
GAC Opening Plenary Session

Session # 1 - Opening Plenary

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Session Objectives

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 typically offers information and updates to the GAC about developments since the last in-person meeting and preparation for the meeting week ahead.

Background

The GAC opening plenary session gives the GAC Chair an opportunity to provide an overview report on what delegates can expect during the coming week of meetings. That overview will be even more important for this ICANN67 Virtual meeting as it will be the GAC's first experience with this type of meeting format.

During this opening 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 Montreal, Canada. GAC participants will be invited to share comments on their meeting goals and expectations.

During traditional GAC face-to-face meetings, the Opening Plenary session gives delegates from all the attending GAC Members and Observer organizations the opportunity to introduce themselves. The revised "virtual" format of this ICANN67 meeting will not enable this capability. Instead, GAC Support staff will track remote attendance for purposes of meeting records by observing those present in sessions throughout the week in the Zoom rooms set up for that purpose.

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 [Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names](#), [Registration Directory Service \(RDS-WHOIS2\) Review Team Final Report](#), [Third Accountability and Transparency Review Team \(ATRT3\) Draft Report](#), [Proposed Dates for ICANN Public Meetings 2024-2028 and Revised Dates in 2022](#) and [ICANN's Draft FY21-25 Operating & Financial Plan and Draft FY21 Operating Plan and Budget](#). 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 ICANN66, the GAC has also sent and received correspondence regarding several matters of importance to GAC members including such topics as ICANN's Consumer Trust and Consumer Choice Review, the GNSO PDP 3.0 update, ICANN Fundamental Bylaws Amendments, EPDP Phase 1 Implementation, community interest in the announced PIR (.org) transaction and clarification of the GAC's Montreal Communique. Those documents and several others are posted 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 continues to work to align GAC membership and working group membership records. The goal of this work 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 (please see the pre-meeting briefing for Session 25 - GAC Wrap-Up Session for more information).

During the ICANN66 meeting in Montreal, 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 ICANN66 Action Points (Google Doc) - <https://docs.google.com/spreadsheets/d/1q2jygHjk1MQHoUYj2k1hjPDaw5TAebMRWqG98Go6eEY/edit#gid=1067667374>
- GAC Public Comment 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>

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Subsequent Rounds of New gTLDs

Session(s) 2, 6, 10, 11 - Subsequent Rounds: Prepare for GNSO Sessions/GAC Discussion on Subsequent Rounds

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Sessions Objectives

- Contribute to reviewing and updating of relevant GAC positions
- Attend and provide input in PDP WG Discussions
- Identify any concerns or key priorities for the GAC

Background

Since its incorporation, ICANN has delivered several expansions of the Top-Level Domain (TLD) names space. The latest and most significant expansion started in 2012, and has seen more than 1000 New gTLDs added to the DNS.

This latest expansion, known as the New gTLD Program or the 2012 round of New gTLDs, was the product of a multi-year process of policy development, in which the GAC participated, with contributions in the form of policy principles, safeguards advice and objections to applications that could cause public policy concerns.

Several processes¹ 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](#)

Since 2016, the New gTLDs Subsequent Procedures (Sub Pro) PDP WG has been deliberating by reviewing and discussing the 2012 program, and soliciting community input on policy recommendations to improve the next round of new gTLDs. Ultimately, the outcome of this PDP WG will be the basis for the policy and rules governing the next gTLD expansion.

Issues

At the moment the Sub Pro PDP WG is discussing and working towards drafting final recommendations for the upcoming public comment period expected late July-August 2020. The final recommendations are expected to be submitted to the GNSO Council by the Sub Pro PDP WG in December 2020.

ICANN67 Cancun is an opportunity for face-to-face interaction between GAC Members and Subsequent Procedures PDP WG members during WG deliberations on the ongoing drafting of the final recommendations, and more broadly on items of importance to the GAC before they are included in final recommendations.

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

- 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

¹ See timeline at <https://newatlds.icann.org/en/reviews> for an overview of relevant processes and some of their interactions

- iii. ICANN org (as directed by the Board) to begin implementation of the policy recommendations (which will likely include a revised Applicant Guidebook).

Upon completion of these successive steps ICANN org would be expected to start receiving new applications for gTLD, possibly not until 2021/2022.

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*” in the [GAC Helsinki Communiqué](#) (30 June 2016) as reiterated in the [GAC Kobe Communiqué](#) (14 March 2019).

Leadership Proposal for GAC Action

1. Increase GAC understanding and knowledge of procedural and substantive aspects of ongoing policy developments in the GNSO Subsequent Procedures (Sub Pro) PDP WG
2. Enable GAC members’ attendance in the PDP WG sessions during ICANN67 towards providing relevant public policy input in the ongoing policy discussion
3. Review and update GAC policy positions regarding the ongoing policy development including other processes related to Subsequent Rounds of new gTLDs
4. Identify policy positions and concerns to be discussed by the GAC, for potential input to the Sub Pro PDP WG (as part of and/or aside from the future public comment on July-August) and/or to the ICANN Board, in the form of GAC Advice only if needed and developed through GAC consensus.

Relevant Developments

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 Level².

The full Working Group has reviewed the public comments on its [Initial Report](#) and [Supplemental Initial Report](#) through to ICANN66.

At the time of this briefing, the Sub Pro Working Group is currently working on drafting final recommendations to be submitted for public comment expected in July-August 2020. This process entails the PDP WG reviewing the high level agreements reached within the PDP WG to date, and reflecting WG consensus into draft final recommendations. Please see the WG [Work Plan](#) for details.

Based on the PDP WG [Work Plan](#), eight topics should be reviewed with final recommendations drafted prior to ICANN67:

- Applicant Guidebook
- Communications
- Systems
- Applications & Variable Fees
- Closed Generics
- Global Public Interest
- String Similarity

After finalizing the final recommendations a public comment is envisaged for July 2020 before delivering the report to the GNSO Council in December 2020.

² 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](#).

Current Positions

This section provides the most recent summary of GAC positions in alphabetical order reviewed by GAC Leadership regarding policy areas related to future rounds of New gTLDs discussions with the highest potential of public policy impact. Please also refer to the two key documents for the GAC as part of the GAC ICANN67 Briefing package: 1) [GAC Scorecard](#) for a more comprehensive reference of previous GAC input/advice provided to date and 2) the [GAC Overview Document on Subsequent Procedures of New gTLDs](#), which provides an explanatory overview of each policy area identified in the Scorecard.

Applicant Evaluation and Accreditation Programs:

The GAC provided input via its [comment](#) on the Sub Pro PDP WG Initial Report noting that Applicant evaluation and Registry Service Provider pre-approval process to include consideration of potential security threats. Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application. The Sub Pro PDP Working Group has confirmed that the only difference between a pre-approved RSP and one that is approved during application evaluation is the timing of when the approval takes place. Therefore, all criteria for evaluation and testing (if applicable) should be essentially identical. The Sub Pro PDP WG is unsure of how to integrate data such as DAAR, which provides data for an already delegated TLD, into the evaluation process. The GAC Leadership welcomes discussions with the PDP WG on how tools like DAAR can benefit the evaluation process.

Applicant Support and Participation of Underserved Regions:

The GAC Leadership is aware of ongoing discussions within the Sub Pro PDP WG on this topic and looks forward to the PDP WG discussing their final recommendations. In the meantime, as indicated in the [GAC Comment on CCT-RT Accepted Recommendations - Plan for Implementation and Next Steps](#):

- *“the GAC supports expanding and improving outreach to these regions noting that such outreach [in the Global South] does require a more comprehensive approach and better targeting, building on the challenges identified with past initiatives. The GAC believes that new / appropriate definitions of the terms Global South, as used in the CCT-RT Final Report, underserved or underrepresented regions should be considered.”*
- *“According to the GAC Underserved Regions Working Group, focus is put on underserved regions by the DNS industry, and on least developed economies and small island developing states.”*
- *“ICANN org should identify which regions are considered as ‘underserved’ and ‘underrepresented’ and in what context are they defined as such.”*
- *“Once identified, ICANN org should provide regional targeted capacity building efforts to all ICANN community stakeholders, on the Applicant Support Program for new gTLDs applications in preparation for subsequent rounds, in a timely manner to allow stakeholders*

to be prepared for the subsequent round, and better promote competition, consumer choice and consumer trust.”

Auction Procedures:

With regard to the use of auction mechanisms, the GAC Leadership reiterates divergence with current PDP deliberations through its [comment](#) on the Subsequent Procedures PDP WG Initial Report noting that:

- *“Auctions of last resort should not be used to resolve contention between commercial and non-commercial applications.”*
- *“As to private auctions, incentives should be created to strongly disincentivise that instrument.”*

Clarity and Predictability of Application Process:

The GAC Leadership is aware of details being developed for a [“New Predictability Framework”](#) which proposes the creation of a Standing Predictability Implementation Review Team (“SPIRT”), a new GNSO structure to advise its Council, and with which ICANN org would be required to consult when it considers a change/modification to the New gTLD program after its launch (that is after new applications have been received). While the GAC Leadership notes understand that this structure would be advisory and is not meant to impact the ability of the GNSO and other SO/ACs from performing their roles assigned under the ICANN Bylaws, we recall that the GAC has stressed in its [comment](#) on the Sub Pro Initial Report (8 Oct. 2018):

- *“The GAC - and others -The need for a degree of flexibility to respond to emerging issues at the global space, [...] within ICANN processes to ensure consistency, as application of national laws country-by-country may not be sufficient.as dealt with in ICANN processes, since national laws may not be sufficient to address them.”*
- *“The need for such flexibility continues after the conclusion of a GNSO PDP.”*

Closed Generics:

The GAC Leadership is aware of persistent divergence within the Sub Pro PDP WG on this matter and looks forward to the PDP WG discussing its final recommendation. In the meantime, the GAC Beijing Advice remains the GAC’s reference position, noting that for strings representing generic terms, exclusive registry access should serve a public interest goal.

Future Releases of New gTLDs (Timing and Prerequisites):

The Sub Pro PDP WG Co-Chairs signaled to the GAC (ICANN64 GAC plenary session) that Policy recommendations on this matter may be at odds with Helsinki Advice (recalled in the [Kobe Communiqué](#)), since *“the GAC recall[ed] its advice in the ICANN56 Helsinki Communiqué, which states that the development of policy on further releases of new gTLDs needs to fully consider all the results of the relevant reviews and analyses to determine which aspects and elements need adjustment. The GAC advised the Board to address and consider these results and concerns before proceeding with new rounds”*. The GAC Leadership is aware that the Sub Pro PDP WG has not conducted cost/benefit analysis on further releases of new gTLDs and notes that this understanding

is based on existing policy that “it is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term” (New gTLD Applicant Guidebook, section 1.1.6).

In its response (15 May 2019) to the GAC Kobe Communiqué Follow-up (14 March 2019) on the Helsinki Advice (30 June 2016), the ICANN Board responded: “As noted in the Helsinki Scorecard, the Board accepted the advice and monitored the work of the community [...]. All of the Bylaws- and Board-committed reviews related to the 2012 round of new gTLDs have been completed. [...] The Board will consider the policy recommendations when the community completes its work [...]”.

GAC Early Warning and GAC Advice:

The GAC noted that Sub Pro PDP WG deliberation (in particular in its [23 September 2019 call](#)) contrasts from [GAC input on the Initial Report](#), since the PDP WG is considering removing in future editions of the Applicant Guidebook language included in the 2012 AGB section 3.1 that GAC Advice “will create a strong presumption for the ICANN Board that the application should not be approved.” In addition, the Sub Pro WG apparently believes that this language hampers opportunities for applicants and the GAC to work together to agree on mitigation of concerns, which could allow an application to proceed upon resolution of concerns. As per the [GAC comment](#) on the Sub Pro PDP WG initial report:

- The GAC reiterates that GAC Early Warning and GAC Advice “were a useful mechanism to identify applications that raise public policy concerns [...] and should be an integral part of any future rounds.”
- “The GAC would welcome the opportunity to discuss options to increase the transparency and fairness of these arrangements (including providing a rationale for objections and giving applicant subject to Early Warnings the opportunity for direct dialogue with the GAC...”
- “However, the GAC does not consider that the PDP should make recommendations on GAC activities, which are carried out in accordance with the Bylaws and GAC’s internal procedures.”

Public Interest Commitments (PICs):

GAC [Comment](#) on the Sub Pro PDP WG Initial Report originally proposed that registries be required to screen registrants for proper credentials at the time of registration to ensure that they are what they purport to be before they may do business with the public using the name of a regulated sector such as a bank or pharmacy. As implemented by ICANN, registrants themselves were to self-report that they possessed the necessary credentials “thus posing a” risk of consumer fraud and potential harm because bad actors will not hesitate to make false representations about their credentials. The GAC most recently [...] [recommended](#) that “before making any final recommendations” the PDP “consider[s] the GAC’s prior safeguard advice and any recommendations in the CCT final report on these issues” noting statements in CCT Review Final Report “that there are difficulties with assessing the effectiveness of new gTLD consumer safeguards, particularly PICs, due to lack of a reporting framework and associated data). The GAC expects that before making any final recommendations, the Sub Pro PDP will fully consider the GAC’s 2012 safeguard advice and any recommendations in the CCT final report related to these

issues . The GAC also noted in its [Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018) that PICs should be effectively monitored by ICANN for compliance, with appropriate sanctions when breached.

Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse):

The GAC provided detailed advice on safeguards for sensitive, regulated and highly regulated gTLDs in its [Beijing Communiqué](#) and reiterated this advice in several subsequent Communiqués.

TLD Categories (or Types):

The GAC Leadership is aware that current Sub Pro PDP WG high level agreement notes support to maintain existing categories and to not create additional categories, with the exception of formally adopting the .Brand category. The latest GAC position on this matter is the [GAC Nairobi Communiqué](#) Advice - which was recalled in GAC comments to SubPro - calling for further exploration of categories and addressing fees.

Additional Issues of Interest to the GAC:

From prior GAC positions on the matter, the GAC Leadership wishes to also note that the GAC also follows with great attention the following issues being debated within the PDP WG SubPro and is looking forward to analysing the final recommendations proposed by such WG:

- Community based applications
- Geonames as TLDs
- Reserved Names

Key Reference Documents

- [GAC Scorecard: Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds.](#)
- [GAC Overview Document on Subsequent Rounds for new gTLDs](#)

Further Information

- [Working Document - Subpro PDP WG Draft Final Recommendations](#)
- [GAC Response](#) to ICANN Board Clarification Questions on the GAC Montréal Communiqué Advice (20 Jan 2020)
- 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)

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GAC Scorecard on New gTLD Subsequent Rounds: Status of Substantive Areas of Interest to the GAC

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Key to color-coding:	General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority
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Color-coding of General Status/Alignment for Each Policy Area of previous GAC input vis-à-vis the PDP Working Group Deliberations to Prioritize GAC Work:

<p>Status Still To be determined Lack of information on status of PDP WG deliberations prevent accurate evaluation at this stage.</p>	<p>General Alignment / Low Priority GAC positions are generally aligned or are adequate enough to be incorporated by the PDP at this stage. Proactive participation and input may still be appropriate to ensure ultimate alignment of GNSO policy recommendations with GAC objectives</p>	<p>Less Alignment / Medium Priority GAC members may need to monitor deliberations and plan to provide further input to PDP WG as there is a possibility that the group may not address some GAC concerns or may diverge on some policy objectives</p>	<p>Possibility of No Alignment / High Priority GAC action is needed on this item. There is a possibility that the group may not address some GAC input. Action to either engage with the Sub Pro PDP WG (to clarify GAC positions, collaborate, review implementation, etc.) or revise GAC positions (to reflect the latest developments and proposals being considered in the PDP)</p>
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- [PDP Working Group working draft for draft final recommendations:](#)

1. GAC Priority Topics Identified at ICANN66

Area of GAC interest	Summary of Previous GAC Input	Status of PDP WG Deliberations
Applicant Support and Participation of Underserved Regions	<p>Comment on CCT Review Team Draft Report (19 May 2017):</p> <ul style="list-style-type: none"> Establish clear measurable goals and indicators for applications from the Global South, linked to ICANN strategic objectives. Increase in number of delegated strings from underserved regions should be critical (Draft Rec. 43, Final Rec. 29) Expand and update work on outreach to Global South, starting with response to challenges identified to date (Draft Rec. 44, Final Rec. 30) ICANN to coordinate pro bono assistance (Draft Rec. 45, Final Rec. 30) Revisit Application Support Program: reduction of fees, additional support, access to simple information in relevant language (Draft Rec. 46, Final Rec. 32) Not only should the application fee be reduced for all applicants but members from underserved regions should be offered additional support due to external issues [...] which should not prevent entities in those regions from applying <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Please see submission on CCT-RT Draft Report <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> PDP Should consider the CCT Review recommendations in this area <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> Reiterated comments on Draft Report Establishment of “clear, measurable goals for the Global South, including whether or when applications and even number of delegated strings should be objectives” of any New gTLD Application Round (Final Rec. 29) <p>Board Response/Action to CCT Review Recommendations (1 March 2019)</p>	<p>Confirmed w/ GNSO Support High Level Agreements & Ongoing Discussion in PDP Last discussed 8 August 2019</p> <ul style="list-style-type: none"> Per 25 July call and high level agreements reached: “Application submission communication period should begin at least 6 months prior to the window opening” . Applicant support and the “middle applicant” was discussed on August 8th, 2019 by PDP WG, and per high-level agreement reached: not only target the Global South, but also consider the “middle applicant” which are struggling regions that are further along in their development compared to underserved or underdeveloped regions”. The Working Group is converging on a set of high-level agreements on this topic. Please note that work is still in progress and the recommendations may change. Consensus calls have not yet been held. The current high-level agreements from the PDP WG within the Application Processing Summary Document include not only targeting the Global South but also: <ul style="list-style-type: none"> openness to applicants regardless of their location if they meet other program criteria; employing longer lead times to create awareness drawing on regional experts and leveraging tools and expertise to evaluate applicant business cases; including financial support beyond the application fee (such as including application writing fees, attorney fees, etc); considering the number of successful applicants to the program as a measure of success. Two items were submitted for further discussion on the PDP mailing list: <ul style="list-style-type: none"> Whether to allow an application that fails to meet the criteria for applicant support to switch their application to the regular application process. Seek additional input on mailing list regarding how to prioritize applicant support applications if there are more qualified applicants than resources available.
	<p style="text-align: center;">Possible Next Steps for the GAC</p> <p>The GAC may wish to follow and contribute upcoming deliberations towards the drafting of final recommendations in this area as to ensure outcomes compatible with GAC expectations and actual needs of prospective applicants in these regions.</p>	

	<p>GAC Response to ICANN Board Clarification Questions on the GAC Montreal Communiqué: GAC agree[s] that expanding and improving outreach should be an ongoing effort. [The GAC] would expect the Board to make a judgment, in good faith, as to whether it considers outreach has been expanded and improved enough to justify proceeding with the new round of gTLDs.</p>	
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Area of GAC interest	Summary of Previous GAC Input	Status of PDP WG Deliberations
Closed Generic TLDs	<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> ○ Based on principles of promoting competition and consumer protection, exclusive registry access should serve public interest goal (per Beijing GAC Communiqué Cat. 2 Safeguards Advice) <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> ○ Re-affirms previous advice (Beijing Communiqué, Cat. 2 Safeguards): for strings representing generic terms, exclusive registry access should serve a public interest goal 	<p>Confirmed w/ GNSO Support No High Level Agreement and Continued Divergence in PDP WG Last discussed on 22 August 2019 PDP WG call</p> <ul style="list-style-type: none"> ● PDP WG Leadership invited the GAC to clarify criteria for what would constitute serving the public interest. Input would still be very timely. ● Public Comments to date indicated there appears to be a fair amount of support to allow closed generics in some capacity, but requiring that the closed generic serve the public interest, perhaps requiring a commitment to a code of conduct, and/or introducing an objection process. However, there are some strongly held views against closed generics altogether. The WG remains widely divergent on this topic. ● Key challenges in this discussion include: <ul style="list-style-type: none"> ○ defining closed generics ○ defining the public interest or public interest goals, and ○ evaluating whether the public interest may be served or harmed by an application.
		Possible Next Steps for the GAC
		<ul style="list-style-type: none"> ● The GAC may consider clarifying criteria for what would constitute serving the public interest (in response to PDP WG Co-chair request during ICANN64 GAC plenary session) ● The GAC may wish to appoint topic lead(s) to engage in discussion with PDP WG Members on a dedicated mailing list created specifically to further discuss closed generics and identify any consensus if at all possible. The list has not seen much activity since August 2019 however, ● The GAC may also be interested to review and refine safeguards applicable to closed generics, and assess proposed mechanisms in the PDP WG such as Application Criteria, Code of Conduct or a new Objection mechanism.

Area of GAC interest	Summary of Previous GAC Input	Status of PDP WG Deliberations
Public Interest Commitments (PICs)	<p>Comment on CCT Review Team Draft Report (19 May 2017): the GAC supports</p> <ul style="list-style-type: none"> Improvement of definition, accessibility and evaluation of applicant's Public Interest Commitments (Draft Rec. 37-39, Final Rec. 25) <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Actual adoption and implementation of the PICs differed in many respects from GAC advice (Toronto and Beijing Communiqués), most notably on the issue of safeguards applicable to highly regulated gTLDs (Cat. 1). Before making any final recommendations, the PDP should consider the GAC's prior safeguard advice and any recommendations in the CCT final report on these issues should be fully considered in the next stage of the PDP's work PICs should be effectively monitored by ICANN for compliance, with appropriate sanctions when breached 	<p>Confirmed w/ GNSO Support High Level Agreements & Ongoing Discussion Last discussed 11 July 2019</p> <p>The Working Group is converging on a set of high-level agreements on this topic. Please note that work is still in progress and the draft final recommendations may change. Consensus calls have not yet been held. PDP WG high level agreements as per 11 July PDP WG Meeting:</p> <p>Mandatory PICs:</p> <ul style="list-style-type: none"> Codify the current implementation of mandatory PICs as policy recommendations. No additional mandatory PICs are needed. Provide single-registrant TLDs with exemptions and/or waivers to mandatory PICs provisions of the Registry Agreement, Specification 11 3(a) and 11 3(b). <p>Voluntary commitments:</p> <ul style="list-style-type: none"> Continue with the concept of voluntary commitments and allow applicants to make such commitments in response to public comments, GAC Early Warnings, and/or GAC Advice. At the time a voluntary commitment is made, the applicant must set forth whether such commitment is limited in time, duration and/or scope such that the commitment can adequately be reviewed by ICANN, an existing objector (if applicable) and/or the GAC (if the voluntary PIC was in response to a GAC Early Warning or GAC Advice). Voluntary commitments should be reflected in the applicant's Registry Agreement; Voluntary commitments can only be changed after public comment.
	Possible Next Steps for the GAC	
	<ul style="list-style-type: none"> The GAC may wish to monitor closely the upcoming draft final recommendations emerging from SubPro PDP on "Global Public Interest" matters as they have gathered significant interest and their outcomes are likely to affect the GAC's ability to handle public policy concerns in future rounds. The GAC may wish to also monitor upcoming draft final recommendations on topics not yet addressed in high level agreements, of interest to the GAC: <ul style="list-style-type: none"> Consideration of existing safeguards and related CCT recommendations Implementation of Cat. 1 safeguards vs. GAC Advice 	

		<ul style="list-style-type: none"> ○ Effective ICANN compliance monitoring ○ Accessibility of PICs ● GAC and PSWG may want to start considering whether and to what extent, as suggested in the PDP WG Initial Report (section 2.3.2.c.1, p.54): “mandatory PICs should be revisited to reflect the ongoing discussions between the GAC Public Safety Working Group and Registries as appropriate”, which would likely be policy implementation work.
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Area of GAC interest	Summary of Previous GAC Input	Status of PDP WG Deliberations
Global Public Interest	<p>Response to Sub Pro PDP CC2 (22 May 2017) Regarding mechanisms to be employed to serve the public interest, in addition to Public Interest Commitments, the GAC referred GAC Advice it believed were still current:</p> <ul style="list-style-type: none"> ○ Beijing Communiqué on Cat. 1 Safeguards Advice (Closed Generics) ○ Los Angeles Communiqué Advice on PICDRP to ensure that non compliance with Public Interest Commitments is effectively and promptly addressed, and for Cat. 2 TLDs (restricted registration) to provide registrants an avenue to seek redress for discriminatory policies ○ Singapore Communiqué (2015) Advice to reconsider the PICDRP and develop a ‘fast track’ process for regulatory authorities, government agencies and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public ○ Singapore Communiqué (2015) Advice to recognise voluntary adoption of GAC advice on verification and validation of credentials as best practice. 	<p>Confirmed w/ GNSO Support</p> <p>See discussion of Safeguards and Public Interest Commitments above.</p>
		Possible Next Steps for the GAC
		<p>See above.</p>

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
<p>GAC Early Warnings and GAC Advice</p>	<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> o GAC Early Warning provided earliest possible notice of potential public policy concern and served the interests of both applicants and the GAC o GAC Advised for commitments in response to Early Warning to be made contractually binding (Toronto) o The GAC is interested in participating in any discussions to improve the Early Warning arrangements so that the legitimate concerns of governments, applicants and the wider community are met. <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> o GAC Early Warning and GAC Advice were useful instruments to identify applications that raise public policy concerns and should be an integral part of any future rounds. o GAC is Open to increasing transparency and fairness of these, including giving applicants an opportunity for direct dialogue with the GAC. o However, 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 	<p>Confirmed with GNSO Support Ongoing Discussion Last discussed: 23 September 2019</p> <ul style="list-style-type: none"> • The Working Group is converging on a set of high-level agreements on this topic. Please note that work is still in progress and the recommendations may change. Consensus calls have not yet been held. Policy discussions in preparation for high level agreements within Sub Pro WG Call of 23 September 2019 contrast GAC input from October 2018 since the PDP WG is considering a recommendation to omit in future editions of the Applicant Guidebook language included in the 2012 AGB section 3.1 that GAC Advice “will create a strong presumption for the ICANN Board that the application should not be approved.” Some WG rationale for considering this change can be found in the bullets below. • The WG believes that this language hampers opportunities for applicants and the GAC to work together to agree on mitigation of concerns, which could allow an application to proceed upon resolution of concerns. • The WG believes that “GAC Advice must include clearly articulated rationale, including the national or international law upon which it is based”. • The WG believes that “future GAC Advice, and Board action thereupon, for categories of gTLDs should be issued prior to the finalization of the next Applicant Guidebook. Any GAC Advice issued after the application period has begun must apply to individual strings only, based on the merits and details of the application, not on groups or classes of applications”. • The AGB envisioned GAC Advice to be on an application by application basis.
		<p>Possible Next Steps for the GAC</p>
		<ul style="list-style-type: none"> • The GAC may wish to follow upcoming draft final recommendations from the PDP WG as there is significant interest in the role of the GAC and support to impose requirements on GAC actions in future rounds and policy discussions in the Sub Pro PDP WG are not consistent with GAC positions and interests. • In particular, the GAC may wish to consider whether it accepts having to provide justification for its advice and to request specific action from applicants in the future.

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

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
<p>Policy Development Process</p>	<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> o GAC Notes range of ongoing interconnected reviews and policy development processes relevant to new gTLDs o Take a comprehensive and measured approach to new gTLD policy in a sequential and coordinated way rather than through too many parallel and overlapping efforts o Cross-community working environment essential to the development of workable policies that maximise benefits to all relevant stakeholders o GNSO process to be complemented by the input from other SOs/ACs, and ICANN Board when not appropriately reflected in the outcome o Experience suggests conclusion of a PDP on such a wide-ranging set of issues unlikely to be end-point agreed by all stakeholders. GAC will make every effort to participate in agreed post-PDP policy processes. o Consider metrics to support both policy development and ongoing implementation as a specific stream of work <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> o Increased data collection on consumer trust, DNS abuse, domain wholesale and retail pricing, reseller information, WHOIS accuracy [...] will allow for more informed decision and policy [...] particularly with regard to future standard registry and registrar contract provisions and any subsequent rounds of gTLDs (Final Rec. 1, 8, 11, 13, 17, 18) 	<p>Confirmed w/ GNSO Support Ongoing Discussion Last discussed 26 Nov. 2019</p> <ul style="list-style-type: none"> • According to the GNSO Review of the GAC Kobe Communiqué (18 April 2019), all CCT Review recommendations directed at the PDP either by the Review Team (in the course of its work) or by the ICANN Board resolution (1 March 2019) are being considered in the course of the PDP WG's deliberations • Per its most recent discussions (21-26 November), the WG reviewed all CCT-RT recommendations directed at it again. The WG believes that it has duly considered all relevant CCT-RT recommendations, even if in the end, the WG may not always adopt the solutions as prescribed by the CCT-RT. This secondary review of the CCT-RT recommendations does not seem to indicate any major policy upheavals. • The WG will describe its consideration of the CCT-RT recommendations in its Final Report (though it will be informed by its working document). • PDP WG discussed whether the program should only utilize "rounds" and there were no major objections, 6 Feb. 2020. <p style="text-align: center;">Possible Next Steps for the GAC</p> <ul style="list-style-type: none"> • Update, clarify or set specific expectations in terms of policy outcomes stemming from relevant interconnected reviews and PDPs • Provide guidance on where data and metrics should be leveraged by Sub Pro PDP WG deliberations. • Follow GAC deliberations on the consideration of the CCT Review Recommendations which are not addressed in the Sub Pro PDP WG

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Future Releases of New gTLDs (Timing and Prerequisites)	<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> Reiterated GAC Helsinki Communiqué Advice on this matter Lack of clarity on realization of the expected benefits of new gTLDs (per pre-2012 economic analysis) Development and collection of metrics far from complete ICANN, registries and registrars should commit to gathering appropriate data on security and consumer safety issues in a transparent manner Preventing or restricting further release of new gTLDs could be seen as a windfall gain for existing gTLD owners. However, competition is only one factor in terms of assessment of costs and benefits. <p>Comment on CCT Review Team Draft Report (19 May 2017)</p> <ul style="list-style-type: none"> CCT-RT's contribution is critical in evaluating the overall impact of the new gTLD Program and identifying corrective measures and enhancements <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Reiterates GAC Helsinki & Hyderabad Communiqué and previous input that costs and benefits of new gTLDs should be reviewed before any further rounds, noting it does not seem addressed directly by PDP Further expansion should take into account the CCT Review recommendations identified as prerequisites <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> the GAC endorses recommendations in the final report that encourage the collection of data to better inform policy making before increasing the number of new gTLDs (Need for data) <p>Comment on CCT Review Team Accepted Recommendations - Plan for Implementation and Next Steps (21 October 2019)</p> <ul style="list-style-type: none"> the GAC reiterates concern with the outcome of the Board's consideration of the majority of the CCT Review Team consensus recommendations, which to date are still in pending status. As many pending Recommendations relate to vital public policy issues, including DNS Abuse, the GAC encourages the Board and the Review Team to consider what steps need to be taken to progress on the majority of Recommendations that still remain in the "pending" status. 	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Analysis No High Level Agreement Reached 6 February 2020</p> <p>Status:</p> <ul style="list-style-type: none"> The PDP WG discussed Continuing Subsequent Procedures on 6 Feb. 2020. No current objections within PDP WG to the New gTLD Program continuing nor to the collection of data and metrics for assessing the impact of the program. The Sub Pro PDP WG has not conducted cost/benefit analysis of further releases of new gTLDs. This is based in part on the fact that <i>"It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term"</i> (New gTLD Applicant Guidebook, section 1.1.6). The PDP WG Co-Chair (J. Neuman) signaled during an ICANN64 GAC plenary session that Policy recommendation on this matter may be at odds with GAC Advice. However, the WG has taken note that the CCT-RT had a number of economic and consumer surveys at its disposal, which ultimately led to the CCT-RT outcomes indicating some level of benefit from the program. In terms of data collection, the Sub Pro PDP WG deliberations point to the need for assessing gaps in the Global Consumer Survey (29 May 2015) and Assessment of Competitive Effects (11 Oct. 2016) that were conducted in connection with the CCT Review. In its response (15 May 2019) to the GAC Kobe Communiqué Follow-up (14 March 2019) on the Helsinki Advice (30 June 2016), the ICANN Board responded: <i>"As noted in the Helsinki Scorecard, the Board accepted the advice and monitored the work of the community [...]. All of the Bylaws- and Board-committed reviews related to the 2012 round of new gTLDs have been completed. [...] The Board will consider the policy recommendations when the community completes its work [...]"</i>.
	<p style="text-align: center;">Possible Next Steps for the GAC</p> <ul style="list-style-type: none"> Determine whether the current status of work in the Sub Pro PDP requires revisiting GAC's expectations, in particular as formulated in the GAC Helsinki Communiqué regarding costs/benefits analysis. Evaluate conclusions of the Global Consumer Survey and Assessment of Competitive Effects to assess relevance and consideration by the PDP 	

	<p>GAC Advice Montreal Communiqué on CCT Review and Subsequent Rounds of New gTLDs: The GAC Advises the Board: i. not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as "prerequisites" or as "high priority".</p> <p>GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on GAC Montreal Communiqué Advice on CCT Recommendations and Subsequent Rounds of new gTLDs.</p>	<ul style="list-style-type: none"> ● Seek clarification as to how expected CCT-RT prerequisites are being incorporated into PDP policy recommendations, & whether some may require follow-up at later stages of the process.
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3. New gTLD Applications Process

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Clarity and Predictability of Application Process	<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> ○ “Continuous delegation” could provide long-term certainty, reduce opportunities for gaming the system and enable more efficient allocation of resources by ICANN, the community and applicants. ○ Need for process flexibility to respond to emerging issues ○ Need mechanism to alert, allow application by and giving a say to parties interested in name applied for ○ GAC Appreciates importance of predictability at the pre-application, application and ongoing post-application stages. However, this should not be the prime or only consideration ○ The GAC needs a degree of flexibility to respond to emerging issues at the global level, as dealt with in ICANN processes, since national laws may not be sufficient to address them. The need for such flexibility continues after the conclusion of a GNSO PDP <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> ○ The GAC supports any reasonable measures that streamline application procedures (thereby reducing compliance costs) but that also enable due consideration of public policy issues raised by GAC ○ Reiterates response to Sub Pro PDP CC1 regarding flexibility to respond to emerging issues, including after conclusion of PDP 	<p>Confirmed w/ GNSO Support Ongoing Discussion Last Discussed: 12 Dec. 2019</p> <ul style="list-style-type: none"> ● The Sub Pro PDP WG issued a preliminary recommendation (2.2.2.c.1) for subjecting the future New gTLD Program, once launched, to a new Predictability Framework, to address new issues that may arise ● Details are being developed in a “New Predictability Framework Document”, and in “Open Questions about the SPIRT” which proposes the creation of a Standing Predictability Implementation Review Team (“SPIRT”), a new GNSO structure to advise its Council, and with which ICANN org would be required to consult when it considers a change/modification to the New gTLD program after its launch (that is after new applications have been received). ● It is generally agreed in the Sub Pro PDP that the Predictability Framework, and the SPIRT it suggests creating, is advisory in nature and would not impact the ability of the GNSO and other SO/ACs from performing their roles assigned under the ICANN Bylaws.
		Possible Next Steps for the GAC
		<ul style="list-style-type: none"> ● Review the proposed Predictability Framework, its associated Standing Review Team and the guidelines for ICANN org, and assess the impact on GAC need for “flexibility to respond to emerging issues” ● Consider how the GAC would approach and prepare for both the policy implementation phase (once policy development is complete and before

	<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> ○ Reiterates response to Sub Pro PDP CC1 on need for flexibility to respond to emerging issues 	<p>the new round of application is launched) and for the operational phase of a next round (administration of the Program) with the envisioned Predictability Framework.</p>
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Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
<p>Application Procedures</p>	<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> ○ Critical assessment should be made on whether Applicant Guidebook or single place on ICANN's website should be preferred in future ○ If Applicant Guidebook is retained, partitioning in different audience-driven sections or by type of application has merit <p>Comment on Sub Pro PDP Supplemental Initial Report (19 Dec. 2018)</p> <ul style="list-style-type: none"> ○ Concur that better guidance provided by ICANN would be helpful regarding possible changes in applications once submitted and their consequences in terms of publication and evaluation. ○ Care is required so as not to allow changes that could undermine the role of Application comments ○ A change to the likely operator of the new gTLD would constitute a material change and require notification (AGB 1.2.7) and possibly re-evaluation as well as public comments for competition and other concerns. 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG Deliberation Stage: Ongoing Discussion High Level Agreement Reached Draft Final Recommendation Ongoing</p> <p>PDP WG Last discussed this topic on: 6 February 2020</p> <p>Status:</p> <ul style="list-style-type: none"> ● The Applicant Guidebook is expected to be retained and made available in the 6 UN Languages. ● The WG is leaning towards requiring that the translations must all be available a certain period of time before the application window can open. See section 2.4.1 Applicant Guidebook. ● The PDP WG Recommendation for ICANN org to provide better guidance to the Applicant is also expected to be retained. ● The Working Group recommends focusing on the user when drafting future versions of the Applicant Guidebook and prioritizing usability, clarity, and practicality in developing the AGB for subsequent procedures. The AGB should effectively address the needs of new applicants as well as those already familiar with the application process. It should also effectively serve those who do not speak English as a first language in addition to native English speakers. <p style="text-align: center;">Possible Next Steps for the GAC</p>

		<ul style="list-style-type: none"> Consider providing specific guidance to ICANN once policy development is complete and ICANN begin implementation work, including editing the New gTLD Applicant Guidebook Pursue the definition of categories (see other section in this scorecard)
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Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Freedom of Expression	<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> No clear evidence of infringement of an applicant's freedom of expression rights in the recent gTLD round Freedom of expression, especially from commercial players, is important but not absolute. As in any fundamental rights analysis all affected rights have to be considered, including, inter alia, intellectual property rights, applicable national laws on protection of certain terms etc. Procedures have to be inclusive of all parties whose interests and rights are affected by a specific string application, and all need to be given a fair say in the process 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG Deliberation Stage: Ongoing Discussion High Level Agreement</p> <p>PDP WG Last discussed this topic on: 15 July 2019</p> <p>Status:</p> <ul style="list-style-type: none"> Deliberations on public comments received on this topic occurred on 15 July 2019. Public comments indicate there appears to be support for the respect of freedom of expression in balance with that of other rights. If there is additional guidance to be developed for evaluators in this area, it is expected to be developed prior to launch. The WG has not yet come to agreement on what specific guidance is needed to help balance the various rights in this regard. WG High Level Agreement: it would be helpful to provide additional implementation guidance in relation to [support of] protecting applicant freedom of expression rights. (page 9)
		Possible Next Steps for the GAC
		<ul style="list-style-type: none"> Monitor WG deliberations and potential policy recommendation outcomes

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
TLD Categories (or Types)	<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories Limited geographic and category diversity of 2012 application should inform discussions GAC 2007 Principles and Durban Communiqué suggest certain types of TLDs which may deserve a differential treatment, including sensitive strings and highly regulated sectors Differential treatment may require different tracks for application and different procedures, rules and criteria. To be confirmed with data gathering. <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Reiterates GAC Nairobi Communiqué Advice in relation to possible variable fee structure per type of application <p>Comment on the Statistical Analysis of DNS Abuse in New gTLDs (19 September 2017)</p> <ul style="list-style-type: none"> There is still significant scope for the development and enhancement of current mitigation measures and safeguards, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD, Community gTLD, Geographic gTLD and Brand gTLD) Risk levels also varies depending on the strictness of the registration policy (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names) <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories and addressing fees 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG Deliberation Stage: Ongoing Discussion High Level Agreement</p> <p>PDP WG Last discussed this topic on: 25 July 2019</p> <p>Status:</p> <ul style="list-style-type: none"> High level agreement notes support from most commenters to maintain existing categories and to not create additional categories, with the exception of formally adopting the .Brand category. However, the WG is still deliberating the concept of Verified TLDs, which appear similar to sensitive strings and highly regulated sectors. High level agreement notes support for a single application fee (e.g., against variable fees) in most cases, with the exception of Applicant Support.
		<p>Possible Next Steps for the GAC</p> <ul style="list-style-type: none"> The GAC may wish to assess whether new categories should be considered, and if so, highlight specifically what those categories are and why they should be given a different treatment. Allowing for a variable fee structure may need to be pursued specifically

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Community Based Applications	<p>Comment on CCT Review Team Draft Report (19 May 2017):</p> <ul style="list-style-type: none"> o Conduct a thorough review of procedures and objectives for Community-based applications (Draft Rec. 48, Final Rec. 34) <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> o Where a community which is impacted by a new gTLD application has expressed a collective and clear opinion, that opinion should be duly taken into account as part of the application. (Beijing Communiqué) o Take better account of community views, regardless of whether those communities have utilised the ICANN formal community process or not (Durban Communiqué 2013) o The GAC proposes the establishment of an appeal mechanism for community applications o The GAC has recently referred to the PDP Working Group for consideration the recommendations of a report on community applications commissioned by the Council of Europe. <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> o Supports proposal in the Initial Report o The study of this matter by the Council of Europe should be considered <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> o a thorough review of procedures and objectives related Community-Based Applications be conducted prior to the launch of any future round of New gTLD Application (Final Rec. 34) 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG Deliberation Stage: Ongoing Discussion No High Level Agreement Reached </p> <p>PDP WG Last discussed this topic on: 10 October 2019</p> <p>Status:</p> <ul style="list-style-type: none"> • Public Comments indicate there appears to be support to try and make Community Priority Evaluation (CPE) more transparent and predictable, including developing and sharing guidance earlier in the process. • Reflected outcome of Sub Pro PDP WG Call of 7 October: no high level agreement to date. GNSO Support Staff has updated the limited appeals mechanism matrix to address several items identified during the call (e.g., background screening, Community Priority Evaluation, Independent Objector). PDP WG members are encouraged to review and comment. • Sub Pro PDP WG call of 10 October: no high level agreements, but PDP WG discussed whether CPE guidelines or similar guidelines should be adopted and attached to applicant in advance. No objection on the call was flagged for preliminary recommendation that notes that the CPE process should include a process for evaluators to engage in dialogue with the applicant during the CPE process. Subsequent dialogue has taken place on the email list to refine the CPE Guidelines, but there appears to be general support for the inclusion of this additional guidance. • Open questions remain on the definition of “community” and whether any additional considerations for communities should be introduced beyond CPE.
	<p style="text-align: center;">Possible Next Steps for the GAC</p>	
	<ul style="list-style-type: none"> • Monitor outcomes on the consideration of CCT Review Recommendation 34, both by ICANN Board and the Sub Pro PDP WG • Consider providing specific input on expectations in connection with the “thorough review” the GAC has called for, as well as on specific problems to be addressed such as the definition of Communities (as agreed during the ICANN64 GAC plenary session). The GAC may wish to leverage prior documentation of the issues by the UK GAC Representative (16 October 2017) and the report by the Council of Europe (May 2016) 	

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Community Engagement	<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> o Ensure/empower participation from all relevant stakeholders from affected communities (as applicants or to have a fair say when legitimate interests affected by TLD applications) 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG Deliberation Stage: Ongoing Discussion PDP WG Last discussed this topic on: 15 April 2019</p> <p>Status:</p> <ul style="list-style-type: none"> • Deliberations of Sub Pro PDP WG based on public comments received in relation to the New gTLD Communications Strategy (2.4.2) are still pending. • For context, the questions included in the first Community Consultation (CC1) focused mostly on the resolution of issues that might arise after the program launch. The preliminary outcome at that time was envisioned to be a “change control framework”, which later became the ‘Predictability Framework’ in the Initial Report (p.16), that is still being developed through the work of a dedicated Sub Team of the PDP WG (see this other section of this scorecard) • The WG is currently working on the draft final recommendations for communications, which focus on timeliness, broad outreach and accessibility as key priorities.
		Possible Next Steps for the GAC
		<ul style="list-style-type: none"> • Consider monitoring and contributing specific input on the New gTLD Communication Strategy as well as other areas of WG deliberations such Comments and Objections on Applications.

4. New gTLD Applications Requirements

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Applicant Evaluation and Accreditation Programs	<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Applicant evaluation and Registry Service Provider pre-approval process should include consideration of potential security threats Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG Deliberation Stage: Ongoing Discussion High Level Agreement Reached </p> <p>PDP WG Last discussed this topic on: 28 May 2019</p> <p>Status:</p> <ul style="list-style-type: none"> Support from most commenters for the use of the term "Pre-Approval Program" and establishment of such a program. Some concerns and a response in opposition are discussed below. The Working Group confirms that the only difference between a pre-approved RSP and one that is approved during application evaluation is the timing of when the approval takes place; Therefore, all criteria for evaluation and testing (if applicable) should be essentially identical. The WG is unsure of how to integrate data such as DAAR, which provides data for an already delegated TLD, into the evaluation process.
		<p>Possible Next Steps for the GAC</p>
		<ul style="list-style-type: none"> The GAC and PSWG particularly may wish to follow and contribute to deliberations of Sub Pro PDP WG in this area as to ensure outcomes compatible with GAC expectations and threat landscape, consistent with previous GAC Advice¹ The GAC may want to consider providing specific guidance on how tools like DAAR can benefit the evaluation process.

¹ In particular Annex 1 of [GAC Hyderabad Communiqué](#), and follow-up exchange with ICANN Board and ICANN Org. For more information: <https://gac.icann.org/activity/dns-abuse-mitigation> (section Ongoing Work > Effectiveness of DNS Abuse Safeguards in Registries and Registrars Contracts)

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Reserved Names	<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> ○ Existing reservations of names at the top level substantially reflect the GAC Principles Regarding New gTLDs. ○ The GAC would expect that any changes should be consistent with these Principles ○ The GAC wishes to draw the attention of the PDP to its most recent advice on certain 2-character codes at the second level (GAC Panama Communiqué) 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG High-level Agreement: Ongoing Discussion High Level Agreement Reached</p> <p>Status: Last discussed on 19 August 2019</p> <ul style="list-style-type: none"> ● Reserved Names ["Unavailable Names," referred to in 2012 AGB as "Reserved Names"] at the Top Level <ul style="list-style-type: none"> ○ Comments generally supported reserving the names for Public Technical Identifiers (i.e., PTI, PUBLIC TECHNICAL IDENTIFIERS, PUBLIC TECHNICAL IDENTIFIER). ○ Comments generally supported reserving Special-Use Domain Names through the procedure described in IETF RFC 6761. ● Reserved Names at the Second Level ● Comments generally support updating Schedule 5 to include the measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016.

5. New gTLD Applications Requirements - Safeguards and Public Interest Commitments

Area of GAC interest	Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse)</p>	<p>Comment on CCT Review Team Draft Report (19 May 2017): the GAC supports:</p> <ul style="list-style-type: none"> ○ Incentives for registries to meet user expectations regarding content, registrants in TLD, safety of personal data (Draft Rec. 14, Final Rec. 12) ○ Further gathering of data related to WHOIS Accuracy and related complaints (Draft Rec. 17-18, Final Rec. 18) ○ Regular gathering, analysis by ICANN of data pertaining to abuse rates in new gTLDs (Draft Rec. 19, Final Rec. 16) ○ Review of Registry Security Framework (Draft Rec. 20, Final Rec. 19) ○ Assessing whether mechanisms to report and handle complaints have led to more focused efforts to combat abuse and improving awareness of Registries points of contact to report abuse (Draft Rec. 21-22, Final Rec. 20) ○ Collection of additional information in complaints to assess effectiveness of highly regulated strings Cat. 1 safeguards (Draft Rec. 23-24, Final Rec. 21) ○ More data and information required for an objective assessment of the effectiveness of safeguards for highly regulated strings (Draft Rec. 25-30, Final Rec. 23) ○ Survey registrant and ICANN compliance on enforcement of Safeguards related to New gTLDs with Inherent Governmental Functions and Cyberbullying (Draft. Rec 31-32, Final Rec. 24) ○ Additional collection of data to assess effects of restricted registration policies on TLD trustworthiness, DNS Abuse, competition, and costs of compliance (Draft Rec. 33-36, Final Rec. 13) <p>Comment on the Statistical Analysis of DNS Abuse in New gTLDs (19 September 2017)</p> <ul style="list-style-type: none"> ○ There is still significant scope for the development and enhancement of current mitigation measures and safeguards, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD, Community gTLD, Geographic gTLD and Brand gTLD) ○ Risk levels also varies depending on the strictness of the registration policy (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new 	<p>Confirmed w/ GNSO Support PDP WG High-level Agreement: [Yes, see below None] (As of [Date])</p> <p>Status:</p> <ul style="list-style-type: none"> ● There appears to be some support for the concept of a Verified TLD (TLDs implying trust and related to regulated or professional sectors that have implications for consumer safety and well-being) ● As indicated in the Policy Development Process section of this scorecard, the PDP WG believes that all CCT Review recommendations directed at the PDP are being considered in the course of the PDP WG's deliberations ● Per the PDP WG's working document, only 4 of the CCT Review recommendations identified as important by the GAC in the area of safeguards (see Left) are being considered by the PDP (Rec. 12, 14, 16, 23). All of these are identified as requiring more consideration in PDP WG deliberations ● It should be noted that CCT Review Final Recommendations have been considered by the ICANN Board (1 March 2019). The Board's actions are currently subject to further community discussion, as tracked by the GAC in another dedicated scorecard. <p style="text-align: center;">Possible Next Steps for the GAC</p> <p>Given the importance of this policy area for the GAC, and given the reduced scope of consideration of CCT Review Recommendations in the PDP WG (compared to GAC expectations), the GAC May wish to:</p> <ul style="list-style-type: none"> ● proactively engage or contribute position papers for consideration in PDP WG deliberations related to TLD Types/Categories or Global Public Interest. Timing to be confirmed (per WG Schedule, subject to change) ● actively track developments in relation to the Board consideration of the CCT Review recommendations, and possibly engage via other channels in complement to the PDP WG where appropriate.

gTLDs, where registries may impose restrictions on who can register domain names)

[Comment](#) on [Sub Pro PDP Initial Report](#) (8 October 2018)

- o **Verified [TLD]** Consortium and the National Association of Boards of Pharmacy recommendations on applications for strings linked to highly regulated sectors should be supported.

[Comment](#) on [CCT Review Team Final Report](#) (11 December 2018)

- o Considering the conclusion that "The new gTLD safeguards alone do not prevent DNS Security abuse in the DNS", consider more **proactive measures to identify and combat DNS abuse**, including incentives (contractually and/or financially) by ICANN to encourage contracted parties to adopt proactive anti-abuse measures (Final Rec. 14)
- o Incentivize registries to meet **expectations about who can register domains in sensitive or regulated industries** and gathering data about complaints and rates of abuse in these gTLDs that often convey an implied level of trust (Final Rec. 12, 23)
- o Endorses recommendation for an **audit of highly regulated gTLDs** to assess whether restrictions regarding possessing necessary credentials are being enforced (Final Rec. 23)
- o ICANN Contractual Compliance to publish **more details as to the nature of the complaints** they are receiving and what safeguards they are aligned with, to enhance future policy making and contractual safeguards (Final Rec. 20, 21)

6. New gTLD Applications Evaluation, Objections and String Contention

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
String Similarity	<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Reference to the GAC Hyderabad Communiqué Advice regarding the proposed guidelines on the second IDN ccTLD string similarity review process Reference to GAC Prague Communiqué advice “to create a mechanism of appeal that will allow challenging the decisions on confusability” in relations to applied-for IDN ccTLDs <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Reaffirms previous advice (GAC Beijing and Singapore Communiqué) that singular and plural versions of the same string as a TLD could lead to consumer harm 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG High-level Agreement: Ongoing Discussion Status: Last discussed on 27 August 2019</p> <ul style="list-style-type: none"> High Level Agreement under discussion: Comments generally support adding detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round
		<p style="text-align: center;">Possible Next Steps for the GAC</p> <ul style="list-style-type: none"> While convergence seems likely on the issue of singular and plural versions of the same string, the GAC may be interested in monitoring possible discussion of review and appeals mechanisms

Area of GAC interest	Summary of Previous GAC Input)	Status of PDP WG Deliberations
Auctions Procedures	<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> ○ Auctions of last resort should not be used in contentions between commercial and non-commercial applications ○ Private auctions should be strongly disincentivised <p>Comment on Sub Pro PDP Supplemental Initial Report (19 Dec. 2018)</p> <ul style="list-style-type: none"> ○ Reiterates comments made on the Initial Report 	<p>Confirmed w/ GNSO Support</p> <p>PDP WG High-level Agreement: Ongoing Discussion Yes, see below </p> <p>Status: Last discussed on 15 October 2019</p> <ul style="list-style-type: none"> ● High level agreements on Sub Pro PDP WG Call of 15 October: There should be additional options for applicants to voluntarily resolve contention sets by mutual agreement before being forced into an ICANN auction of last resort. ● The PDP WG seems to largely be in agreement that a sealed-bid auction is preferable to the ascending clock auction used in 2012. The WG has identified a number of goals it is seeking to achieve, which are important to consider as it tries to identify ideally, a single model.
		<p style="text-align: center;">Possible Next Steps for the GAC</p>
		<ul style="list-style-type: none"> ● Prepare to engage the WG to press on and bolster existing support by some members of the WG (section 2.1.d.2.1) for specific consideration of non-commercial applications in auctions, or alternatives thereof. ● Consider refining expectations and making proposals in terms of incentives for the avoidance of private auctions.

Subsequent Rounds of New gTLDs

Overview of policy areas of interest to the GAC - Draft – 18 February 2020

This overview document aims to enable GAC Members to take part in ongoing policy discussions of the GAC regarding future rounds of New gTLDs, also referred to as Subsequent Rounds of New gTLDs. It should be read as a guide to the detailed [GAC Scorecard on New gTLDs Subsequent Rounds](#) which reflects as exhaustively as possible the current status of policy discussions in all areas of interest to the GAC.

The structure of section 4 of this document mirrors the structure of the GAC Scorecard.

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1. Background on New gTLDs

Since its incorporation, ICANN has delivered several expansions of the TLD names space in 2001-2002 and 2003 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, known as the New gTLD Program or the 2012 round of New gTLDs, was the product of a multi-year process of policy development, policy implementation and community discussions, in which the GAC continuously participated, with notable contributions in the form of policy principles, safeguards advice and objections to applications which caused public policy concerns.

Since 2015, several ICANN processes have set out to review the outcome of the New gTLD Program to inform new policy development for subsequent rounds of New gTLDs. Among these processes, the Competition, Consumer Trust and Consumer Choice (CCT) Review has produced many significant findings and recommendations which are still being considered and debated in the ICANN Community.

The findings and recommendations established during this initial phase of reviews are expected to be taken into account during the subsequent phase - currently ongoing - of Policy Development for Subsequent Rounds, in particular in the GNSO Policy Development Process Working Group on New gTLD Subsequent Procedure (Sub Pro PDP WG). This Working Group will produce policy recommendations that will eventually be considered by the ICANN Board, for potential implementation by the ICANN org.

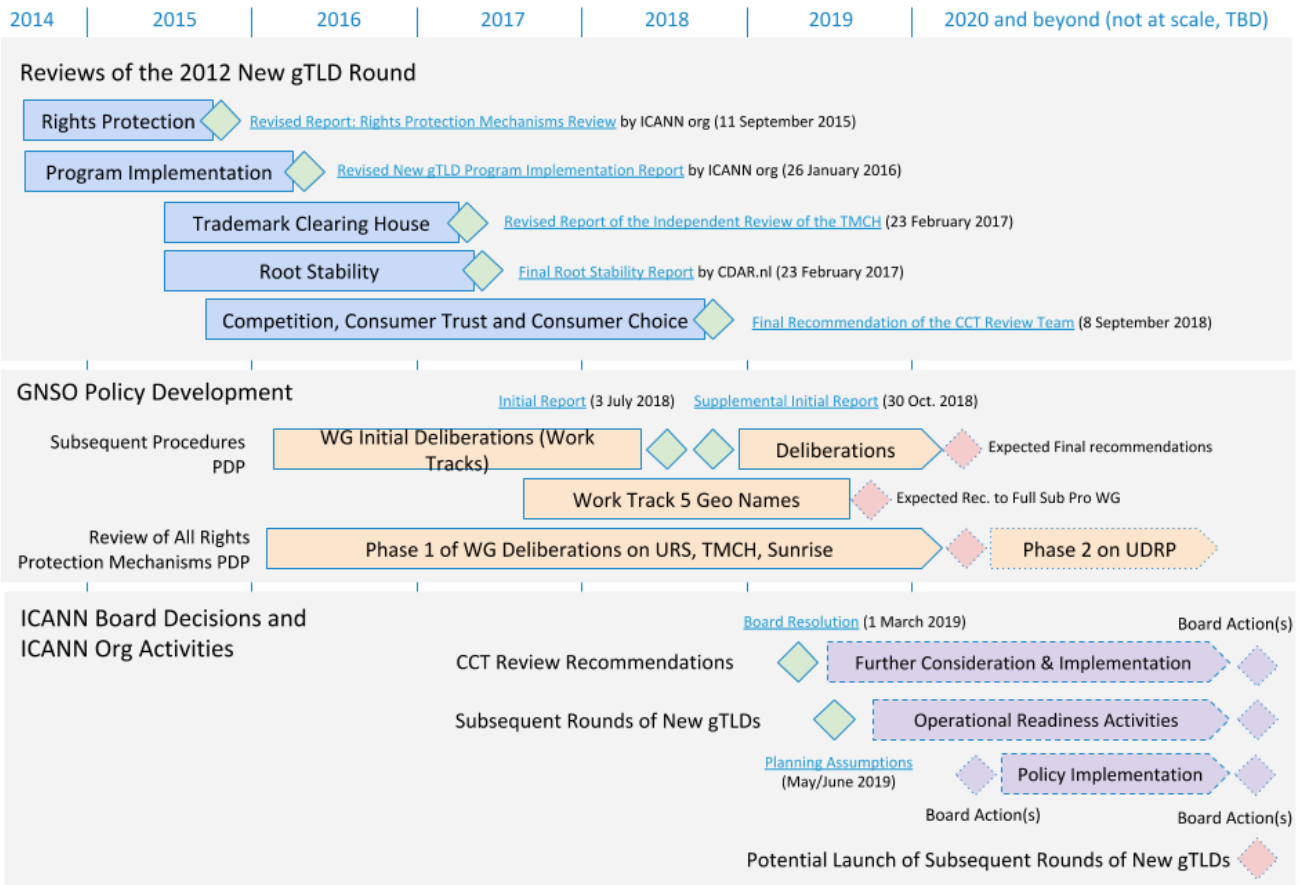
2. Timeline to Subsequent Rounds of New gTLDs

It is anticipated that the ICANN Board will consider approving the launch of subsequent rounds of new gTLDs on the basis of the findings and recommendations issued during the Review and Policy Development Phases.

To date, it is not possible to estimate precisely when the ICANN Board will consider approving the launch of subsequent rounds of new gTLDs, the main dependency for a Board approval is the delivery of GNSO Policy recommendations (expected around September 2020), after a final round of public consultations.

Upon Board approval, the Implementation phase would begin with the ICANN organization implementing the policy recommendation and Board decision, into relevant processes and systems to: manage, evaluate and delegate New gTLD Applications. This would likely take a significant amount of time, and would likely necessitate public comment periods.

Timeline to Subsequent Rounds of New gTLDs



3. GAC Input on Policy and Procedures for Subsequent Rounds of New gTLDs

The GAC has provided input into relevant reviews of the 2012 Rounds (Reviews Phase) as well as during the initial phases of the Sub Pro PDP (Policy Development Phase). These are summarized and referenced in the GAC Scorecard on New gTLDs Subsequent Rounds.

As the Policy deliberations in the relevant GNSO PDP progress towards finalizing recommendations to the ICANN Board, the GAC has started to review the expected outcomes and assess alignment with its expectations and prior position.

This analysis work is coordinated by the [GAC Focal Group on Subsequent Rounds of New gTLDs](#), on the basis of its reference document, the GAC Scorecard. It is expected that GAC positions may require updating and adapting to the advancement of policy discussions.

4. Policy areas of interest to the GAC on Subsequent rounds of New gTLDs - In Alphabetical Order

- **Applicant Evaluation and Accreditation Programs**

The GAC submitted advice noting that applicant evaluation and Registry Service Provider pre-approval process should include consideration of potential security threats. Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application.

- [Applicant Support and Participation of Underserved Regions](#)

The 2012 New gTLD round, included at a very late stage in the process, an Applicant Support Program. This community-based initiative under the leadership of the GNSO and At-Large was expected to increase underserved regions' access to New gTLDs application.

Qualified applicants, evaluated against a set of criteria including public interest benefit, financial need and financial capabilities had access to pro bono services and reduced application fees. In order to support the program a \$2,000,000 of seed funding was set aside by the ICANN Board. In practice, this program did not reach its intended target because there was insufficient information about the program and a level of uncertainty regarding the market for new gTLDs.

Based on various assessments of the program, the GAC, its Underserved Regions Working Group and Focal Group on Subsequent Rounds may be able to contribute to the goal and effectiveness of such a program in future rounds.

- **Application Procedures**

In the 2012 round of new gTLDs, application procedures for new gTLDs were established through the New gTLD Applicant Guidebook. For upcoming rounds, the GAC suggests that there be a critical assessment of whether the Applicant Guidebook should be used as a central document in the future, or whether simpler and clearer information for applicants can be provided through a single place on the ICANN website.

If the Applicant Guidebook is retained, the suggested partitioning of the Applicant Guidebook made by the PDP WG, into different audience-driven sections or by type of application appears to have merit.

The GAC stressed the importance of better guidance provided by ICANN regarding possible changes in applications once submitted and their consequences in terms of publication and evaluation. Specifically, care is required so as not to allow changes that could undermine the role of Application comments. A change to the likely operator of the new gTLD would constitute a material change and require notification and possibly re-evaluation as public comments for competition and other concerns.

- **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.

All auction procedures related to the first round of new gTLDs can be found [here](#).

- **Clarity and Predictability of Application Process**

A number of stakeholders, and in particular New gTLD applicants in the 2012 round of New gTLDs, have taken issue with new rules or requirements being imposed on applicants after they had applied. This was in part the result of GAC Advice and decision taken by the ICANN Board in response to such Advice.

In this context, the GAC expressed previously its appreciation of the importance of predictability for New gTLD applicants in subsequent rounds, at the pre-application, application and ongoing post-application stages. However, the GAC also stressed that this should not be the prime or only consideration given that, in the GAC's view, the GAC needs a degree of flexibility to respond to emerging issues at the global level, as dealt with in ICANN processes, since national laws may not be sufficient to address them. Additionally, the GAC deems this need for flexibility to continue after the conclusion of a GNSO PDP.

- **[Closed Generic TLDs](#)**

A "generic TLD" consists 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 TLD" refers to an application 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 instance, a number of private entities applied for their exclusive use of New gTLD such as .SEARCH, .BLOG, .BOOK, .BEAUTY and .CLOUD (among others).

The 2012 Applicant Guidebook did not provide guidance on Closed Generics and applications were submitted with the assumption that Closed Generics would be allowed. In the ICANN46 Beijing Communique, the GAC advised the ICANN Board that exclusive registration requirements for strings representing generic terms 'should serve a public interest goal. GAC members raised public policy concerns based on possible violation of competition law. In 2015, the ICANN Board responded to the GAC advice by issuing a resolution instructing applicants for Closed Generics to either:

- withdraw their application,
- defer their application until the next round, or
- modify their proposed eligibility requirements to be open.

- **Community Engagement**

The engagement of specific communities affected by a potential New gTLD Application has been a concern expressed by the GAC, for fear that affected party may not be made aware of that impact. This the GAC previously recommended it be ensured that all relevant stakeholders from affected communities to have a fair say when their legitimate interests are affected by new gTLD applications

- **Community-Based Applications**

A Community TLD is a type of New generic top level domain name (gTLD) intended for community groups interpreted broadly to include, for example, an economic sector, a cultural community, or a linguistic community.

These TLDs were afforded a degree of priority In case there were multiple applicants for a given string. In such a case, a community group could be given precedence (priority) to the TLD provided the community status would meet a fairly high bar as evaluated through a process known as Community Priority Evaluation (CPE).

The GAC noted the importance of making the CPE more transparent in future rounds, in support of several stakeholders' views on this matter. The GAC stressed that where a community which is impacted by a new gTLD application has expressed a collective and clear opinion, that opinion should be duly taken into account as part of the application, and proposed an appeal mechanism for community applications.

- **Freedom of Expression**

In the 2012 round of new gTLDs, claims were made by several stakeholders that there had been an infringement of the applicant's freedom of expression. This view is not supported by the GAC. The GAC noted that while freedom of expression, especially from commercial players, is important but is not absolute.

The GAC stressed the importance of taking into account all affected parties in this context, including, inter alia, intellectual property rights, applicable national laws on the protection of certain terms etc.

Procedures relative to applications for new gTLDs have to be inclusive of all parties whose interests and rights are affected by a specific string application, and all need to be given a fair say in the process.

- **Future Releases of New gTLDs (Timing and Prerequisites)**

The GAC addressed timing and prerequisites for next rounds of new gTLDs in multiple versions of GAC advice/input, flagging as a concern the lack of clarity on realization of the expected benefits of new gTLDs.

Additionally, the GAC noted that the development and collection of metrics is far from complete and that ICANN, registries and registrars should commit to gathering appropriate data on security and consumer safety issues in a transparent manner. Preventing or restricting further release of new gTLDs could be seen as a windfall gain for existing gTLD owners. However, competition is only one factor in terms of assessment of costs and benefits.

The GAC also provided input to the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT) report on recommendations for new gTLDs, noting that the CCT-RT's contribution is critical in evaluating the overall impact of the new gTLD Program and identifying corrective measures and enhancements. Thus far, this item is not being considered by the PDP WG as an item for recommendations.

In the [GAC Kobe Communiqué](#), the GAC recalled its advice in the ICANN56 Helsinki Communiqué, which states that the development of policy on further releases of new gTLDs needs to fully consider all the results of the relevant reviews and analyses to determine which aspects and elements need adjustment. The GAC advised the Board to address and consider these results and concerns before proceeding with new rounds.

- **[GAC Early Warnings and GAC Advice](#)**

The GAC has at its disposal two mechanisms to express public policy concerns in the 2012 New gTLDs Program included in the Applicant Guidebook, in addition to other ICANN mechanisms, that were used by GAC members to express public concerns towards a specific domain name

application or string : 1) GAC Early Warning and 2) GAC Advice.

- 1) A GAC Early Warning is an individual notice from GAC members to applicants when an application is seen as potentially sensitive or problematic by one or more governments. This mechanism provided the earliest possible notice of potential public policy concern and serves the interests of both applicants and the GAC members. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could either be the subject of GAC Advice on New gTLDs, or of a formal objection at a later stage in the process. During the 2012 Round of New gTLD Applications, GAC members issued 242 Early Warnings for 187 applications and more specifically to 145 strings.
- 2) During the 2012 Round, the GAC issued Advice to the ICANN Board on public policy issues related to proposed applications. In total, 517 applications (27% of all applications) were subject to GAC Advice:
 - The majority (491) were subject to advice on broad categories of strings;
 - 26 were subject to specific advice, including 6 to which the GAC advised to not proceed (.amazon and IDN variations, .halal, .islam, .gcc.).

This form of GAC Advice (consensus or formal objection) creates a strong presumption that the application should not proceed.

- **Policy Development Process**

Following the 2012 round of new gTLDs, the GAC presented advice to the ICANN Board and input to the Subsequent Procedures PDP WG about concerns relative to the amount of ongoing interconnected reviews and policy development processes relevant to new gTLDs, noting the importance of taking a comprehensive and measured approach to the new gTLD policy in a sequential and coordinated way rather than through too many parallel and overlapping efforts.

The GAC noted the essential nature of cross-community working environment to the development of workable policies that maximize benefits to all relevant stakeholders, in particular the GNSO process should be complemented by the input from other SOs/ACs, and ICANN Board when not appropriately reflected in the outcome.

- **Public Interest Commitments (PICs)**

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 New gTLDs applications were revealed.

Two types of PICs were developed:

- Voluntary commitments by applicants (or so called “voluntary PICs”): to transform application statements into binding contractual commitments (499 applications), in some cases in response to GAC Early Warnings or GAC Advices on their applications (see below);
- Mandatory requirements (or so called “mandatory PICs”) consistent with GAC Safeguard Advice in the ICANN46 Beijing Communique, that were either:
 - Applicable to all New gTLDs or
 - Applicable to New gTLDs in regulated or highly regulated sectors (category 1).

- **Reserved Names**

Reserved names refer to names that cannot be applied as a TLD since they are unavailable as per the 2012 Applicant Guidebook labelled “Reserved Names”. Existing reservations of names at the top level substantially reflect the GAC Principles Regarding New gTLDs. The GAC would expect that any changes should be consistent with these Principles.

In the context of operations of a New gTLD (when delegated in the DNS), Reserved Names also refer to names not authorized for use at the second level (for example: www.reserved-name.tld). These are defined in the Registry Agreement (Specification 5), which was included in the 2012 Applicant Guidebook. Such names included 2-character country codes, country and territory names and identifiers for Intergovernmental Organizations.

- **Safeguards (Highly regulated sectors, Registration Restrictions, DNS Abuse):**

In the course of policy development, policy implementation, and operation of the new gTLDs program, members of the ICANN Community, including the GAC, have raised a range of concerns regarding possible negative impacts of New gTLDs.

In this regard, the GAC advised the ICANN Board to develop safeguards related to strings for different sectors.

General safeguards

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

In the [ICANN46 Beijing Communiqué](#), the GAC advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight:

- WHOIS verification and checks: Registry operators will conduct checks to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year.
- Mitigating abusive activity: Registry operators will ensure that terms for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
- Security checks: Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats
- Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks.
- Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law
- Consequences: registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information.

Specific safeguards

The following safeguards are intended to apply to particular categories of new gTLDs as detailed below.

Safeguards Category 1: The GAC stressed that strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.

Safeguard Category 2: GAC Advice noted that as an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under category 1. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage. Additionally, the GAC stressed that for strings representing generic terms, exclusive registry access should serve a public interest goal.

- **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.

- Exact same string: Multiple applicants applied for a gTLD. Auction procedures are put in place, except if one of the applications is a community-based application that has passed the community evaluation process. In this case, the community application prevails (.hotel / .wine).
- Non-exact match contention sets: Two applications are almost similar and could lead to a confusion (.hotel & .hoteis / .unicorn & .unicom).

- **TLD Categories (or Types)**

In the 2012 round of New gTLDs, different categories of TLDs were established in addition to standard or generic gTLDs:

- Community gTLD: A community-based gTLD is a gTLD that is operated for the benefit of a clearly delineated community. An applicant must be prepared to substantiate its status as representative of the community it names in the application (.MUSIC)
- Geographic gTLD: (.NYC; .RIO) Applications for strings that are country or territory names
- Brand gTLD: Application by a company which is planning on using its corporate name or brand as a top level domain (.CANON).

For those particular categories, specific rules were established under the New gTLD Program.

The GAC noted that there is still significant scope for the development and enhancement of current mitigation measures and safeguards, taking into account the specific risk levels associated with different categories of New gTLDs.

The GAC issued advice calling for further exploration of categories suggesting that certain types of TLDs which may deserve a differential treatment, including sensitive strings and highly regulated sectors. The GAC stressed that differential treatment may require different tracks for application

and different procedures, rules and criteria. This item is of importance to be confirmed with data gathering.

GAC Meeting with the ICANN Board

Session # 4 - Preparation for Meeting With ICANN Board

Session # 7 - Meeting With ICANN Board

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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 (BGIG), 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 BGIG which is covered by a separate briefing document - although that meeting will not take place at the ICANN67 virtual meeting.¹

Relevant Developments and Previous Meetings

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

At ICANN67, in addition to the GAC questions, the Board Chair has asked the GAC to share its feedback on the following two topics:

¹ For reference, a copy of the original briefing document for the ICANN67 BGIG session can be found here - <https://gac.icann.org/briefing-materials/icann67-gac-briefing-24-board-gac-interaction-group-bgig-meeting-v1-18feb20.pdf>.

- “Key priorities for action of ICANN constituencies in 2020 (e.g. prioritization of recommendations, streamlining of reviews, improve effectiveness of ICANN’s multistakeholder model, ...); and
- Specific developments coming up that ICANN constituencies feel need to be addressed when updating the ICANN Strategic Plan.”

GAC members were asked to suggest potential topics or questions to present to the Board in Cancun. For ICANN67, a preliminary list of those topics and questions were shared with the Board Support Team on 25 February to alert the Board to GAC areas of interest.

Agenda

Session 4 - GAC Preparation for Meeting with the ICANN Board

During this session the GAC will review the proposed topics and questions that have previously been shared with the ICANN Board (25 February for this ICANN67 public meeting) and identify any new issues that may have risen shortly before or during the public meeting that merit identification to or discussion with the Board.

Session 7 - GAC Meeting with the ICANN Board

As noted above, this session agenda will likely center around the two major questions proposed by the Board Chair:

- “Key priorities for action of ICANN constituencies in 2020 (e.g. prioritization of recommendations, streamlining of reviews, improve effectiveness of ICANN’s multistakeholder model, ...); and
- Specific developments coming up that ICANN constituencies feel need to be addressed when updating the ICANN Strategic Plan.”

Preliminary Meeting Agenda as of 4 March:

- Opening Remarks
- Follow-up on GAC Advice from the Montreal Communiqué
- Dialogue on GAC topics/questions posed to Board
- GAC Feedback on subject areas proposed by the Board Chair
- AOB

GAC Positions

As of 4 March, based on input from GAC members, the GAC Leadership had developed the following feedback for the Board:

A. Key priorities for action of ICANN constituencies in 2020 (e.g. prioritization of recommendations, streamlining of reviews, improve effectiveness of ICANN’s multistakeholder model, ...)

The GAC has four major policy priority issues in 2020. They include:

- Subsequent Rounds of new gTLDs
- WHOIS and Data Protection Policy
- DNS Abuse Mitigation
- IGO Names Protections

Other issues of importance to the GAC in 2020 include:

- ATRT3 Review – implications for the GAC
- Universal Acceptance and IDN Readiness
- Empowered Community Processes and Administration
- Implementation of Workstream 2 Recommendations
- Monitoring Global Public Interest considerations (e.g., PIR/.org)
- Improving Onboarding and Capacity building capabilities and resources for governmental participants in ICANN

B. Specific developments coming up that ICANN constituencies feel need to be addressed when updating the ICANN Strategic Plan.

In implementing the new five-year strategic plan, ICANN must address the ability of its SO and AC communities to fully develop and execute outreach and engagement plans. The success of the new five-year strategic plan depends on consistent organizational commitments to outreach, engagement and capacity building capability. These capabilities need to be fully supported and consistently resourced by the organization.

The GAC will continue to pay close attention to the effectiveness of its interactions with the ICANN Board. That collaborative relationship has been noted as critical by the ATRT3 and is fundamental to other aspects of the ultimate success of the strategic plan.

Additionally, as the strategic plan is implemented over the next several years, the Board and community need to be attentive to, highlight and strengthen the inclusiveness and meaningful participation of all stakeholder groups. This will be a continuous challenge, especially for colleagues and stakeholder from less well-resourced constituencies.

Finally, the existing strategic plan barely references the wider Internet Governance or Digital Cooperation ecosystem. This should also be an area of further focus and attention as, in this age of interconnectedness and growing interdependence, ICANN should have a clear vision of its role as an important and collaborative player in that larger ecosystem.

II. GAC Areas/Topics of Interest to Discuss with ICANN Board During ICANN67

A. PIR Transaction

The ICANN organization's ability to demonstrate that considerations of the global public interest are carefully assessed and protected in the context of the proposed PIR transaction is important to the organization. In evaluating the PIR transaction, ICANN must demonstrate its commitment to multistakeholder input, from all parts of the community.

B. Other Topics

RDS-WHOIS2 Review

Follow-up on expected Board consideration of the RDS-WHOIS2 Review recommendations in light of the GAC's Comment on the Final Recommendations (The PSWG is evaluating the need to raise this issue).

Workstream 2 Implementation

The GAC is beginning its SO-AC Workstream 2 implementation work. The GAC is interested in understanding what progress ICANN org is making on this matter and what the Board is doing to encourage those efforts.

New gTLD Subsequent Procedures

Given the priority of this work to governments and GAC involvement in cross-community meetings during ICANN67, GAC members anticipate that committee members may wish to follow-up with the Board on development in this area. (Draft language for specific questions in this area are being considered by Focal Group Leadership)

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>
- ICANN Public Comment Forum - Third Accountability and Transparency Review Team (ATRT3) Draft Report - <https://www.icann.org/public-comments/atrt3-draft-report-2019-12-16-en>

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WHOIS and Data Protection Policy

Session 5

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Session Objective

Discuss developments since ICANN66 and Next Steps for the GAC, in relation to both future policy and interim arrangements for effective access to non-public gTLD Registration Data. consistent with the Public Interest and in compliance with Data Protection Laws

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](#) (23 September 2019)

Leadership Proposal for GAC Action during ICANN67

1. **Consider the proposed access model for access to non-public gTLD registration data** as laid out in the EPDP Phase 2 [Initial Report](#), as [summarized](#) by the GAC Small Group (see Annex to this Briefing), and **advocate for maximum automation of disclosure** to law enforcement and other legitimate public authorities, where legally permissible.
2. **Consider** a proposed GAC Comment on the EPDP Phase 2 [Initial Report](#) expected to be circulated by the GAC Small Group prior to ICANN67, for submission by 23 March 2020.
3. **Discuss GAC expectations regarding the timely deployment and operation** of a Standardized System for Access and Disclosure to gTLD Registration Data (SSAD)
 - a. GAC Members may wish to consider **how the GAC Accreditation Principles together with the EPDP-proposed Standardized System for Access and Disclosure (SSAD)**, of which they are an integral part, **would translate at the country/territory level** into organization of accreditation and access for its users from identified public authorities
 - b. GAC Members may also 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](#) and [ICANN66](#) Minutes, section 2.1)
4. In the meantime, **ensure that interim arrangements for access to non-public data are effective**, consistent with [Advice](#) in the [GAC Montréal Communiqué](#) (6 November 2019). The ICANN Board recently [responded](#) to this advice (26 January 2020).

Relevant Developments

Overview of Current Status

- **The current interim policy regime applicable to gTLD Registration Data is expected to remain in place for the foreseeable future.** Following previous GAC [input](#) to the ICANN Board (24 April 2019), the GAC had [advised](#) in the [Montréal Communiqué](#) (6 November 2019) that effectiveness of the interim arrangement need be improved.
 - On 15 May 2019, **the ICANN Board** [took action](#) (detailed in a [scorecard](#)) on the EPDP Phase 1 Recommendations which laid the foundation for the future policy regime regarding gTLD Registration Data.
 - On 20 May 2019, the [Temporary Specification on gTLD Registration Data](#) expired and was replaced by the [Interim Registration Data Policy for gTLDs](#), which requires **Contracted Parties to continue to implement measures that are consistent with the Temporary Specification**, pending the [implementation](#) of the final Registration Data Policy once implementation of the EPDP Phase 1 recommendations is complete. The GAC [advised](#) in the [Montréal Communiqué](#) (6 November 2019) the ICANN Board that a “*detailed work plan identifying an updated realistic schedule*” to completion be provided.
- **Policy Development in Phase 2 of the EPDP has made notable progress after ICANN66**, as reflected in its [Initial Report](#) (7 February 2020), to be assessed against GAC expectations in the [Kobe Communiqué Advice](#) (14 March 2019)
 - The Belgian Data Protection Authority [response](#) (4 December 2019) to ICANN’s [request](#) for guidance from the European Data Protection Board (25 October 2019) on the basis of a paper [Exploring a Unified Access Model for gTLD Registration Data](#).
 - While the meaning of this latest input from European DPAs remains a matter of debate within the EPDP Team, the letter led stakeholders to recommend a compromise Standardized System for Access and Disclosure (SSAD) for non-public gTLD registration data, mixing some level of centralization (favored by third parties, including public authorities) and some level of decentralization (favored by contracted parties and privacy advocates), with the ability to centralize and automate further through an improvement process.
- **GAC Input has been instrumental in ensuring progress** towards the development of a unified access to non-public gTLD registration data
 - The [GAC Accreditation Principles](#) as [endorsed](#) by the GAC (21 January 2020) have been incorporated into the EPDP Phase 2 Initial Report as Recommendation #2
 - GAC EPDP Representatives have been instrumental in securing centralization, swift response and in some cases automatic disclosure to public authorities’ requests
 - **Several critical issues remain open**, including unresolved GAC Advice in the San Juan Communiqué, and Kobé Communiqué, on which the EPDP Team is expected to further deliberate in the coming months (See annex to the briefing for details).

Focus: Interim 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](#) which 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.
- ICANN org and Community representatives in the [Implementation Review Team](#) (IRT), who are drafting language to eventually become contractually-enforceable ICANN [Consensus Policy](#), 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](#) to the GNSO Council (2 October 2019), **the IRT deemed 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) and referenced in GAC [input](#) to the ICANN Board (24 April 2019), **will not be addressed in the short term**. Concerns include:
 - The Temporary Specification has fragmented access to registration data, now ruled by thousands of distinct policies depending upon the registrar involved
 - Existing requirements in the Temporary Specification 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 its [Advice](#) in the ICANN66 [GAC Montréal Communiqué](#) (6 November 2019), the GAC advised the ICANN Board to: *“take all possible steps to ensure that the ICANN org and the EPDP Phase 1 Implementation Review team generate a detailed work plan identifying an updated realistic schedule to complete its work and provide and inform the GAC on the status of its progress by January 3, 2020;”*

Focus: Ongoing Policy Development in the EPDP on gTLD Registration Data

- Since 2 May 2019, **the EPDP Team has entered Phase 2 of its deliberations** with a new Chair, Janis Karklins, current Latvian Ambassador to the UN in Geneva and former GAC Chair, and a current GAC representation as follows:

3 “Members” of the EPDP Team:	3 “Alternates”:
Laureen Kapin (US) Chris Lewis-Evans (UK) Georgios Tsenlentis (European Commission)	Ryan Carroll (US) Olga Cavalli (Argentina) Rahul Gossain (India)

- The scope of work⁴ in Phase 2 includes 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)**, as well as addressing so-called [“Priority 2” Items](#) or **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.
- Originally the EPDP Team had been working towards a Phase 2 Initial Report by ICANN66 and the Final Report by ICANN67. However, under the latests [planning assumptions](#) the **EPDP Team targets the delivery of its final policy recommendations in June 2020**, prior to the ICANN68 meeting. As highlighted during the [GAC Webinar on EPDP](#) (25 September 2019) and its associated [Discussion Paper](#): *“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”*.
- As described in the [GAC Summary](#) of the EPDP Phase 2 [Initial Report](#) (see Annex to this briefing) the **key proposals regarding a System for Standardized Access/Disclosure of Non-Public Registration Data (SSAD)** are :
 - Centralization of requests and decentralization of responses, with continuous evolution of the model, towards increasing automation and standardization
 - Establishing a mechanism to advise ICANN Org and Contracted parties on evolution and continuous improvement of the SSAD
 - Automation of disclosure in response to some public authorities’ requests
 - Need to meet applicable Data Protection Laws worldwide, not just GDPR
- **The EPDP is now expecting [public comments](#) on its Phase 2 [Initial Report](#) by 23 March 2020**, and it is expected to continue tackling [“Priority 2” Items](#) and open Issues in the coming months.

⁴ which the GAC [advised](#) should be clearly defined (14 March 2019)

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

- **Between September and November 2018, ICANN reported on its work⁵** 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.
- 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).
- Between November 2018 and May 2019, work was undertaken in the [Technical Study Group \(TSGS\) on Access to Non-Public Registration Data](#) 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.
- 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 (section 8 p. 19) which the GAC [discussed](#) these in plenary during ICANN66 (3 November 2019).
- On 4 December 2019, in its [response](#) to the ICANN CEO, **the Belgian DPA encouraged ICANN to continue its efforts to design a comprehensive system for access control** that takes into account the requirements of security, data minimization, and accountability. The response did not provide any definitive opinions regarding the questions that ICANN org included in the paper. The letter states that the policy and relevant safeguards that the community will develop to be applied in a UAM will be extremely important to assess whether a centralized model increases or decreases the level of protection enjoyed by natural persons. With respect to the roles and responsibilities, the letter states that parties to a processing activity cannot simply designate which party should be deemed to act as a controller or joint controller; a factual case-by-case is needed to that end. A previous [communication](#) by the Article 29 Working Party is further referenced, which contained the statement that, "At first glance it would seem that...ICANN and the registries are joint controllers".
- **A follow-up meeting between ICANN org and the Belgian DPA is expected** prior to ICANN67.

⁵ 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

- [GAC Accreditation Principles](#) (21 January 2020) now incorporated into the EPDP Phase 2 Initial Report
- [GAC Comments](#) (23 December 2019) on the RDS-WHOIS2 Review Recommendations
- GAC [Advice](#) in the ICANN66 [Montréal Communiqué](#) (6 November 2019) regarding the EPDP Phase 1 Implementation timeline and the interim requirement for “reasonable access” to non-public gTLD Registration Data. [Follow on previous GAC Advice](#) was also provided regarding implementation of the Privacy Proxy Services Accreditation policy.
- 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) recalling the [GAC Kobé Communiqué](#) Advice
- GAC [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 in which the GAC deemed the EPDP Phase 1 policy recommendations to be a sufficient basis for the ICANN Community and organization to proceed, and highlighted public policy concerns, including “*existing requirements in the Temporary Specification governing gTLD Registration Data [...] failing to meet the needs of the law enforcement and cyber-security*”
- GAC [Advice](#) in the ICANN64 [GAC Kobe Communiqué](#) (14 March 2019) focused on ensuring appropriate continuation of work in EPDP Phase 2 and implementation of Phase 1 policy.
- [GAC/ALAC Statement on EPDP](#) (13 March 2019)
- GAC [Input](#) on EPDP Phase 1 Final Report (20 February 2019)
- GAC [Input](#) on EPDP Phase 1 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 2018) on the Proposed Interim Model for GDPR Compliance
- GAC [Comments](#) (29 January 2018) on the interim models for compliance with GDPR
- GAC [Advice](#) in the [ICANN60 Abu Dhabi Communiqué](#) (1 November 2017) accepted per the ICANN Board’s [scorecard](#) (4 February 2018)
- [GAC Principles regarding gTLD WHOIS Services](#) (28 March 2007)

Key Reference Documents

- GAC Documentation
 - [GAC Summary of EPDP Phase 2 Initial Report](#) (7 February 2020)
 - [GAC Webinar Discussion Paper on EPDP on gTLD Registration Data](#) (23 Sept. 2019)
- Government Positions
 - European Commission [public comment](#) (17 April 2019), and subsequent [clarification](#) (3 May 2019) regarding EPDP Phase 1 Recommendations
 - US Department of Commerce Assistant Secretary for Communication and Information [letter](#) (4 April 2019) and [response](#) by the ICANN CEO (22 April 2019)
- Data Protection Authorities Correspondence
 - [Letter from the Belgian DPA](#) (4 December 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)
- Current Policy and Output on Ongoing Policy Development
 - [Interim Registration Data Policy for gTLDs](#) (20 May 2019) replacing the [Temporary Specification on gTLD Registration Data](#) (17 May 2018)
 - EPDP Phase 2 [Initial Report](#) (7 February 2020)
 - EPDP Phase 1 [Final Report](#) (20 February 2019)
- ICANN Board Resolutions
 - ICANN Board [Scorecard on EPDP Phase 1 Recommendations](#) (15 May 2019)
 - ICANN Board [resolution](#) (17 May 2018) adopting the [Temporary Specification](#)
- ICANN Org and Technical Study Group Input
 - [Exploring a Unified Access Model for gTLD Registration Data](#) (25 October 2019), a paper which served as a basis for ICANN org's seeking clarity from the EDPB as to the compliance of a UAM with the GDPR
 - [Technical Model for Access to Non-Public Registration Data](#) (30 April 2019)
- Legal Advice provided by Bird & Bird to the EPDP Team during [Phase 1](#) and [Phase 2](#)
 - [Notice to technical contacts](#) (22 January 2019)
 - [Interpretation of GDPR Article 6\(1\)\(b\)](#) (23 January 2019)
 - [Liability in connection with a registrant's self-identification as a natural or non-natural person](#) (25 January 2019)
 - [Meaning of the accuracy principle pursuant to the GDPR](#) (8 February 2019)

- [Application of the GDPR to ICANN](#) (7 February 2019)
- [Inclusion of "city" in publicly available Whois data](#) (13 February 2019)
- [Legal Basis for transferring Thick WHOIS](#) (8 March 2019)
- [Liability, Safeguards, Controller & Processor](#) (9 September 2019)
- [Lawful basis for disclosure to law enforcement authorities outside the controller's jurisdiction](#) (9 September 2019)
- [Legitimate interests and automated submissions and/or disclosures](#) (10 September 2019)
- [Questions regarding a System for Standardized Access/Disclosure \("SSAD"\), Privacy/Proxy and Pseudonymized Emails](#) (4 February 2020)

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://gns0.icann.org/en/group-activities/active/gtld-registration-data-epdp>

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The purpose of this document is to assist GAC Members in considering progress in Phase 2 of the Expedited Policy Development Process (EPDP) on gTLD Registration Data, as reflected in its [Initial Report](#) which was just released. This report is available for [Public Comment](#) until 23 March 2020. Questions on this paper or any related matter may be sent to gac-epdp@icann.org.

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I. Introduction

The EPDP Team has made notable progress following receipt of a [letter](#) from the Belgian Data Protection Authority (4 December 2019). The Belgian DPA sent the letter in response to ICANN's [request](#) for guidance from the European Data Protection Board (25 October 2019) which the GAC [discussed](#) in plenary during ICANN66 (3 November 2019).

While the meaning of this latest correspondence from European Data Protection Authorities remains a matter of debate within the EPDP Team, the 4 December 2019 letter ultimately led stakeholders to focus on recommending a compromise access and disclosure model for non-public gTLD registration data, mixing some level of centralization (favored by third parties, including public authorities) and some level of decentralization (favored by contracted parties and privacy advocates), with the ability to centralize and automate further through an improvement process.

This document provides a summary of deliberations to date, as reflected in the [EPDP Phase 2 Initial Report](#), including:

- An overview of key aspects of the proposed System for Standardized Access/Disclosure of Non-Public Registration Data (SSAD) and its associated policy recommendations (section II)
- An overview of key issues of public policy interest that remain open and on which the EPDP is expected to deliberate further in the coming months (section III)
- Next steps for the EPDP Team and the GAC (section IV)

For more background and reference documentation please see the [Relevant Documentation](#) section at the end of this document.

II. Key proposals

1. The SSAD is to offer centralization of requests and decentralization of responses, with continuous evolution of the model, as experience is gained, towards increasing automation and standardization

- The objective of the SSAD is to provide a predictable, transparent, efficient and accountable mechanism for the access to and disclosure of non-public registration data.
- A Central Gateway is to receive all requests for disclosure, as emanating from accredited requestors
- The Central Gateway is to relay each request to the responsible contracted party, and would provide, along with the request, a recommendation to disclose non-public data or not.
- Requests are to be reviewed by contracted parties and responses are to be provided to the requestor directly, although how this is to be achieved will be an implementation issue.
- The SSAD aims to evolve as experience is gained, and be automated where technically feasible and legally permissible, accordingly.
- A Central Gateway Manager (expected to be ICANN org or its designee) would be responsible to collect feedback on all disclosure decisions taken. This is expected to inform systems improvement and enable moving to a more automated/centralised system.

2. A Mechanism is to be established to advise ICANN Org and Contracted parties on evolution and continuous improvement of the SSAD

- The EPDP Team recognizes the evolving nature of the SSAD but seeks to avoid having to conduct a Policy Development Process every time changes that consistent with these policy recommendations need to be made
- The EPDP Team is considering establishing an Advisory Group, barring any existing mechanism, to oversee and guide continuous improvements
- This mechanism would focus on implementation of the SSAD, not to contradict with policy or ICANN contractual requirements. This may involve making recommendations to the GNSO Council on policy issues.

3. The SSAD is to automate disclosure in response to some public authorities' requests, and to seek harmonization of responses in other cases

- Disclosure of non-public data is expected to be automated in response to requests from public authorities/law enforcement from "*local or otherwise applicable*" jurisdictions (see Implementation Guidance in Preliminary Recommendation #7, and see also Open Issues section below).
- For other requests (and in particular requests from public authorities in other jurisdictions), disclosure is subject to a decision by Contracted Parties as detailed in a framework laid out in Preliminary Recommendation #6. This framework intends to provide a level of standardization and predictability for contracted parties' assessment of whether the requestor's legitimate interest outweighs the interest or fundamental rights and freedoms of the data subject (balancing test under Art. 6.1.f of the GDPR).

4. Disclosure within 1 business day expected for urgent requests

- The SSAD recognizes urgent requests in circumstances that pose "*imminent threat to life, serious bodily injury, critical infrastructure (online or offline) or child exploitation*", whether they originate from Public Authorities (including Law Enforcement), or other third-parties
- In such cases, and in particular when the request does not qualify for automated disclosure (see #3 above), contracted parties would have up to 1 business day to respond, with a service level agreement target of meeting this standard in 95% of cases.

5. **Accreditation into the SSAD to follow the proposed GAC principles, with an oversight roles for ICANN org**
 - The accreditation principles for governmental bodies to gain access to a future SSAD (as proposed by the GAC) were generally accepted and are expected to be incorporated into the EPDP Phase 2 Initial Report, with some clarification in definitions of terms which are merged with that of the report.
 - Given the oversight role proposed for the ICANN org as the ultimate Accreditation Authority (see Main SSAD Roles & Responsibilities in Section 4.1 of the Initial Report), countries/territories' chosen accreditation authorities would need to coordinate with ICANN org in order to facilitate appropriate deliver and interoperability of credentials into the SSAD.

6. **Confidentiality of law enforcement requests**
 - Disclosure requirements (Preliminary Recommendation #11) recognize the need to preserve confidentiality of requests related to ongoing investigations, and the need for contracted parties not to disclose their existence to data subjects when exercising their rights of access to the processing of their data.
 - Discussions continue on circumstances under which such disclosures may happen, possibly in cooperation with the requesting public authority.

7. **The EPDP Phase 2 recommendations recognize the need for the SSAD to meet applicable Data Protection Laws around the world, not just GDPR.** To date, the EU GDPR has been a main driver of policy deliberations. The EPDP recognizes however that the SSAD must be compliant with the GDPR and other applicable data protection legislation.

III. Open Issues

1. **Data Controllership for key data processing activities such as disclosure to third parties.** The proposals of the EPDP Team currently assume that for most data processing activities, ICANN and Contracted Parties will be "Joint Controllers" in the sense of the GDPR, that is sharing responsibility for compliance with the law. This is consistent with input received from the DPAs and outside counsel to date. However, it is expected that details of these shared responsibilities would be laid out in data protection agreements to be negotiated between ICANN and Contracted Parties per EPDP Phase 1 Recommendation 19.

2. **Jurisdiction criteria for automatic disclosure in response to LEA requests.** The EPDP Team still needs to clarify what is(are) the relevant jurisdiction(s) to take into account: the registry's, registrar's or that of where offices are located ?

3. **Distinction between Legal and Natural person for the redaction of contact data**
 - In the [GAC San Juan Communiqué](#) (15 March 2018), the GAC [advised](#) the ICANN Board "to instruct the ICANN organization to: [...] Distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR". ICANN Board consideration of this advice is still being deferred following an initial GAC [request](#) (17 May 2018)
 - Based on EPDP Phase 1 Recommendation 17, the ICANN Board [directed](#) ICANN org (15 May 2019) to undertake a study to determine the costs and risks of differentiating between legal and natural persons. Per information provided to the EPDP Team on 28 January 2020, preliminary results of this ongoing study are expected by March 2020 ("baseline report"), to then be finalized by mid-May 2020.
 - In the meantime, the EPDP Team is to deliberate further on this matter, possibly on the basis of [clarifications](#) it would seek from outside legal counsel Bird & Bird on its previously issued [legal memo](#) (25 January 2019) regarding *liability in connection with a registrant's self-identification as a natural or non-natural person*

4. **Ensuring Accuracy of WHOIS data for purposes for which it is processed, including disclosure in response to lawful requests by third parties with a legitimate purpose**
 - WHOIS accuracy (beyond the right of data subject to accuracy of their data) is of key importance to the GAC, consistent with the [GAC Principles regarding gTLD WHOIS Service](#) (28 March 2007), as recalled in the [GAC Abu Dhabi Communiqué](#) (1 November 2017), and more recently in the [GAC Comments on the RDS-WHOIS2 Review Team Recommendations](#) (23 December 2019)
 - The EPDP Team has not yet reached a conclusion on this “priority 2” item, a carry over from Phase 1 which recognized 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 [legal Advice](#) (9 February 2018) on the meaning of the accuracy principle pursuant to the General Data Protection Regulation.
 - A [request](#) for further legal advice is currently being debated in the EPDP Team
5. **Privacy/Proxy and Pseudonymized Emails**
 - The EPDP Team has not yet reached a conclusion on these “priority 2” items and is currently [seeking legal advice](#) to understand whether it would be permissible to replace the email address provided by the data subject with an alternate publicly accessible email address that in and of itself would not identify the data subject.
 - Discussion of the relevance and accreditation of privacy/proxy services in the context an SSAD is not currently planned in EPDP deliberations despite the current suspension of the Privacy Proxy Services Accreditation policy (PPSAI) implementation and the related GAC Advice in the Kobe and Montréal Communiqués (see the [GAC Comments on the RDS-WHOIS2 Review Team Recommendations](#) of 23 December 2019 for further discussion of this topic)
6. **Reverse Lookup capabilities**
 - Law enforcement agencies and other legitimate interests have traditionally relied on third-party services to proactively identify all domain names associated with a given set of contact data
 - However, these services have been impaired by the redaction of all contact data following the adoption of the [Temporary Specification on gTLD Registration Data](#) expired on 20 May 2019, now replaced by the current [Interim Registration Data Policy for gTLDs](#).
 - As part of its deliberations on whether [to seek legal advice](#) to understand if such lookups can be compliant with the GDPR and be allowed under the SSAD, some stakeholders argue that they are not in the scope of the EPDP’s mandate.
 - GAC Representatives in the EPDP are seeking, at the very least, to prevent the SSAD and its associated policy from banning the development of such services in the future.
7. **Definition of mechanism to oversee and guide continuous improvement of SSAD policy.** The EPDP Team is expected to deliberate further on whether a new mechanism (such as the proposed SSAD Advisory Group) is needed in lieu of existing mechanisms in the ICANN governance model. Should an Advisory Group be the recommended way forward, representation on and operation of this group would likely require additional deliberations.
8. **Cost to public authorities requesting non-public data.**
 - The EPDP Team has agreed that operations of the SSAD should be based on cost-recovery and not lead to data subjects bearing the costs of the disclosure of their data to third parties.
 - It is therefore envisioned that requestors would bear fees associated with using the SSAD.
 - While the EPDP recognizes specificity and constraints of public entities, it is still unclear what sort of fee models would apply to public authorities' requests.

9. **Implementation timeline.** The EPDP has not discussed the expected timeline for the development and roll out of the SSAD. In light of ongoing policy implementations, including that of the EPDP Phase 1 recommendations, It can be expected that implementing EPDP Phase 2 recommendations may take several years. This supports the rationale for the related [advice](#) in the [GAC Montréal Communiqué](#) (6 November 2019) to: *“Instruct the ICANN organization to ensure that the current system that requires “reasonable access” to non-public domain name registration is operating effectively”*.

IV. Next Steps

- The EPDP Team will provide an overview of its Phase 2 Initial Report during a [webinar](#) on **Thursday 13 February at 1400 UTC**.
- The GAC Small Group expects to circulate for GAC Members’ consideration before the ICANN67, a proposed GAC comment on the EPDP Phase 2 Initial Report. The GAC, and GAC Members individually, will have the opportunity to provide **comments until 23 March 2020** (after the end of ICANN67).
- The EPDP Team is expected to process public comments received in addition to addressing outstanding work items in the coming months. It plans on issuing its **final recommendations in early June 2020**, before ICANN68 (22-25 June 2020)

Relevant Documentation

- GAC Background Documentation
 - [GAC Discussion Paper on EPDP gTLD Registration Data](#) (25 September 2019)
 - [GAC ICANN66 Session](#) Briefing and material (3 November 2019)
- EPDP Reference Documentation
 - EPDP Phase 2 [Initial Report](#) (7 February 2020)
 - EPDP Phase 1 [Final Report](#) (20 February 2019)
 - [ICANN Board Scorecard on EPDP Phase 1 Recommendations](#) (15 May 2019)
- ICANN Engagement with DPAs
 - ICANN org’s CEO [request for guidance](#) to the EDPB (25 October) and supporting paper [Exploring a Unified Access Model for gTLD Registration Data](#)
 - Belgian DPA [response](#) to ICANN (4 December 2019)

Public Safety Working Group (PSWG) Update

Session 9

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[Annex](#): PSWG Work Plan 2020-2021 For GAC Endorsement

Session Objective

PSWG Leaders to provide an update on developments since ICANN66, in particular in the area of DNS Abuse, and discuss Next Steps for the GAC, including endorsement of the PSWG Work Plan for 2020-2021

Background

Since 2003, representatives from law enforcement and consumer protection agencies around the world have been involved in Internet policy deliberations at ICANN and through the Regional Internet Registries (AfriNIC, APNIC, ARIN, LACNIC and RIPE NCC).

While public safety agencies at ICANN initially focused on the need for open and accurate WHOIS information for international law enforcement investigations, the work quickly grew to include the prevention and response to the exploitation of domain registrations for malicious or criminal purposes (also known as “DNS Abuse”).

Through their early work with the GAC and the ICANN Community, public safety agencies have made important contributions that continue to shape ICANN policy deliberations and contracted parties obligations to this day. Such contribution include:

- **Recognition of the legitimate uses of WHOIS**, as reflected in the [GAC Principles Regarding gTLD WHOIS Services](#) within the [GAC Lisbon Communiqué](#) (28 March 2007). These principles are regularly referenced by the GAC when providing input (as in the recent [GAC Comments](#) on the RDS-WHOIS2 Review Recommendations, 23 December 2019) or Advice to the ICANN Board (see rationale of Advice in the [GAC San Juan Communiqué](#), 15 March 2018);
- **Due Diligence Recommendations for ICANN**¹ which were endorsed in the [GAC Brussels Communiqué](#) (25 June 2010) and eventually led to [contractual amendments](#) in the [2013 Registrar Accreditation Agreement \(RAA\)](#) adopted by the ICANN Board on 27 June 2013; and
- **Introduction of New gTLD GAC Safeguards** in the [GAC Beijing Communiqué](#) {11 April 2013) which led to specific Public Interest Commitment provisions in [Specification 11](#) of the [New gTLD Registry Agreement](#)

In the [GAC Singapore Communiqué](#) (11 February 2015), the GAC agreed to establish a Working Group on Public Safety and Law Enforcement. During the ICANN53 meeting in Buenos Aires, the GAC endorsed the [Terms of Reference of the Public Safety Working Group \(PSWG\)](#) whose focus was to be *“those aspects of ICANN’s policies and procedures that implicate the safety of the public”*

Issues

As reflected in its [Work Plan 2020-2021](#) (in annex to this briefing), consistent with the [previous work plan](#) endorsed by the GAC on 14 March 2018, the PSWG is seeking to:

- **Develop DNS Abuse and Cybercrime Mitigation Capabilities** (Strategic goal #1), that is developing capabilities of the ICANN and Law Enforcement communities to prevent and mitigate abuse involving the DNS as a key resource
- **Preserve and Improve Domain Name Registration Data Effectiveness** (Strategic goal #2), that is ensuring continued accessibility and improved accuracy of domain registration information that is consistent with applicable privacy regulatory frameworks

¹ See [Law Enforcement Due Diligence Recommendations](#) (Oct. 2009)

Leadership Proposal for GAC Action during ICANN67

1. **Endorse the PSWG Work Plan 2020-2021** (in annex to this briefing), which will continue to guide PSWG work and enable tracking progress in the fulfilment of the PSWG's mandate
2. **GAC Members to consider encouraging their relevant public safety agencies** (criminal and civil law enforcement, and consumer protection agencies), to join the work of the PSWG by sharing operational experience, expertise as well as any policy concerns. The Working Group relies on the continued engagement of its stakeholders and continues to seek volunteers to contribute to and to take on a leading role in shepherding PSWG work.

Relevant Developments

DNS Abuse Mitigation

Per its [Statement on DNS Abuse](#) (18 September 2019), the GAC recognised the CCT Review Team's definition of DNS Abuse as the *"intentionally deceptive, conniving, or unsolicited activities that actively make use of the DNS and/or the procedures used to register domain names"*, which in technical terms may take the form of Security Threats such as *"malware, phishing, and botnets, as well as spam when used as a delivery method for these forms of abuse"*. The GAC recognised that the [New gTLD Registry Agreement](#) reflects this understanding in its [Specification 11](#), in particular section 3a² and 3b³.

In its efforts to *continuously assess whether ICANN has responsive and timely mechanisms to develop and enforce ICANN contractual obligations with gTLD registries and registrars*⁴, the PSWG has focused on the following activities related to the mitigation of DNS Abuse:

- **During the ICANN66 meeting**, PSWG leaders provided a [detailed briefing to the GAC](#) on the issue of DNS Abuse and recent work in this regard. The GAC reviewed measures available to registries and registrars to prevent DNS Abuse, in particular the role of registration policies (including identity verification) and pricing strategies as a key determinants of levels of abuse in any given TLD. The GAC also examined ongoing or possible initiatives to address DNS Abuse more effectively at the ICANN Board and ICANN org level (see [ICANN66 Minutes](#) for additional information). The PSWG Work Plan includes all these areas as part of Strategic Goal #2 to Develop DNS Abuse and Cybercrime Mitigation Capabilities. This briefing includes updates in several of these areas.

² Specification 11 3a provides that *"Registry Operator will include a provision in its Registry-Registrar Agreement that requires Registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law, and providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name."*

³ Specification 11 3b provides that *"Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. Registry Operator will maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request."*

⁴ Per Objectives in the PSWG [Terms of Reference](#)

- **Competition, Consumer Trust and Consumer Choice Review recommendations**

- In light of [Advice](#) in the [GAC Montréal Communiqué](#) (6 November 2019) for the ICANN Board “not to proceed with a new round of gTLDs until after the complete implementation of the recommendations [...] identified as “prerequisites” or as “high priority”, and the recent [Board response](#) to this advice (26 January 2020), the PSWG continues to monitor the consideration of key [CCT-RT recommendations](#) (6 September 2018) aimed at: the adoption of contractual provisions to incentivize proactive anti-abuse measures (Rec. 14) and to prevent systemic use of registrars or registries for DNS Abuse (Rec. 15); the improvement of research on DNS Abuse (Rec. 16); the improvement of WHOIS Accuracy (Rec. 18); and effectiveness of contractual compliance complaints handling (Rec. 20).
- The PSWG is also considering the recent Board resolution to proceed with ICANN’s [implementation plan](#) (23 August 2019) for CCT Recommendations that were accepted in the [Scorecard of ICANN Board Action](#) (1 March 2019). The GAC had [commented](#) (21 October 2019) on this plan and highlighted some shortcomings regarding important recommendations to combat DNS Abuse, including the publication of the chain of parties responsible for gTLD domain name registrations (Rec. 17), more detailed information on contractual compliance complaints (Rec. 21), security measures commensurate with the offering of services that involve the gathering of sensitive health and financial information (Rec. 22).

- **Security Stability and Resiliency Review Recommendations:** the PSWG is currently considering the [Draft Report](#) (24 January 2020) of the SSR2 Review Team.

A number of DNS Abuse-related recommendations fall in the scope of the PSWG Work Plan and are consistent with CCT-RT Recommendations as well as previous GAC input regarding the definition of DNS Abuse, limitations of Domain Abuse Activity Reporting (DAAR), new contractual provisions, effectiveness of contractual compliance enforcement.

Several recommendations point to new work streams also identified in the PSWG Work Plan 2020-2021 such as the inclusion of ccTLDs in DNS Abuse mitigation efforts, and the investigation of the security implication of DNS encryption technologies (DNS over HTTPS, or DoH).

- **Adoption of measures to mitigate DNS Abuse by Registries and Registrars**

- Following the publication of the [GAC Statement on DNS Abuse](#) (18 September 2019) a set of leading gTLD registries and registrars proposed a voluntary [Framework to Address Abuse](#) (17 October 2019). Since its publication and discussion during ICANN66, the [list of signatories](#) has expanded to include other leading registrars and registries services providers, as well as a number of smaller industry players.
- On 3 January 2020, ICANN org announced a [proposed amendment of the .COM Registry Agreement](#) which would extend to two-third of the gTLD namespace contractual provisions to facilitate the detection and reporting of DNS Abuse (including [Specification 11 3b](#)), which so far had only been applicable to New gTLDs. Additionally, a binding [Letter of Intent](#) between ICANN org and Verisign lays out a cooperation framework to develop best practices and potential new contractual obligations, as wells measures to help measure and mitigate DNS security threats.

WHOIS: Accessibility and Accuracy of Domain Registration Data

Efforts by ICANN to bring WHOIS in compliance with the EU General Data Protection Regulation (GDPR) have created impediments for law enforcement and consumer protection agencies to access WHOIS data, which is a critical investigative tool for law enforcement. These impediments on investigations⁵ have compounded existing challenges with the permanent and growing security threat environment and adversely impact Law Enforcement's ability to conduct investigations, notify victims in a timely manner, and disrupt ongoing criminal activity. This was recognized in the [GAC Barcelona Communiqué](#) (25 October 2018) and in a [GAC letter](#) to the ICANN Board (24 April 2019) prior to its adoption of recommendations from Phase 1 of the Expedited Policy Development Process (EPDP) on gTLD Registration Data.

This part of the briefing provides an update on PSWG activities to ensure continued accessibility and improved accuracy of domain registration information, consistent with applicable privacy regulatory frameworks and GAC consensus positions, and in support of the *ability of public safety organizations to investigate, prevent, attribute, and disrupt unlawful activity, abuse, consumer fraud, deception or malfeasance, and/or violations of national law*⁶.

Since ICANN66, PSWG representatives have engaged in various aspects of the work of the EPDP, in support of the GAC Small Group and its representatives on the EPDP Team, as well as various other ICANN processes with continued relevance:

- **Requirement for Contracted Parties to provide Reasonable Access** to non-public gTLD registration data: the PSWG is considering the ICANN Board [response](#) (26 January 2020) to the Advice in the [GAC Montréal Communiqué](#) (6 November 2019) and the subsequent [clarification](#) (20 January 2020) provided by the GAC which aimed to ensure that while new policy is being developed, interim mechanisms are effective and their deficiencies addressed.
- **Implementation of EPDP Phase 1 Recommendations:** while Phase 2 of the EPDP is ongoing a current focus of ICANN Community attention⁷, the PSWG is also following and contributing to the implementation of the EPDP Phase 1 Policy recommendations. In particular, in light of previous GAC advice, last in the [GAC Montréal Communiqué](#), PSWG representatives seek to ensure that the implementation is done in a timely manner that is consistent with the policy recommendations.
- **Standardized System for Access and Disclosure (SSAD) to non-public gTLD registration data** proposed in the [Initial Report](#) of EPDP Phase 2 (7 February 2020)
 - PSWG participants have contributed case experience and expertise to inform positions and contributions of the GAC Representatives in the EPDP Team, in particular regarding the [GAC Accreditation Principles](#) (21 January 2020), automation of responses to law enforcement requests in jurisdiction, and Service Level Agreements for responses to urgent request (see GAC Summary of Initial Report in Annex to the [ICANN67 Briefing on WHOIS and Data Protection](#) for more details).

⁵ See survey of Law enforcement agencies conducted by the RDS-WHOIS2 Review Team in section 5.2.1 of its [Final Report](#) (2 September 2019)

⁶ Per Objectives in the PSWG [Terms of Reference](#)

⁷ See [ICANN67 GAC Briefing on WHOIS and Data Protection Policy](#) (17 February 2020)

- The PSWG continues to track progress of some of the so-called [“Priority 2” Items](#) of Phase 2 of the EPDP which include policy areas that have direct impact on DNS Abuse, such as the Accuracy of WHOIS information, and the accreditation of Privacy/Proxy Services providers.
- **RDS-WHOIS2 Review Team Recommendations:** following ICANN’s [report](#) (6 February 2020) of the Public Comment period on the final recommendations of this Bylaw-mandated review, which included a [contribution](#) from the GAC (23 December 2019), the ICANN Board [adopted](#) a set of [Board actions](#) (25 February 2020).
The GAC had highlighted the importance of several objectives and activities called for by the RDS-WHOIS2 Review Team (in which PSWG participants represented the GAC):
 - [Establishing a Strategic Foresight Function for Regulatory and Legislative Developments](#) affecting ICANN in furtherance of a new strategic goal [adopted](#) by ICANN in its [2021-2025 Strategic Plan](#). This recommendation was accepted by the Board
 - [Proactive Compliance Enforcement and Reporting of WHOIS Data Accuracy](#), which the GAC argued must continue at scale and despite current impediments, given the importance of accuracy requirements for preventing and mitigating DNS Abuse, and the extent of estimated nature of inaccuracies. This recommendation is placed in pending status, to be considered by the ICANN Board upon completion of EPDP Phase 2
 - [Accreditation of Privacy/Proxy Services and Validation of Registration Data Using Them](#), which was subject of Follow-up on GAC Advice in the [GAC Montréal Communiqué](#) (6 November 2019), in [response](#) to which (26 January 2020) the ICANN Board pointed to [impact analysis](#) being conducted by ICANN org in the context of the EPDP Phase 1 Implementation. This recommendation was also placed in pending status, to be considered by the ICANN Board upon completion of EPDP Phase 2

Current Positions

- [GAC Comments](#) (23 December 2019) on the RDS-WHOIS2 Review Recommendations
- [GAC Montréal Communiqué](#) (6 November 2019)
- [GAC Statement on DNS Abuse](#) (18 September 2019)

Key Reference Documents

- [PSWG Work Plan 2020-2021](#) for GAC Endorsement (7 February 2020) - Also in Annex
- [ICANN66 GAC Briefing on DNS Abuse](#) (30 October 2019)

Further Information

- [ICANN67 GAC Briefing on WHOIS and Data Protection Policy](#) (17 February 2020)

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STRATEGIC GOAL 1 - PRESERVE AND IMPROVE DOMAIN REGISTRATION DATA EFFECTIVENESS

Ensure continued accessibility and improved accuracy of domain registration information that is consistent with applicable privacy regulatory frameworks

	Work Item	Description	Topic Lead
1.1	Swift Implementation of New gTLD Registration Data Policy (EPDP Phase 1)	Monitor and contribute to the implementation of the EPDP Phase 1 policy recommendations, including via participation in the Implementation Review Team.	Laureen Kapin (US FTC)
1.2	Effective Interim Mechanisms for Reasonable Access to Non-Public WHOIS Data (EPDP Phase 1 Rec. 18)	Ensure that the interim requirements for Registries and Registrars to provide reasonable access to non-public registration data is implemented in a consistent and efficient way, that meets the investigative needs of law enforcement agencies, other public authorities, cybersecurity practitioners and other legitimate third parties. Where needs are not met, ensure there are adequate mechanisms in place to report complaints and enforce compliance.	Laureen Kapin (US FTC)
1.3	Swift Implementation of a Standardized System for Access and Disclosure to Non-Public gTLD Registration Data (EPDP Phase 2)	Monitor and contribute to policy development and subsequent implementation efforts towards the timely delivery of the future Standardized System for Access and Disclosure (SSAD) to non-public gTLD Registration Data that is compliant with relevant data protection law.	Chris Lewis-Evans (UK NCA)
1.4	Accreditation of Public Authorities into Future Systems for Access to gTLD Domain Registration Data	Support implementation by ICANN and relevant authorities at national/territory level, of the GAC-approved Accreditation Principles for Public Authorities to access any future Standardized System for Access and Disclosure of Non-Public Data.	Chris Lewis-Evans (UK NCA)
1.5	Long Term Access to Non-Public Domain Registration Data for Law Enforcement and Cybersecurity Practitioners	Ensure that the evolving needs of law enforcement and their cybersecurity partners are met through all relevant policies, systems and mechanisms available or envisioned, including through evolutions and improvements where necessary.	Chris Lewis-Evans (UK NCA)
1.6	Improve gTLD Registration Data Accuracy	Pursue and monitor efforts aimed at improving the overall accuracy of WHOIS data based on regular assessments and reporting of inaccuracy, appropriate compliance enforcement and implementation of industry best practices.	Tjabbe Bos (European Commission)

	Work Item	Description	Topic Lead
1.7	Public Access to Legal Persons Registration Data (Legal vs. Natural)	Monitor and contribute to efforts, including implementation of EPDP Phase 1 Recommendation 17, to assess the feasibility of public availability of non-personal information of legal entities involved in gTLD domain registrations. Follow-up on relevant GAC Advice to revisit the interim redaction of such data, which is not required under applicable data protection law.	Laureen Kapin (US FTC)
1.8	Seek Reverse Lookup Capabilities for Law Enforcement Investigations	Pursue the development and implementation of appropriate policies, processes and technologies, in the DNS ecosystem, to enable law enforcement to identify all assets controlled by nefarious individuals and entities under investigation.	Gabriel Andrews (US FBI)
1.9	Implementation of the Privacy/Proxy Services Accreditation Policy	Seek to resume and contribute to the implementation of an accreditation framework for Privacy/Proxy services providers, with appropriate disclosure requirements ensuring effective access by law enforcement to shielded registrant information.	TBD
1.10	Collection and Publication of The Chain of Parties Responsible For gTLD Domain Name Registrations	Monitor and pursue the implementation of CCT Review recommendation 17, including the collection and publication of registrars' reseller information, through relevant policy development processes and contractual negotiations between ICANN and contracted parties, as appropriate.	TBD
1.11	Performance of ICANN's Mission in Relation to Domain Registration Data Services	Monitor ICANN's performance in relation to its key bylaw responsibilities regarding accuracy, access and protection of gTLD registration data. Pursue implementation of relevant recommendations of the bylaws-mandated WHOIS-RDS Reviews.	Cathrin Bauer-Bulst (European Commission)

STRATEGIC GOAL 2 - DEVELOP DNS ABUSE AND CYBERCRIME MITIGATION CAPABILITIES

Develop capabilities of the ICANN and Law Enforcement communities to prevent and mitigate abuse involving the DNS as a key resource

	Work Item	Description	Topic Lead
2.1	Implementation of CCT Review Recommendations for Subsequent Rounds of New gTLDs	Monitor and contribute to the consideration and implementation of recommendations issued by the Competition, Consumer Trust and Consumer Choice Review Team as they relate to public safety and consumer protection.	Laureen Kapin (US FTC)
2.2	Seek and Support Improved Registries Prevention and Response to Security Threats	Improve proactive steps registries may take against Security Threats and supporting registration practices such as Domain Generated by Algorithms (DGA). Assess effectiveness of Specification 11 3b, its related Advisory and the Security Framework for Registries to Respond to Security Threats in implementing the GAC Beijing Communique Safeguards Advice.	Gabriel Andrews (US FBI)
2.3	Seek and Support Registrars Adoption of Proactive Anti-Abuse Measures	Seek elevation of contractual standards and practices including: registrant validation (for the entire resale chain), certification and consideration of bulk registrants as legal entities, and removal of DGA service offerings. Encourage and monitor adoption of voluntary frameworks aimed at addressing DNS Abuse.	Gabriel Andrews (US FBI)
2.4	Survey and Review ccTLD Best Practices for adoption in the gTLD space	Survey and review ccTLD best practices in mitigating security threats such as abuse prediction, registrant validation and verification policies, with a view to promote their adoption and to elevate contractual standards in the gTLD space.	Tjabbe Bos (European Commission)
2.5	Ensure Enforceability and Effective Enforcement of Safeguards Provisions in ICANN Contracts	Monitor and contribute to implementation of relevant policies and review recommendations to ensure that related requirements in Registries and Registrars contracts are enforceable. Monitor compliance audit and complaint reporting and assess effectiveness of enforcement and remediation procedures, including in addressing patterns of recurrent non-compliance.	Laureen Kapin (US FTC)

	Work Item	Description	Topic Lead
2.6	Improve DNS Abuse Data Collection, Quantification, Reporting and Use by Relevant Stakeholders	Seek the evolution of ICANN’s Domain Abuse Activity Reporting (DAAR) to ensure effective registration and abuse data collection, accurate quantification of Security Threats, and enable appropriate use of granular data and reporting by all relevant stakeholders, including law enforcement, registries and registrars.	Gabriel Andrews (US FBI)
2.7	Improve Domain Seizure And Forfeiture Process, in Coordination With Contracted Parties	Work with Contracted Parties and ICANN org to establish standard procedures for the management of domain names seized as part of law enforcement investigations, and for which Contracted Parties may continue to bear a financial responsibility.	Gabriel Andrews (US FBI)
2.8	Follow-up on Previous GAC Advice Regarding the Mitigation of DNS Abuse	Follow-up as appropriate on the Hyderabad and Copenhagen Communiqués aimed at assessing the effectiveness of previous GAC Advice in relation to the 2013 Registrar Accreditation Agreement and the New gTLD Registry Agreement. The GAC also sought to assess the contribution of the SSR and Contractual Compliance departments of ICANN org to the prevention and mitigation of domain name abuse.	Gabriel Andrews (US FBI)
2.9	Assess Impact and Risks of DNS Encryption (DNS over HTTPS/TLS) on DNS Abuse Mitigation	Engage in ICANN Community efforts to evaluate the impact of the adoption of DNS encryption technologies such as HTTPS (DoH) and DNS over TLS (DoT), in particular as it relates to current capabilities to mitigate DNS Abuse.	Katie Noyes (US FBI)

STRATEGIC GOAL 3 - EFFECTIVE PSWG OPERATIONS AND STAKEHOLDER RELATIONS

Ensure PSWG operations remain effective and consistent in meeting the needs of the GAC and public safety agencies.

	Work Item	Description	Topic Lead
3.1	Maintain PSWG Work Plan	Follow execution and adjustment of the work plan, consistent with PSWG Terms of Reference, GAC priorities, and ICANN Bylaws, taking into account current challenges and opportunities in ICANN Community processes.	Fabien Betremieux (GAC Support Team)
3.2	Reporting and Coordination with the GAC	Ensure alignment of PSWG activities with GAC guidance and priorities. Maintain GAC/PSWG leadership coordination. Coordinate GAC endorsement of key PSWG work products.	Laureen Kapin (US FTC) Cathrin Bauer-Bulst (European Commission)
3.2	Develop and Maintain Talking Points	Identify current and future policy issues and opportunities in support of the operational needs of public safety agencies. Seek expert input to inform contributions to the GAC and the ICANN Community.	Gregory Mounier (Europol)
3.3	Develop PSWG Documentation for Effective ICANN Meetings	Ensure continuous improvement of PSWG schedule and briefing documentation to facilitate PSWG Members' interactions with relevant ICANN stakeholders and processes during ICANN meetings.	Fabien Betremieux (GAC Support Team)
3.4	Develop PSWG Collaboration Resources	Develop PSWG usage of the GAC Website and other relevant resources to ensure ease of access to relevant public and private documentation	Fabien Betremieux (GAC Support Team)
3.5	Contribute PSWG Experience into Guidelines for GAC Working Groups	Follow and contribute to the work of the GAC Operational Principle Evolution Working Group, in particular regarding the development of Guidelines for GAC Working Group	Laureen Kapin (US FTC)
3.6	Develop Participation and Leadership in PSWG Activities	Provide regular and predictable structure of meetings to address the needs of interested GAC and PSWG stakeholders. Provide opportunities for participation at varying levels of expertise into PSWG work and initiatives.	Laureen Kapin (US FTC)

GAC Bilateral Meeting with the At-Large Advisory Committee

Session 13 - Meeting with the ALAC

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Session Objective

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

At ICANN67, the ALAC and GAC will discuss the ongoing work of Expedited Policy Development Process (EPDP), potential ALAC collaboration with the GAC on matters such as capacity building initiatives and 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.

Agenda

1. EPDP

Similar to discussions at previous meetings, GAC and ALAC representatives to the EPDP will present the state of play of the EPDP, while focusing on opportunities for a potential joint action.

2. Subsequent Procedures

This item will focus on potential opportunities for cooperation and next steps, of the ALAC and GAC Focal Group on Subsequent Rounds, since the ICANN66 Meeting.

3. Cooperation on capacity building

Discussions on further cooperation in capacity building, such as development of training materials and possible intervention of ALAC in the ICANN68 GAC capacity building workshop.

4. Contacts and cooperation on regional/national levels

Follow up from the ICANN66 Meeting of the idea of extending cooperation between GAC Members and At-Large Structures (ALSes) at a regional and/or national level.

As a pilot, EURALO is conducting a survey among its members to find out to what extent such initiative already exists in the framework of regional/national multistakeholder cooperation.

5. AOB

Key Reference Documents

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

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

Further Information

[ALAC website](#) on Policy Comments and Advice

Document Administration

Meeting	ICANN67 Cancún, 7-12 March 2020
Title	GAC bilateral meeting with the ALAC
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 2: 4 March 2020

GAC Operational Wrap-Up Session

Session # 14 - GAC Wrap-Up Session

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Session Objectives

With the shift of the ICANN67 format away from an in-person meeting to a virtual meeting, this wrap-up session agenda will likely remain flexible, as the GAC leadership anticipates that events throughout the week will warrant prioritization of specific topics.

Otherwise, time permitting, in this session the GAC will be advised of progress and updates on a number of operational and process initiatives and asked for further direction and feedback. The potential topics to be covered include:

- GAC Website Improvements
- GAC Membership Record Keeping
- GAC Consideration of ICANN org Budget and Operational Matters (Role Expectations)
- GAC Empowered Community Guidelines
- Development of GAC Process for Consideration of Board Responses to GAC Communique Advice

Relevant Developments Regarding Specific Operational Topics

In addition to its active attention to substantive policy matters, the GAC utilizes its face to face meetings to address operational improvements, process innovations and other matters that can

improve the effectiveness and efficiency of GAC processes and procedures. This briefing provides updates on a number of those ongoing initiatives.

GAC Website Improvements

The latest version of the GAC website has been operational since 2018 (<https://gac.icann.org/>). Recent progress on the ICANN Information Transparency Initiative (ITI) Project has prompted the ICANN Engineering and IT team to begin planning accessibility and mobility design improvements to a number of community websites - including the GAC website.

As a result of this work, in 2020 GAC members are likely to see a number of visual design improvements that are intended to offer:

- A cleaner look and feel to the website;
- Consistency with future new ICANN.org design elements; and
- Improved membership delegation layout and participant “cards”

The ICANN E&IT team is just beginning to develop new GAC homepage mock-ups and a quality assurance test bed to effect these improvements. The GAC Support staff will share further information about these changes , including design examples, as they become available.

GAC Membership Record Keeping

The GAC Support staff continues to pursue membership record keeping improvements as the ICANN org itself moves much of its participation records to a more centralized customer relations management (CRM) infrastructure. This effort will ultimately help to ensure that participant records are consistently managed across ICANN communities, reinforce compliance with emerging privacy laws and regulations and also prepare the GAC for implementation of the Workstream 2 Accountability regime.

Most recently, the staff has completed a review of the GAC working group rosters and has identified a number of questions that will require clarification from the GAC membership to ensure the ultimate success of the effort. Staff will present a number of these questions to GAC members during this session to help clarify the next steps for this work effort.

Fundamentally, those questions will probe the vision GAC members have for future collaboration opportunities and interactions between member delegations, as well as how those delegations should best be structured and portrayed for membership record keeping purposes. Resolution of those record keeping issues may be greatly assisted by input from the GAC Operating Principles Working Group and will be introduced into that group effort as appropriate.

In addition to the membership records themselves, the GAC Support team has continued its discussions with the ICANN meetings Team to identify methods for improving the attendance taking at GAC face to face meetings. For the ICANN67 Cancun meeting, GAC participants will continue to record their attendance using either the paper sheets or the electronic tablet circulated

during the meeting sessions. Remote attendance will also be recorded by leveraging the Zoom communications platform utilized during all GAC plenary sessions.

GAC Consideration of ICANN org Budget and Operational Matters

As the GAC role in ICANN has evolved, the committee continues to find its opinions sought on operational and budget matters and on the strategic direction of the organization. In the past few years, the GAC has submitted input on these matters in a targeted manner on topics of particular interest to governments participating in ICANN. Most recently, the GAC submitted comments regarding ICANN's Draft FY21-25 Operating & Financial Plan and Draft FY21 Operating Plan and Budget. In those comments the GAC asked for permanent and reliable budget resources to be set aside to assure constant support of the GAC's Capacity Building Workshop Program (see - <https://mm.icann.org/pipermail/comments-draft-opplan-budget-fy21-25-20dec19/attachments/20200226/14c283f2/GACCommentsonDraftFY21-25OperatingFinancialPlanandDraftFY21OperatingPlanBudget25Feb2020Final-0001.pdf>). Time permitting, GAC members will also be asked to share their views on the appropriate role the GAC should play in these types of ICANN strategic and budgeting matters.

GAC Empowered Community Guidelines

As the GAC has now worked the past couple of years as a Decisional Participant in the Empowered Community Administration (ECA), the GAC leadership determined that a review of the current GAC Guidelines for participation in the Empowered Community (see - <https://gac.icann.org/contentMigrated/guidelines-for-gac-participation-in-the-empowered-community>) was in order. Staff and GAC leadership have identified two areas for potential operational improvements;

1. Defining the process for considering rejection petition submissions; and
2. Creating a process for selecting a GAC appointee to the Empowered Community Administration (ECA)

After the ICANN67 Cancun public meeting, the GAC will have an opportunity to review and comment on recommendations regarding improvements in these areas and will be ultimately asked to endorse updates to the GAC guidelines.

Key Reference Documents

- GAC Website Home Page - <https://gac.icann.org/>
- GAC Membership Webpage - <https://gac.icann.org/about/members>
- ICANN Public Comment Forum Regarding *Draft FY21-25 Operating & Financial Plan and Draft FY21 Operating Plan & Budget* (see - <https://www.icann.org/public-comments/draft-opplan-budget-fy21-25-2019-12-20-en>)
- GAC Guidelines for participation in the Empowered Community - <https://gac.icann.org/contentMigrated/guidelines-for-gac-participation-in-the-empowered-community>

Further Information

- GAC Introductory Webinar - Information Transparency Initiative - <https://gac.icann.org/sessions/gac-introductory-webinar-series-information-transparency-initiative-iti>
- GAC Public Comment Opportunities Web Page - <https://gac.icann.org/activity/gac-public-comment-opportunities>

Document Administration

Meeting	ICANN67 Virtual, 7-12 March 2020
Title	GAC Operational Wrap-Up Session
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 2: 4 March 2020

tab1. ICANN67 Remote Schedule_Final (4March)

UTC-5	UTC	UTC+8	Monday 9 March (3)	Tuesday 10 March (4)	Wednesday 11 March (5)	Thursday 12 March (6)	UTC-5	UTC	UTC+8	
08:00	13:00	21:00	Times on the schedule are in UTC	GAC Monday Update 13:00-14:00	GAC [Leadership] Communique discussion 13:00-14:00	GAC Communique discussion 13:00-14:00	08:00	13:00	21:00	
08:15	13:15	21:15					08:15	13:15	21:15	
08:30	13:30	21:30					08:30	13:30	21:30	
08:45	13:45	21:45					08:45	13:45	21:45	
09:00	14:00	22:00	Public Forum 1 (90 mins) 14:00-15:30	GNSO EPDP Phase 2 (1/2) 14:00-16:00	9. Public Safety WG Update (30 mins) 14:00-14:30	Public Forum 2 (90 mins) 14:00-15:30	09:00	14:00	22:00	
09:15	14:15	22:15			09:15		14:15	22:15		
09:30	14:30	22:30			09:30		14:30	22:30		
09:45	14:45	22:45			09:45		14:45	22:45		
10:00	15:00	23:00	GAC Capacity Building Workshop (90 mins) 15:30-17:00	5. WHOIS and Data Protection Policy (60 mins) 16:00-17:00	11. Wrap up on New gTLD Sub Pro (30 mins) 15:30-16:00	GNSO RPM (3/4) 10:45-12:15	Break	10:00	15:00	23:00
10:15	15:15	23:15						10:15	15:15	23:15
10:30	15:30	23:30			10:30	15:30		23:30		
10:45	15:45	23:45			10:45	15:45		23:45		
11:00	16:00	0:00	Break	GNSO Subsequent Procedures PDP WG (2/3) 17:00-18:30	12 (a). ICANN67 Communique drafting (75 mins) 16:00-17:15	GNSO EPDP Phase 2 (2/2) 15:45-17:45	GNSO Subsequent Procedures PDP WG (3/3) 15:45-17:45	11:00	16:00	0:00
11:15	16:15	0:15						11:15	16:15	0:15
11:30	16:30	0:30			11:30	16:30	0:30			
11:45	16:45	0:45			11:45	16:45	0:45			
12:00	17:00	1:00	GNSO Subsequent Procedures PDP WG (1/3) 17:15-18:45	GNSO Subsequent Procedures PDP WG (2/3) 17:00-18:30	13. Meeting with ALAC (45 mins) 17:15-18:00	Break	12 (e). ICANN67 Communique drafting (45 mins) 18:00-18:45	12:00	17:00	1:00
12:15	17:15	1:15						12:15	17:15	1:15
12:30	17:30	1:30			12:30			17:30	1:30	
12:45	17:45	1:45			12:45			17:45	1:45	
13:00	18:00	2:00	1. Opening Plenary, review of ICANN66 action items and overview of sessions (45 mins) 18:45-19:30	6. Follow up discussions on New gTLD Sub. Pro. (60 mins) 18:30-19:30	GNSO RPM (2/4) 13:30-15:00	12 (b). ICANN67 Communique drafting (60 mins) 18:15-19:15	Break	13:00	18:00	2:00
13:15	18:15	2:15						13:15	18:15	2:15
13:30	18:30	2:30						13:30	18:30	2:30
13:45	18:45	2:45						13:45	18:45	2:45
14:00	19:00	3:00	2. Update on current issues: New gTLD Sub Pro (45mins) 19:30-20:15	Break	7. Meeting with ICANN Board (60 mins) 19:45-20:45	12 (c). ICANN67 Communique drafting (75 mins) 19:30-20:45	Break	14:00	19:00	3:00
14:15	19:15	3:15						14:15	19:15	3:15
14:30	19:30	3:30						14:30	19:30	3:30
14:45	19:45	3:45						14:45	19:45	3:45
15:00	20:00	4:00	Break	3. .org acquisition discussion (30 mins) 20:30-21:00	Break	14. GAC Wrap-Up (90 mins) 19:00-20:45	GNSO RPM (4/4) 19:45-20:45	15:00	20:00	4:00
15:15	20:15	4:15						15:15	20:15	4:15
15:30	20:30	4:30						15:30	20:30	4:30
15:45	20:45	4:45						15:45	20:45	4:45
16:00	21:00	5:00	4. Preparation for meeting with the ICANN Board (60 mins) 21:00-22:00	8. Plan for Communique Drafting (60 mins) 21:00-22:00	12 (d). ICANN67 Communique drafting (60 mins) 21:00-22:00	Q & A with ICANN Organization Executive Team (60 mins) 20:45-21:45	ICANN Public Board Meeting (60 mins) 21:45-22:45	16:00	21:00	5:00
16:15	21:15	5:15						16:15	21:15	5:15
16:30	21:30	5:30						16:30	21:30	5:30
16:45	21:45	5:45						16:45	21:45	5:45
17:00	22:00	6:00						17:00	22:00	6:00
17:15	22:15	6:15						17:15	22:15	6:15
17:30	22:30	6:30						17:30	22:30	6:30
17:45	22:45	6:45						17:45	22:45	6:45
18:00	23:00	7:00	<p>GAC Plenary Sessions GAC Joint Sessions Community Sessions GAC Communique Non official ICANN67 Sessions</p>	<p>Official times for ICANN67 09:00-17:00 (UTC-5) 14:00-22:00 (UTC)</p>				18:00	23:00	7:00
18:15	23:15	7:15						18:15	23:15	7:15
18:30	23:30	7:30						18:30	23:30	7:30
18:45	23:45	7:45						18:45	23:45	7:45
19:00	0:00	8:00						19:00	0:00	8:00