
GAC Meeting with the ICANN Board

Pre-Meeting Session - Preparation for Meeting with ICANN Board (Thursday 15 October)

Session # 3 - Meeting with ICANN Board (Tuesday 20 October) (briefing update - v2 - with updates highlighted)

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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 - enabling the committee to coordinate and resolve specific policy work and operational matters and to build channels of communication with other groups 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 ICANN69 Annual General Meeting.

Relevant Developments and Previous Meeting Experiences

As part of the ICANN69 Virtual Annual General Meeting planning effort, the core meeting week schedule has been reduced to only four (4) working days and a second pre-meeting week has been

established to offer individual ICANN communities the opportunity to conduct internal work sessions ahead of the regularly scheduled core meeting week.

To provide enough preparation time for the GAC meeting with the ICANN Board, a GAC work session has been scheduled in the pre-meeting work week (on Thursday 15 October) to allow GAC Members (if needed) to finalize their preparations for the Board-GAC Meeting during the core meeting week of 19 October to 22 October.

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. For some meetings, the Board presents a standard question to community groups for them to respond to the Board.

GAC members were asked via email on 4 September 2020 to suggest potential topics or questions to present to the Board at ICANN69 and to consider answers to a single Board question topic. As of this briefing preparation date, a preliminary list of those topics and questions are planned to be discussed by the GAC leadership in late September and then shared with the Board in early October to alert the Board to GAC areas of interest.

Additionally, the GAC has been asked to share with the Board its views regarding plans to progress with the “enhancing the effectiveness” of the ICANN Multistakeholder Model. The GAC provided public comments on that subject in August 2020 (see, <https://mm.icann.org/pipermail/comments-multistakeholder-model-next-steps-04jun20/attachments/20200804/26d5d406/GACCommentsonMSMNextSteps4AugustFINAL-0001.pdf>) and will likely share views with the Board consistent with those comments.

Agenda

Pre-Meeting Session - Thursday 15 October - Preparation for Meeting with ICANN Board

The GAC Leadership will attempt to finalize any GAC questions via an email collaboration process prior to the ICANN69 meeting. If it is necessary to resolve outstanding issues or to give time for further GAC discussion, the Thursday 15 October session will be held for the GAC to review the proposed topics and questions that have previously been shared with the ICANN Board and to identify any new issues that may have arisen shortly before the public meeting that merit identification or discussion with the Board.

Session # 3 - Tuesday 20 October - Meeting with ICANN Board

As noted above, from time to time, the ICANN Board shares topics or specific questions with ICANN communities ahead of a public meeting for consideration by each community group. In preparation for the ICANN69 meeting, the Board has chosen the following topic to have an open discussion with the GAC:

“Enhancing the effectiveness of the Multistakeholder model: key issues and opportunities for acceleration. In your [GAC] preparation, you may want to consider the results of the most recent public consultation, and work that has progressed with dependencies to enhancing

the effectiveness of the MSM (such as the ATRT3 report and work on prioritization and budgeting).”

A potential preliminary meeting agenda for the meeting is:

- A. Introductions
- B. Discussion of Specific GAC Priority Areas (including specific GAC topics/questions – shared in advance of meeting)
- C. Discussion of Enhancements to ICANN Multistakeholder Model (Board Topic)
- D. Closing

GAC Positions

As of ~~5 October 24 September~~ 2020, based on input from GAC members, the GAC Leadership had developed the following topics and questions to present to the Board:

1. New gTLD Subsequent Procedures (Statements)

Background

a. Subsequent procedures for new gTLDs remain a high priority for the GAC. The GAC has participated in the GNSO PDP process and the committee recently submitted comments regarding the GNSO New gTLD Subsequent Procedures Draft Final Report. The GAC recognizes the immense efforts put forward by the Co-Chairs and the SubPro WG.

Topic Discussion

b. The recent GAC comments included specific comments on a number of topics addressed in the Draft Final Report including;

- A predictability framework and some concerns about the added value of the proposed “SPIRT” structure;
- Registry Voluntary Commitments/ Public Interest Commitments (PICs) enforceability and concerns regarding absence of policy recommendations on DNS Abuse Mitigation in the Final Report;
- Applicant Support Matters;
- Closed Generics and reiteration that exclusive registry access serving a public interest goal;
- The value of GAC Consensus Advice and GAC Early Warnings;
- The value of Objections to protect certain names and abbreviations;
- The importance of clarifying and improving Dispute Resolution Procedures after Delegation;
- Community Applications, and improvement to the Community Priority Evaluation (CPE) process and guidelines;

Auctions – Mechanisms of Last Resort/Private Resolution of Contention sets to disincentivize potential gaming scenarios in the application resolution process.

c. During the ICANN69 Board-GAC meeting GAC members may address the particulars points regarding a number of these topics.

2. Registration Data/WHOIS

Background

a. Recognizing the recent completion of the Final Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process in the GNSO, the GAC would like to understand how the Board intends to assess and act on any GNSO recommendations stemming from the EPDP effort.

b. The GAC recognizes that the Final Report was accompanied by several minority statements (including one by the GAC) that appear to have offered various views that some would consider to be contradictory with each other, as they seem to misinterpret some legal views provided by advising attorneys and other statements made by Board representatives on the EPDP.

c. In its own Minority Statement, the GAC shared a number of views that prompted further interest from ICANN org – including a series of follow-up questions seeking clarification which were initially discussed in a meeting with the GAC leadership, topic leads and ICANN senior executives.

d. Given the ongoing community interest in this topic area, GAC Members may offer specific questions or comments to direct to the Board at the ICANN69 meeting.

3. Other Topics of GAC Interest:

ATR3 Final Report Suggestions Impacting the Board and the GAC

This matter was briefly discussed during a recent BGIG meeting during which both a number of Board and GAC Members recognized the valuable relationship that has been forged between the Board and the GAC and the importance of sharing recent improvements with the rest of the community as well as exploring additional ways to improve the effectiveness and efficiency of collaborative exchanges between the two entities.

4. GAC Input on Board Interest in Enhancing the Effectiveness of the ICANN Multistakeholder Model

Background

Last month the Board Chair identified the following topic for discussion at ICANN69:

“Enhancing the effectiveness of the Multistakeholder model: key issues and opportunities for acceleration. In your [GAC] preparation, you may want to consider the results of the most

recent public consultation, and work that has progressed with dependencies to enhancing the effectiveness of the MSM (such as the ATRT3 report and work on prioritization and budgeting).”

I. GAC Key priorities for remainder of 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 for the remainder of 2020 include:

- Preparation for ATRT3 Review implementation — implications for the GAC
- Universal Acceptance and IDN Readiness
- Implementation of Workstream 2 Recommendations
- Improving Onboarding and Capacity building capabilities and resources for governmental participants in ICANN

II. GAC Areas/Topics of Interest to Discuss with ICANN Board During ICANN69

The particular topic areas confirmed by the GAC leadership to the Board as of 21 September are as follows:

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

1. Final Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process in the GNSO

III. GAC Input on Enhancing the Effectiveness of the ICANN MultiStakeholder Model

- The GAC was pleased to provide comments on the June 2020 paper entitled Enhancing the Effectiveness of ICANN’s Multistakeholder Model – Next Steps (hereinafter “the Next Steps Paper”).
- The GAC appreciates how the Next Steps Paper thoroughly identifies existing work efforts that are consistent with the MSM evolution. It is appropriate to recognize that relevant parts of the community will continue to engage in their current work efforts “which holistically lend themselves to addressing each of the priorities.”
- The GAC agrees with the ICANN Board assessment that by limiting immediate “next steps” to three priority work areas and leveraging existing work efforts, a necessary workload balance can be achieved that will result in incremental evolutionary enhancements and improved efficiencies to the MSM, which will benefit everyone’s future work.
- The GAC agrees that the actions proposed in the Next Steps Paper should not unduly burden the community and could have a materially positive impact on evolving the MSM.
- The GAC supports the three Priority Work Areas identified in the Next Steps Paper as:
 - A. Prioritization of Work and Efficient Use of Resources
 - B. Precision in Scoping the Work
 - C. Consensus, Representation, and Inclusivity

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>
- GAC MSM “Next Step” Paper Comments - <https://mm.icann.org/pipermail/comments-multistakeholder-model-next-steps-04jun20/attachments/20200804/26d5d406/GACCommentsonMSMNextSteps4AugustFINAL-0001.pdf>
- GAC Comments Regarding Enhancing the Effectiveness of ICANN’s Multistakeholder Model – Next Steps - <https://mm.icann.org/pipermail/comments-multistakeholder-model-next-steps-04jun20/attachments/20200804/26d5d406/GACCommentsonMSMNextSteps4AugustFINAL-0001.pdf>
- GNSO - Final Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process (*including GAC Minority Statement*) - <https://mm.icann.org/pipermail/council/attachments/20200826/8edc7666/EPDPPhase2FinalReport-UpdatedFINAL-31July2020-0001.pdf>

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