSO stakeholder groups have different roles within the GNSO. The Council undertakes the role of manager of the policy development process. The Council is populated by representative members of the various GNSO stakeholder groups and constituencies. Comparatively, the stakeholder groups themselves (including the Registry Stakeholder Group (RySG) and the Registrar Stakeholder Group (RrSG)) are focused on operational considerations, sharing information and helping their members understand the overall GNSO activities and responsibilities. Various stakeholder groups participate directly in policy development working groups.

Prior to ICANN Public Meetings, The leadership teams of both the GNSO Council and the GAC meet via teleconference to identify the most pressing issues that merit further face to face discussions at the upcoming meeting.

Agenda

Each bilateral community meeting features discussion of topics specific to that group’s interests as they pertain to governments at ICANN.

GNSO Council Agenda:

The community leaders reviewed a list of six potential agenda topics for Montreal and agreed that several of the agenda options could be consolidated or combined. As a result, it was agreed that the following four agenda topics would be targeted for discussion during the joint GNSO - GAC meeting at ICANN66:

- Discussion of Curative Rights Developments (including a new Rights Protection Mechanism Subgroup Charter)
- Discussion of respective community interests involving the proceeding regarding ICANN’s Evolving Multistakeholder Model (including GNSO PDP 3.0 matters)

- An Update on New gTLD Subsequent Procedures Matters (including Work Track 5 progress); and
- A Discussion of EPDP Phase 2 developments (if necessary and not adequately covered during other ICANN66 sessions – TBD shortly before Montreal)

The leaders noted that the discussions in Montreal could be substantially improved if information and potential discussion points and questions on the various topics could be shared ahead of time so that members of both communities could prepare their thoughts.

RySG Meeting Agenda:

The discussion with leaders of the gTLD Registries Stakeholder Group (RySG) will include:

- Providing members of the GAC with an understanding of how registry operators mitigate; and respond to DNS Abuse (incl. RySG “open letter” sent on 19 August and GAC response)
- Registries perspective on ongoing policy development in the EPDP on gTLD Registration Data.

Further Information and Documentation

For additional insights on topics that may be discussed during this session, please review the pre-meeting topic briefings for IGO protections and the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data.

Further information about the GNSO and its policy development process are available at <http://gnsso.icann.org/en/about>.

GNSO web site – <https://gnsso.icann.org/en>

gTLD Registries Stakeholder Group Web Site – <https://www.rysg.info/>

Document Administration

Meeting	ICANN66 Montreal, November 2019
Title	GAC Briefing - Sessions 13 and 14 - GAC Meetings with GNSO - Council and RySG
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 2: 25 October 2019

Universal Acceptance

Session #15 - Universal Acceptance

Contents

Session Goal	1
Background	1
Relevant Developments	2
Leadership Proposal for GAC Action	3
Key Reference Documents	3
Further Information	3

Session Goal

During this session, the GAC will receive an update on the work of the Universal Acceptance Steering Group (UASG) and consider the formation of a new GAC Working Group to address international domain names and universal acceptance matters of relevance to governments.

Background

Universal Acceptance is a foundational requirement for a truly multilingual Internet, one in which users around the world can navigate entirely in local languages. It is also the key to unlocking the potential of new generic top-level domains (gTLDs) to foster competition, consumer choice and innovation in the domain name industry. To achieve Universal Acceptance (UA), Internet applications and systems must treat all TLDs in a consistent manner, including new gTLDs and internationalized TLDs. Specifically, they must accept, validate, store, process and display all domain names.

The Universal Acceptance Steering Group (UASG) is a community-based initiative that was formed to guide the identification of top-line issues and proposed solutions, as well as the creation and dissemination of best practices and general outreach information about UA.

The group's primary objective is to help software developers and website owners understand how to update their systems to keep pace with an evolving Domain Name System. It's primary message is that UA will enable the next billion users to build their own spaces and identities online.

ICANN supports the work of the group by playing the role of coordinator, catalyst, supporter, advocate and manager of the UASG work streams. This includes providing budget support and a Secretariat of the UASG.

Relevant Developments

The UASG developed an action plan for FY20 and at ICANN65 in Marrakech informed GAC members on the motivation, scope and focus of that plan. During the session, UASG members highlighted the importance of the role of governments in achieving UA Readiness. The UASG sought input on how the GAC could help to reach out to governments for raising and addressing UA issues and to also share a relevant case study with GAC members.

The discussion prompted some consideration about how the GAC may need to form a working group on the topic of universal acceptance. It was determined that the GAC Leadership would further consider the need and practicality of forming a new working group to address universal acceptance matters.

Over the course of the next 6 to 9 months, the UASG plans a very active agenda.

Software Development

- The UASG will continue to reach out to developers to hasten the development of the tools and software that are required to make systems UA-ready. UASG members are narrowing their focus and concentrating on software and email administrator developers. This is because as general UA awareness has increased, people are now actively asking for solutions. Messaging is being developed for this software segment and the UASG will share materials as they are completed. Looking ahead, once good progress is made in terms of software development, the next likely target audience for the UASG will be governments.
- ICANN is working in conjunction with the UASG and the community to reach out to the relevant stakeholders.

Training

- Training material for software developers and email administrators is in development by ICANN organization. The plan is to make this material available on ICANN Learn.
- ICANN is working in conjunction with the UASG and the community to reach out to the relevant stakeholders.

Local Initiatives

- A high priority is establishing local initiatives, particularly in the five regions identified in the UASG Action Plan: China, European Union, India, Russia, and the United States/Canada (chosen as they are large software developers and/or exporters). While these are the priorities due to the amount of software work that is done in these areas, the UASG will support work in other regions that have expressed interest in participating. For example, ICANN org staff on the Global Stakeholders Engagement team are working locally with groups in Brazil, Eastern Europe, Middle East and more.

Notable UASG Events

- ICANN has secured a slot to talk about UA at the upcoming Internet Governance Forum (IGF) meeting in Berlin, Germany. Also, in addition to several UA sessions at ICANN66 in Montreal (in addition to this session with the GAC), the UASG will have a table in the exhibits area that will be staffed by UASG Ambassadors.

Leadership Proposal for GAC Action

After further consideration of this matter since the ICANN65 meeting, the GAC Leadership recommends that the GAC establish a formal working group regarding IDNs and Universal acceptance.

Key Reference Documents

- Action Plan for Universal Acceptance of Domain Names and Email Addresses (FY20) - <https://uasg.tech/wp-content/uploads/2019/06/UASG-FY20-Action-Plan.pdf>

Further Information

- ICANN Universal Acceptance web page - <https://www.icann.org/resources/pages/universal-acceptance-2012-02-25-en>
- UASG website - <https://uasg.tech/>
- Session transcript and materials from UASG session with the GAC at ICANN65 - Marrakech - <https://65.schedule.icann.org/meetings/1058193>

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	GAC Briefing - Session 15 - Universal Acceptance
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 27 September 2019

GAC Operational Matters

Session 17 - GAC Operational Matters

Contents

	1
Session Objectives	1
Background	1
Agenda	1
Further Information	4
Document Administration	4

Session Objectives

GAC Support will update the GAC on a number of current initiatives including:

- GAC Vice Chair Elections
- Planning for the Next GAC High Level Governmental Meeting
- GAC Empowered Community Guidelines
- GAC Advice/Board Response Assessment/Advice Tracking Process
- GAC Record Keeping - including GAC Delegation Information; Working Group/Delegation Alignment; and In-Person Meeting Attendance

Background

At every ICANN public meeting, time permitting, the GAC devotes session time to a discussion of committee operational matters. This briefing document identifies a number of operational initiatives, developments and improvements that are likely to impact GAC participants or that will necessitate GAC member input at some point.

Agenda

The agenda for this plenary session will focus on a number of operational activities as set forth below.

GAC Elections

At ICANN66, the GAC 2019 Vice Chair election will conclude. The current Vice-Chairs have been elected for the term from March 2019 (ICANN64) to March 2020 (ICANN67).

GAC Vice-Chairs nomination began shortly after the ICANN65 Marrakech Meeting and concluded 45 days before the start of the ICANN66 Meeting (18 September).

Seven candidates were nominated for the five open seats. An election balloting period extends from 11 October until 3 November - the second day of the ICANN66 meeting. The election results will be announced during the GAC Operational Matters session scheduled for the afternoon (local Montreal time) on 4 November.

Next GAC High Level Governmental Meeting

As a result of recommendations during the second Accountability and Transparency Review effort (ATRT2), approximately once every two years, one of the GAC Members hosts a High Level Governmental Meeting (HLGM) in conjunction with an ICANN public meeting and in addition to the usual GAC meeting.

The HLGM provides the opportunity to:

- Reaffirm the critical role that governments play in providing advice to the ICANN Board on public-policy issues as it relates to the secure and stable functioning of the Domain Name System.
- Enable all parties to gain a clearer understanding of the role of governments in ICANN processes, including the GAC.
- Discuss current public policy issues and challenges at very senior level. These discussions can occur between governments, as well as between governments and the ICANN leadership group.
- Expose very senior administrative officials and senior elected officials (Ministers, members of legislative bodies) to ICANN, allowing them to gain a greater understanding of the organization and the issues it deals with. In turn, this may lead to better support for and resourcing of GAC representatives within their home administrations.
- Reach out to administrations and governments who are not yet, or not currently, represented on the GAC or in other ICANN forums.

The last HLGM took place in conjunction with ICANN63 in Barcelona, Spain. GAC leadership has been in discussions with ICANN org staff to determine options for the next HLGM. GAC members will be consulted in Montreal about possible locations and timing for the next meeting.

GAC Empowered Community Guidelines

As a Decisional Participant in the Empowered Community, the GAC established initial procedures in 2017 to enable it to exercise its powers (see -

<https://gac.icann.org/contentMigrated/guidelines-for-gac-participation-in-the-empowered-commu>

[nity](#). Actual practice with the new Empowered Community Bylaws, rules and guidelines have revealed the need for the GAC to examine those procedures and to make adjustments for operational efficiency and effectiveness. GAC Support staff will provide an update on this work in Montreal.

GAC Advice/Board Response Assessment/Advice Tracking Process

The Board advised the GAC in September about a revised approach to reporting on the tracking of GAC advice by the ICANN org. The change, reported in a letter from BGIG Co-Chair and Board Member Maarten Botterman to the GAC Chair (see - <https://gac.icann.org/advice/correspondence/incoming/20190910/status-of-gac-advice-in-the-acti-on-request-register-arr>), did not represent a substantive amendment to the reporting process, but merely a change in the timing of the advice tracking reporting. This process timing change renewed an interest among the GAC leadership for the GAC to consider its own specific process for assessing the responses that the ICANN Board produces (the “Scorecard”) as a result of GAC advice. GAC Support staff will report on the status of its initial work to help develop a proposal for an assessment process that the GAC might develop in this area.

GAC Record Keeping - Delegation Information; Working Group/Delegation Alignment ; In-Person Meeting Attendance

With the recent increased interest among GAC members to join and participate in working groups, the GAC Support staff has confirmed with the GAC leadership the need to regularize the GAC participant record-keeping - particularly to track delegation member participation in GAC working groups. This process was initiated with a thorough inventory of all GAC working group membership rosters and has continued as GAC Support has been confirming delegate rosters with various GAC members and observing organizations. The effort will continue as time and resources permit until completed.

For the past year and a half, all new GAC participants have been asked to fill out a GAC Participant Action Form when they join or are assigned to work with the GAC. With an annualized change rate among GAC participants consistently at about 25%, GAC Support has put a premium on following-up with all new GAC participants who are not able to submit their forms in a timely manner. As identification on the GAC web site and access to the GAC email list and web site are all dependent on submission of these forms being completed, support staff is making more frequent connections with new participants and formal GAC representatives to help get these documents processed.

An important measure of GAC participation is attendance at in-person GAC meetings. Since the ICANN64 - Kobe meeting, support staff have been utilizing in-person electronic attendance collection (using an Ipad) as a supplement to a “pen and paper” sign-in process. This additional method has improved accuracy and staff efficiency during the meeting and expedited preparation of the GAC Communique and GAC meeting minutes. In Montreal, the GAC leadership has given the green-light to a “scanning” attendance collection method experiment in conjunction with the

ICANN Meetings Team. It is currently planned that during the morning of Wednesday 6 November, attendees in the GAC meeting room will have the option of having their attendance taken by scanning the QR Code (see https://en.wikipedia.org/wiki/QR_code) on their meeting badges when they enter the room.

Further Information

GAC Elections:

- GAC [Operating Principles](#) No. 30 to 36.
- GAC 2019 Vice Chair Election Web Page - <https://gac.icann.org/activity/gac-2019-vice-chairs-elections>

Next GAC High Level Governmental Meeting

- GAC Guidelines for High Level Governmental Meetings - <https://gac.icann.org/meeting-services/guidelines-for-high-level-government-meetings>

GAC Empowered Community Guidelines

- ICANN ByLaws Annex D - EC Mechanism - <https://www.icann.org/resources/pages/governance/bylaws-en/#annexD>
- GAC Guidelines - <https://gac.icann.org/contentMigrated/guidelines-for-gac-participation-in-the-empowered-community>

GAC Advice/Board Response Assessment/Advice Tracking Process

- Announcement of Change to Timing of GAC Advice Tracking Reports - <https://gac.icann.org/advice/correspondence/incoming/20190910/status-of-gac-advice-in-the-action-request-register-arr>
- ICANN Action Request Registry of GAC Advice - <https://gac.icann.org/activity/icann-action-request-registry-of-gac-adv>

Document Administration

Meeting	ICANN66 - Montreal - November 2019
Title	GAC Operational Matters - Session 17
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 14 October 2019

New gTLD Subsequent Procedures Policy Development Process

Session 20

Contents

Background	2
Issues	3
Leadership Proposal for GAC Consideration and Action	4
Relevant Developments	5
Current Positions	7
Key Reference Documents	8
Further Information	9

Session Objective

- Receive updates: 1) Progress of Subsequent Procedures for new gTLD PDP WG & timeline from Co-Chairs and 2) Highlight issues of importance and consideration for GAC
- Report on how the GAC has organized itself: GAC Focal Group on Subsequent Rounds of gTLDs has focused on building capacity of members given the complexity of issues
- Determine next steps for the GAC relative to subsequent rounds of new gTLDs: How best to organize the GAC, including confirming focus of the Focal Group, and possibly restructuring GAC Scorecard document etc.

Background

Since its incorporation, [ICANN has delivered several expansions of the TLD names space](#) in 2001-2002¹ and 2003² for gTLDs and in 2009 for [IDN ccTLDs](#). The latest and most significant expansion started in 2012, and has seen more than 1000 New gTLDs added to the DNS.

This latest expansion came to be known as the [New gTLD Program](#). In fact, it is the product of a multi-year process of policy development, policy implementation and community discussions, in which the GAC continuously participated, with notable contributions such as:

- [The GAC Principles regarding New gTLDs](#) (27 March 2007)
- The [GAC Early Warnings](#) (20 Nov. 2012) and [Safeguard Advice](#) (11 April 2003)
- Continuous [GAC Input](#) and GAC Advice throughout the development, implementation and roll out of the New gTLD Program (2007-2016)

Since 2015, in line with prior commitments by ICANN in the [Affirmation of Commitments](#) (now replaced by [ICANN's New Bylaws](#) stemming from the [IANA Stewardship Transition](#)) and in response to [GAC Advice](#), several ICANN processes have been initiated to review the outcome of the New gTLD Program for possible adjustments of policy.

Substantial analysis work was conducted in this context, including:

- Issue scoping discussions in a [GNSO non-PDP Discussion Group](#) (24 June 2015)
- Reports by the ICANN Organisation: [New gTLD Program Implementation Review](#) (29 Jan. 2016), [Rights Protection Mechanisms Review](#) (11 Sep. 2015), [Issue Report for potential New Policy Development](#) (4 Sep. 2015)
- Studies by independent Third-Parties on the [Trademark Clearing House](#) (23 Feb. 2017), [Root Stability](#) (8 Mar. 2017) and [Safeguards against DNS Abuse](#) (9 Aug. 2017)

Several processes³ that have been supporting deliberations on these findings and wider policy issues related to further expansion of gTLDs have been of interest to the GAC, in particular:

- The [Consumer Trust, Consumer Choice and Competition Review](#) whose [Final Recommendations](#) (8 September 2018) are in the process of being implemented, amid intense debates, per the ICANN Board's [decision](#) (1 March 2018)
- The GNSO's [Review of All Rights Protection Mechanisms in All gTLDs PDP](#) tasked to assess the effectiveness of instruments such as the UDRP, URS and TMCH and suggest new policy recommendations in these areas
- The GNSO's [New gTLD Subsequent Procedures PDP](#) (Sub Pro PDP), and within it, the specific [Work Track 5 on Geographic Names at the Top Level](#)

¹ .biz, .info, .name, .pro, .aero, .coop and .museum

² .asia, .cat, .jobs, .mobi, .tel, .travel

³ See timeline at <https://newatlds.icann.org/en/reviews> for an overview of relevant processes and some of their interactions

Since 2016, the New gTLD Sub. Pro. PDP Working Group has been deliberating and soliciting Community input on possible new policy recommendations on several occasions and in numerous areas.

Issues

Based on recent developments within the Subsequent Procedures PDP WG, final recommendations are expected to be finalized in March 2020, and submitted to the GNSO Council by the Subsequent Procedures PDP WG in April 2020.

Several steps with varying time-lines would follow per the Policy Development Process after the PDP Sub Pro submits final recommendations:

- i. GNSO Council consideration and adoption of the PDP recommendations in the Final Report;
- ii. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council
- iii. ICANN org (as directed by the Board) to begin implementation of the policy recommendations (which will likely include a revised Applicant Guidebook).

Once these steps are completed, noting the timeline is subject to change throughout the various upcoming stages, ICANN org would then proceed to prepare and accept to receive new applications as of 2022.

In the meantime, the many interconnected and complex processes involved in shaping policy for future rounds of New gTLDs, and the wide-ranging nature of policy aspects being discussed may require GAC attention to ensure a *“comprehensive and measured approach to further releases of new gTLDs”*.

In fact, the GAC has [advised](#) that it should be done in a *“logical, sequential and coordinated way”* that takes into account the results of *“all relevant reviews”*, requirements of *“interoperability, security, stability and resiliency”*, *“independent analysis of costs and benefits”*, and while proposing *“an agreed policy and administrative framework that is supported by all stakeholders”* ([GAC Helsinki Communiqué](#), 30 June 2016, reiterated as part of the [ICANN64 GAC Communiqué](#)).

Leadership Proposal for GAC Consideration and Action

1. **GAC Input on How Best to Organize Internal and Substantive GAC Discussions on Next Rounds of New gTLDs:** Since ICANN65, the main objective of the GAC Focal group has been to build the capacity of the Focal Group members by addressing high interest topics for the GAC. Based on a [GAC Focal Group Work Plan](#), the Focal Group conducted bi-weekly calls to review some key issues identified from the Preliminary GAC Scorecard, with the understanding that a meaningful discussion within the GAC needs to take place. To support these calls, Issue Briefs on the following topics were developed: 1) [GAC Early Warning & Advice](#), [Closed Generics](#), 2) [Public Interest Commitments \(PICs\) & Global Public Interest](#), and 3) [Applicant Support Program](#). In addition, GAC Support Staff prepared a draft on previous [GAC Agreed Language/Input on Topics in Assumptions Document](#): to map out GAC considerations on “[ICANN Org’s Readiness to Support Future Rounds of New gTLDs](#)”, also referred to as “ICANN Org’s Assumptions Document”.
2. **GAC Input on the Review of the [Preliminary GAC Scorecard](#) to Prioritize & Guide the Work of the GAC:** The Preliminary GAC scorecard is an evergreen document that needs to be reviewed by the GAC. The objective of the document is to highlight previous GAC contributions and policy concerns related to the Sub Pro PDP WG and latest status of the issues to inform where the GAC should further engage in deliberations of the Sub Pro PDP WG. Some key issues include:
 - a. The role of **GAC Early Warning & GAC Advice** in the evaluation of New gTLD applications, GAC members should note that the expected outcome of the policy discussions in the Sub Pro PDP WG are not consistent with GAC positions and interests. In particular, the WG seems to be leaning towards removing the “strong presumption” that when subject to GAC Advice an application would not proceed. For further discussion, please refer to the issue brief on [GAC Early Warning & Advice](#).
 - b. How to achieve flexibility for **responding to public policy issues emerging during applications** evaluation while maintaining a level of predictability for applicants;
 - c. How the [CCT Review recommendations](#) related to **GAC Safeguards** (regulated sectors, registration restrictions, DNS Abuse) will be considered for future rounds;
 - d. What **new security-related requirements** should be introduced for applicants as well as for service providers for which an accreditation program is contemplated;
 - e. Whether procedures and objectives of **Community Based Applications** have been thoroughly reviewed (identified as prerequisite to new rounds by the CCT Review) and appropriate conclusions drawn for future rounds;
 - f. How to improve the **Applicant Support Program** to benefit Underserved Regions and meet the needs of prospective applicants in these regions;
 - g. What specific process rules and application criteria should be considered for each of the **Categories of TLDs** likely to be recognized⁴ in future rounds.

⁴ According to the [report of Public Comments](#) on the Sub Pro PDP WG’s Initial Report, there is currently “board support to recognize the categories from the 2012 Applicant Guidebook, both explicitly and implicitly utilized, on a going forward

Relevant Developments

Status of Policy Development in the Subsequent Procedures PDP WG

The GNSO's New gTLD Subsequent Procedures PDP was [initiated](#) on 17 December 2015 to determine *"whether changes or adjustments to the existing policy recommendations [...] are needed"* in relation to original policies that the Working Group [charter](#) recognizes as *"designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains"*.

Deliberations of the Working Group so far have included:

- a [first round of community consultations](#) on overarching issues (Summer 2016)
- a [second round of community consultations](#) on a wide range of more specific topics (March-May 2017). It received 25 [submissions](#).
- an [Initial Report](#) (3 July 2018) documenting the Working Group's deliberations, preliminary recommendations, potential options, as well as specific questions to the ICANN Community. It received 72 [submissions](#) in a period of 3 months.
- a [Supplemental Initial Report](#) (30 October 2018) addressed a more limited set of additional issues including Auctions, Application Comments, Changes to Applications and proposal to improve Registrar support of New gTLDs. It received 14 [submissions](#).
- a [Supplemental Initial Report of its Work Track 5](#) (5 December 2018) dedicated to address the use of Geographic Names at the Top Level⁵.

The full Working Group has met twice weekly for 90 minutes to complete substantive review of public comments on its [Initial Report](#) and [Supplemental Initial Report](#) through to ICANN66. Through this review, the Working Group is determining how to take into account the comments received and what changes, if any, need to be made to the recommendations contained in the Final Report.

To support the review of public comments, the Working Group is using a series of summary documents that provide an overview of the comments received on each topic as well the level of agreement in the Working Group:

- [Overarching Issues](#): including topics Continuing Subsequent Procedures, Predictability, Applications Assessed in Rounds, Different TLD Types, Application Submission Limits, Accreditation Programs (RSP Pre-Approval), Competition, Consumer Trust and Consumer Choice, Global Public Interest, Applicant Freedom of Expression, and Universal Acceptance.
- [Pre-Launch Activities](#): including topics Applicant Guidebook, Communications, and Systems.
- [Application Submission](#): including topics Application Fees, Variable Fees, Application Submission Period, Applicant Support, Terms and Conditions, Application Queuing, and Application Change Requests.

basis. These categories include standard, community-based TLDs, TLDs with a governmental entity as the registry operator, geographic TLDs, and Specification 13 Brand TLDs"

⁵ Policy development in the area of geographic names is handled separately in the GAC, who formed a internal Working Group for this purpose. Please refer to appropriate resources on the GAC Website for the GAC's Geographic Names Working Group and its [activities related to Work Track 5 of the GNSO Subsequent Procedures PDP](#).

- [Application Evaluation/Criteria](#): including topics Reserved Names, IGO/INGO Protections, Registrant Protections, Closed Generics, String Similarity, IDNs, Security and Stability, Applicant Reviews, Role of Application Comment, and Name Collisions.

The Working Group has completed its review of topics under [Overarching Issues](#), [Pre-Launch Activities](#), and [Application Submission](#) and at the time of this briefing was finishing its review of topics related to Application Evaluation/Criteria. Please see the WG [Work Plan](#) for details.

The PDP working group's next steps are based on focusing on an upcoming new iteration on draft recommendations, which might include further deliberations as required for specific topics. The PDP working group aims to take into account all the preceding work and input received and propose a set of draft final recommendations, along with rationale on any new substantive deliberations since the Initial Report.

GAC Focal Group on Next Rounds of New gTLDs

In Kobe ICANN64, the GAC agreed to initiate a focal group geared towards facilitating internal coordination efforts within the GAC, with a main objective to first build capacity and expertise given the breadth of topics, as well as to flag issues of interest to the GAC in order to ensure timely input into the final deliberations of the New gTLD Subsequent Procedures PDP WG. At this stage, the GAC Focal Group on new gTLD Subsequent Procedures is not intended to speak on behalf of the GAC; the group will submit input to the GAC for consideration and discussion.

After Kobe ICANN64, GAC Support staff developed the [preliminary GAC scorecard](#) to help prioritize and guide the work of the GAC Focal Group. It is an evergreen document that needs to be reviewed by the GAC. It includes a section that attempts to cross-check previous GAC input vis-a-vis the current discussions of the PDP Working Group to get a general sense of how aligned they are with GAC views.

After Marrakech ICANN65, based on the preliminary GAC scorecard, the GAC Focal Group developed an evergreen internal [Work Plan](#) to build capacity and common understanding of GAC priority issues to prepare for the ICANN66 Montreal meeting. One of the objectives of the Work Plan is to help GAC members navigate & easily access Sub Pro PDP WG deliberations, the status of issues and PDP WG documentation. Based on the Work Plan, the GAC Focal Group on Subsequent Rounds of new gTLDs has been conducting bi-weekly calls to build capacity and review Issue Briefs of high priority topics to assist GAC focal group members better understand the issues and the latest status in the different and parallel processes. Since ICANN65, and at the time of this briefing, the GAC Focal Group has done a preliminary review of the following topics mainly focused on building capacity with the understanding that a meaningful discussion needs to take place:

- [GAC Early Warning & Advice](#);
- [Closed Generics](#);
- [Public Interest Commitments \(PICs\) & Global Public Interest](#);
- [Applicant Support Program](#)
- [CCT Review Rec 30 & 31 Jointly with USRWG](#)

ICANN Org Implementation Preparation for Next Rounds of New gTLDs

On the 7th of June 2019, ICANN Org published its current working assumptions used by ICANN org in planning for policy implementation and operational readiness for a subsequent round of new gTLDs, via its [ICANN Org's Readiness to Support Future Rounds of New gTLDs](#) document . The goal in making these assumptions explicit is to surface any areas of misalignment and allow an informed discussion on any assumptions that should be added or adjusted to drive the work going forward. It is important to note that these planning assumptions were informed by the work of the PDP WG and are not solely based on their work as the outcome of the PDP WG have yet to be finalized. ICANN org has shared these assumptions with the Board and incorporated the Board's input. ICANN org sought to share these assumptions with the community and provide an opportunity for feedback. The GAC acknowledged ICANN Org's request for input via this [correspondence](#), noting the GAC is still reviewing the assumptions by [recalling previous advice](#) on this matter to potentially be shared as input to the document, once it is considered and substantially discussed by the whole GAC.

Current Positions

Please refer to the summary document: [Preliminary GAC Scorecard of the Status of Substantive Areas of Interest to the GAC](#) for a detailed overview of GAC input provided on matters pertaining to possible subsequent rounds of new gTLDs to date, specifically through the following submissions:

- [GAC Response](#) to Sub. Pro. PDP Community Consultation 1 (29 July 2016)
- [GAC Comment](#) on the CCT Review Team Draft Report (19 May 2017)
- [GAC Response](#) to Sub. Pro. PDP Community Consultation 2 (22 May 2017)
- [GAC Comment](#) on the Initial Report of the Sub. Pro. PDP (8 October 2018)
- [GAC Comment](#) on CCT Review Team Final Report (11 December 2018)
- [GAC Comment](#) on the Supplemental Initial Report of the GNSO Sub. Pro. PDP (19 December 2018)

The [Preliminary GAC Scorecard](#) also incorporates information on the status of deliberations on these matters. It also highlights areas for potential further GAC engagement that still needs to be reviewed by the GAC.

For additional substantive and historical perspective, GAC Members may wish to review:

- [Contributions and correspondence](#) the GAC provided to the ICANN Board, ICANN Organization and Community in the course of the New gTLD Program (2007-2015)
- GAC Advice provided to the ICANN Board in relation to New gTLD Policy and Future Rounds of New gTLDs:
 - [GAC Principles Regarding New gTLDs](#) (28 March 2007)
 - GAC [Nairobi Communiqué](#) on New gTLDs (10 March 2010)

- GAC [Toronto Communiqué](#) on Early Warnings and Applicant Commitment (17 October 2012)
- GAC [Beijing Communiqué](#) (11 April 2013)
- GAC [Los Angeles Communiqué](#) Advice on [Reviews of First Round of New gTLDs and Preparation for Subsequent Rounds](#) (15 October 2014)
- GAC [Singapore Communiqué](#) Advice on [Safeguards Advice Applicable to all new gTLDs and Category 1 and Category 2 strings](#) (11 February 2015)
- GAC [Buenos Aires Communiqué](#) Advice on [gTLD Safeguards](#) (24 June 2015)
- GAC [Dublin Communiqué](#) Advice on [Future gTLD Rounds](#) (21 October 2015)
- GAC [Marrakech Communiqué](#) Advice on [Future gTLDs Rounds Public Policy Issues](#) (9 March 2016)
- GAC [Helsinki Communiqué](#) Advice on [Future gTLDs Policies and Procedures](#) (30 June 2016)
- GAC [Hyderabad Communiqué](#) Advice reiterating Helsinki Advice (8 November 2016)
- GAC [Kobe Communiqué](#) Follow-up on Previous ICANN Board resolution and scorecard of Board Action on the Advice in the GAC [Helsinki Communiqué](#) (14 March 2019)

Key Reference Documents

- [Preliminary GAC Scorecard: Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds.](#)
- GAC Focal Group on Subsequent Rounds [Work Plan](#)
- GAC Focal Group Issue Draft Briefs:
 - [GAC Advice & Early Warnings](#)
 - [Closed Generics](#)
 - [Global Public Interest & Public Interest Commitments](#)
 - [Applicant Support](#)
 - [CCT Review Rec 30 & 31 Jointly with USRWG](#)
 - GAC Scorecard of Board Action on CCT Review Final Recommendations (6 June 2019) annexed to the Briefing on the CCT Review for [Session 11.1 on ICANN Reviews Update](#)
- ICANN Board [resolution](#) and [scorecard](#) of Board Action on the CCT Review Final Recommendations (1 March 2019)
- [CCT Review Final Recommendations](#) (8 September 2018)
- GAC [Helsinki Communiqué](#) Advice on [Future gTLDs Policies and Procedures](#) (30 June 2016)

Further Information

New gTLD Subsequent Procedures PDP [Initial Report](#) and [Supplemental Initial Report](#)

New gTLD Subsequent Procedures PDP [Work Plan 2019](#)

New gTLD Subsequent Procedures PDP [Summary Working Documents](#)

[ICANN65 GAC Session 11.1 on ICANN Reviews Update](#) incl. CCT Review Recommendations

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	New gTLDs Subsequent Procedures PDP Discussion
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 3: 29 October 2019

DNS Abuse Mitigation

Sessions 21, 29

Contents

Background	2
Issues	3
Leadership Proposal for GAC Action	4
Relevant Developments	5
Definition of DNS Abuse	5
Awareness and Transparency: GAC-led Community Engagements on DNS Abuse	6
Awareness and Transparency: DNS Abuse Studies	7
Awareness and Transparency: Domain Abuse Activity Reporting (DAAR)	8
Effectiveness: Current DNS Abuse Safeguards in Registries and Registrars Contracts	8
Effectiveness: Non-Binding Framework for Registries to Respond to Security Threats	10
Effectiveness: Proactive Measures and Prevention of Systemic Abuse	10
Current Positions	11
Key Reference Documents	11

Session Objectives

- Discuss current issues with DNS Abuse, contracted parties practices and policy gaps that may need to be addressed.
- The two planned GAC plenary sessions will also serve to prepare and assess the outcome of the Cross Community Session to be held on this matter during ICANN66

Background

Malicious activity on the Internet threatens and affects domain name registrants and end-users by leveraging vulnerabilities in all aspects of the Internet and DNS ecosystems (protocols, computer systems, personal and commercial transactions, domain registration processes, etc). These nefarious activities can threaten the security, stability and resiliency of DNS infrastructures, and that of the DNS as a whole.

These threats and malicious activities are generally referred to as “DNS Abuse” within the ICANN Community. DNS Abuse is generally understood as including all or part of activities such as Distributed Denial of Service Attacks (DDoS), Spam, Phishing, Malware, Botnets and the distribution of illegal materials. While everyone appears to agree that DNS abuse is an issue and should be addressed, there are differences of opinion as to whose responsibility it should be. Registries and Registrars in particular are concerned about being asked to do more, as this affects their business model and bottom line.

As part of this discussion, it should be noted that even the exact definition of “DNS Abuse” is a subject of debate¹.

Nonetheless, some progress has been made in the past years. Here is a summary of previous efforts undertaken in the ICANN Community to address DNS Abuse, some of which have benefited from GAC involvement:

- ICANN’s **Generic Names Supporting Organization (GNSO)** setting up the [Registration Abuse Policies Working Group](#) in 2008. It identified a [set of specific issues](#) but did not deliver policy outcomes, nor did a subsequent discussion of [non-binding best practices](#) for Registries and Registrars (including workshops during [ICANN41](#) and [ICANN42](#)).
- **As part of the New gTLD Program**, ICANN Org adoption of a series of new requirements² per its memorandum on [Mitigating Malicious Conduct](#) (3 October 2009). [ICANN’s Report on New gTLD Program Safeguards](#) (18 July 2016) assessed their effectiveness in preparation for the bylaws-mandated [Competition, Consumer Choice and Consumer Trust \(CCT\) Review](#) which delivered its recommendations on 8 September 2018.
- Prior to the creation of the GAC’s Public Safety Working Group (PSWG), **representatives of Law Enforcement Agencies (LEA)** played a leading role in the negotiation of the 2013 Registrar Accreditation Agreement³, as well as in the development of GAC Advice related to Security Threats which led to new provisions in the Base New gTLD Agreement that outlined responsibilities of registries. These provisions were later complemented by a non-binding [Framework for Registry Operators to Respond to Security Threats](#) (20 October 2017) agreed upon between **ICANN Org, Registries and the GAC PSWG**.

¹ As evidenced during the [DNS Abuse and Consumer Safeguards](#) discussion during the [GDD Summit](#) (7-8 May 2019).

² Vetting registry operators, requiring demonstrated plan for DNSSEC deployment, prohibiting wildcarding, removing orphan glue records when a name server entry is removed from the zone, requiring the maintenance of thick WHOIS records, centralization of zone-file access, requiring documented registry level abuse contacts and procedures

³ See [Law Enforcement Due Diligence Recommendations](#) (Oct. 2019) and the [12 Law Enforcement recommendations](#) (1 March 2012)

- **The Security and Stability Advisory Committee (SSAC)** issued recommendations to the ICANN Community in particular in [SAC038: Registrar Abuse Point of Contact](#) (26 February 2009) and [SAC040: Measures to Protect Domain Registration Services Against Exploitation or Misuse](#) (19 August 2009).
- **The ICANN Organization**, through its **Security Stability and Resiliency (SSR) Team** regularly [train](#) public safety communities and assist in responding to large scale cyber incidents, including through the [Expedited Registry Security Request Process](#) (ERSR). Most recently, ICANN's **Office of the CTO** has developed ICANN's [Domain Abuse Activity Reporting](#) (DAAR) and produces monthly Abuse Reports. This tool has been actively supported both by the GAC and by a number of Specific Review Teams as a way to create transparency and identify sources of problems, which could then be addressed through compliance or - where needed - new policy.

Issues

Past initiatives have not yet resulted in an effective reduction of DNS abuse; rather, it is clear that much remains to be done. Despite ICANN Community attention and existing industry best practices to mitigate DNS Abuse, GAC-led community engagements as well as the CCT Review's [Statistical Analysis of DNS Abuse in gTLDs](#) (9 August 2017), have highlighted persistent trends of abuse, commercial practices conducive to abuse and evidence that there is "*scope for the development and enhancement of current mitigation measures and safeguards*" as well as potential for future policy development⁴.

Additionally, concerns with the ability to effectively mitigate DNS Abuse have been heightened in law enforcement, cybersecurity, consumer protection and intellectual protection circles⁵ as a consequence of the entry into force of the European Union General Data Protection Regulation (GDPR) and ensuing efforts to change the WHOIS system - a key crime and abuse investigation tool - to comply with the GDPR.

In this context, ICANN's Advisory Committees, in particular the GAC, SSAC and ALAC, and various affected third parties have called upon ICANN org and the ICANN Community, to take further action⁶.

Such further action would require that the ICANN community come to some form of consensus around a number of open questions. Discussions of abuse mitigation and potential policy work in the ICANN Community generally revolve around:

⁴ See [GAC comment](#) (19 September 2017) on the Final Report of the [Statistical Analysis of DNS Abuse in gTLDs](#).

⁵ See Section III.2 and IV.2 in the GAC Barcelona Communiqué (25 October 2018) pointing to surveys of impact on law enforcement in section 5.3.1 of the [Draft Report](#) of the RDS Review Team (31 August 2018) and in a [publication](#) from the Anti-Phishing and Messaging Malware and Mobile Anti-Abuse Working Groups (18 October 2018)

⁶ See [DNS Abuse and Consumer Safeguards](#) discussion during the [GDD Summit](#) (7-8 May 2019)

- **The definition of DNS Abuse:**

What constitutes abuse considering the purview of ICANN and its contracts with Registries and Registrars ?

- **The detection and reporting of DNS Abuse (awareness and transparency perspective):**

How to ensure that DNS Abuse is detected and known to relevant stakeholders, including consumers and Internet users ?

- **Prevention and Mitigation of DNS Abuse (effectiveness perspective):**

What tools and procedures can ICANN org, industry actors and interested stakeholders use to reduce the occurrence of abuse and respond appropriately when it does occur ? Who is responsible for which parts of the puzzle, and how can different actors best cooperate?

The GAC, in its efforts to improve security and stability for the benefit of Internet users overall, might wish to be actively involved in advancing the discussion on these issues so that progress can be made towards more effective abuse prevention and mitigation.

Leadership Proposal for GAC Action

During the ICANN66 meeting in Montreal, the GAC may wish to:

1. **Clarify what constitutes DNS Abuse for the GAC** in relation to ICANN's mission, consistent with the relevant Safeguards Advice in the [GAC Beijing Communiqué](#) (11 April 2013), the CCT Review Team's definition of both DNS Abuse and DNS Security Abuse⁷, as well as GAC Input on the Statistical Analysis of DNS Abuse in gTLDs⁸.
2. **Review actions taken to date on the CCT Review Recommendations** related to DNS Abuse (Recommendations 14 to 19), including their [consideration](#) by the ICANN Board
3. **Consider accepted best practices regarding proactive anti-abuse measures** by domain name registries and registrars, across both the ccTLDs and gTLDs space, with a view to define and promote elevated contractual standards, in particular in light of a recent initiative by 11 leading gTLD registries and registrars on a [Framework to Address Abuse](#) (17 October 2019)
4. **Resume the GAC's review of the effectiveness of previous GAC Advice**, following up on the incomplete fact finding effort⁹ initiated through the GAC Hyderabad and Copenhagen Communiqués, in consideration of new developments such as the [conclusion of ICANN's recent audit](#) of all gTLDs regarding compliance with their DNS Abuse related obligations.

⁷ See p.2 of the [GAC Statement on DNS Abuse](#) (18 September 2019)

⁸ In particular, in its [comment](#) (19 September 2017) on the Final Report of the [Statistical Analysis of DNS Abuse in gTLDs](#), the GAC noted that

- "The DNS Abuse Study briefly references a finding that certain URLs are used more extensively to distribute child abuse material [...] It would be helpful if the report could more clearly explain, elaborate, and/or quantify this statement so that stakeholders can understand to what extent the study examined this issue as well as to inform any potential future policy considerations"
- "The correlations drawn between stricter registration policies and fewer abuse counts suggest potential areas for future policy development."
- "the use of statistical analysis should inform future policies on DNS abuse and further analysis should be done to consider how this information could bolster the efforts by ICANN and its contract compliance and security teams to effectively respond to DNS abuse and better prevent future and repeat abuses."

⁹ See [ICANN org's draft responses to the GAC's questions](#) (30 May 2017)

Relevant Developments

Definition of DNS Abuse

As highlighted most recently during the [GDD Summit](#) (7-9 May 2019), there is **no Community-wide agreement on what constitutes ‘DNS Abuse’**, in part due to concerns of some stakeholders with ICANN overstepping its mandate, impacts on the rights of users, and impact on the bottom line of contracted parties.¹⁰

There is, however, according the CCT Review Team, a **consensus on what constitutes ‘DNS Security Abuse’ or ‘DNS Security Abuse of DNS infrastructure’** understood as including *“more technical forms of malicious activity”*, such as malware, phishing, and botnets, as well a spam *“when used as a delivery method for other forms of abuse.”*¹¹

Recently, the ICANN Contractual Compliance Department has referred to **‘Abuse of DNS Infrastructure’ and ‘Security Threats’** in its communications about audits of Registries and Registrars regarding their implementation of contractual provisions in the [New gTLD Registry Agreement](#) (Specification 11 3b) regarding *“security threats such as pharming, phishing, malware, and botnets”*¹² - and in the [Registrar Accreditation Agreement](#) (Section 3.18) - which refers to *“abuse contacts”* and *“abuse reports”* without providing a definition of the term ‘abuse’ specifically, but including ‘Illegal Activity’ within its scope.

From a GAC perspective, the definition of ‘Security Threats’ in the New gTLD Registry Agreement is in fact the transcription of the **definition given in the ‘Security Checks’ GAC Safeguards Advice** applicable to all New gTLDs in the [Beijing Communiqué](#) (11 April 2013).

Following the Board [resolution](#) (1 March 2019) directing ICANN org to *“facilitat[e] community efforts to develop a definition of ‘abuse’ to inform further action on this recommendation.”*¹³, and building activities of the Consumer Safeguards function of ICANN org, **further discussions on the definition of abuse are expected before and during the ICANN66 meeting** in Montreal.

In particular, during a [pre-ICANN66 webinar](#) on 15 October 2019 **PSWG and Contracted Parties discussed current issues and industry practices**. In preparation for this webinar, the Registry Stakeholder Group had issued an [Open Letter](#) (19 August 2019) discussing the registries views on the definition of DNS Abuse, the limited options registries have to take action on security threats and theirs concerns with ICANN’s [Domain Abuse Activity Reporting](#). In response, the GAC issued a [Statement on DNS Abuse](#) (18 September), as well as the [Business Constituency](#) (28 October).

¹⁰ Indeed, the definition of Abuse Mitigation may carry consequences in terms of the scope of activity overseen by ICANN policies and contracts. While governments and other stakeholders are concerned with the impact of DNS abuse on the public interest, including the safety of the public and the infringement of intellectual property rights, registries and registrars are concerned with restrictions on their commercial activities, ability to compete, increased operating costs and liability for consequences registrants may incur when action is taken on abusive domains. Non-commercial stakeholders on their part are concerned with the infringement of freedom of speech and privacy rights of registrants and Internet users, and share with contracted parties concerns about ICANN overstepping its mission.

¹¹ See p.88 of the [CCT Review Final Report](#) (8 September 2018) as highlighted more recently in the [GAC Statement on DNS Abuse](#) (18 September 2019)

¹² The [Advisory, New gTLD Registry Agreement Specification 11 \(3\)\(b\)](#) (8 June 2017) provides a definition of ‘Security Threats’ as including *“pharming, phishing, malware, botnets, and other types of security threats.”*

¹³ See p.5 of scorecard of [Board Action on the Final CCT Recommendations](#)

Awareness and Transparency: GAC-led Community Engagements on DNS Abuse

The GAC and its Public Safety Working Group (PSWG) have led several Cross-Community engagements at ICANN meetings over the past few years **seeking to raise awareness and explore solutions with relevant experts**, most notably:

- During ICANN57 in Hyderabad (5 November 2016), the GAC PSWG led a High Interest Topic session on [Mitigation of Abuse in gTLDs](#) which was designed as an exchange of views across the ICANN Community and highlighted:
 - the lack of a shared understanding of what constitute DNS Abuse;
 - the diversity of business models, practices and skills influencing approaches to mitigating abuse; and
 - the need for more industry-wide cooperation, to be supported by shared data on security threats.
- During ICANN58 in Copenhagen (13 March 2017), the GAC PSWG moderated a Cross Community Session [Towards Effective DNS Abuse Mitigation: Prevention, Mitigation & Response](#) which discussed recent trends in DNS Abuse, in particular Phishing, as well as behavior such as domain hopping across registrars and TLDs which may require more coordinated and sophisticated responses from the industry. The session also served to highlight:
 - the emerging [Domain Abuse Activity Reporting \(DAAR\)](#) initiative,
 - ongoing collaboration between ICANN org Contractual Compliance and SSR functions, and
 - the opportunity of leveraging [New gTLD auction proceeds](#) to fund the needs of Abuse mitigation
- During ICANN60 in Abu Dhabi (30 October 2017), the PSWG hosted a Cross Community Session on [Reporting of DNS Abuse for Fact-Based Policy Making and Effective Mitigation](#) to discuss the establishment of reliable, public and actionable DNS Abuse reporting mechanisms for the prevention and mitigation of abuse, and to enable evidence-based policy making. The session confirmed the need for publication of reliable and detailed data on DNS Abuse, as contained in the [Domain Abuse Activity Reporting \(DAAR\)](#) tool. The PSWG considered further developing possible GAC principles¹⁴.

¹⁴ See Attachment 1: Abuse Mitigation Principles in [ICANN60 GAC Briefing on DNS Abuse](#) and report of the session in the [GAC Abu Dhabi Communiqué](#) (p.3)

Awareness and Transparency: DNS Abuse Studies

A number of DNS Abuse safeguards were built into the New gTLD Program through new requirements¹⁵ adopted by ICANN org per its memorandum on [Mitigating Malicious Conduct](#) (3 October 2009) and GAC Safeguard Advice on Security Checks.

Building on ICANN org's assessment of the effectiveness of these [New gTLD Program Safeguards](#) (18 July 2016), to which the GAC had [contributed](#) (20 May 2016), the CCT Review Team [sought](#) a more comprehensive comparative analysis of abuse rates in new and legacy gTLDs, including statistical inferential analysis of hypotheses such as the correlations between domain name retail pricing and abuse rates.

The findings of this [Statistical Analysis of DNS Abuse in gTLDs](#) (9 August 2017) were submitted for [Public Comment](#). Community contributions were [reported](#) (13 October 2017) as constructive, welcoming the scientific rigor of the analysis and calling for further such studies to be conducted.

In its [comments](#) (19 September 2017), the GAC highlighted, among other conclusions, that:

- The study made clear that there are significant abuse issues in the DNS:
 - In certain new gTLDs, over 50% of registrations are abusive
 - Five new gTLDs accounted for 58.7% of all of the blacklisted phishing domains in new gTLDs
- Abuse correlates with policies of Registry Operators:
 - Registry operators of the most abused new gTLDs compete on price;
 - Bad actors prefer to register domains in standard new gTLDs (open for public registration), rather than in community new gTLDs (restrictions on who can register domain names)
- There is potential for future policy development regarding:
 - Subsequent rounds of new gTLDs, in connection with evidence that risk varies with categories of TLDs, in addition to strictness of registration policy
 - The enhancement of current mitigation measures and safeguards against abuse, as informed by such statistical analysis
- ICANN should continue and expand upon the use of statistical analysis and data to measure and share information with the community information about levels of DNS abuse.

On 17 October 2019, a study of [Criminal Abuse of Domain Names Bulk Registration and Contact Information Access](#) was released by a consultancy (Interisle Consulting Group) which has direct relevance to ongoing community discussions and explored

- How cybercriminals take advantage of bulk registration services to “weaponize” large numbers of domain names for their attacks.
- Effects of ICANN's interim policy redacting Whois point of contact information to comply with the GDPR on cybercrime investigations
- Policy recommendations for ICANN org and community considerations

¹⁵ Vetting registry operators, requiring demonstrated plan for DNSSEC deployment, prohibiting wildcarding, removing orphan glue records when a name server entry is removed from the zone, requiring the maintenance of thick WHOIS records, centralization of zone-file access, requiring documented registry level abuse contacts and procedures

Awareness and Transparency: Domain Abuse Activity Reporting (DAAR)

ICANN org's [Domain Abuse Activity Reporting](#) Project emerged as a research project concurrently to the GAC and PSWG engagement of the ICANN Board and Community on the effectiveness of DNS Abuse mitigation, between the ICANN57 (Nov. 2016) and ICANN60 meetings (Nov. 2017).¹⁶

The stated [purpose](#) of DAAR is to *"report security threat activity to the ICANN community, which can then use the data to facilitate informed policy decisions"*. This is achieved since January 2018 by the publication of [monthly reports](#), based on the compilation of TLD registration data with information from a large [set of high-confidence reputation and security threat data feeds](#).¹⁷

As such, DAAR is contributing to the requirement identified by the GAC for publication of *"reliable and detailed data on DNS Abuse"* in the [GAC Abu Dhabi Communiqué](#) (1 November 2017). However, as highlighted in a [letter](#) from the M3AAWG¹⁸ to ICANN org (5 April 2019), by not including security threat information on a per registrar per TLD basis, DAAR is still falling short of expectation from the GAC PSWG Members and their cybersecurity partners that it provides actionable information.

Recently, registries reported in an [Open Letter](#) (19 August 2019) interacting with ICANN's Office of the CTO *"to analyze DAAR with a view to recommending enhancements to OCTO to ensure DAAR better serves its intended purpose and provides the ICANN community with a valuable resource"*. While registries recognized that *"some members of the community may rely on data provided in ICANN's Domain Abuse Activity Reporting - or DAAR - to support claims of systemic or widespread DNS Abuse"* they believe that *"the tool has significant limitations, cannot be relied upon to accurately and reliably report evidence of security threats, and does not yet achieve its objectives"*.

Effectiveness: Current DNS Abuse Safeguards in Registries and Registrars Contracts

Building on the [Law Enforcement Due Diligence Recommendations](#) (October 2009), the GAC sought the **inclusion of DNS Abuse Mitigation Safeguards in ICANN's contracts** with Registries and Registrars:

- The 2013 [Registrar Accreditation Agreement](#) (17 September 2013) was approved by the ICANN Board (27 June 2013) after the inclusion of provisions [addressing the 12 Law Enforcement recommendations](#) (1 March 2012)
- The [New gTLD Registry Agreement](#) was [approved by the ICANN Board](#) (2 July 2013) after the inclusion of provisions in line with the GAC Safeguards Advice in the [Beijing Communiqué](#) (11 April 2013), consistent with the ICANN Board [Proposal for Implementation of GAC Safeguards Applicable to All New gTLDs](#) (19 June 2013)

¹⁶ See cross-community sessions led by the GAC PSWG during [ICANN57](#) (Nov. 2016), [ICANN58](#) (March 2017) and [ICANN60](#) (October 2017), as well as questions to the ICANN Board regarding the effectiveness of DNS Abuse Safeguards in [Hyderabad Communiqué](#) (8 November 2016), follow-up questions in the [GAC Copenhagen Communiqué](#) (15 March 2017) and a set of [draft responses](#) (30 May 2017) by ICANN org.

¹⁷ For more information, see <https://www.icann.org/octo-ssr/daar-faqs>

¹⁸ Messaging, Malware and Mobile Anti-Abuse Working Group

After the first few years of operations of New gTLDs, during the ICANN57 meeting, **the GAC identified a number of provisions and related safeguards for which it could not assess effectiveness.** As a consequence, in its [Hyderabad Communiqué](#) (8 November 2016) the GAC sought clarifications on their implementation from the ICANN Board. This led to a dialogue between the GAC and the ICANN org, follow-up questions in the [GAC Copenhagen Communiqué](#) (15 March 2017) and a set of [draft responses](#) (30 May 2017) which were discussed in a conference call between the GAC and the ICANN CEO (15 June 2017). A number of questions remained open and new questions were identified as reflected in a subsequent [working document](#) (17 July 2017).

Among the outstanding topics of interest to the GAC, an [Advisory, New gTLD Registry Agreement Specification 11 \(3\)\(b\)](#) was published on 8 June 2017 in response to questions from some registry operators seeking guidance on how to ensure compliance with Section 3b of [Specification 11 of the New gTLD Registry Agreement](#). **The Advisory offers one voluntary approach registry operators may adopt** to perform technical analyses to assess security threats and produce statistical reports as required by Specification 11 3(b).

As part of regular **audits conducted by the ICANN Contractual Department**, a [targeted audit](#) of 20 gTLDs on their “*process, procedures, and handling of DNS infrastructure*”, between March and September 2018, revealed that “*there were incomplete analyses and security reports for 13 top-level domains (TLDs), as well as a lack of standardized or documented abuse handling procedures and no action being taken on identified threats.*”¹⁹ Shortly thereafter, in November 2018, a [DNS Infrastructure Abuse Audit](#) of nearly all gTLDs was launched to “*ensure that the contracted parties uphold their contractual obligations with respect to DNS infrastructure abuse and security threats*”. In its [report](#) of the latest audit (17 September 2019), ICANN concluded that:

- the vast majority of registry operators are committed to addressing DNS security threats.
- The prevalence of DNS security threats is concentrated in a relatively small number of registry operators.
- Some Registry Operators interpret the contractual language of Specification 11 3(b) in a way that makes it difficult to form a judgment as to whether their efforts to mitigate DNS security threats are compliant and effective.

Contacted parties have taken issue with these audits as exceeding the scope of their contractual obligations.²⁰ ICANN org indicated that it will initiate an audit of registrars focusing on DNS security threats.

¹⁹ As reported in the blog post of 8 November 2018, Contractual Compliance: Addressing DNS Infrastructure Abuse: <https://www.icann.org/news/blog/contractual-compliance-addressing-domain-name-system-dns-infrastructure-abuse>

²⁰ See [correspondence](#) from the RySG (2 November 2019) to which ICANN org [responded](#) (8 November), and in comments posted on the [announcement](#) page (15 November): registries have taken issues with the [audit questions](#) as threatening enforcement action exceeding the scope of their contractual obligations [in particular under [Specification 11 3b](#)] and indicated their reluctance to “*share with ICANN org and the community relevant information regarding our ongoing efforts to combat DNS Abuse [...] as part of an ICANN Compliance effort that goes beyond what is allowed under the Registry Agreement*”

Effectiveness: Non-Binding Framework for Registries to Respond to Security Threats

As part of the New gTLD Program, the ICANN Board [resolved](#) (25 June 2013) to include the so-called “security checks” ([Beijing Communiqué](#) GAC Safeguards Advice) into [Specification 11](#) of the New gTLD Registry Agreement. However, because it determined that these provisions lacked implementation details, it [decided](#) to solicit community participation to develop a framework for “Registry Operators to respond to identified security risks that pose an actual risk of harm (...)”. In July 2015, ICANN formed a [Drafting Team](#) composed of volunteers from Registries, Registrars and the GAC (including members of the PSWG) who developed the [Framework for Registry Operator to Respond to Security Threats](#) published on 20 October 2017, after undergoing [public comment](#).

This framework is a voluntary and non-binding instrument designed to articulate guidance as to the ways registries may respond to identified security threats, including reports from Law Enforcement. It introduces a 24h maximum window for responding to High Priority requests (imminent threat to human life, critical infrastructure or child exploitation) from “*legitimate and credible origin*” such as a “*national law enforcement authority or public safety agency of suitable jurisdiction*”.

Per its recommendation 19, the [CCT Review Team](#) deferred the task of conducting an assessment of the effectiveness of the Framework to a subsequent review²¹ as the Framework had not been in existence for a long enough period of time to assess its effectiveness.

Effectiveness: Proactive Measures and Prevention of Systemic Abuse

Based on its [analysis of the DNS Abuse landscape](#),²² including consideration of [ICANN’s Report on New gTLD Program Safeguards](#) (15 March 2016) and the independent [Statistical Analysis of DNS Abuse](#) (9 August 2017), the CCT Review Team [recommended](#), in relation to DNS Abuse:

- The inclusion of **provisions in Registry Agreements to incentivize the adoption of proactive anti-abuse measures** (Recommendation 14)
- The inclusion of contractual provisions aimed at **preventing systemic use of specific registrars or registries** for DNS Security Abuse, including thresholds of abuse at which compliance inquiries are automatically triggered and consider a possible DNS Abuse Dispute Resolution Policy (DADRP) if the community determines that ICANN org itself is ill-suited or unable to enforce such provisions (Recommendation 15)

The ICANN Board [resolved](#) (1 March 2019) to place these recommendations in “Pending” Status, as it directed ICANN org to “*facilitat[e] community efforts to develop a definition of ‘abuse’ to inform further action on this recommendation.*”²³

²¹ CCT Review recommendation 19: *The next CCT should review the "Framework for Registry Operator to Respond to Security Threats" and assess whether the framework is a sufficiently clear and effective mechanism to mitigate abuse by providing for systemic and specified actions in response to security threats*

²² See Section 9 on Safeguards (p.88) in the [CCT Review Final Report](#) (8 September 2018)

²³ See p.5 of scorecard of [Board Action on the Final CCT Recommendations](#)

Current Positions

The current positions of the GAC are listed below in reverse chronological order:

- [GAC Statement on DNS Abuse](#) (18 September 2019)
- [GAC Comment](#) on the CCT Review Final Report and Recommendations (11 December 2018)
- [GAC Comment](#) on the Statistical Analysis of DNS Abuse in gTLDs (19 September 2017)
- [GAC Comment](#) on SADAG Initial Report (21 May 2016)
- [GAC Barcelona Communiqué](#) (25 October 2018) in particular sections III.2 GAC Public Safety Working Group (p.3) and IV.2 WHOIS and Data Protection Legislation (p.5)
- [GAC Copenhagen Communiqué](#) (15 March 2017) including [Abuse Mitigation Advice](#) requesting responses to the GAC Follow-up Scorecard to Annex 1 of GAC Hyderabad Communiqué (pp. 11-32)
- [GAC Hyderabad Communiqué](#) (8 November 2016) including [Abuse Mitigation Advice](#) requesting responses to Annex 1 - Questions to the ICANN Board on DNS Abuse Mitigation by ICANN and Contracted Parties (pp.14-17)
- [GAC Beijing Communiqué](#) (11 April 2013), in particular the ‘Security Checks’ Safeguards Applicable to all NewgTLDs (p.7)
- [GAC Dakar Communiqué](#) (27 Octobre 2011) section III. Law Enforcement (LEA) Recommendations
- [GAC Nairobi Communiqué](#) (10 March 2010) section VI. Law Enforcement Due Diligence Recommendations

Key Reference Documents

- ICANN Board [Scorecard of Action on the Final CCT Recommendations](#) (1 March 2019)
- [GAC Comment](#) on the CCT Review Final Report and Recommendations (11 December 2018)
- [CCT Review Final Report and Recommendations](#) (8 September 2018), in particular Section 9 on Safeguards (p.88)
- [GAC Comment](#) (16 January 2018) on [New Sections of the CCT Review Team Draft Report](#) (27 November 2017)
- [GAC Comment](#) on the Statistical Analysis of DNS Abuse in gTLDs (19 September 2017)
- [Statistical Analysis of DNS Abuse in gTLDs](#) (9 August 2017)
- [GAC Questions on Abuse Mitigation and ICANN Draft Answers](#) (30 May 2017) per Advice in the [GAC Hyderabad Communiqué](#) (8 November 2016) and Follow-up in [GAC Copenhagen Communiqué](#) (15 March 2017)
- ‘Security Checks’ GAC Safeguard Advice applicable to All New gTLDs (p.7) in [Beijing Communiqué](#) (11 April 2013)
- [LEA Recommendations Regarding Amendments to the Registrar Agreement](#) (1 March 2012)

- [Law Enforcement Due Diligence Recommendations](#) (Oct. 2009)

Document Administration

Meeting	ICANN66 Montréal, 2-7 November 2019
Title	DNS Abuse Mitigation
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 4: 30 October 2019

Board - GAC Interaction Group (BGIG) Session

Session 22 - BGIG Session

Contents

Session Objective	1
Background	1
Recent Relevant Developments	2
Agenda (updated 28 September 2019)	3
Further Information/Details:	3
Other Useful Links:	3
Document Administration	4

Session Objective

During this session members of the Board-GAC Interaction Group will have the opportunity to discuss Board treatment of GAC consensus advice supplied in the GAC Marrakech Communique and be updated on the expectations for treatment of the consensus advice in the GAC Montreal Communique.

Background

History of the BGIG

Originated back in 2011 to address recommendations from the first Accountability and Transparency Review Team (ATRT) effort, the original Board-GAC Review Implementation (BGRI) Working Group served as a vehicle for regular dialogue between the Board and GAC members. The collaborative BGRI effort improved the process for receipt, consideration, processing and tracking of GAC advice by the ICANN Board.

Issues under BGRI discussion over the years have included the actual definition of GAC advice; improvements to the process for considering GAC advice; discussion of matters involving the implementation of GAC advice; sources of GAC secretariat support; various amendments to the

GAC Operating Principles; and various other information exchanges between the two entities. More recently, the GAC Leadership and Board members have utilized the BGRI as a useful forum for operational discussions and examinations of strategic aspects of their working relationship.

At the ICANN63 meeting in Barcelona, the GAC and members of the ICANN Board agreed to change the name of the existing BGRI to the new Board-GAC Interaction Group (BGIG) - as evidence of the commitment to continued interaction and active cooperative efforts between the Board and the GAC.

The new “BGIG” name reflects a renewed commitment to the collaborative work of the GAC and Board members. It is expected that the BGIG will continue to explore initiatives and opportunities that can improve the GAC's operations and facilitate meaningful interaction with the ICANN Board.

History of the Action Advice Registry (“ARR”) (Tracking GAC Advice)

Efforts to improve the processing and tracking of GAC advice have been a fundamental focus of the Board and the GAC for some time. The Action Request Register (ARR) is the current tool used by the ICANN org to track the receipt and processing of GAC Advice. The ICANN org first implemented the ARR at the request of former Board Chair Dr. Steve Crocker in 2015 to provide clarity and consistency to the ICANN community about the status and lifecycles of different inputs to the Board.

Initially, the ARR only tracked formal advice from the At-Large Advisory Committee (ALAC), the Root Server System Advisory Committee (RSSAC), and the Security and Stability Advisory Committee (SSAC). In 2017, the ICANN org expanded the ARR to include advice from the GAC as well as Correspondence.

Starting at ICANN60 in Abu Dhabi the ICANN org started reporting on the status of the GAC advice inventory at the Board-GAC Interaction Group (BGIG) meetings during ICANN meetings and the inventories of GAC advice are also posted on the GAC website. The “universe” of advice currently includes all GAC advice from the ICANN46 GAC Beijing Communiqué to the most recent GAC Communiqué from ICANN65 Marrakech. Each GAC Communiqué has been parsed to identify individual advice items. The ICANN org determined that the GAC has issued 192 individual consensus advice items and 21 follow-up to previous consensus advice items since the ICANN46 Beijing Communiqué.

Recent Relevant Developments

On 10 September 2019, Maarten Botterman transmitted a letter to the GAC Chair advising the GAC of a change in the ARR process. He advised that in the future, the status of GAC advice in the ARR would be reported directly following the adoption of the latest GAC scorecard by the Board. The reason for this change is that ICANN org is now aligning the way it publicly reports on advice from the ALAC, RSSAC, and SSAC with advice from the GAC. Future inventories and status of GAC advice

will be included on the Recommendations to the Board web page along with other Advisory Committee advice.

Agenda

(updated 28 September)

For ICANN66, the preliminary BGIG meeting agenda will likely include:

- Introductions
- Review Board action on the GAC Marrakech Communique
- Compiled Documentation on GAC Advice (ARR)(new process)
- Feedback on 2-character code registration tool
- Timeline for Board action on any GAC Montreal Advice
- Any other business

Further Information/Details:

The Board-GAC Recommendations Implementation Working Group (BGRI-WG) (<https://www.icann.org/resources/pages/board-gac-2011-2012-02-28-en>) was originally created to implement GAC-related recommendations of the first ICANN Accountability and Transparency Review Team (ATRT1), <https://www.icann.org/resources/reviews/specific-reviews/atrt>.

The BGRI's term was then extended to implement GAC-related recommendations of the second Accountability and Transparency Review Team (ATRT2), <https://www.icann.org/resources/reviews/specific-reviews/atrt>;

And see ATRT2 Recommendation Implementation Wiki - <https://community.icann.org/display/atrt/ATRT2+Implementation+Program> - see recommendation 6 for GAC recommendations

Other Useful Links:

Final Recommendations of the First ATRT – 31 Dec 2010:

<http://www.icann.org/en/reviews/affirmation/atrt-final-recommendations-31dec10-en.pdf>

Board/GAC JWG Final Report – 19 June 2011:

<http://www.icann.org/en/committees/board-gac-2009/board-gac-jwg-final-report-19jun11-en.pdf>

ICANN ATRT Home Page: <https://www.icann.org/resources/accountability>

Document Administration

Meeting	ICANN66 Montreal, Canada November 2019
Title	GAC Briefing - Session 22 - Board GAC Interaction Group (BGIG) Session
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 28 September 2019

ccNSO onboarding session on ccPDP on Retirement of ccTLDs

Session 23

Contents

Background	2
Issues	2
Further Information	2

Session Objective

The GAC and the ccNSO meet regularly at ICANN Meetings to discuss matters of common interest.

The focus of this meeting will slightly change as the ccNSO will provide an onboarding session to the GAC on Retirement of ccTLDs, which is the first part of the third ccNSO PDP

This presentation aims to introduce new members of the GAC to this PDP by way of a systematic overview but is also intended to be useful to other participants in the ICANN process.

Background

The Country Code Names Supporting Organisation (ccNSO) is a body within the ICANN structure created for and by ccTLD managers.

The ccNSO provides a platform to nurture consensus, technical cooperation and skill-building among ccTLDs and facilitates the development of voluntary best practices for ccTLD managers.

The policy development process is managed by the [ccNSO Council](#), which consists of 18 Councillors (15 elected by ccNSO members, three appointed by the ICANN Nominating Committee).

The GAC and ccNSO have been meeting at ICANN Meetings recurrently in order to coordinate and discuss on public policy issues of common interest.

The GAC has appointed a point of contact to the ccNSO, Pär Brumark (Niue) and the ccNSO has appointed Giovanni Seppia (EURid) as point of contact to the GAC.

The role of both points of contact, is to facilitate policy and other internal community discussions among the groups, as well as meeting agenda preparations for ICANN Meetings.

Issues

Retirement of ccTLDs, part 1 of ccNSO PDP 3.

A country code Top Level Domain (TLD) can be added to the Root after the name of a country appears in the [ISO Standard 3166-1](#) (country codes ISO 3166-1 is part of the ISO 3166 standard published by the International Organization for Standardization, and defines codes for the names of countries, dependent territories, and special areas of geographical interest).

This standard contains a 2 letter alphabetic code (Alpha-2 code), a 3 letter alphabetic code and a numeric code, in addition to the names.

If the name of a country is removed from the ISO 3166-1 standard, the code elements are also removed and the ccTLD will be retired. The ccNSO has identified the lack of policy with respect to the retirement of a ccTLD and initiated this Policy Development Process (PDP).

This presentation aims to introduce new members of the GAC to the PDP by way of a systematic overview but is also intended to be useful to other participants in the ICANN process.

The PDP will in Step 2 also develop a review mechanism, which, however, will not be discussed in this session.

ccNSO PDP Retirement WG

The ccNSO Council has initiated its third [ccNSO Policy Development Process](#), consisting of two parts, the first one being the retirement of country-code Top-Level Domains (ccTLDs). The second part is to develop and recommend review mechanisms for decisions relating to the delegation, transfer, revocation, and retirement of ccTLDs.

The goal of the Retirement working group (WG) is to report on and recommend a policy for the retirement of the delegated Top-Level Domains associated with the country codes assigned to countries and territories listed in the ISO 3166-1. The group made an analysis of the different retirement cases to date. They are caused by a significant name change of the country, or a dissolution of the country or territory. Although this does not happen very often, it does occur, for instance when the formal arrangements with respect to a geographical area change, such as the Netherlands Antilles (.AN). Following the change in the Statute of the Kingdom of the Netherlands the code element .AN was removed from the ISO3166-1 list of assigned codes.

The group prepared a [glossary](#) of the relevant terminology, with terms used in the context of retirement of ccTLDs, but also in the context of removal of country codes from the ISO 3166-1 list.

The Working Group members reached consensus on the basic duration of the process, starting with the removal of the ISO3166-1 code element, leading into the removal of the ccTLD from the DNS root zone.

Consult the group's [charter](#) its work plan, and other relevant documents on its [website](#) and [workspace](#).

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	ccNSO onboarding session on ccPDP on Retirement of ccTLDs
Distribution	GAC Members and Public (after meeting)
Distribution Date	7 October 2019

GAC Bilateral Meeting with the At-Large Advisory Committee (ALAC)

Session 24

Contents

Session Objective	1
Background	1
Agenda and Outcomes	2
Key Reference Documents	3

Session Objective

The GAC and ALAC regularly meet at ICANN Meetings to discuss public policy matters of government and Internet end-user interest.

At ICANN66, the ALAC and GAC will discuss the ongoing work of EPDP Phase 2, capacity building initiatives and potential ALAC collaboration with the GAC on Subsequent Procedures.

Background

The At Large Advisory Committee (ALAC) is the primary ICANN-designated organizational home for the voice and concerns of individual Internet end users. Representing the At-Large Community, the 15-member ALAC consists of two members selected by each of the five Regional At-Large Organizations (RALOs) and five members appointed by ICANN's Nominating Committee. Advocating for the interests of end-users, the ALAC advises on the activities of ICANN, including Internet policies developed by ICANN's Supporting Organizations.

The GAC and ALAC have been regularly meeting at ICANN Public Meetings in order to coordinate and discuss ICANN policy issues of common interest.

Recently, the GAC has appointed a point of contact to the ALAC, Ana Neves (Portugal). The ALAC has appointed a liaison to the GAC, Yrjö Lansipuro. Their role is to facilitate policy and other internal

community discussions between the groups, as well as meeting agenda preparations for ICANN Meetings.

Among recent topics of work, the ALAC and the GAC have been actively participating in the [GNSO Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data](#) and published a [joint statement on EPDP during the ICANN64](#) Kobe Meeting. Both groups will follow up on this matter at ICANN66, as you can see on the session agenda below.

Agenda and Outcomes

In Montreal, the ALAC and GAC will be sharing views regarding the following:

1. Updates on EPDP

The topics proposed by the ALAC below, of potential common interest, will be discussed during the meeting in regards to EPDP.

- Complying with the GDPR and other relevant data protection laws
- Standardized System for Access/Disclosure (SSAD)
- Accreditation – Authorization
- Accuracy of gTLD registration data
- Distinction between natural & legal persons
- Other possible topics
 - o Technical field contact Information (*added to the ALAC and GAC joint statement on EPDP*)
 - o Research requirements pertaining to the security and stability of the Internet

2. Cooperation in capacity building initiatives

Following the ICANN65 Meeting, the discussion will continue on future initiatives related to capacity building for GAC and ALAC Members by working jointly to lower barriers to participation.

ALAC Members will provide an overview of the [ATLAS III Summit](#), aimed at providing participants with the skills required to effectively represent the best interests of Internet end-users within ICANN.

3. Subsequent Procedures

During the ICANN65 Meeting, the GAC Focal Group agreed to “consider interactions [on subsequent procedures] with the ALAC as appropriate”.

At ICANN66, the discussion will continue between both groups, on the potential level of participation of the ALAC on GAC matters related to Subsequent Procedures with the Focal Group, and to a larger extent on Work Track 5.

Key Reference Documents

[ALAC Consolidated Policy Working Group \(incl. EPDP\)](#)

[GAC and ALAC activity page](#) (includes ALAC and GAC joint statement on EPDP)

Document Administration

Meeting	ICANN66 - Montreal, Canada - November 2019
Title	GAC Briefing - Session 24 - GAC meeting with the ALAC
Distribution	GAC Members and Public (after meeting)
Distribution Date	14 October 2019

Implementing the Human Rights Core Value in ICANN's Bylaws

Session(s) # 27 - Human Rights and International Law WG Plenary with CCWP

Contents

Background	1
Agenda	2
Relevant Developments	2
Key Reference Documents	3
Further Information	3

Background

Formed in February 2015, the GAC Working Group on Human Rights and International Law (HRIL WG) focuses on aspects of ICANN's policies and procedures which relate to human rights and relevant international law. The Working Group Co-Chairs are Jorge Cancio (Switzerland) and Suada Hadzovic (Bosnia Herzegovina).

The Cross-Community Working Party on ICANN and Human Rights (CCWP-HR) is a multistakeholder forum for research and discussion on the relationship between human rights and global DNS coordination. This is related — but not limited — to policies, procedures, and operations, with a particular focus on ICANN's responsibility to respect human rights. The primary goal of the CCWP-HR is to provide information, facilitate dialogue, and make suggestions to ICANN the corporation, its Board of Directors, and the ICANN community on ways to better harmonize ICANN's policies and procedures with internationally recognized human rights and corporate social responsibility standards.

At ICANN65, GAC members and Cross-Community Working Party for Human Rights (CCWP-HR) agreed to hold a joint session at ICANN66 focusing on the Implementation of the Human Rights Core Value in ICANN's Bylaws, following the release of the [Human Rights Impacts Assessment](#) by ICANN Org.

Agenda

- 1. Welcome/Session Objectives** - 2 minutes
- 2. Introduction: ICANN Human Rights Core Value** - 5 minutes
 - a. How did we get here?
- 3. GNSO Policy Development Processes and Human Rights, the work and experiences so far - "Designing a Human Rights Impact Assessment for ICANN's Policy Development Process"**
Presentation 15 minutes
 - a. Highlights;
 - b. Specific lessons learned;
 - c. Way forward
- 4. Community views on the Implementation of ICANN Human Rights Core Value** - 25 minutes
- 5. Reactions from the floor: open mic** - 10 minutes
- 6. Session take-aways** - 3 minutes

Relevant Developments

ICANN engaged a third-party vendor to conduct an independent internal Human Rights Impact Assessment ([HRIA](#)) of ICANN's organizational operations. [ICANN Org's Human Rights Impact Assessment report](#) was published on 15 May 2019, presented to the GAC at ICANN65.

The CCWP-Human Rights, published a report named [Designing a Human Rights Impact Assessment for ICANN's Policy Development Process](#). This report outlines an iterative research-and-design process carried out between November 2017 and July 2019, focusing on successes and lessons learned in anticipation of the Board's long-awaited approval of the Work Stream 2 recommendations.

Key Reference Documents

[ICANN Org's Human Rights Impact Assessment report](#)

[Designing a Human Rights Impact Assessment for ICANN's Policy Development Process](#)

Further Information

[HRIL WG Page](#)

[Terms of References](#)

[Work plan](#)

[HRIL WG Options Paper - May 2019](#)

Document Administration

Meeting	ICANN66 Montreal
Title	GAC Briefing - Session 27 - Implementing the Human Rights Core Value in ICANNs Bylaws
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 2 October 2019

ATRT3 Review Update

Session 28 - Third Accountability and Transparency Review (ATRT3) Update

Contents:

Session Objective	1
Background	1
Recent Developments	2
Session Agenda	3
Current Positions	3
Key Reference Documents	3
Further Information	4
Document Administration	4

Session Objective

During this session, GAC members will learn about the latest developments with the third Accountability and Transparency Review Team (ATRT3) and engage in dialogue with the ATRT3 GAC Work Party to share information about the GAC and the status of the work party's efforts.

Background

The ICANN Bylaws mandate that the community conduct a periodic review to assess how ICANN is executing its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency. This ensures that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community.

The ICANN Bylaws outline the general issues that established accountability and transparency review teams may assess. Those issues include, but are not limited to, the following:

1. assessing and improving ICANN Board governance;
2. assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS;
3. assessing and improving the processes by which ICANN receives public input;

4. assessing the extent to which ICANN's decisions are supported and accepted by the Internet community;
5. assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development;
6. assessing and improving the Independent Review Process.

On 20 December 2018, ICANN org announced the selection of an 18-member team to conduct the third [Accountability and Transparency Review](#) (ATRT3). The GAC nominated a member of the team - Mr. Liu Yue (China).

The ATRT3 decided to devote a portion of its work to reviewing the GAC and established a “work party” devoted to assessing the role and effectiveness of GAC interactions with the ICANN Board and the broader ICANN community, and researching how to ensure that ICANN effectively considers the GAC's views on public policy aspects of DNS technology coordination.

This “ATRT3 GAC Work Party” developed a series of questions looking back at implementation of the prior ATRT2 recommendations and looking forward to consideration of the effectiveness of the GAC-ICANN Board relationship with an eye toward developing future recommendations.

Members of the GAC Work Party met with the GAC in plenary session at ICANN65 in Marrakech at which time the work party shared questions for GAC feedback.

Recent Developments

Since the ICANN65 meeting, the ATRT3 also developed two survey documents asking for community insights and information about the subjects of its review. One survey asked for input from ICANN community structures (i.e., supporting organizations and advisory committees) and a second survey sought input from individual community members.

The GAC supplied responses to a GAC-specific Community Structure Survey and GAC members were encouraged to participate in the separate individual response survey.

The GAC leadership also coordinated a GAC response to several written questions that the ATRT3 GAC Work Party members shared with the GAC at the time of the Marrakech meeting. Links to copies of those response documents can be found in [Key Reference Documents](#) section of this briefing.

Session Agenda

(as of 14 October 2019)

The original ATRT3 work plan targeted the ICANN66 Montreal meeting for an initial report of its efforts. This session, scheduled for the GAC meeting in Montreal, will feature the following agenda items:

- Introductory Remarks
- Overview of ATRT3 Progress
- AOB

Current Positions

The GAC Leadership Team has been supportive of interaction with the ATRT3 review team with the expectation that the more information that is shared, the more informed the ATRT3 can be about the GAC and its work. In addition to active engagement with the review team by the GAC Leadership Team, GAC members and observers have been invited and are still encouraged to make themselves available to help the review team with any specific requests for context, background or information about the work of the GAC.

Key Reference Documents

- Copy of GAC responses to ATRT3 Community Structures Survey - <https://gac.icann.org/activity/gac-involvement-in-icann-atrt3>
- Copy of GAC responses to ATRT3 GAC Work Party Questions - <https://gac.icann.org/activity/gac-involvement-in-icann-atrt3>
- The ATRT3 wiki web page can be found here - <https://community.icann.org/display/atrt/ATRT3>
- ATRT3 GAC Work Party web page - <https://community.icann.org/display/atrt/GAC+WP>
- The ATRT3 Terms of Reference and Work Plan (approved on 12 June 2019) can be found here - <https://community.icann.org/display/atrt/Terms+of+Reference>
- Recommendations from ATRT2: GAC Operations & Interactions Recommendation 6 - <https://community.icann.org/display/atrt/ATRT2+Implementation+Briefing+Materials?previ ew=/108332215/108332230/GAC%20Operations%20%26%20Interactions.pdf>

Further Information

- The GAC ATRT3 Activity page can be found here - <https://gac.icann.org/activity/gac-involvement-in-icann-atrt3>
- Session transcript and materials from Liu Yue's ATRT3 briefing to GAC at ICANN64 - Kobe - <https://64.schedule.icann.org/meetings/961962>
- Session transcript and materials from ATRT3 GAC Work Party session with the GAC at ICANN65 - Marrakech - <https://65.schedule.icann.org/meetings/1058191>

Document Administration

Meeting	ICANN66 - Montreal, Canada
Title	ATRT3 Update- #28 - Briefing
Distribution	GAC Members and Public (after meeting)
Distribution Date	Version 1: 14 October 2019

Tab1. ICANN66 GAC Schedule (October)

Saturday 2 November (1)			Sunday 3 November (2)			Monday 4 November (3)		Tuesday 5 November (4)		Wednesday 6 November (5)			Thursday 7 November (6)				
08:30	GAC ROOM: 517A		GNSO EPDP	7. Update on current issue (IGO Protections) (45 mins)		Community Action Approval Forum	ICANN 66 Welcoming Ceremony (09:00-10:15)		19. WHOIS and Data Protection Policy (30 mins)		27. GAC Human Rights Plenary Discussion (60 mins)		EPDP IRT 1/2	ICANN Board Annual General Meeting	EPDP IRT 2/2		
08:45				8. New gTLDs Subsequent Procedures PDP Discussion WT5 (60 mins)					20. New gTLDs Subsequent Rounds Discussion (75 mins)		28. ATRT3 Review (45 mins)						
09:00																	
09:15			0. GAC First Timers Session (75 mins) [516C]		GNSO EPDP	Morning Coffee Break		Morning Coffee Break		Morning Coffee Break		Morning Coffee Break				Morning Coffee Break	
09:30																	
09:45																	
10:00	Lunch Break (12:00-13:30) (GAC Leadership Meeting [12:15-13:00]) [516A]			Lunch Break (12:00-13:30) (GAC Leadership Meeting [12:15-13:15]) [515A]			Lunch Break (12:00-13:30)		Lunch Break (12:00-13:30) (GAC Leadership Meeting [12:15-13:15]) [515A]		Lunch Break (12:00-13:30)						
10:15																	
10:30																	
10:45																	
11:00																	
11:15	1. Opening Plenary, review of ICANN65 action items and overview of sessions (45 mins)		GNSO EPDP	9. Update on current issue (.Amazon) (45 mins)		EPDP Phase 2: Unified Access Model for Non-Public gTLD Registration Data (90 mins)		21. DNS Abuse Mitigation (45 mins)		DNS Abuse (90 mins)		Evolution of ICANN's Multistakeholder Model (90 mins)					
11:30				10. WHOIS and Data Protection Policy (45 mins)				22. Meeting of the BGIG (45 mins)									
11:45	2. Updates on current issues (2 character codes) (45 mins)		GNSO EPDP	Morning Coffee Break		Morning Coffee Break		Morning Coffee Break		Morning Coffee Break		Morning Coffee Break					
12:00																	
12:15	Lunch Break (12:00-13:30) (GAC Leadership Meeting [12:15-13:00]) [516A]			Lunch Break (12:00-13:30) (GAC Leadership Meeting [12:15-13:15]) [515A]			Lunch Break (12:00-13:30)		Lunch Break (12:00-13:30) (GAC Leadership Meeting [12:15-13:15]) [515A]		Lunch Break (12:00-13:30)						
12:30																	
12:45																	
13:00																	
13:15																	
13:30	3. USR WG Meeting (60 mins)		New gTLDs Sub Pro WT5	GNSO EPDP	11. Preparation for Meeting with the ICANN Board (45 mins)		Public Forum 1 (90 mins)		23. ccNSO onboarding session on ccPDP on Retirement of ccTLDs (45 mins)		29. DNS Abuse Mitigation (45 mins)		30. Potential GAC sessions (90 mins)	GNSO EPDP Wrap Up			
13:45					12. Auction Proceeds Discussion (45 mins)				24. Meeting with the ALAC (45 mins)		26 (b). ICANN66 Communique drafting (2/4) (45 mins)						
14:00	4. GOPE WG Meeting (60 mins)		New gTLDs Sub Pro WT5	GNSO EPDP	Afternoon Coffee Break		Afternoon Break		Afternoon Coffee Break		Afternoon Coffee Break		Afternoon Coffee Break				
14:15																	
14:30	5. NomCom WG Meeting (60 mins)		Rights Protection Mechanism (RPM) WG	GNSO EPDP	13. Meeting with Registry Stakeholder Group (RySG) (30 mins)		17. GAC Operational Matters (elections, HLGm) (60 mins)		25. Meeting with ICANN Board (60 mins)		26 (c). ICANN66 Communique drafting (3/4)(90 mins)		CCWG Auction Proceeds	Q&A with ICANN Organization Executive Team (90 mins)			
14:45					14. Meeting with GNSO (60 mins)										18. ICANN legitimacy report to the GAC (30 mins)		26 (a). ICANN66 Review Point (30 mins)
15:00	GAC Afternoon Coffee Break			Afternoon Coffee Break			Afternoon Break		Afternoon Coffee Break		Afternoon Coffee Break		Afternoon Coffee Break				
15:15																	
15:30																	
15:45																	
16:00																	
16:15	6. RSSAC Co-Chairs briefing to the GAC (45 mins)		Rights Protection Mechanism (RPM) WG	GNSO EPDP	15. Universal Acceptance (45 mins)		Rights Protection Mechanism (RPM) WG	GNSO EPDP	26 (a). ICANN66 Review Point and Communique drafting (1/4) (90 mins)		26 (d). ICANN66 Communique drafting (4/4)(90 mins)		CCWG Auction Proceeds	Public Forum 2 (90 mins)			
16:30					16. GAC Communique Review (45 mins)												
16:45	Transition Break			Transition Break			Transition Break		Transition Break		Transition Break						
17:00																	
17:15																	
17:30																	
17:45																	
18:00	Non Plenary GAC Focal Group Meeting on New gTLDs Subsequent Rounds (90 mins) [512G]		Rights Protection Mechanism (RPM) WG	GNSO EPDP	15. Universal Acceptance (45 mins)		Rights Protection Mechanism (RPM) WG	GNSO EPDP	26 (a). ICANN66 Review Point and Communique drafting (1/4) (90 mins)		26 (d). ICANN66 Communique drafting (4/4)(90 mins)		CCWG Auction Proceeds	Public Forum 2 (90 mins)			
18:15															16. GAC Communique Review (45 mins)		
18:30	Reception with Commercial Stakeholder Group (CSG) (90 mins)			Performance show							ICANN66 Wrap-Up Cocktail						
18:45																	
19:00																	
19:15																	
19:30																	
19:45																	
20:00																	

Tab1. ICANN66 GAC Schedule (October)

Saturday 2 November (1)	Sunday 3 November (2)	Monday 4 November (3)	Tuesday 5 November (4)	Wednesday 6 November (5)	Thursday 7 November (6)
GAC Plenary Sessions	Community Action Approval Forum: <i>Community Forum for the Empowered Community to discuss the recent Fundamental Bylaw changes.</i>				
GAC Joint Sessions					
GAC Non Plenary Sessions					
Plenary Community Sessions					
GAC Communique					
Community Sessions					