
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 ICANN68 Virtual Policy Forum as it will be only the GAC's second 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 during the ICANN67 Virtual Community Forum. 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 ICANN68 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. GAC participants will be asked to indicate the country, territory or organization affiliation in conjunction with their virtual Zoom room name designations.

Recent Developments

Based on its experience during the ICANN67 Virtual Community Forum, for ICANN68 the GAC leadership team consulted with various committee stakeholders to determine if certain virtual meeting interactions would need to be conducted during the meeting week. Several interactions were re-scheduled to take place at various times before and after the ICANN68 public meeting period. The GAC Chair will likely report on pre-meeting interactions with the ALAC, ccNSO, GNSO and Board-GAC Interaction Group (BGIG). The Chair may also share lessons-learned regarding pre-meeting webinars conducted by both the GAC and ICANN org staff on various topics.

Since ICANN67, 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 the [Initial Report of the EPDP on the Temporary Specification for gTLD Registrations Data Team - PHASE 2](#) and the [SSR2 Review Team Draft Report](#). 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>.

In late March, GAC Members participated in a virtual strategic trends session in which committee members contributed their views about topics, matters and trends that ICANN should consider as the organization proceeds with implementation of the new ICANN Five-Year Strategic Plan (FY21 - FY25).

Since ICANN67, the GAC has also sent and received correspondence regarding matters of importance to GAC members including such topics as the proposed acquisition of PIR/.ORG and concerns regarding changes to Subsequent Procedures for New gTLDs PDP working Group timeline. 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/>.

During the ICANN67 Virtual Community Forum, 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 ICANN67 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

- ICANN Strategic Plan (2021 - 2025) - <https://www.icann.org/en/system/files/files/strategic-plan-2021-2025-24jun19-en.pdf>

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DNS Abuse Mitigation

Sessions 2, 8

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Session Objectives

The GAC will discuss recent developments related to DNS Abuse, in particular in the context of the COVID-19 crisis, in connection with a [Cross-Community Plenary session](#) planned on this topic during ICANN68. This session will also be an opportunity to review and discuss relevant developments in the prevention and mitigation of DNS Abuse and Security Threats.

Background

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

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

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

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

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

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

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

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

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

Issues

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

Additionally, concerns with the ability to effectively mitigate DNS Abuse have been heightened in law enforcement, cybersecurity, consumer protection and intellectual protection circles⁵ as a consequence of the entry into force of the European Union General Data Protection Regulation (GDPR) and ensuing efforts to change the WHOIS system - a key crime and abuse investigation tool - to comply with the GDPR. More recently, the COVID-19 global health emergency proved an illustration of existing challenges as related domains registrations spiked, including a small percentage⁶ in support of various opportunistic fraudulent purposes.

ICANN's Advisory Committees, in particular the GAC, SSAC and ALAC, and various affected third parties have been calling upon ICANN org and the ICANN Community, to take further action⁷.

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

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

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

⁶ As [reported](#) by Registrar Stakeholder Group leaders to the GAC on 9 April 2020

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

- **The definition of DNS Abuse:**

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

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

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

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

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

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

Leadership Proposal for GAC Action during ICANN68

1. **Review lessons learned** so far from **COVID-19 related DNS Abuse** as reported by concerned parties, including public authorities, registrars, ccTLD Operators and ICANN org (see p, 10 of this briefing), **and prepare for engagement of the ICANN Community as appropriate**, starting with the Cross-Community [Plenary Session on DNS Abuse and Malicious Registration During COVID-19](#) planned on 22 June 2020 as part of ICANN68.
2. **Deliberate on possible next steps for addressing overarching public policy issues related to DNS Abuse** as identified in previous GAC contributions, and **in particular consider following-up** with the GNSO Council, ALAC, ccNSO and possibly the ICANN Board **on possible avenues to address CCT Review Recommendations on DNS Abuse before the launch of subsequent rounds of New gTLDs** consistent with the [GAC Montréal Communiqué Advice](#) (6 November 2019).
3. **Discuss the status** of consideration and implementation **of recommendations pertaining to DNS Abuse issued by the CCT and RDS-WHOIS2 Reviews**, in light of ICANN Board Action as reported in:
 - a. [Board Action Scorecard](#) on CCT Review Recommendations (1 March 2019)
 - b. [Board Action scorecard](#) on RDS-WHOIS2 Review Recommendations (25 Feb. 2020)
4. **Consider progress of key DNS Abuse Mitigation Efforts more generally, in the ICANN Community** and in particular by Contracted Parties, ccTLD Operators and ICANN org, including with a view to promote elevated standards in practices and contracts:
 - a. **Implementation of voluntary measures by gTLD Registrars and Registries** per the industry-led [Framework to Address Abuse](#)
 - b. **Implementation of proactive anti-abuse measures by ccTLD Operators** that could inform gTLD registry practices
 - c. **Contractual Compliance Audit of Registrars** regarding DNS Security Threats which was expected to follow the [conclusion](#) of a similar audit of Registries
 - d. **Improvements of ICANN's Domain Abuse Activity Reporting (DAAR)** as previously discussed by Registries, the GAC and SSAC

Relevant Developments

Overview of Recent Developments

- **The COVID-19 crisis has led to engagements between the GAC and affected stakeholders**, which have brought into light various **efforts to respond and coordinate the response** against fraudulent and criminal activities:
 - **The GAC Leadership** [reported](#) on a [discussion](#) (9 April) requested by leaders of the Registrar Stakeholder Group (RrSG), and discussed the matter further in a [joint leadership call](#) (3 June 2020) in preparation for the ICANN68.
 - As part of their response to potentially fraudulent COVID-19 activities, **Registrars** report challenges in assessing fraudulence in relevant jurisdiction and sought assistance from public authorities. The RrSG has documented shared [Registrar approaches to the COVID-19 Crisis](#) for the benefit of its membership.
 - **GAC Members have been invited to share relevant resources** put in place by their respective public authorities such as those shared by law enforcement agencies (US FBI, UK NCA, Europol) and consumer protection agencies (US FTC)
 - The **European Commission** reported ongoing efforts in collaboration with EU Members-States, Europol, ccTLD and registrars to facilitate reports, their review and their referral to relevant jurisdiction through the adoption of a standardized form to report domain/content related to COVID-19 and the establishment of single point of contacts for relevant Members States authorities.
 - **Operators of ccTLDs** around the world are [due to brief the GAC](#) (4-5 June 2020) on the lessons they learned from their operations during the crisis
 - A brief of the GAC by **ICANN's Office of the CTO (OCTO)** being planned before ICANN68 is expected to illustrate ICANN initiatives and resources dedicated to supporting the contracted parties' response
- In the meantime, **Contracted Parties, ICANN's Security and Stability Advisory Committee (SSAC) and ICANN org have initiated new work** related to addressing Security Threats:
 - As reported by the GAC Public Safety Working Group during ICANN67 meeting, the **Registrar Stakeholder Group** published a [Guide to Registrar Abuse Reporting](#)
 - The [Framework to Address DNS Abuse](#) (17 October 2019) proposed as a **voluntary initiative by leading stakeholder of the DNS Industry**, now records 56 [signatories](#) as of 29 March 2020.
 - The **SSAC** initiated a Working Party on DNS Abuse in which a representative of the PSWG has been invited to take part.
 - **ICANN org**, as part of the implementation of the [FY21-25 Strategic Plan](#), announced the launch of a [DNS Security Facilitation Initiative Technical Study Group](#) (6 May 2020) to *"explore ideas around what ICANN can and should be doing to increase the level of collaboration and engagement with DNS ecosystem stakeholders to improve the security profile for the DNS"*. Recommendations are expected by May 2021.

- Since the ICANN66 meeting, several **ICANN community processes have considered new recommendations related to DNS Abuse**, some of which have received GAC input, and some may be subject of GAC follow-up:
 - Following the **RDS-WHOIS2 Review Team [Final Recommendations](#)** (3 September 2019) the relevance of which to the mitigation of DNS Abuse was highlighted in a [GAC Comment](#) (23 December 2019) were considered by the ICANN Board per the [Board Action scorecard](#) (25 February 2020) and as part of its [resolutions](#) 2020.02.25.01 – 2020.02.25.06: 15 recommendations were accepted, 4 placed in pending status, 2 passed through to the GNSO and 2 were rejected.
 - **The SSR2 Review Team** delivered a [Draft Report](#) (24 January 2020) with a significant focus on measures to prevent and mitigate DNS Abuse. The [GAC Comment](#) (3 April 2020) endorsed many of the recommendations and in particular those pertaining to improving Domain Abuse Activity Reporting (DAAR) and the strengthening of compliance mechanisms. Final recommendations of the SSR2 RT are now expected by October 2020 (according to [recent deliberations](#))
 - **The GNSO Policy Development Process Working Group on New gTLD Subsequent Procedures** recently [reported](#) (29 April 2020) that it is *“not planning to make any recommendations with respect to mitigating domain name abuse other than stating that any such future effort must apply to both existing and new gTLDs (and potentially ccTLDs)”*. This is despite relevant recommendations addressed to it by the CCT Review Team, further supported by ICANN Board Action on these recommendations, as well as [GAC Montréal Communiqué Advice](#) (6 November 2019) and further GAC input as recorded in the [GAC ICANN67 Communiqué](#) (16 March 2020). A recent [GNSO Council meeting](#) (21 March 2020) discussed the possibility of initiating a Cross Community Working Group (CCWG) and possibly a subsequent GNSO PDP should new contractual requirements be needed. It did not discuss an informal proposal by the [GAC Leadership](#) (12 May 2020) to consider a Birds of a feather discussion among relevant experts, including ccTLD operators, to scope any future policy effort.

Issues - Definition of DNS Abuse

As highlighted most recently during the [GDD Summit](#) (7-9 May 2019), there is **no Community-wide agreement on what constitutes ‘DNS Abuse’**, in part due to concerns of some stakeholders with ICANN overstepping its mandate, impacts on the rights of users, and impact on the bottom line of contracted parties.⁸

There is, however, according the CCT Review Team, a **consensus on what constitutes ‘DNS Security Abuse’ or ‘DNS Security Abuse of DNS infrastructure’** understood as including *“more technical forms of malicious activity”*, such as malware, phishing, and botnets, as well a spam *“when used as a delivery method for other forms of abuse.”*⁹

Recently, the **ICANN Contractual Compliance Department** has referred to **‘Abuse of DNS Infrastructure’ and ‘Security Threats’** in its communications about audits of Registries and Registrars regarding their implementation of contractual provisions in the [New gTLD Registry Agreement](#) (Specification 11 3b) regarding *“security threats such as pharming, phishing, malware, and botnets”*¹⁰ - and in the [Registrar Accreditation Agreement](#) (Section 3.18) - which refers to *“abuse contacts”* and *“abuse reports”* without providing a definition of the term ‘abuse’ specifically, but including ‘Illegal Activity’ within its scope.

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

Following the Board [resolution](#) (1 March 2019) directing ICANN org to *“facilitat[e] community efforts to develop a definition of ‘abuse’ to inform further action on this recommendation.”*¹¹, and building activities of the Consumer Safeguards function of ICANN org, **further discussions on the definition of abuse are expected before and during the ICANN66 meeting** in Montreal.

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

⁸ Indeed, the definition of Abuse Mitigation may carry consequences in terms of the scope of activity overseen by ICANN policies and contracts. While governments and other stakeholders are concerned with the impact of DNS abuse on the public interest, including the safety of the public and the infringement of intellectual property rights, registries and registrars are concerned with restrictions on their commercial activities, ability to compete, increased operating costs and liability for consequences registrants may incur when action is taken on abusive domains. Non-commercial stakeholders on their part are concerned with the infringement of freedom of speech and privacy rights of registrants and Internet users, and share with contracted parties concerns about ICANN overstepping its mission.

⁹ See p.88 of the [CCT Review Final Report](#) (8 September 2018) as highlighted more recently in the [GAC Statement on DNS Abuse](#) (18 September 2019)

¹⁰ The [Advisory, New gTLD Registry Agreement Specification 11 \(3\)\(b\)](#) (8 June 2017) provides a definition of ‘Security Threats’ as including *“pharming, phishing, malware, botnets, and other types of security threats.”*

¹¹ See p.5 of scorecard of [Board Action on the Final CCT Recommendations](#)

Issues - Awareness and Transparency: Community Engagements on DNS Abuse

The GAC and its Public Safety Working Group (PSWG) have led several Cross-Community engagements at ICANN meetings over the past few years **seeking to raise awareness and explore solutions with relevant experts**. More recently, leaders of ICANN's Supporting Organizations and Advisory Committee (SO/AC), and the ALAC held well attended engagements on the matter.

- During ICANN57 in Hyderabad (5 November 2016), the GAC PSWG led a High Interest Topic session on [Mitigation of Abuse in gTLDs](#) which was designed as an exchange of views across the ICANN Community and highlighted:
 - the lack of a shared understanding of what constitute DNS Abuse;
 - the diversity of business models, practices and skills influencing approaches to mitigating abuse; and
 - the need for more industry-wide cooperation, to be supported by shared data on security threats.
- During ICANN58 in Copenhagen (13 March 2017), the GAC PSWG moderated a Cross Community Session [Towards Effective DNS Abuse Mitigation: Prevention, Mitigation & Response](#) which discussed recent trends in DNS Abuse, in particular Phishing, as well as behavior such as domain hopping across registrars and TLDs which may require more coordinated and sophisticated responses from the industry. The session also served to highlight:
 - the emerging [Domain Abuse Activity Reporting \(DAAR\)](#) initiative,
 - ongoing collaboration between ICANN org Contractual Compliance and SSR functions, and
 - the opportunity of leveraging [New gTLD auction proceeds](#) to fund the needs of Abuse mitigation
- During ICANN60 in Abu Dhabi (30 October 2017), the PSWG hosted a Cross Community Session on [Reporting of DNS Abuse for Fact-Based Policy Making and Effective Mitigation](#) to discuss the establishment of reliable, public and actionable DNS Abuse reporting mechanisms for the prevention and mitigation of abuse, and to enable evidence-based policy making. The session confirmed the need for publication of reliable and detailed data on DNS Abuse, as contained in the [Domain Abuse Activity Reporting \(DAAR\)](#) tool. The PSWG considered further developing possible GAC principles¹².
- During ICANN66 in Montreal (6 November 2019), the ICANN Community held a Cross-Community [Plenary Session on DNS Abuse](#). This session led to a call to action and identified several items for follow-up:
 - A call for registries and registrars to sign the Framework to Address Abuse

¹² See Attachment 1: Abuse Mitigation Principles in [ICANN60 GAC Briefing on DNS Abuse](#) and report of the session in the [GAC Abu Dhabi Communiqué](#) (p.3)

- Work needed around creating a definition of DNS abuse from an ICANN perspective
 - Some speakers reiterated the need to be clear about the line between technical DNS abuse vs content abuse
 - Presentations highlighted language from Specification 11.3.b of the Base Registry Agreement, GAC advice, DAAR activity and CCT Review Team proposals
 - General agreement that ICANN is a suitable environment for sharing best practices
 - May need to develop improvements for identifying and contact those responsible for contact hosting and registrants
 - And to have appropriate appeal mechanisms in place for takedowns
 - There was some discussion (but no specific agreement) around incentives
 - General agreement that the community can help ICANN's Compliance Team be more effective (e.g. enforcing contracts where there is behavior that the community finds unacceptable).
- During the ICANN67 Virtual Meeting (9 March 2020), the ALAC held two sessions attended remotely by many participants of the ICANN Community, one providing an [introduction DNS Abuse](#) (including an [educational video](#)) and one reviewing in practice [Contractual Compliance](#) enforcement in response to typical DNS Abuse cases
 - During the ICANN68 Virtual Meeting (22 June 2020), the ICANN Community is due to meet in [plenary](#) to follow-up on the ICANN66 discussion and specifically review stakeholders experience of the COVID-19 registration spike and associated DNS Abuse, fraud and cybercrime.
 Reports and lessons learned are expected to be consistent with pre-ICANN68 briefings on this matter given by [ccTLD Operators](#) (4-5 June 2020), [by gTLD Registries and Registrars](#) (11 June 2020), and by [ICANN's Office of the CTO](#) (12 June 2020)

Issues - Awareness and Transparency: DNS Abuse Studies

A number of DNS Abuse safeguards were built into the New gTLD Program through new requirements¹³ adopted by ICANN org per its memorandum on [Mitigating Malicious Conduct](#) (3 October 2009) and GAC Safeguard Advice on Security Checks.

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

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

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

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

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

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

¹³ Vetting registry operators, requiring demonstrated plan for DNSSEC deployment, prohibiting wildcarding, removing orphan glue records when a name server entry is removed from the zone, requiring the maintenance of thick WHOIS records, centralization of zone-file access, requiring documented registry level abuse contacts and procedures

Issues - Awareness and Transparency: Domain Abuse Activity Reporting (DAAR)

ICANN org's [Domain Abuse Activity Reporting](#) Project emerged as a research project concurrently to the GAC and PSWG engagement of the ICANN Board and Community on the effectiveness of DNS Abuse mitigation, between the ICANN57 (Nov. 2016) and ICANN60 meetings (Nov. 2017).¹⁴

The stated [purpose](#) of DAAR is to *"report security threat activity to the ICANN community, which can then use the data to facilitate informed policy decisions"*. This is achieved since January 2018 by the publication of [monthly reports](#), based on the compilation of TLD registration data with information from a large [set of high-confidence reputation and security threat data feeds](#).¹⁵

As such, DAAR is contributing to the requirement identified by the GAC for publication of *"reliable and detailed data on DNS Abuse"* in the [GAC Abu Dhabi Communiqué](#) (1 November 2017). However, as highlighted in a [letter](#) from the M3AAWG¹⁶ to ICANN org (5 April 2019), by not including security threat information on a per registrar per TLD basis, DAAR is still falling short of expectation from the GAC PSWG Members and their cybersecurity partners that it provides actionable information.

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

Issues - Effectiveness: Current DNS Abuse Safeguards in Registries and Registrars Contracts

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

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

¹⁴ See cross-community sessions led by the GAC PSWG during [ICANN57](#) (Nov. 2016), [ICANN58](#) (March 2017) and [ICANN60](#) (October 2017), as well as questions to the ICANN Board regarding the effectiveness of DNS Abuse Safeguards in [Hyderabad Communiqué](#) (8 November 2016), follow-up questions in the [GAC Copenhagen Communiqué](#) (15 March 2017) and a set of [draft responses](#) (30 May 2017) by ICANN org.

¹⁵ For more information, see <https://www.icann.org/octo-ssr/daar-faqs>

¹⁶ Messaging, Malware and Mobile Anti-Abuse Working Group

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

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

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

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

Contacted parties have taken issue with these audits as exceeding the scope of their contractual obligations.¹⁸ ICANN org indicated that it will initiate an audit of registrars focusing on DNS security threats.

¹⁷ As reported in the blog post of 8 November 2018, Contractual Compliance: Addressing DNS Infrastructure Abuse: <https://www.icann.org/news/blog/contractual-compliance-addressing-domain-name-system-dns-infrastructure-abuse>

¹⁸ See [correspondence](#) from the RySG (2 November 2019) to which ICANN org [responded](#) (8 November), and in comments posted on the [announcement](#) page (15 November): registries have taken issues with the [audit questions](#) as threatening enforcement action exceeding the scope of their contractual obligations [in particular under [Specification 11 3b](#)] and indicated their reluctance to “*share with ICANN org and the community relevant information regarding our ongoing efforts to combat DNS Abuse [...] as part of an ICANN Compliance effort that goes beyond what is allowed under the Registry Agreement*”

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

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

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

Per its recommendation 19, the [CCT Review Team](#) deferred the task of conducting an assessment of the effectiveness of the Framework to a subsequent review¹⁹ as the Framework had not been in existence for a long enough period of time to assess its effectiveness.

Effectiveness: Proactive Measures and Prevention of Systemic Abuse

Based on its [analysis of the DNS Abuse landscape](#),²⁰ including consideration of [ICANN’s Report on New gTLD Program Safeguards](#) (15 March 2016) and the independent [Statistical Analysis of DNS Abuse](#) (9 August 2017), the CCT Review Team [recommended](#), in relation to DNS Abuse:

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

The ICANN Board [resolved](#) (1 March 2019) to place these recommendations in “Pending” Status, as it directed ICANN org to “*facilitat[e] community efforts to develop a definition of ‘abuse’ to inform further action on this recommendation.*”²¹

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

²⁰ See Section 9 on Safeguards (p.88) in the [CCT Review Final Report](#) (8 September 2018)

²¹ See p.5 of scorecard of [Board Action on the Final CCT Recommendations](#)

Current Positions

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

- [GAC Comment](#) (3 April 2020) on the SSR2 Review Team Draft Report
- [GAC Comment](#) (23 December 2019) on the RDS-WHOIS2 Review Final Recommendations
- [GAC Statement on DNS Abuse](#) (18 September 2019)
- [GAC Comment](#) (11 December 2018) on the CCT Review Final Recommendations
- [GAC Comment](#) (16 January 2018) on [New Sections of the CCT Review Team Draft Report](#) (27 November 2017)
- [GAC Comment](#) on the Statistical Analysis of DNS Abuse in gTLDs (19 September 2017)
- [GAC Comment](#) on SADAG Initial Report (21 May 2016)
- [GAC Barcelona Communiqué](#) (25 October 2018) in particular sections III.2 GAC Public Safety Working Group (p.3) and IV.2 WHOIS and Data Protection Legislation (p.5)
- [GAC Copenhagen Communiqué](#) (15 March 2017) including [Abuse Mitigation Advice](#) requesting responses to the GAC Follow-up Scorecard to Annex 1 of GAC Hyderabad Communiqué (pp. 11-32)
- [GAC Hyderabad Communiqué](#) (8 November 2016) including [Abuse Mitigation Advice](#) requesting responses to Annex 1 - Questions to the ICANN Board on DNS Abuse Mitigation by ICANN and Contracted Parties (pp.14-17)
- [GAC Beijing Communiqué](#) (11 April 2013), in particular the 'Security Checks' Safeguards Applicable to all NewgTLDs (p.7)
- [GAC Dakar Communiqué](#) (27 Octobre 2011) section III. Law Enforcement (LEA) Recommendations
- [GAC Nairobi Communiqué](#) (10 March 2010) section VI. Law Enforcement Due Diligence Recommendations
- [LEA Recommendations Regarding Amendments to the Registrar Agreement](#) (1 March 2012)
- [Law Enforcement Due Diligence Recommendations](#) (Oct. 2009)

Key Reference Documents

- [Scorecard of ICANN Board Action](#) on the Final RDS-WHOIS2 Review Recommendations (25 February 2020)
- [Scorecard of ICANN Board Action](#) on the Final CCT Recommendations (1 March 2019)
- [CCT Review Final Report and Recommendations](#) (8 September 2018), in particular Section 9 on Safeguards (p.88)
- [Statistical Analysis of DNS Abuse in gTLDs](#) (9 August 2017)

- [GAC Questions on Abuse Mitigation and ICANN Draft Answers](#) (30 May 2017) per Advice in the [GAC Hyderabad Communiqué](#) (8 November 2016) and Follow-up in [GAC Copenhagen Communiqué](#) (15 March 2017)

Document Administration

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GAC Meeting with the ICANN Board

Session # 3 - Preparation for Meeting with ICANN Board

Session # 12 - 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.

The GAC typically sets aside two plenary sessions at every ICANN public meeting that are devoted to both preparing for and then conducting the meeting with the full ICANN Board. From time-to-time, the GAC also hosts a meeting of the Board-GAC Interaction Group which is covered by a separate briefing document - although that meeting will not take place as part of this ICANN68 Virtual Public Forum.

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.

GAC members were asked via email on 18 May to suggest potential topics or questions to present to the Board at ICANN68. A preliminary list of those topics and questions **were** discussed by the GAC leadership prior to the meeting and shared with the Board Support Team by mid-June to alert

the Board to GAC areas of interest. New text in this briefing (Version 2) reflecting the added information developed by the GAC Leadership since 18 May is provided in purple-colored font.

Agenda

Session 3 - 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 and identify any new issues that may have arisen shortly before or during the public meeting that merit identification to or discussion with the Board.

Session 12 - GAC Meeting with the ICANN Board

For most public meetings, the Board shares questions ahead for the different community groups. That will not take place for ICANN68, thus the session agenda will likely center around the topics and questions raised by GAC members to the Board.

Preliminary Meeting Agenda proposed to Board as of 16 June:

A. Introductions

B. Review of GAC Efforts Since ICANN67

(an opportunity for the GAC to share how the GAC has been facing the substantive and operational challenges presented by the current “virtual” operating experience – including efforts to prioritize important government topics of interest, substantive focus on key GAC priorities and longer-term considerations regarding GAC advice development and operational considerations)

C. Discussion of Specific GAC Priority Areas (including specific GAC questions – shared in advance of meeting):

- New gTLD Subsequent Procedures*
- DNS Abuse Mitigation; and*
- Domain Name Registration Directory Service and Data Protection issues*

D. Issue-Spotting - Recognition of Issues Coming up (including Global Public Interest, MSM Evolution, GAC Review (as chartering organization) of Auction Proceeds Recommendations and ATR3 Final Report)

E. Closing

GAC Positions

As of 1 June, based on input from GAC members, the GAC Leadership had developed the following Information for the Board:

A. Key priorities for action of ICANN constituencies in 2020

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
- 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. GAC Areas/Topics of Interest to Discuss with ICANN Board During ICANN68

The particular topic areas confirmed by the GAC leadership to the Board as of 16 June are as follows:

- New gTLD Subsequent Procedures;
 - Subsequent procedures for new gTLDs remain a high priority for the GAC. The GAC has participated extensively in the GNSO PDP process and the committee provided extensive summaries of its ICANN67 discussions in its ICANN67 GAC Communique.
 - Since ICANN67, the GAC has worked productively internally to develop particular positions on the high priority GAC topics being addressed in the GNSO PDP process and has shared several of those views in that venue. GAC leadership has also engaged with other communities, particularly the ALAC, to explore areas of common interest to ensure that all community views are thoroughly vetted during the PDP process. The GAC high priority topics include:
 - § Applicant Support and Participation of Underserved Regions
 - § Closed Generic TLDs
 - § Public Interest Commitments (PICs)
 - § Global Public Interest
 - § GAC Early Warnings and GAC Advice
 - § Community Based Applications
 - The GAC understands that the Final Report of the GNSO PDP is still being prepared. The committee will use the ICANN68 meeting to further refine its views in order to be prepared to share its views on the Final Report document when it is published.
 - It is important that the entire community be given sufficient time to review and respond to the Final Report of the PDP working group
- DNS Abuse Mitigation

Members of the PSWG are still preparing a few draft questions for the Board in this area. They will be reviewed during the preparation session (Session #3).

- Domain Name Registration Directory Service and Data Protection issues
Potential specific questions related to this RDS topic include:

1. How will the ICANN Board ensure that the reasonable access requirements in ICANN's Interim Registration Data Policy for gTLDs is effective, enforceable, and enforced by ICANN Contractual Compliance, in the interest of the ICANN Community, and in the public interest ?

2. How could the ICANN Board ensure that any future system for accessing gTLD Registration Data serves the interest of the public as well as does not only serve the interests of ICANN's Contracted Parties ?
3. What role should the ICANN Board and ICANN organization play in ensuring that any future system for accessing gTLD Registration Data evolves appropriately and in a timely manner in response to future guidance or information available on the applicability of data protection law ?
4. What is the status of the ICANN org-led survey on the need to differentiate between Natural and Legal entities for the purposes of domain name registration data and when will the results be provided to the EPDP team? This study was supposed to have been provided last month and despite requests for an executive summary and estimated completion date, no further information has been provided. As acknowledged by staff, there is considerable interest in this topic.

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/en/system/files/files/strategic-plan-2021-2025-24jun19-en.pdf>;
- 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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Subsequent Rounds of New gTLDs

Session(s) 4, 7, 10 - GAC Discussion on Subsequent Rounds of New gTLDs

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Annex 1: GAC Scorecard Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds

Sessions Objectives

- Contribute to reviewing and updating relevant GAC positions
- Discuss Subpro PDP WG draft final recommendations, with special attention to high priority topics
- Identify areas of convergence with a view to a GAC consensus input during the public comment and define a process for intersessional work

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 of this briefing the Sub Pro PDP WG is in the process of finalizing draft recommendations by early July 2020, which will trigger the upcoming public comment period expected to start at the beginning of July 2020. The final recommendations are expected to be submitted to the GNSO Council by the Sub Pro PDP WG during Q4 2020.

ICANN68 is an opportunity for effective and productive interaction between GAC Members and Subsequent Procedures PDP WG co-chairs on the Subsequent Procedures PDP WG final recommendations, and GAC Members' discussions with the aim to update GAC positions/advice for the public comment proceeding and beyond.

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 during Q4 2020:

- i. GNSO Council consideration and adoption of the PDP recommendations in the Final Report;

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

- ii. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council. Once the report is adopted by the GNSO the GAC would have an opportunity to offer GAC Consensus Advice to the Board.
- 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 gTLDs.

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).

More recently, in the [GAC Montreal Communiqué](#) (6 November 2019), the GAC advised the ICANN Board *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"*.

Leadership Proposal for GAC Action

1. Review [draft final recommendations](#) from the GNSO Subsequent Procedures PDP WG and discuss with PDP WG Co-Chairs, with a focus on GAC high priority topics identified at ICANN67
2. Contribute to reviewing and having meaningful discussions with a view to updating GAC policy positions regarding the ongoing policy development including other processes more broadly related to Subsequent Rounds of new gTLDs (e.g. GAC advice to the ICANN Board or anything else stemming from the roll out and preparation for the next round of new gTLDs)
3. Identify areas of convergence with a view to develop a GAC consensus input into the public comment period (July 2020) and define a process for intersessional work in this regard.

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*”.

PDP Working Group Milestones 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.
- A [Working Document - Subpro PDP WG Draft Final Recommendations](#) (ongoing - expected to be submitted for public comment in early July 2020)
- 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 working on draft final recommendations which should be submitted for public comment in July 2020, for an assumed 40-day public comment process, as per the PDP WG [Work Plan](#). The final report is expected to be submitted to the GNSO Council during Q4 2020.

Current Positions

Please refer to the three key documents for the GAC as part of the GAC ICANN68 Briefing package:

1. [GAC Scorecard](#) (annex to this briefing) for a comprehensive reference of previous GAC input/advice provided to date and updated status of PDP WG recommendations that has only been reviewed by the GAC leadership;
2. The [GAC Overview Document on Subsequent Procedures of New gTLDs](#), which provides an explanatory overview of each policy area identified in the GAC Scorecard; and
3. The [GAC Compilation of Individual Input](#), which references the GAC written consultation undertaken in April 2020 on 5 priority topics related to Subsequent Procedures PDP WG for New gTLDs Draft Final Recommendations.

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](#).

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](#)
- [GAC Compilation of Individual Input](#)

Further Information

- [Working Document - Subpro PDP WG Draft Final Recommendations](#)
- [ICANN67 GAC Communiqué](#)
- [GAC Response](#) to ICANN Board Clarification Questions on the GAC Montréal Communiqué Advice (20 Jan 2020)
- 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

****Only reviewed by GAC Leadership****

Last Edited: 4 June 2020

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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:

Key to color-coding:	General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority
Status Still To be determined Lack of information on status of PDP WG deliberations prevent accurate evaluation at this stage.	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	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	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)

1. GAC Priority Topics Identified and Discussed during ICANN67

Applicant Support and Participation of Underserved Regions

Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Comment on CCI 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 R., 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>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 CCI Review Team Final Report (11 Dec. 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>GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on the GAC Montreal Communiqué: GAC agree[s] that expanding and improving outreach should be an ongoing effort, and expects 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> <p>GAC Compilation of Individual Input (9 May 2020): The individual input by GAC members mostly supported draft final recommendations aligned with previous GAC advice.</p>	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Draft Final Recommendation - Section 2.5.4 Last discussed 26 March 2020</p> <p>Working Group Recommendations:</p> <ul style="list-style-type: none"> Extend scope of the program beyond only economies classified by the UN as least developed (revision of implementation guidelines) and also consider the "middle applicant" (<i>"struggling regions that are further along in their development compared to underserved or underdeveloped regions"</i>). Expand the scope of financial support to also cover costs such as application writing fees, attorney fees related to the application process, and [ongoing ICANN registry-level fees]. ICANN org to continue facilitating non-financial assistance including the provision of pro-bono assistance where applicable Outreach and awareness-raising activities should be delivered well in advance of the application window opening, to help to promote more widespread knowledge about the program. Applicants who are not awarded Applicant Support, must have the option to transfer to the standard application process. <p>Issues to be addressed during Implementation (Implementation Review Team):</p> <ul style="list-style-type: none"> Define Global South by drawing from the ongoing work by ICANN org to define and standardize usage of terminology related to underserved and underrepresented regions Draw on expertise including from the targeted regions, to develop appropriate program outreach, education, and application evaluation.
Possible Next Steps for the GAC	
<p>The GAC (and Underserved Regions Working Group in particular) may wish to review final recommendations to ensure that outcomes are compatible with GAC expectations and actual needs of prospective applicants in these regions.</p>	

Closed Generic TLDs

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 the 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>ICANN67 Communiqué (16 March 2020)</p> <ul style="list-style-type: none"> The GAC should conduct further work to identify criteria, examples and use-cases that may serve for assessing the public interest in the context of closed generics. <p>GAC Compilation of Individual Input (9 May 2020):</p> <ul style="list-style-type: none"> Majority of GAC members contributing support previously articulated GAC Advice (GAC Beijing Advice): "exclusive registry access should serve a public interest goal". Individual members noted that public interest should be defined. 	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: No Agreement as of 27 March 2020 in Draft Final Recommendations - Section 2.7.3 Last discussed on 14 May 2020</p> <ul style="list-style-type: none"> The WG has not been able to agree on how to treat this type of closed generic TLD applications in future rounds. Draft final recommendation reflects this status. In the 2012 round of the New gTLD Program, a decision was made by the ICANN Board to effectively ban exclusive use generic applications. The PDP WG has had numerous discussions and received extensive comments from the community, but was not able to agree. Previously, the PDP WG Leadership invited the GAC to clarify criteria for what would constitute serving the public interest. GAC advice or consensus input would still be timely. Public Comments to date indicate 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. diverging opinions on perceived benefits and harms of closed generics Latest efforts by PDP WG on qualifying public interest <ul style="list-style-type: none"> PDP WG Members discussed a list of factors (or questions) that could be considered in developing a framework for a public interest TLD. Specific questions are being reviewed by PDP WG members for applicants to answer how/why it serves a public interest goal. PDP WG may be able to answer the ICANN Board's resolution by providing factors/guidance for the evaluation process on closed generics.
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> The GAC may consider reiterating GAC Advice from the Beijing Communiqué on Cat. 2 Safeguards, and potentially : <ul style="list-style-type: none"> review and refine safeguards applicable to closed generics assess proposed mechanisms in the PDP WG such as Application Criteria, Code of Conduct or a new Objection mechanism. GAC may wish to review suggested factors that PDP WG drafted in consideration of development of framework for public interest (specific questions in section 2.7.3 of Draft Final Recommendations). 	

Public Interest Commitments (PICs)

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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>ICANN66 Communique Advice (6 November 2010)</p> <ul style="list-style-type: none"> CCT-RT Recommendations to be implemented before a new round is launched per GAC Montreal Advice. <p>ICANN67 Communique (16 March 2020)</p> <ul style="list-style-type: none"> concerns with intention to refer DNS Abuse to a separate PDP, in light of GAC Montreal Advice, despite <p>GAC Compilation of Individual Input (9 May 2020)</p> <ul style="list-style-type: none"> GAC members mostly converged on noting that DNS abuse mitigation should be included in the SubPro PDP WG recommendations, Several GAC members questioned whether ccTLDs should fall within the remit of the Subpro PDP WG (rationale 8). A few GAC members mentioned the approach/effort to address DNS abuse should be holistic. 	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Draft Final Recommendations_- Section 2.3.2 Last discussed 19 March 2020</p> <p>On Mandatory Public Interest Commitments (PICs), the WG recommends that:</p> <ul style="list-style-type: none"> No additional mandatory PICs are needed - pending PDP WG recommendations on string similarity and private resolutions/auctions <i>Existing practices confirmed as policy for the future, that is current PICs in RA Specification 11 3(a)-(d) to be maintained in future agreements</i> Exempting single-registrant TLDs from compliance with in RA.Spec. 11 3(a) and (b). <p>On Voluntary PICs, now Registry Voluntary Commitments (RVCs), the WG recommends:</p> <ul style="list-style-type: none"> Allowing their use by applicants in response to public comments, GAC Early Warnings, and/or GAC Consensus Advice, specifying whether such commitment is limited in time, duration and/or scope to facilitate review by ICANN org, a possible objector and the GAC Inclusion in the applicant's Registry Agreement, as well as readily accessible and presented in a manner that is usable Transparency: RVCs must be readily accessible and presented in a manner that is usable, in line with GAC positions - alignment with GAC positions. <p>Consideration of relevant CCT Review recommendations by the Working Group:</p> <ul style="list-style-type: none"> ICANN org should evaluate, in the implementation phase, CCT-RT recommendation 25 to develop an "organized, searchable online database" for Registry Voluntary Commitments - alignment with GAC positions. No policy recommendations expected with respect to mitigating DNS Abuse: As reported to the GNSO Council (21 May 2020), the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs (and potentially ccTLDs)
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> As a matter of high priority, the GAC may wish to consider the absence of policy recommendations on DNS Abuse. (Refer to Safeguards section due to overlap in content) The GAC may also wish to review the recommendation that no additional mandatory PICs are needed, as this may impact the flexibility and ability of the GAC to advise on public policy concerns that may emerge in the future GAC and PSWG may consider further work on existing mandatory PICs as identified by the WG. GNSO Council in light of WG letter is considering other avenues to address DNS Abuse holistically with community 	

Global Public Interest

Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <p>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	
See above.	

GAC Early Warnings and GAC Advice

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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>ICANN67 Communique (16 March 2020)</p> <ul style="list-style-type: none"> o Further GAC discussion needed on draft recommendations regarding the scope of the rationale of GAC Advice; and the limitation of GAC Advice issued after the application period to individual strings only "based on the merits and details of the applications for that string, not on groups or classes of applications." <p>GAC Compilation of Individual Input on Subpro PDP WG recommendations (May 2020):</p> <ul style="list-style-type: none"> o Most supported previous GAC positions supporting retention of the "will create a strong presumption for the ICANN Board that the application should not be approved". o Converged on not limiting scope of GAC advice o GAC Consultation took place prior to updated PDP WG recommendation language, so may be to some extent outdated since substantive changes were made to the draft recommendations (see Status of PDP WG deliberations column). 	<p>Confirmed with GNSO Support PDP WG Deliberation Stage: Draft Final Recommendations - Section 2.8.1 Last discussed: 7 May 2020</p> <ul style="list-style-type: none"> • WG recommendations contrast with GAC advice and GAC members input in relation to the expectation that GAC Advice "will create a strong presumption for the ICANN Board that the application should not be approved." as future versions of the AGB would omit this language to increase the Board's flexibility to facilitate a solution that both accepts GAC Advice and allows for delegation of a string if GAC concerns are addressed. • Possible impact of WG Recommendations and Implementation Guidance on issuance of GAC Advice in future rounds: <ul style="list-style-type: none"> o GAC Advice is recommended to be limited to the scope set out in the applicable Bylaws provisions (see Section 12.2.a.i) and elaborate on any interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues, and if based on public policy considerations, well-founded merits-based public policy reasons must be articulated. o Regarding Advice on categories of TLDs: issuance by the GAC should happen before the Applicant Guidebook is published o PDP WG Implementation Guidance: If GAC Advice on categories is issued after the beginning of the application submission period, and whether the GAC Advice applies to categories, groups or classes of applications or string types, or to a particular string, the ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws. • Possible impact of WG Recommendations on issuance of GAC Early Warning in future rounds: <ul style="list-style-type: none"> o Required to include a rationale and how the applicant may address the concerns o Application Guidebook to define the time period during which GAC Early Warnings can be issued, if beyond the application comment period • Applicants to be allowed to change their application, including through PICs, to address GAC Early Warnings and GAC Advice • Per WG Recommendations, GAC members would be strongly encouraged to make themselves available during a specified time period for direct dialogue with relevant applicants "to determine if a mutually acceptable solution can be found" in responding to Early Warning or Advice

Possible Next Steps for the GAC

- The GAC may wish to update GAC Advice/Positions as the updated final recommendations would establish new requirements on GAC Early Warnings and GAC Consensus Advice in future rounds and diverge from previous GAC positions. In particular the GAC may wish to:
 - Consider whether the GAC accepts having to provide rationale for its advice;
 - Whether the omission of the language on "strong presumption" is acceptable.

Community Based Applications

Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Comment on CCT Review Team Draft Report (19 May 2017):</p> <ul style="list-style-type: none"> 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"> 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) Take better account of community views, regardless of whether those communities have utilised the ICANN formal community process or not (Durban Communiqué 2013) The GAC proposes the establishment of an appeal mechanism for community applications 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"> Supports proposal in the Initial Report The study by the Council of Europe should be considered <p>Comment on CCT Review Team Final Report (11 Dec. 2018)</p> <ul style="list-style-type: none"> 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>ICANN67 Communiqué (16 March 2020)</p> <ul style="list-style-type: none"> evaluators should have necessary expertise and additional resources at their disposal to gather information about a CPE application and any opposition to it improved transparency and predictability, for greater consistency in the CPE process, establishment of an appeals mechanism consideration to be given to providing support for non-profit community-based applications. <p>GAC Consultation on Subpro PDP WG recommendations (May 2020):</p> <ul style="list-style-type: none"> Some GAC members agreed in principle with the draft recommendations, while expressing concerns about the Community Priority Evaluation Process (CPE) specifically due to lack of clear definition of "community". GAC members converged on the need for further clarification of the CPE Process per ICANN67 Communiqué and recalled the GAC consensus positions from the ICANN67 Communiqué on CPEs. 	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Draft Final Recommendations - Section 2.9.1 Last discussed: 19 March 2020</p> <ul style="list-style-type: none"> The PDP WG supports the overall approach used in the 2012 round for community-based applications, including the continued prioritization of applications in contention sets that have passed Community Priority Evaluation. The WG believes its work is in line with the CCT-RT recommendation 34. With a view to making the Community Priority Evaluation (CPE) processes efficient, transparent and predictable as possible, the WG recommends: <ul style="list-style-type: none"> Amended CPE Guidelines (still in progress) should be considered a part of the policy adopted by the PDP WG. ICANN org to consider efficiency improvements, costs and timing. All CPE procedures and dispute provider rules must be published before the application submission Regarding the improvement of information gathering by CPE evaluators: <ul style="list-style-type: none"> in addition to clarifying questions to CPE applicants, written dialogue should be enabled clarifying questions or similar methods should also be available to engage those who submit letters of opposition to community-based applications Regarding the definition of "Community", the WG does not appear to be seeking to establish a broader definition instead relying on the existing criteria for the CPE review.
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> Consider the WG outcome in considering CCT Review Recommendation 34 and consider providing specific input on expectations in connection with the "thorough review" the GAC has called for GAC members should consider keeping track of ongoing work on the CPE Guidelines, in light of some members' concerns with the Priority Evaluation Process, which is still a pending document for the PDP WG. 	

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

Policy Development Process

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 PDP WG Deliberation Stage: Draft Final Recommendation, Section 2.2.1 Last discussed 6 Feb. 2020</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) were considered in the course of the PDP WG's deliberations • The PDP WG flagged a review of GAC Advice contained in the Montréal Communiqué and understands that it is required to consider all CCT-RT recommendations directed to it via the 01 March 2019 ICANN Board resolution at it, but is not required to agree with all outcomes and suggested solutions. • The PDP WG final report will describe the manner in which all relevant CCT-RT recommendations were considered and how they were or were not integrated into any final recommendations. Specific CCT-RT recs were not addressed in this context, but as an overarching response to the Montreal Communiqué Advice, which might be inconsistent with GAC expectations. The WG will describe its consideration of the CCT-RT recommendations in its Final Report in each relevant section (this item was last discussed in December 2019 - to be revisited by PDP WG) • PDP WG discussed whether the program should only utilize "rounds", and recommends a "systematized manner of applying for gTLDs be developed in the long term" • The PDP WG took note of GAC Advice contained in the Montréal Communiqué, that future rounds should not begin until the prerequisite and high priority recommendations of the CCT-RT are implemented. • The PDP WG sought to try and identify metrics for success but ultimately determined that this exercise is more appropriately completed during the implementation phase, in accordance with Board-approved recommendations of the CCT-RT, and that an implementation review team should determine the appropriate metrics, and the data required, to measure such metrics on a regular basis to help evaluate the New gTLD Program. • Of the recommendations flagged by the GAC in the CCT-RT recommendations regarding increased data collection, only Rec. 17 of the CCT-RT was directly assigned to the Subpro PDP WG by the ICANN Board and is not yet being addressed in final report, "ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations."
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> • GAC may wish to provide input on the CCT-RT Recs not addressed per communication to GNSO Council and subsequent discussion at GNSO Council Meeting (21 May 2020) 	

Future Releases of New gTLDs (Timing and Prerequisites)

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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>GAC Advice Montreal Communiqué (9 November 2019)</p> <ul style="list-style-type: none"> Advised not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the CCT Review that were identified as "prerequisites" or as "high priority". <p>GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on GAC Montreal Communiqué which clarified its positions on "pre-requisites" and "high priority" CCT RT Recs, clarifying that the Board should remain respectful of the advice received from its advisory committees and on topics which encompass high priority/pre-requisite CCT RT recs which were not adopted by the Board the GAC asked for clarification from the Board on how it intends to proceed and when it will make its decision.</p>	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Draft Final Recommendations - Section 2.2.1 Last discussed 6 February 2020</p> <p>Status:</p> <ul style="list-style-type: none"> The PDP WG final recommendations note that an "orderly, timely and predictable New gTLD Program is universally supported". The PDP WG recommends that prior to the commencement of the next Application Submission Period, ICANN shall publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the next subsequent round. 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 "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). The PDP WG recommends that a "systematized manner of applying for gTLDs be developed in the long term" be maintained as per the 2012 Applicant Guidebook. In terms of data collection, the Sub Pro PDP WG draft final recommendations note that <i>"metrics collected to understand the impact of New gTLD Program should [...] focus on the areas of trust, competition, and choice. Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future"</i> More specifically the PDP WG recommends that <i>"to review metrics, data must be collected at a logical time to create a basis against which future data can be compared."</i> 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.

Possible Next Steps for the GAC

- Determine whether the status of work in the Sub Pro PDP requires revisiting GAC's expectations, in particular in the GAC [Montreal Communiqué](#), where GAC's advice was not to proceed with a new round of gTLDs until the complete implementation of recommendations in the CCT-RT that were identified as "prerequisites" or as "high priority" is achievable.

3. New gTLD Applications Process

Clarity and Predictability of Application Process

Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> o “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. o Need for process flexibility to respond to emerging issues o Need mechanism to alert, allow application by and giving a say to parties interested in name applied for o 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 o 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"> o 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 o Reiterates response to Sub Pro PDP CC1 regarding flexibility to respond to emerging issues, including after conclusion of PDP <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> o Reiterates response to Sub Pro PDP CC1 on need for flexibility to respond to emerging issues 	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Draft Final Recommendations Section 2.2.2 Last Discussed: 26 May 2020</p> <ul style="list-style-type: none"> • The Sub Pro PDP WG recommends that ICANN establish predictable, transparent, fair processes and procedures for managing issues that arise in the New gTLD Program after the Applicant Guidebook is approved which may result in changes to the Program and its supporting processes. • To do so, the PDP WG advises ICANN to use a new Predictability Framework, along with a new Standing Predictability Implementation Review Team (“SPIRT”) The Predictability Framework will be used for issues or proposed program changes in various categories as outlines in the Predictability Framework: <ul style="list-style-type: none"> o Operational changes <ul style="list-style-type: none"> ■ <u>Minor</u>: change to ICANN Org’s internal processes with no material impact on applications, applicants, other community members, or AGB procedures. ■ <u>Non-Minor</u>: changes to ICANN Org’s internal processes that have (or are likely to have) a material effect. ■ <u>New Process</u> - New processes that are likely to have a material impact on applicants or community members (SPIRT involved - see below) OR changes to ICANN Org’s internal processes that have (or likely to have) a significant impact on applicants (still being reviewed by PDP WG) o Possible Policy Level Changes - potential changes to implementation that may materially differ from the original intent of the policy and could be considered creation of new policy (SPIRT involved) o Possible Policy Level New Proposals - new mechanisms that may be considered to be within the remit of policy development (SPIRT involved) • The Standing Predictability Implementation Review Team (“SPIRT”) is 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). The Sub Pro PDP WG recommends it be advisory in nature (and overseen by the GNSO Council) 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 SPIRT 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 the new round of application is launched) and for the operational phase of a next round (administration of the Program) under the envisioned Predictability Framework. 	

Application Procedures

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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"> ○ Concurs 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 PDP WG Deliberation Stage: Draft Final Recommendations - Section 2.2.1 Last discussed 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.
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> ● Consider providing specific implementation guidance to ICANN once policy development is complete and ICANN begin implementation work, including editing the New gTLD Applicant Guidebook 	

Freedom of Expression

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 PDP WG Deliberation Stage: Draft Final Recommendation - Section 2.3.3 Last discussed on: 2 April 2020</p> <p>Status:</p> <ul style="list-style-type: none"> • The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law • WG notes that as ICANN incorporates human rights into ICANN's processes in line with the recommendations of Work Stream 2, it may want to consider elements of the New gTLD Program as they relate to applicant freedom of expression. • The Working Group understands the challenges of ensuring that freedom of expression is incorporated into the implementation and operation of the new gTLD program, and recommends a proactive approach to ensuring that these rights are taken into account in the development of program rules, processes, and materials. • While the Working Group did not agree to specific recommendations in this regard, it encourages ICANN org to give additional consideration to this issue in the implementation phase <p>PDP WG updated language to cross reference the Framework of Interpretation (FOI) for the human rights core value as part of the CCWG Accountability WS2 recommendations adopted by the ICANN Board in Nov. 2019</p>
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> • The GAC may wish to monitor WG draft final recommendations, in particular might be of interest to the HRIL WG due to mention of human rights and WS2 implementation. 	

TLD Categories (or Types)

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 PDP WG Deliberation Stage: Draft Final Recommendation 2.5.1 & 2.5.2 Last discussed on: 23 April 2020</p> <p>Status:</p> <ul style="list-style-type: none"> PDP WG considered GAC Advice in Nairobi Communiqué, relative to exploring the benefits of further categories. Working Group concluded that it is challenging to implement additional categories in a simple, effective, and predictable manner. PDP WG notes that the establishment of additional types should be done under exceptional circumstances only and should be done via community processes. PDP WG considering including Category 1 - GAC Safeguards in different string types. Further discussions warranted. PDP WG recommends maintaining existing categories and to not create additional categories, with the exception of formally adopting the .Brand category.. The PDP WG recommends maintaining the single base fee charged in the 2012 application round, with the exception of Applicant Support.
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> The GAC may wish to provide GAC advice on additional categories which should be considered and why they should be given a different treatment. Allowing for a variable fee structure may need to be pursued specifically 	

Community Engagement

Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none">• 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 PDP WG Deliberation Stage: Draft Final Recommendations - Section 2.4.2 PDP WG Last discussed this topic on: 23 Jan 2020</p> <p>Status:</p> <ul style="list-style-type: none">• The PDP WG agreed that the New gTLD Program's communications plan should serve the goals of raising awareness about the New gTLD Program to as many potential applicants as possible around the world and making sure that potential applicants know about the program in time to apply.• To serve this objective, the WG determined that the focus should be on timeliness, broad outreach, and accessibility.• As a result, the PDP WG focused on specific suggestions that would further those high-level goals.• Public comment received was largely supportive of the Working Group's preliminary outcomes and accordingly, they have been carried forth as Implementation Guidance in this report
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

Applicant Evaluation and Accreditation Programs

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 threatsSuch 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 PDP WG Deliberation Stage: Draft Final Recommendations - Section 2.2.6 Last discussed: 10 Feb. 2020</p> <p>Status:</p> <ul style="list-style-type: none">Accreditation Programs renamed RSP Pre-Evaluation by PDP WG.PDP WG recommends establishing a program in which Registry Service Providers ("RSPs") may receive pre-evaluation by ICANN if they pass the required technical evaluation by ICANN or their selected third party provider.The only difference between a pre-evaluated RSP and one that is evaluated during the application evaluation process is the timing of when the evaluation and testing takes placePDP WG recommends that all criteria for evaluation and testing (if applicable) must be the same.The WG is unsure of how to integrate data such as DAAR, which provides data for an already delegated TLD, into the evaluation process.
Possible Next Steps for the GAC	
<ul style="list-style-type: none">The GAC and PSWG particularly may wish to consider GAC advice/comment in this area as to ensure outcomes compatible with GAC expectations and threat landscape, consistent with previous GAC Advice¹The 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)

Reserved Names

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 PDP WG Deliberation Stage:: Draft Final Recommendations - Section 2.7.1 Last discussed on 23 April 2020</p> <ul style="list-style-type: none"> Reserved Names ["Unavailable Names," referred to in 2012 AGB as "Reserved Names"] at the Top Level : the PDP WG affirms Recommendation 2 from the 2007 policy, which states "Strings must not be confusingly similar to an existing top-level domain or a Reserved Name" PDP WG recommends the standard used in the String Similarity Review from the 2012 round to determine an applied-for string is "similar" to any existing TLD, any other applied-for strings, reserved names, and in the case of 2-character IDNs, any single character or any 2-character ASCII string. PDP Recommends prohibiting plurals/singulars of the same word within the same language/script to reduce consumer confusion. PDP WG supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round. PDP WG recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for second-level Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016 The Working Group notes that recommendation 2.3.b from the Program Implementation Review Report states: "Consider any additional policy guidance provided to ICANN on the topic of string similarity." The Working Group anticipates that ICANN org will leverage the above recommendations in the development of String Similarity review processes for subsequent procedures.

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

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

Summary of Previous GAC Input	Status of PDP WG Deliberations
<p>Comment on CCT Review Team Draft Report (19 May 2017): the GAC supports:</p> <ul style="list-style-type: none"> o Incentives for registries to meet user expectations regarding content, registrants in TLD, safety of personal data (Draft Rec. 14, Final Rec. 12) o Further gathering of data related to WHOIS Accuracy and related complaints (Draft Rec. 17-18, Final Rec. 18) o Regular gathering, analysis by ICANN of data pertaining to abuse rates in new gTLDs (Draft Rec. 19, Final Rec. 16) o Review of Registry Security Framework (Draft Rec. 20, Final Rec. 19) o 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) o Collection of additional information in complaints to assess effectiveness of highly regulated strings Cat. 1 safeguards (Draft Rec. 23-24, Final Rec. 21) o 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) o 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) o 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"> o 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) o 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"> 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. <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> 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 	<p>Confirmed w/ GNSO Support PDP WG Deliberation Stage: Draft Final Recommendations Last Discussed: 9 April 2020</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, 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. • PDP WG is considering adopting within its final report GAC Category 1 Safeguards as per GAC Beijing Communique - to be revisited by PDP WG on 4 June 2020.

<p>financially) by ICANN to encourage contracted parties to adopt proactive anti-abuse measures (Final Rec. 14)</p> <ul style="list-style-type: none"> 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) 	
<p style="text-align: center;">Possible Next Steps for the GAC</p>	
<p>(Refer to PICs section since content overlaps)</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"> • 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. • The GAC may wish to also monitor upcoming draft final recommendations on topics not yet addressed, of interest to the GAC: <ul style="list-style-type: none"> o Consideration of existing safeguards and related CCT recommendations • GAC may wish to monitor PDP WG discussion of adopting Cat. 1 Safeguards as per 9 April 2020 PDP WG discussion to be resumed 4 June 2020. 	

6. New gTLD Applications Evaluation, Objections and String Contention

String Similarity/String Confusion

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 PDP WG Deliberation Stage:: Draft Final Recommendation - Section 2.7.4</p> <p>Status: Last discussed on 9 April 2020</p> <p>Draft final recommendations include 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>
Possible Next Steps for the GAC	

Auctions Procedures

Summary of Previous GAC Input	Status of PDP WG Deliberations
<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 PDP WG Deliberation Stage: Draft Final Recommendations 2.1 & 2.2 Last discussed on 4 May 2020</p> <ul style="list-style-type: none"> ● 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. ● PDP WG recommends that if there is contention for strings, applicants may: <ul style="list-style-type: none"> ○ resolve contention between them within a pre-established timeframe <i>in accordance with the Application Terms & Conditions</i> ○ if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. If there is no such claim, and no mutual agreement, <i>contention will be resolved through an auction of last resort</i> and; ○ the ICANN Board <i>may use expert panels to make Community Priority Evaluation determinations</i> ● Applicants shall not submit applications for the purpose of financially benefiting from the resolution of contention sets. ● PDP WG recommends including a PIC incorporating a mandatory contractual warranty/representation that the Registry Operator did not participate in any of the Prohibited Application Activities into the registry agreement. ● The PDP WG recommends that auctions of last resort should take place using the second-price auction method, in which bidders submit a sealed-bid auction rather than the ascending clock auction used in 2012. ● The PDP WG discussed alternatives to auctions of last resort to resolve contentions, but did not come to any agreement on a better option to be widely supported by the community.
Possible Next Steps for the GAC	
<ul style="list-style-type: none"> ● Prepare to update GAC positions for the upcoming public comment proceeding from 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. ● GAC should review the final recommendations of Cross-Community WG on Auction Proceeds to inform thinking 	

WHOIS and Data Protection Policy

Session 6

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Session Objective

Review and discuss the status of the Expedited Policy Development Process (EPDP) on gTLD Registration Data following the release of the Phase 2 Initial Report and its subsequent Addendum. The GAC has provided comments on both. The GAC will also discuss the status of current arrangements under the Interim Registration Data Policy to provide for reasonable access to non public gTLD registration data while an access model is being developed.

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, grew 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.

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

Defining the right policies for 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 cybercrime, fraud and infringement of intellectual property, to ensure cybersecurity, promote user confidence and consumer trust in the Internet, and protect consumers and businesses. Prior GAC Advice² and the ICANN Bylaws recognize these vital interests.

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, data protection authorities, cybersecurity experts, and intellectual property rights holders no longer can rely upon access to 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 ICANN68

1. **Assess the near-final proposed Standardized System for Access and Disclosure of gTLD Registration Data (SSAD)** following deliberations on public comments received in response to the EPDP Phase 2 [Initial Report](#) (7 February 2020) and its [Addendum](#) (26 March 2020), and in particular whether public policy issues highlighted in previous GAC Input or Advice, or recognized by relevant Data Protection Authorities, have been addressed adequately, including:
 - a. Flexibility and autonomy for each sovereign entity to develop its own approaches to **Accreditation of Public Authorities into an SSAD**, based on local law
 - b. **Centralization and Automation of disclosure** to law enforcement, other legitimate public authorities, as well as legitimate third parties, where legally permissible
 - c. **Reasonable response to legitimate requests** including appropriate timeframe for response to urgent requests (no more than 24 hours), effective service-level agreements for Contracted Parties, and the ability of ICANN Contractual Compliance to take effective action where needed
 - d. **Adequate safeguards** and data protection guarantees for the data subject in particular for the processing and transfers of personal data (e.g. outlined in a legally binding instrument, such as a contract, a joint controllership agreement or a Memorandum of Understanding, between the transferring and recipient parties)
 - e. **An effective evolution mechanism** to ensure that the SSAD takes into account more information and guidance expected to become available on the applicability of relevant data protection law to the operation of the SSAD.
2. **Consider engagement of Data Protection Authorities, the ICANN Board, ICANN org and GNSO Council**, as appropriate, **to resolve pending policy issues** of public interest concern, and specifically the need to:
 - a. Distinguish the treatment and level of protection required for **legal (versus natural) entities**
 - b. Ensure **registration data accuracy** in view of the purposes for which it is processed
 - c. Implement the GNSO **policy related to domain registration using Privacy and Proxy services** which have demonstrated to host a significant amount of abuse registrations, which may leverage a double privacy shield under the SSAD policy.
 - d. Clarify personal data **disclosure responsibilities between ICANN and Contracted Parties**
 - e. Address **international data transfers**, when registration data disclosure crosses different jurisdictions
 - f. Explore the feasibility of **unique contacts** and **uniform anonymized email addresses**

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 section 2.1 of the [ICANN65](#) and [ICANN66](#) Minutes, and section 2.3 of the [ICANN67](#) Minutes)
4. **Continue to assess the effectiveness of interim arrangements for access to non-public data in light of recent developments**, and consistent with [Advice](#) in the [GAC Montréal Communiqué](#) (6 November 2019) and the ICANN Board's [acceptance](#) of this advice (26 January 2020), including:
 - a. **Development of a voluntary standard request form** between ICANN org and both Registry and Registrar Stakeholder Groups
 - b. **Documentation of contracted parties obligations and points of contacts** regarding their providing reasonable access to non-public registration data
 - c. **Clear Instructions on how to submit complaints and reporting on such complaints** as part of the evolution of ICANN's Compliance systems expected by Q3 2020
 - d. **The ability of ICANN to enforce the requirement for Contracted Parties to provide reasonable access** when such access is denied to public authorities and other legitimate third parties

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, but may not guarantee access** to non-public data for public authorities and other legitimate third parties
 - Following GAC [input](#) to the ICANN Board (24 April 2019), 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**, while [implementation](#) of the EPDP Phase 1 policy recommendations is ongoing.
 - In the [Montréal Communiqué](#) (6 November 2019), the GAC [advised](#) the ICANN Board to “*ensure that the current system that requires ‘reasonable access’ to non-public domain name registration is operating effectively*”. In its [Scorecard of GAC Advice](#) (26 January 2020), the ICANN Board accepted this Advice and instructed ICANN org to take several actions documented further in this briefing.
 - A recent [letter](#) from the ICANN CEO (22 May 2020) sought to inform the European Data Protection Board of “*current challenges in ensuring efficient, predictable, and transparent access to registration data*” affecting even a Data Protection Authority's own access to such data due to enduring uncertainties in the application of the GDPR. The letter stated that absent further guidance, public authorities may not obtain “*consistent access to the data needed to protect their legitimate interests and the public interest*” (more detail is provided in this briefing page 8 and 12)
- **Policy Development in Phase 2 of the EPDP is nearing completion, but with deviations from the initial compromise, and on a narrower-than-expected scope of work**
 - 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](#) led stakeholders to recommend, in the EPDP Phase 2 [Initial Report](#) (7 February 2020), 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 in the future** through an improvement process.
 - **However, final recommendations are likely to deviate from the original compromise** reached in the Initial Report in favor of maintaining full decentralization of decision making by Contracted Parties regarding disclosures of registration data.

- Additionally, contrary to previous agreement under the EPDP Charter and Phase 1 Final Report, **the issues of registration data accuracy and the differentiation between legal and natural persons will not be addressed in Phase 2 of the EPDP**, as reflected in the [Addendum](#) to the EPDP Phase 2 Initial Report (26 March 2020) and following a [correspondence of the GNSO Council to the EPDP Team](#) (17 March 2020). The objection of contracted parties and non-commercial stakeholders to further consider the issues were supported by new legal advice received by the EPDP Team (see reference documentation section) as well as pressure to conclude Phase 2 of the EPDP in June 2020.
- **While GAC Input had been instrumental in ensuring progress** towards the development of an appropriate model for access to non-public gTLD registration data, **the proposed SSAD as resulting from the latest deliberations of the EPDP may not prove satisfactory** to several stakeholders groups, including the GAC.
 - 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 and recently [revised](#) (2 June 2020) to incorporate public comments received, and was submitted to the EPDP Team for further discussion.
 - GAC representatives in the EPDP have sought as much centralization as possible in the SSAD, as well as swift response, and in some cases automatic disclosure, to public authorities' requests. **Contracted Parties however have not agreed to automatic data disclosures outside of their control.**
 - **Several critical issues** highlighted in the recent [GAC Input](#) (24 March 2020) on the Phase 2 Initial Report and in the [GAC Comment](#) (5 May 2020) on the subsequent Addendum to the Initial Report **are likely to remain unresolved by the time the EPDP Phase 2 ends**, including guarantees as to efficient and effective evolution of the SSAD model in the future, improved registration data accuracy, and the differentiation in publishing legal vs. natural persons' data.
- Most recently, the [GAC Discussion with ICANN CEO: WHOIS/GDPR Policy and Implementation Matters](#) (28 May 2020) highlighted some of the current concerns:
 - The GAC Chair and GAC topic leads highlighted **ongoing challenges for public authorities to access registration data** and concerns with the **ability for ICANN Compliance to challenge wrongful denials of access** by Contracted Parties.
 - The ICANN CEO discussed the [differences between the proposed SSAD and ICANN's UAM](#), the **SSAD making it easier for requests to be processed by Contracted Parties in a decentralized manner, but not affording more responsibility to ICANN for data disclosure decisions**, despite the organization's willingness (and that of the ICANN Board) to take on such responsibility as laid out in the UAM.
 - The ICANN CEO emphasized that **ICANN org continues to work toward finding a way to take on more responsibility to facilitate disclosure of registration data to third parties where appropriate in the public interest.**

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;”* In response, in a [letter to the GAC Chair](#) (6 January 2020), the ICANN CEO described the current status and challenges of the effort.

- Further GAC Advice in the [GAC Montréal Communiqué](#) (6 November 2019) to “ensure that the current system that requires ‘reasonable access’ to non-public domain name registration is operating effectively” was [accepted](#) by the ICANN Board (26 January 2020). Accordingly, the Board instructed ICANN to:
 - educate stakeholders on contracted parties obligation to address requests for non-public data and make available links to registrar and registry information and points of contact on this topic
 - collaborate with the Registry and Registrar Stakeholder Groups to develop and make available a voluntary standard request form to request access based upon the current Consensus Policy
 - publish clear instructions on the ICANN Compliance web page describing how to submit a complaint concerning a third-party access request.
 - compile and publish monthly metrics data related to third-party access complaints once such forms are available in the new Compliance ticketing system (expected Q3 2020)
- As [reported](#) to the GAC during ICANN67 by its Public Safety Working Group (PSWG), an [interim complaint form](#) and specific access complaint [information](#) have been posted on the [Compliance Complaint page](#) of the ICANN.org website. A note on the page indicates: “Until ICANN Contractual Compliance’s expected migration to a new complaint processing platform later this year is completed, submission through this form will exist as an interim measure. As part of the migration, ICANN Contractual Compliance will deploy a new form to facilitate the submission of these complaints”
- In the meantime, following complaints by a Data Protection Authority to ICANN regarding registrars denial of its requests for “access to non-public registration data in furtherance of its investigation into alleged violations of the GDPR, reported to the authority by a data subject(s) within its jurisdiction”, [the ICANN CEO requested guidance from the European Data Protection Board](#) (22 May 2020) on “how to balance legitimate interests in access to data with the interests of the data subject concerned” in order to help ICANN org “evaluate whether the registrar (as the data controller) has appropriately balanced the legitimate interests pursued by the requesting third party against the interests or fundamental rights and freedoms of the data subject”. The letter further stated that “[a]bsent such guidance, which could inform ICANN’s enforcement of agreements with registrars and registries, ICANN org and the other relevant stakeholders of the ICANN community will continue to face difficulties in ensuring that data protection authorities and others with legitimate interests in this data can obtain consistent access to the data needed to protect their legitimate interests and the public interest.”

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:

Laureen Kapin (US)

Chris Lewis-Evans (UK)

Georgios Tsenlentis (European Commission)

3 “Alternates”:

Ryan Carroll (US)

Olga Cavalli (Argentina)

Rahul Gossain (India)

- Originally the EPDP Team had been aiming to release its Final Report by ICANN67. However, it is now targeting **delivery of its final policy recommendations by the end of June 2020**. 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”*.
- The scope of work⁴ in Phase 2 of the EPDP was to focus on 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)**, and also include addressing so-called [“Priority 2” Items](#) or **issues not fully addressed in Phase 1** including: the distinction between legal and natural persons; registration data accuracy; and the feasibility of unique contacts to have a uniform anonymized email address. However, as evidenced in the [Addendum](#) to the Phase 2 Initial Report (26 March 2020), recent legal advice received by the EPDP Team and timeline pressures have supported contracted parties’ and non-commercial stakeholders **objections’ to further consider these issues as part of the critical path for completing Phase 2**.
- The **System for Standardized Access/Disclosure of Non-Public Registration Data (SSAD)** as proposed in the EPDP Phase 2 [Initial Report](#) (7 February 2020) and described in the [GAC Summ \(1ary](#) (17 February 2020), envisioned :
 - 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
 - Meeting applicable Data Protection Laws worldwide, not just GDPR

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

- However, following deliberations of the EPDP Team since the release of the Phase 2 Initial Report, including the consideration of public comments, the final SSAD policy recommendation under discussion in the EPDP Team may not prove entirely satisfactory to the GAC and other stakeholders, in particular with respect to:
 - **Centralization and Automation of disclosure** to law enforcement, other legitimate public authorities, as well as legitimate third parties, where legally permissible
 - **Safeguards against unreasonable response to legitimate requests** such as appropriate timeframe for response to urgent requests (no more than 24 hours), effective service-level agreements for Contracted Parties, and the ability of ICANN Contractual Compliance function to take effective action where needed
 - **An effective evolution mechanism** to ensure that the SSAD takes into account more information and guidance expected to become available on the applicability of relevant data protection law to the operation of the SSAD. In particular, Issues that are currently complex and uncertain (for example, the degree to which decisions may be made in a centralized and automated manner) may become more clear and predictable with time.
 - The treatment and level of protection required for **legal (versus natural) entities**
 - The level of **registration data accuracy** in view of the purposes for which it is processed
 - The status of implementation of the GNSO **policy related to domain registration using Privacy and Proxy services** which have demonstrated to host a significant amount of abuse registrations, which may leverage a double privacy shield under the SSAD policy.
 - Clarify personal data **disclosure responsibilities between ICANN and Contracted Parties**
 - The lack of consideration of issues of **international data transfers**, when registration data disclosure crosses different jurisdictions
 - The feasibility of **unique contracts** and **uniform anonymized email addresses**

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"*.
- **In a follow-up meeting with the Belgian DPA** (14 February 2020), representatives from the ICANN org, the European Commission and the EPDP Team Chair Janis Karklins discussed the

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).

UAM paper, the EPDP Phase 2 Initial Report and the ICANN Board's consideration of the EPDP Phase 1 recommendations:

- **With respect to the possibility of developing a centralized model that is GDPR-compliant**, the DPA representatives indicated their letter was intended as encouragement to continue efforts to develop a comprehensive system for access, and not meant to deter the development of a centralized model. Rather, it was noted that a centralized model is worth exploring and seems to be a better, “common sense” option in terms of security and for data subjects. They cautioned, however, that the Belgian DPA was not in the position to give a definitive opinion on the question of controllership in such a model.
- **With respect to automation of disclosure in response to third-party requests**, the DPA representatives noted that the GDPR would not prohibit the automation of various functions in an access model, provided it could demonstrate that any algorithm automating decision-making considers the relevant criteria required by the GDPR for such decisions.
- In a [letter](#) on 22 May 2020, the ICANN CEO sought to bring to the attention of the EDPB that even authorities charged with enforcing the GDPR are facing challenges in obtaining access to non-public registration data due to uncertainties surrounding the assessment of legitimate interests per Art. 6.1(f) of the GDPR. **The ICANN CEO welcomed a more explicit recognition of the importance of certain legitimate interests, including the relevant public interests**, combined with clearer guidelines on balancing legitimate interests in access to data with the interest of the data subjects, **in the context of anticipated guidelines from the EDPB on the topic of legitimate interest of the data controller** according to the [the EDPB 2019/2020 Work Program](#).

Current Positions

- [GAC Comment](#) on the Addendum to the EPDP Phase 2 Initial Report (5 May 2020)
- [GAC Input](#) on EPDP Phase 2 Initial Report (24 March 2020)
- [GAC ICANN67 Communiqué](#) (14 March 2020) following up on the implementation of GAC Advice in the GAC Montréal Communiqué.
- [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 of Ongoing Policy Development
 - [Addendum](#) to the EPDP Phase 2 Initial Report (26 March 2020)
 - EPDP Phase 2 [Initial Report](#) (7 February 2020)
 - [Interim Registration Data Policy for gTLDs](#) (20 May 2019) replacing the [Temporary Specification on gTLD Registration Data](#) (17 May 2018)
 - 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](#)
 - [Used cases for automation of disclosure](#) (23 April 2020)
 - [Follow-up on Accuracy Principle and Legal vs. Natural](#) (9 April 2020)
 - [Consent options for the purpose of making personal data public](#) (13 March 2020)
 - [Questions regarding a System for Standardized Access/Disclosure \("SSAD"\), Privacy/Proxy and Pseudonymized Emails](#) (4 February 2020)
 - [Legitimate interests and automated submissions and/or disclosures](#) (10 September 2019)
 - [Lawful basis for disclosure to law enforcement authorities outside the controller's jurisdiction](#) (9 September 2019)
 - [Liability, Safeguards, Controller & Processor](#) (9 September 2019)
 - [Legal Basis for transferring Thick WHOIS](#) (8 March 2019)
 - [Inclusion of "city" in publicly available Whois data](#) (13 February 2019)
 - [Meaning of the accuracy principle pursuant to the GDPR](#) (8 February 2019)
 - [Application of the GDPR to ICANN](#) (7 February 2019)
 - [Liability in connection with a registrant's self-identification as a natural or non-natural person](#) (25 January 2019)
 - [Interpretation of GDPR Article 6\(1\)\(b\)](#) (23 January 2019)
 - [Notice to technical contacts](#) (22 January 2019)

Further Information

ICANN Org Reference Page on Data Protection/Privacy Issues

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

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

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

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Rights Protection Mechanisms (RPMs) and IGO Protections

Session 11(a)

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Session Objective

- Consider the status of the GNSO Rights Protection Mechanisms Policy Development Process (RPM PDP) and in particular the upcoming rechartering of the Work Group for Phase II of the PDP and the planned review of the Uniform Dispute Resolution Procedure.
- Consider the status of new GNSO Policy Development work, as part of a new “IGO Work Track” of the RPM PDP to address the issue of IGO Access to Curative Rights Protection Mechanisms. Refer to the [ICANN66 GAC Discussions](#) on this matter (3 November 2019), including the [GAC Briefing](#) and [material](#) reviewed during in GAC Plenary

Background

The question of who legally has rights to, or is the legitimate holder of, a domain name can be a matter of dispute. Finding effective and enforceable processes to resolve such disputes across the many jurisdictions involved has been one key Internet policy challenge.

Since its incorporation, the ICANN Community has developed several policies and procedures to address various types of disputes. The longest standing such procedure, for disputes related to Trademarks, is known as the [Uniform Dispute Resolution Policy \(UDRP\)](#) and was adopted in 1999.

More recently, as part of the 2012 [New gTLD Program](#), several new rights protection mechanisms (RPMs) were developed to mitigate potential risks and costs to trademark rights holders that could arise in the expansion of the gTLD namespace:

1. [The Uniform Rapid Suspension \(URS\) System](#),
2. [The Trademark Clearinghouse \(TMCH\)](#) and its associated Sunrise Periods and the Trademark Claims Service
3. [The Trademark Post-Delegation Dispute Resolution Procedures \(TM-PDDRP\)](#).

The GNSO Council initiated a Policy Development Process to Review of All Rights Protection Mechanisms in All gTLDs (RPM PDP) on 18 February 2016. The PDP Working Group was and chartered to conduct work two phases:

1. Phase 1 to review those applicable to gTLDs launched under the 2012 New gTLD Program
2. Phase 2 to focus on reviewing the Uniform Dispute Resolution Policy (UDRP) which applies to all gTLDs.

RPMs will impact how Subsequent Rounds of new gTLDs are run in the future, phase 1 RPMs, in particular, were developed to mitigate potential risks and costs to trademark rights holders that could arise in the expansion of the new gTLD namespace, and to help create efficiencies for registration service providers among gTLD launches. The review of their effectiveness is important to determine whether those Phase 1 RPMs should continue for future rounds of new gTLDs, and if so, what changes, improvements and/or enhancements need to be made to fulfill the intended objectives of these RPMs.

Issues

As highlighted by the GAC in contributions to the development of the Rights Protection Mechanisms (RPMs) of the New gTLD Program, and in particular the [GAC Comments on the Applicant Guidebook](#) (26 May 2011), **overarching concerns** included:

- *“Mitigating the negative impact on the business community arising from the potential substantial and rapid escalation in the incidence of cybersquatting due to the scaling up of the number of gTLDs”*

- The need to “*maximize the level of rights protection afforded to businesses big and small*” and ensure “*the burden for business stakeholders [...] is minimized*” when using these mechanisms.

In order to advise ICANN on these matters, the GAC formulated proposals with the assistance of national policy experts and drawing on national consultations with relevant stakeholders. Key proposals and advice **with respect to the Trademark Clearinghouse (TMCH) were that:**

- “*There should be no requirement to provide evidence of use for eligibility to be included in the Clearinghouse which would conflict with many national IP legal frameworks.*” Practically, to provide a level playing field for all trademarks in all jurisdictions, proof of use was required for all TMCH entries for a Sunrise, but not Claims Notices.
- In order to monitor the effectiveness of these RPMs, the GAC advised the ICANN Board to conduct a comprehensive post-launch independent review of the Clearinghouse, one year after the launch of the 75th new gTLD in the round, to examine whether changes would be needed as well as whether any unforeseen questions and issues may have arisen from the launch of New gTLDs. This review has now been undertaken.

The RPM PDP WG has also been looking at the general issue of the TMCH’s fitness for purpose and efficacy and is expected to make policy recommendations in this regard (as per [Relevant Development Section](#) of this briefing) as part of Phase 1 of its work, now in its fifth year with limited progress in bringing stakeholders to consensus and away from long standing positions.

Regarding the upcoming review of the UDRP as part of Phase 2 of the RPM PDP WG:

- In the [ICANN51 Los Angeles GAC Communique](#) the GAC stated “*in implementing any such curative [IGO RPM] mechanism, that the UDRP should not be amended*”
- In the [September 14, 2011 Letter to GNSO Council Regarding UDRP PDP Issues Report](#) the GAC stated that it “*considers that any review of the UDRP should be conducted in light of community experience with the new gTLD RPMs, and should take full account of ccTLDs’ use of the UDRP. While the GAC is not opposed in principle to a review of the UDRP at an appropriate time, the GAC considers that a review at this time would not be appropriate.*”

In the context of this upcoming work, it should be noted that [ICANN’s Bylaws](#) require:

- 1.2 (a)(iv) “*promote well-informed decisions based on expert advice*”
- 1.2 (b)(i) “*To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of, other responsible entities that reflect the interests of affected parties and the roles of bodies internal to ICANN and relevant external expert bodies*”
- 13.1 (a) “*The purpose of seeking external expert advice is to allow the policy-development process within ICANN to take advantage of existing expertise that resides in the public or private sector but outside of ICANN. In those cases where there are relevant public bodies with expertise, or where access to private expertise could be helpful, the Board and constituent bodies should be encouraged to seek advice from such expert bodies or individuals.*”

- 13.1 (b)(ii) *“In addition, in accordance with Section 13.1(c), the Board may refer issues of public policy pertinent to matters within ICANN’s Mission to a multinational governmental or treaty organization.”*

In the face of the risk of *“the loudest voice to influence changes in UDRP policy or procedure which could have far-reaching consequences for ICANN, its contracted parties, and indeed for rights owners and the consumers who depend upon the enforcement of these rights”*, a recent [contribution](#) by MARQUES (1 February 2019), the European Association of Trade Mark Owners suggested that ICANN:

- *“convenes a small group of experts to gather evidence and information from interested parties including ICANN’s Contracted Parties and organizations representing both trademark interests and registrant interests” to “identify any priority issues and possible solutions for the current RPM Working Group to take forward”*
- *“Request the World Intellectual Property Organization as the global leader, which was commissioned in 1998 to develop a solution which became the UDRP, to select and chair this independent expert group” and to “provide the data-based expertise called for under ICANN’s Bylaws”*

Leadership Proposal for GAC Action during ICANN68

With respect to the upcoming rechartering of Phase II of the RPM PDP WG to review the UDRP, the GAC may wish to signal to appropriate parties that the following be taken into account in this process:

- Lessons learned from the current Phase I
- New principles in the GNSO Policy Development Policy 3.0
- The relevant Bylaws provisions (referenced in the Issue section of this briefing)

Relevant Developments

At the ICANN67 meeting in March 2020, the working group completed the review of the [draft Phase 1 Initial Report](#). **In its Phase 1 Initial Report, the PDP Working Group put forward a total of 26 preliminary recommendations for the URS, TMCH, Sunrise and Trademark Claims services, and TM-PDDRP.** The Working Group also **included 17 questions within the initial report related to some of these mechanisms**, for which it sought community input. The Working Group hopes the community input received will allow it to finalize possible recommendations on these topics in its Final Report.

At this time, no formal consensus call has been taken on these preliminary recommendations, but these did receive the support of the Working Group for publication for public comment.

The **Phase 1 Initial Report was published on 18 March 2020 for [Public Comment](#), which was closed on 4 May 2020.** From late May 2020, the working group started reviewing the Public Comments received from fifty-five contributors in order to complete its Phase 1 recommendations.

Two sub teams were formed to conduct concurrent analysis of the extensive comments using a Public Comment review tool.

At ICANN68, the working group is expected to provide an update on its Public Comment review progress during its [public session on Tuesday, 23 June](#). The working group also expects to hold a regular meeting during the ICANN68 week to continue advancing its work.

Current Positions

- [ICANN51 Los Angeles GAC Communique](#)
- [September 14, 2011 Letter to GNSO Council Regarding UDRP PDP Issues Report](#)
- [GAC Comments on the Applicant Guidebook - 26 May 2011](#)

Key Reference Documents

- [Phase 1 Initial Report on the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process](#)

Further Information

- [RPM in all gTLDs PDP WG Wiki Space](#)
- [Final Issue Report - PDP to Review All RPMs in all gTLDs](#) - 11 January 2016

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GAC Discussion of Work Stream 2 - Accountability Recommendations and Impacts

Session # 11(b) - GAC Discussion of WS2 Recommendations and Impacts

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Session Objectives

With the adoption of the Work Stream 2 Accountability (WS2) recommendations by the ICANN Board last November, the ICANN organization (org) and individual community groups now have the obligation to undertake the implementation of those recommendations. According to the Board resolutions, WS2 recommendations directed to the ICANN community are for the community to implement, with support as needed from ICANN org.

During this session, GAC members will review WS2 recommendations that are of particular interest to GAC members and those that directly impact GAC operations. As part of those discussions, the GAC may also explore potential follow-up to the WS2 efforts (e.g., implementation of ICANN Human Rights core value and follow-up on community jurisdictional interests).

Background

In March 2014, the United States National Telecommunications and Information Administration (NTIA) announced its intention to transition the stewardship of the Internet Assigned Numbers

Authority (IANA) functions from the United States Government to ICANN. At that time, it was directed that any proposed transition plan must have broad community support and uphold the following principles:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services;
- Maintain the openness of the Internet; and
- Not result in ICANN becoming a government-led or an inter-governmental organization.

The Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Acct) was chartered to develop recommendations to enable the IANA transition that adhered with NTIA's principals.

Work Stream 1 of the effort (WS1) focused on mechanisms enhancing ICANN accountability that needed to be in place or committed to within the time frame of the IANA Stewardship Transition. WS1 concluded its work in February 2016 and the report of that group was approved by the ICANN Chartering Organizations (including the GAC) and adopted by the Board in March 2016.

With ICANN's October 2016 Bylaws change, a Human Rights Core Value was added to ICANN's Bylaws. In order for this Core Value to come into effect, a Framework of Interpretation was required as part of WS2. Subsequently, the CCWG-Accountability WS2 recommended the adoption of the Framework of Interpretation it developed for the ICANN Bylaws dealing with Human Rights. That FOI was annexed to the WS2 Final Report as Annex 3. The first part of that annexed document was the proposed Framework of Interpretation for the ICANN Bylaw on Human Rights. The second part of this document addressed the "considerations" listed in paragraph 24 of Annex 12 of the CCWG-Accountability Final Report.

Work Stream 2 of the effort (WS2) focused on addressing accountability topics for which a timeline for developing solutions and full implementation was expected to extend beyond the IANA Stewardship Transition. The WS2 effort concluded its work in June 2018 with the CCWG – Accountability WS2 Final Report (hereinafter WS2 Final Report) (see <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>) and the Chartering Organizations (including the GAC) approved the WS2 Final Report in November 2018.

The WS2 Final Report

The WS2 Final Report included a comprehensive list of nearly 100 individual recommendations that were arranged into eight topic areas:

1. Diversity of the community work on policy*
2. Guidelines for Good Faith removal of Board members*
3. Human Rights*
4. Jurisdiction*

5. Improving the ICANN Office of the Ombuds
6. Increase SO/AC Accountability*
7. Staff Accountability
8. Transparency*

Each of the eight (8) topical areas contained several subtopic recommendations. Six of those topic areas (identified with an “*” above) appear to contain implications for GAC operational implementation or further work including diversity, good faith removal of Board members, human rights, jurisdiction, increased SO-AC accountability and transparency. In total, forty-two (42) separate recommendations merit GAC attention and consideration.

ICANN org Assessment Report

Prior to finalization of the WS2 recommendations, the Board had directed the ICANN organization (org) to prepare an implementation assessment report, including resource estimates, in preparation for the Board’s final consideration of the WS2 Final Report and its recommendations. The WS2 Implementation Assessment Report (hereinafter, the Assessment Report) was developed by ICANN org to address this need. It was completed on 5 November 2019 (see - https://community.icann.org/display/WEIA/Public+Documents?preview=/120819602/120819621/WS2+Implementation+Assessment+Report_5Nov2019.pdf) and was not subject to a public comment forum.

Board Approval of the WS2 Final Report Recommendations

On 7 November 2019, the ICANN Board considered the WS2 Final Report recommendations and the Assessment Report from ICANN org and gave its final approval of the WS2 Final Report recommendations.

Informed by the Assessment Report, the ICANN Board’s adoption of the WS2 Final Report and all its consensus based WS2 recommendations resulted in ICANN org being directed to:

- Proceed with WS2 implementation with work to begin upon adoption of the recommendations - using the considerations noted in the WS2 Implementation Assessment Report;
- Start implementation on those recommendations that are possible to move forward without waiting for a budgeting cycle;
- Provide support for those parts of the WS2 recommendations that are community driven in implementation; and
- Provide regular implementation status reports to the Board

Potential ICANN Org Support for the GAC and other Communities

According to the Assessment Report, the ICANN Board has determined that “prioritization and staging of the WS2 recommendations for implementation will be facilitated through the budgeting and planning processes”. This means that for ICANN org’s WS2 implementation planning, the organization can first identify and move forward with those recommendations that do not need a budget cycle to implement. Secondly, the organization may then have the ability to provide support as available to the ICANN community for those parts of the WS2 recommendations that are community driven in implementation. This may impact the implementation prioritization decisions of the GAC. And, finally, the org can identify the future budget cycle and estimated timelines for any remaining individual recommendations to be implemented.

ICANN org Reporting on Implementation Progress

ICANN org anticipates that the WS2 Implementation Status Reporting will likely address a number of areas, including:

- Focus on org implementation progress
- Include community implementation progress if available
- Aggregate data by WS2 Topic, e.g. Diversity, Human Rights rather than by each sub recommendation
- Diversity progress (Data be displayed in the form of a chart where possible with key milestones noted)
- Publication Frequency:
 - Quarterly or Semiannually
 - Section included in ICANN’s Annual Report
- Coordination:
 - MSSI will coordinate data collection from the SMEs
 - Prepare draft Report for SME review before publication

GAC members generally raised the topic of WS2 implementation during the GAC’s meeting with the ICANN Board at the ICANN67 Virtual Community Forum. At that time a status report on implementation progress was anticipated in a couple of months.

On 8 May 2020, an ICANN Blog post ([*"Moving Toward Implementation: Next Steps for Work Stream 2"*](#)) was published. In that post, it was reported that (1) “ICANN org has started implementing several recommendations”, (2) “a significant part of the remaining recommendations apply to the community, such as those relating to Supporting Organization and Advisory Committee accountability” and (3) “ICANN org will provide regular implementation status reports detailing achievements, ongoing work, and plans for the future” with the anticipation that the first of these reports will be published in the third quarter of calendar year 2020.

GAC Implementation Areas

The WS2 Implementation Assessment Report is being used by the organization to help develop a plan for the implementation of the nearly 100 WS2 recommendations. The Assessment Report acknowledged that implementation of the recommendations will be a “significant organizational undertaking that will require a detailed implementation plan and will take a number of years to complete.”

Interestingly, the Assessment Report is careful to note that, “the report does not address the feasibility of Supporting and Advisory Committees (SO/ACs) to implement those recommendations. This is for community consideration.” (see Assessment Report at pages 4 and 5). The Assessment Report further acknowledges that, “several recommendations require community work. SO/AC implementation plans will need to consider prioritization and timing as resources must be allocated” (see Assessment report at page 5).

GAC Support staff has closely reviewed the WS2 Final Report and identified the forty-two (42) individual recommendations that impact the GAC in some way or form. Every one of those individual recommendations across the eight (8) topic areas of the WS Final Report have been set forth in a separate document that will be used to inform GAC discussions and deliberations at the ICANN67 Cancun public meeting. The inventory document can be found here -[https://gac.icann.org/reports/Specific%20WS%20Recs%20for%20SO-ACs%20\(June%202018\)\(GAC-Cancun\).pdf](https://gac.icann.org/reports/Specific%20WS%20Recs%20for%20SO-ACs%20(June%202018)(GAC-Cancun).pdf).

The purpose of the staff identification effort of GAC-applicable recommendations is to simply inventory the scope of the recommendations calling for GAC implementation. Implementation plans and priorities for addressing these recommendations will need to be discussed among and developed by GAC members.

Agenda

During this session, GAC participants will review the inventory of recommendations that are of interest to or directly impact the GAC and discuss how those might be assessed, prioritized and implemented in an effective manner.

Key Reference Documents

- CCWG Work Stream 2 Final Report (June 2018) - <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>
- CCWG Work Stream 2 Implementation Assessment Report (November 2019) - https://community.icann.org/display/WEIA/Public+Documents?preview=/120819602/120819621/WS2%20Implementation%20Assessment%20Report_5Nov2019.pdf
- ICANN Board Resolutions approving WS-2 Recommendations (7 November 2019) - <https://www.icann.org/resources/board-material/resolutions-2019-11-07-en#2.c>
- Specific WS-2 Accountability Recommendations For SO-ACs from CCWG – Accountability WS 2 Final Report - (to be found at

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

Further Information

- Work Stream 2 - Enhancing ICANN Accountability Homepage - <https://community.icann.org/display/WEIA>
- Transcript of ICANN67 GAC-Board Session - <https://static.ptbl.co/static/attachments/237804/1583992130.pdf?1583992130>
- ICANN org 8 May 2020 Blog Post - <https://www.icann.org/news/blog/moving-toward-implementation-next-steps-for-work-stream-2>

Document Administration

Meeting	ICANN68 Virtual Policy Forum, 22-25 June 2020
Title	GAC Discussion of WS2 Recommendations and Impacts
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GAC ICANN68 Wrap-Up Session

Session # 13 - GAC Wrap-Up Session

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Session Objectives

The final session of the GAC ICANN68 Virtual Policy Forum week will offer an opportunity for GAC Members to learn from certain GAC Working Groups about their recent intersessional activities and future plans. Additionally, GAC Support will outline for GAC participants the timeline for the next round of elections for GAC Leadership which will conclude during ICANN69.

GAC Working Group Updates

Due to the compressed timeframe and time zone challenges of the ICANN68 Policy Forum format, there is limited time available for individual working group meetings during the week. Leaders of the various GAC Working Groups were offered the opportunity to indicate their ability to offer brief updates to the GAC about their respective work progress.

As of the drafting of this briefing, the Underserved Regions Working Group (USRWG) and the Universal Acceptance and Internationalized Domain Name Working Group (UA-IDN WG) have indicated their interest in offering brief updates to the GAC during this session (about 10 minutes).

GAC Elections

During this 2020 calendar year, elections for the role of GAC Chair (who serves a two-year term) and GAC Vice chairs, who serve one (1) year terms, will be conducted.

The current GAC Chair has been elected for the term ending March 2021 (after ICANN70). The current Vice-Chairs have been elected for the term from March 2020 (ICANN67) to March 2021 (ICANN70).

Nominations for the GAC Chair and Vice-Chair seats will begin at the end of the ICANN68 Virtual Policy Forum and will conclude 45 days before the scheduled start of the ICANN69 Meeting at which the confirmation of elected individuals is due to take place. Nominations for candidates start during the meeting which precedes the meeting in which the confirmation is due to take place (Operating Principle 33). If more than two (2) candidates for GAC Chair and/or more than five (5) candidates for the positions of Vice-Chairs are received, then an election will be held.

The results of each election, shall formally be announced at the end of any meeting in which an election has taken place, and shall take effect at the end of the next GAC Meeting (Operating Principle 31).

During this wrap-up session, the GAC Support team will provide a complete overview of the nomination and election process to the GAC Membership.

Possible Topic Follow-Up Time

Based on the GAC's experience during the ICANN67 Virtual Community Forum, time during this session has been set-aside to enable follow-up discussions regarding any timely topics or issues that arise during the meeting discussions. The additional flexible time can also be used by GAC members to discuss specific follow-up activities that may be triggered during the meeting week.

Further Information

GAC Working Group Web Pages

- GAC Working Group on Human Rights and International Law - <https://gac.icann.org/working-group/gac-working-groups-on-human-rights-and-international-law-hril-wg>
- GAC Focal Group on Subsequent Rounds of New gTLDs - <https://gac.icann.org/working-group/gac-focal-group-on-subsequent-rounds-of-new-gtlds>
- GAC Operating Principles Evolution Working Group - <https://gac.icann.org/working-group/gac-operating-principles-evolution-working-group-gope-wg>
- GAC Working Group on Under-Served Regions - <https://gac.icann.org/working-group/gac-working-groups-on-under-served-regions-usr-wg>

- GAC Working Group to Examine the Protection of Geographic Names in Any Future Expansion of gTLDs -
<https://gac.icann.org/working-group/gac-working-group-to-examine-the-protection-of-geographic-names-in-any-future-expansion-of-gtlds>
- GAC Working Group to Examine the GAC's Participation in NomCom -
<https://gac.icann.org/working-group/gac-working-group-to-examine-the-gac-s-participation-in-nomcom>
- GAC Public Safety Working Group -
<https://gac.icann.org/working-group/gac-public-safety-working-group-pswg>
- GAC Universal Acceptance and Internationalized Domain Names Working Group -
<https://gac.icann.org/working-group/gac-universal-acceptance-and-internationalized-domain-names-working-group-ua-idn-wg>

Key Reference Documents

- GAC Elections - See [Operating Principles](#) No. 30 to 36.

Document Administration

Meeting	ICANN68 Virtual Policy Forum, 22-25 June 2020
Title	GAC Wrap-Up Session
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 1: 4 June 2020

1. ICANN68 GAC schedule (28 May)

UTC	UTC+8	Monday 22 June (Day 1)	Tuesday 23 June (Day 2)	Wednesday 24 June (Day 3)	Thursday 25 June (Day 4)	UTC	UTC+8
20:00	00:00	8:00				00:00	8:00
20:15	00:15	8:15				00:15	8:15
20:30	00:30	8:30				00:30	8:30
20:45	00:45	8:45				00:45	8:45
21:00	1:00	9:00				1:00	9:00
21:25	1:15	9:15				1:15	9:15
21:30	1:30	9:30				1:30	9:30
21:45	1:45	9:45				1:45	9:45
22:00	2:00	10:00				2:00	10:00
22:15	2:15	10:15				2:15	10:15
22:30	2:30	10:30				2:30	10:30
22:45	2:45	10:45				2:45	10:45
23:00	3:00	11:00				3:00	11:00
23:15	3:15	11:15				3:15	11:15
23:30	3:30	11:30				3:30	11:30
23:45	3:45	11:45				3:45	11:45
00:00	4:00	12:00				4:00	12:00
00:15	4:15	12:15				4:15	12:15
00:30	4:30	12:30				4:30	12:30
00:45	4:45	12:45				4:45	12:45
1:00	5:00	13:00				5:00	13:00
1:15	5:15	13:15				5:15	13:15
1:30	5:30	13:30				5:30	13:30
1:45	5:45	13:45				5:45	13:45
2:00	6:00	14:00				6:00	14:00
2:15	6:15	14:15				6:15	14:15
2:30	6:30	14:30				6:30	14:30
2:45	6:45	14:45				6:45	14:45
3:00	7:00	15:00				7:00	15:00
3:15	7:15	15:15				7:15	15:15
3:30	7:30	15:30				7:30	15:30
3:45	7:45	15:45				7:45	15:45
4:00	8:00	16:00				8:00	16:00
4:15	8:15	16:15				8:15	16:15
4:30	8:30	16:30				8:30	16:30
4:45	8:45	16:45				8:45	16:45
5:00	9:00	17:00				9:00	17:00
5:15	9:15	17:15				9:15	17:15
5:30	9:30	17:30				9:30	17:30
5:45	9:45	17:45				9:45	17:45
6:00	10:00	18:00				10:00	18:00
6:15	10:15	18:15				10:15	18:15
6:30	10:30	18:30				10:30	18:30
6:45	10:45	18:45				10:45	18:45
7:00	11:00	19:00				11:00	19:00

GAC Plenary Sessions
GAC Communique
GAC Joint Sessions
Community Sessions
Cross-Community Plenary Sessions
Official times for ICANN68 08:30-17:00 (KL/UTC+8) 00:30-09:30 (UTC)

1. GAC Opening Plenary (10:00-11:00 KL)	5. GAC Communique Review Point (10:00-11:00 KL)		9 (a). GAC Communique (10:00-11:00 KL)	9 (c). GAC Communique (10:00-11:00 KL)
BREAK (11:00-11:30)	BREAK (11:00-11:30 KL)	GNSO RPM WG (10:30-12:00 KL)	BREAK (11:00-11:30 KL)	BREAK (11:00-11:30 KL)
2. GAC DNS Abuse Mitigation [with PSWG] (1/2) (11:30-12:30 KL)	6. GAC WHOIS and Data Protection Policies (11:30-12:30 KL)		10. GAC Subsequent Rounds (3/3) (11:30-12:30 KL)	9 (d). GAC Communique (11:30-12:30 KL)
BREAK (12:30-13:00 KL)	BREAK (12:30-13:00 KL)		BREAK (12:30-13:00 KL)	BREAK (12:30-13:00 KL)
Cross-Community Plenary: DNS Abuse and Malicious Registrations during COVID-19 (13:00-14:30 KL)	Cross-Community Plenary: The DNS and the Internet of Things: Opportunities, Risks and Challenges (13:00-14:30 KL)	11 (a). GAC RPM Discussion (30 mins) 11 (b). GAC Discussion on WS2 Recommendations (60 mins)	(13:00-14:30 KL) [90 mins block]	Cross-Community Plenary: ICANN Post COVID-19 - The Use of Virtual Meetings (13:00-14:30 KL)
BREAK (14:30-15:00 KL)	BREAK (14:30-15:00 KL)	BREAK (14:30-15:00 KL)	BREAK (14:30-15:00 KL)	BREAK (14:30-15:00 KL)
3. Preparation for meeting with the ICANN Board (15:00-16:00 KL)	7. GAC Subsequent Rounds (2/3) (15:00-16:00 KL)	9(b). GAC Communique (15:00-16:00 KL)	9(e). GAC Communique (15:00-16:00 KL)	
BREAK (16:00-16:30 KL)	BREAK (16:00-16:30 KL)	BREAK (16:00-16:30 KL)	BREAK (16:00-16:30 KL)	
4. GAC Subsequent Rounds (1/3) (16:30-17:30 KL)	8. GAC DNS Abuse Mitigation [with PSWG] (2/2) (16:30-17:30 KL)	12. GAC/Board Meeting (16:30-17:30 KL)	13. GAC Wrap-Up and prep for ICANN69 (16:30-17:30 KL)	
GAC Daily Update (16:00-16:30 UTC)	GAC Daily Update (16:00-16:30 UTC)	GAC Daily Update (16:00-16:30 UTC)	Regular GNSO SubPro PDP WG call 20:00 UTC (open)	
GAC Leadership Call (16:30-17:00 UTC)	GAC Leadership Call (16:30-17:00 UTC)	GAC Leadership Call (16:30-17:00 UTC)		