ICANN|GAC

Governmental Advisory Committee

ICANN
69
VIRTUAL
ANNUAL GENERAL

GAC Opening Plenary Session

Session # 1 - Opening Plenary

Content

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 ICANN68 Virtual Policy 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 ICANN69 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 and the ICANN68 Policy Forum, 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 the ICANN69 Annual General Meeting period. The GAC Chair will likely report on pre-meeting interactions with the ccNSO, GNSO and Board-GAC Interaction Group (BGIG). The Chair may also share lessons-learned regarding pre-meeting webinars conducted by ICANN org staff on various topics.

Since ICANN68, the GAC has been an active contributor to a number of ICANN community public forums and cross community efforts including comments regarding the Third Accountability and Transparency Review Team (ATRT3) Final Report and comments regarding Enhancing the Effectiveness of ICANN's Multistakeholder Model – Next Steps. The GAC also produced a Minority Statement on the Final Report of Phase 2 of the EPDP on gTLD Registration Data. Those documents are recorded and tracked on a special web page of the GAC web site and can be located here - https://gac.icann.org/activity/gac-public-comment-opportunities.

Since ICANN68, the GAC also sent and received correspondence regarding various matters of importance to GAC members including a GAC Statement on the Final Report of the new gTLD Auction Proceeds Cross Community Working Group. The GAC Leadership also produced a reply to a "quick look" request from the GNSO Liaison to the GAC regarding a Preliminary Issue Report on the GNSO Transfer Policy which recommended a new holistic review of the current transfer policy. Those documents and others are posted and tracked on a special web page of the GAC web site which can be located here - https://gac.icann.org/advice/correspondence/.

During the ICANN68 Virtual Policy 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 ICANN68 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

Document Administration

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Governmental Advisory Committee

Subsequent Rounds of New gTLDs

Session # 2- GAC Discussion on Subsequent Procedures

Contents

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 processes[1] 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 finalized draft recommendations and published the Subsequent Rounds for New gTLDs Draft Final Report, which triggered a public comment period which ended on September 30, 2020. The GAC submitted a collective comment. The final recommendations are expected to be submitted to the GNSO Council by the Sub Pro PDP WG during Q4 2020.

ICANN69 is an opportunity for the GAC to review and discuss public comments submitted by the GAC and other SO/ACs, and potentially hear and consider initial reactions from the PDP WG.

Several steps with varying time-lines will 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;

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[1] See timeline at https://newgtlds.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 sometime tentatively around 2022, but still to be confirmed.

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 Communique](#) (14 March 2019).

More recently, in the [GAC Montreal Communique](#) (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 during ICANN69

1. Brief GAC Members and Observers on recent developments on Subsequent Procedures for new gTLDs, including:

    a. GAC Consensus Comment to GNSO Subsequent Procedures for New gTLDs PDP WG Final Report

2. Liaise with GNSO Subsequent Procedures for New gTLDs PDP WG Co-Chairs on GAC input and next steps for final recommendations.

3. Continue to have meaningful discussions and update GAC policy positions, as appropriate, regarding processes more broadly related to Subsequent Rounds of new gTLDs (e.g. start considering GAC advice to the ICANN Board or anything else stemming from the roll out and preparation for the next round of new gTLDs)

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 Level[2].

- 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.

- The [Subsequent Rounds of New gTLDs Draft Final Report](#) was published for [public comment](#) on 20 August 2020.

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 ICANN69 Briefing package:

1. [GAC Collective Comment](#) on Subsequent Rounds of New gTLDs Final Report
2. [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;
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.

Key Reference Documents

- [GAC Scorecard: Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds](#)

- [Subsequent Rounds for New gTLDs PDP WG Draft Final Report](#)

- [GAC Compilation of Individual Input](#)

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[2] Policy development in the area of geographic names is handled separately in the GAC, who formed an 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](#).

Further Information

- [ICANN68 GAC Communique](#)

- [ICANN67 GAC Communique](#)

- [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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Governmental Advisory Committee

ICANN 69 VIRTUAL ANNUAL GENERAL

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)

Contents

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/att
  achments/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/att
  achments/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/EPDPPhase2Fin
  alReport-UpdatedFINAL-31July2020-0001.pdf

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Governmental Advisory Committee

ICANN 69 VIRTUAL ANNUAL GENERAL

GAC Discussion on Work Stream 2 Accountability

Session # 4 - GAC WS2 Accountability <mark>(briefing update - v2 - with updates highlighted)</mark>

Contents

Session Objectives

With the adoption of the Work Stream 2 Accountability (WS2) recommendations by the ICANN Board in November 2019, the ICANN organization (org) and individual community groups have the obligation to undertake the implementation of those recommendations.

During this session, GAC members will review progress on the implementation planning effort since ICANN68 (including development of the GAC's <mark>operational implementation tracking tool</mark>) and explore potential implementation next-steps. The GAC will also discuss efforts toward implementation of the ICANN Human Rights Core Value.

Background

In March 2014, the IANA Stewardship Transition was initiated and an ICANN Work Stream 1 (WS1) effort was created to develop mechanisms to enhance ICANN's accountability. 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 ICANN Board in March 2016.

In October 2016, a new Human Rights Core Value was added to ICANN's Bylaws. In order for this Core Value to come into effect, a Framework of Interpretation (FoI) was required as part of a subsequent Work Stream 2 (WS2) effort.

WS2 was tasked with addressing a broad range of accountability topics for which a timeline for developing solutions and full implementation was expected to extend beyond the initial IANA Stewardship Transition. The WS2 effort concluded its work in June 2018 with the [CCWG – Accountability WS2 Final Report](#) and the Chartering Organizations (including the GAC) approved the WS2 Final Report in November 2018.

The FoI for the Human Rights Core Value was developed by the CCWG-Accountability WS2. That FoI accompanied 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 that document addressed the "considerations" listed in paragraph 24 of Annex 12 of the CCWG-Accountability Final Report.

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 (those 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 appear to 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](#) was developed by ICANN org to address this need, it was completed on 5 November 2019 and was not subject to a public comment period.

Board Approval of the WS2 Final Report Recommendations and Potential ICANN Org Support

On 7 November 2019, the ICANN Board considered the 2018 WS2 Final Report recommendations and the 2019 Assessment Report from ICANN org and gave its final approval to the complete package of the WS2 Final Report recommendations.

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 intended for community-driven implementation. And, finally, the ICANN org can identify the future budget cycle and estimated timelines for any remaining individual recommendations to be implemented.

ICANN org Reporting on Implementation Progress

On 8 May 2020, prior to ICANN68, via an ICANN Blog post (*"Moving Toward Implementation: Next Steps for Work Stream 2"*), 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.

On 2 July 2020, ICANN org announced via another ICANN Blog post ("Status of ICANN org's Human Rights Impact Assessment Recommendations Implementation") that it had implemented nearly half of all recommendations in the year since publishing its first-ever internal Human Rights Impact Assessment.

On 17 August 2020, ICANN org announced via another ICANN Blog post ("Strengthening Our Structure and Enhancing Collaboration") that it had formed a new ICANN department called "Global Domains and Strategy". That new department now includes a "Review Support and Accountability" team which will oversee "the coordination of the internal cross-functional governance regarding the implementation of recommendations of the Cross-Community Working Group on Enhancing ICANN Accountability and Work Stream 2 (WS2)."

The Work Stream 2 (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 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 with the purpose of identifying GAC applicable recommendations . This document has been designed to inventory the scope of the recommendations calling for GAC implementations.

The implementation, plans and priorities for addressing these recommendations ultimately need to be discussed and developed by GAC members. At ICANN68, GAC Members discussed potential options for implementing those recommendations of GAC interest. The Human Rights and International Law Working Group (HRILWG) Co-Chairs informed GAC Members about the status of ICANN org efforts toward implementation of those recommendations - focusing on the implementation of the new ICANN Human Rights Core Value. Co-Chairs of the Cross Community Work Party on Human Rights (CCWP-HR) also shared information with the GAC at ICANN68 regarding their efforts to create an implementation tool for ICANN Supporting Organizations and Advisory Committees to help organize and track implementation of the various WS2 recommendations - including those that specifically impact human rights.

Agenda

During the session at ICANN69, GAC participants will continue WS2 implementation discussions and review progress on an implementation planning tool that has been developed to enable the GAC to assess, prioritize and implement the various recommendations in an effective manner. Particular attention will be given to how the GAC can implement the new Human Rights Core value. Members will be asked for feedback on the tool and will be asked to provide views on the most effective structure for progressing on the implementation effort.

Preliminary Agenda (as of 24 September 2020) -

- Update on Actions Since ICANN68
  - Development of <mark>GAC Tracking Tool</mark> and Next Steps
  - Feedback on Tool
  - GAC Guidance on Assessment and Implementation Options (e.g., Assignments and Volunteers)
- Implementation Case Study - Human Rights Core value - HRIL WG Implementation Efforts

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 - https://gac.icann.org/working-group/gac-operating-principles-evolution-working-group-gope-wg#wg-doc-head
- <mark>GAC Work Stream 2 Implementation tracking tool - https://docs.google.com/spreadsheets/d/1NOTa6ULaUihKlVAKzpBaRBknScBDMZcuy95D10TcDF0/edit#gid=1015079592</mark>

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

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Public Safety Working Group (PSWG) Update

Session 5 - PSWG Update to the GAC

Contents

Session Objective

The GAC Public Safety Working Group (PSWG) will provide an update on its work consistent with its strategic goals to mitigate DNS Abuse and cybercrime, preserve and improve access to domain registration data (and its accuracy) and ensure effective PSWG operations and stakeholders relations.

Background

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

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

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

- **Recognition of the legitimate uses of WHOIS**, as reflected in the GAC Principles Regarding gTLD WHOIS Services within the GAC Lisbon Communiqué (28 March 2007). These principles are regularly referenced by the GAC when providing input (as in the recent GAC Comments on the RDS-WHOIS2 Review Recommendations, 23 December 2019) or Advice to the ICANN Board (see rationale of Advice in the GAC San Juan Communiqué, 15 March 2018);

- **Due Diligence Recommendations for ICANN[1]** which were endorsed in the GAC Brussels Communiqué (25 June 2010) and eventually led to contractual amendments in the 2013 Registrar Accreditation Agreement (RAA) adopted by the ICANN Board on 27 June 2013; and

- **Introduction of New gTLD GAC Safeguards** in the GAC Beijing Communiqué {11 April 2013) which led to specific Public Interest Commitment provisions in Specification 11 of the New gTLD Registry Agreement

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

Issues

As reflected in its current Work Plan 2020-2021 endorsed by the GAC on 16 March 2020, the PSWG is seeking to:

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

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

Leadership Proposal for GAC Action during ICANN69

1. **Consider recent developments in the ICANN Community** related to both DNS Abuse Mitigation and Access to gTLD Registration Data and their impact on members' law enforcement and consumer protection organizations.

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

5. **GAC Members to consider encouraging their relevant public safety agencies** (criminal and civil law enforcement, and consumer protection agencies), to share their experience, challenges and successes in the DNS space, and join the work of the PSWG where their operational experience, expertise and policy concerns are needed. The Working Group relies on the continued engagement of its stakeholders and continues to seek volunteers to contribute to and to take on a leading role in shepherding PSWG work.

Relevant Developments

DNS Abuse Mitigation

Per its Statement on DNS Abuse (18 September 2019), the GAC recognised the CCT Review Team's definition of DNS Abuse as the "*intentionally deceptive, conniving, or unsolicited activities that actively make use of the DNS and/or the procedures used to register domain names*", which in technical terms may take the form of Security Threats such as "*malware, phishing, and botnets, as well as spam when used as a delivery method for these forms of abuse*". The GAC recognised that the New gTLD Registry Agreement reflects this understanding in its Specification 11, in particular section 3a[2] and 3b[3].

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

● **During recent ICANN meetings**, PSWG leaders provided detailed briefings to the GAC on the issue of DNS Abuse (see ICANN66 Session and ICANN68 Sessions material). The GAC reviewed measures available to registries and registrars to prevent DNS Abuse, in particular the role of registration policies (including identity verification) and pricing strategies as a key determinants of levels of abuse in any given TLD. The GAC also examined ongoing or possible initiatives to address DNS Abuse more effectively at the ICANN Board and ICANN org level (see ICANN66 Minutes, ICANN68 GAC Communiqué and ICANN68 Minutes for additional information). The PSWG Work Plan includes all these areas as part of Strategic Goal #2 to Develop DNS Abuse and Cybercrime Mitigation Capabilities. This briefing includes updates in several of these areas.

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

  ○ In light of Advice in the GAC Montréal Communiqué (6 November 2019) for the ICANN Board "*not to proceed with a new round of gTLDs until after the complete implementation of the recommendations [...] identified as "prerequisites" or as "high priority"*", and the Board response to this advice (26 January 2020), the PSWG continues to monitor the consideration of key CCT-RT recommendations (6 September 2018) aimed at: the adoption of contractual provisions to incentivize proactive anti-abuse measures (Rec. 14) and to prevent systemic use of registrars or registries for DNS Abuse (Rec. 15); the improvement of research on DNS Abuse (Rec. 16); the improvement of WHOIS Accuracy (Rec. 18); and effectiveness of contractual compliance complaints handling (Rec. 20).

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

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

[4] See Objectives of the PSWG in its Terms of Reference

- ○ The PSWG is also considering the Board resolution to proceed with ICANN's [implementation plan](#) (23 August 2019) for CCT Recommendations that were accepted in the [Scorecard of ICANN Board Action](#) (1 March 2019). The GAC had [commented](#) (21 October 2019) on this plan and highlighted some shortcomings regarding important recommendations to combat DNS Abuse, including the publication of the chain of parties responsible for gTLD domain name registrations (Rec. 17), more detailed information on contractual compliance complaints (Rec. 21), security measures commensurate with the offering of services that involve the gathering of sensitive health and financial information (Rec. 22).

- ○ Following the adoption by the Contracted Parties of a definition of the DNS Abuse (see more on this topic below) the **GAC sought clarification from the ICANN Board during ICANN68** (see [material of GAC/Board meeting](#) on 24 June 2020), in connection with implementation of CCT-RT Rec. 14 (*ICANN to negotiate contractual provisions providing financial incentives for contracted parties to adopt proactive anti-abuse measures*), as to the status and plan regarding the facilitation of community efforts to develop a definition of 'abuse' and to inform further Board action on this recommendation. The GAC recorded in its [ICANN68 Minutes](#) that "*the Board will continue to support community dialogue as it has been doing by facilitating regional and cross-community discussions, by conducting research and developing tools to help inform community discussions, and by providing speakers when requested*".

- ○ During the ICANN68 meeting, the PSWG noted with ALAC stakeholders that progress on both implementation of accepted CCT-RT recommendation and consideration of pending recommendation is unclear. Unsatisfaction was also expressed at a recent [communication](#) (29 April 2020) of the **GNSO Policy Development Process Working Group on New gTLD Subsequent Procedures** 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)

- ● **Discussion of possible GNSO policy development on DNS Abuse Mitigation**

  - ○ Following the New gTLD Subsequent Procedures PDP WG decision not to make any recommendation in the area of DNS Abuse for future New gTLD contracts, the **GNSO Council discussed** in its [meeting](#) on 21 March 2020 **the possibility of initiating a Cross Community Working Group (CCWG)** on matters of DNS Abuse 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.

  - ○ As of 24 September 2020, this matter is identified as "Unplanned" in the [GNSO Council Action/Decision Radar](#).

- **Adoption of measures to mitigate DNS Abuse by Registries and Registrars**
  - Following the publication of the GAC Statement on DNS Abuse (18 September 2019) a set of **leading gTLD registries and registrars proposed a voluntary** Framework to Address Abuse (17 October 2019). Notably, this Framework includes in the scope of possible action by its adopters certain forms of "Website Content Abuse", which it considers "so egregious that the contracted party should act when provided with specific and credible notice". Since its publication and discussion during ICANN66, the list of signatories of this Framework has expanded to include other leading registrars and registries services providers, as well as a number of smaller industry players.
  - On 18 June 2020, the chairs of the **Registry and Registrar Stakeholder Groups** (collectively known as the Contracted Parties House of the GNSO, or CPH) shared with Community leaders that they **adopted a definition of DNS Abuse** mirroring exactly that of the industry-led Framework to Address Abuse:

    DNS Abuse is composed of five broad categories of harmful activity insofar as they intersect with the DNS: malware, botnets, phishing, pharming, and spam when it serves as a delivery mechanism for the other forms of DNS Abuse [referencing the Internet and Jurisdiction Policy Network's Operational Approaches, Norms, Criteria, Mechanisms for definitions for each of these activities].

    This definition **appears to confirm what the CCT Review Team called an existing consensus on "DNS Security Abuse** or DNS Security Abuse of DNS infrastructure" (CCT Final Report p. 8.) and **comports with the GAC's illustrative definition of "Security Threats"** in the 'Security Checks' GAC Safeguard Advice applicable to all New gTLDs of the Beijing Communiqué (11 April 2013) incorporated in the gTLD Registry Agreement under Specification 11 3.b.
  - On 3 January 2020, ICANN org announced a proposed amendment of the .COM Registry Agreement which would **extend contractual provisions to facilitate the detection and reporting of DNS Abuse** (including Specification 11 3b) **to two-third of the gTLD namespace** (they had only been applicable to New gTLDs so far). Additionally, a binding Letter of Intent between ICANN org and Verisign lays out a cooperation framework to develop best practices and potential new contractual obligations, as well as measures to help measure and mitigate DNS security threats.
  - **In the context of the COVID-19 crisis Contracted Parties presented their actions and lessons learned** prior and during the ICANN68 meeting while PSWG stakeholders 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 authorities. These efforts build on working relations established between law enforcement and registrars and well as the publication by the **Registrar Stakeholder Group** of a Guide to Registrar Abuse Reporting reported during ICANN67.

- **ICANN Org's Multifaceted Response and Contractual Enforcement**
  - The ICANN CEO published a blog on 20 April 2020 detailing ICANN Org's [Multifaceted Response to DNS Abuse](#)
  - **ICANN's Office of the CTO (OCTO) and its Security Stability and Resiliency Team** (SSR) conduct research and maintains ICANN's expertise in DNS security for the benefit of the Community. It is engaged in a variety of cyber threats intelligence and incident response fora including the [Forum of Incident Response and Security Teams](#) (FIRST), the [Messaging, Malware and Mobile Anti-Abuse Working Group](#) (M3AAWG), the [Anti-Phishing Working Group](#) (APWG), the US [National Cyber-Forensics and Training Alliance](#) (NCFTA) and the recent COVID-19 Cyber Threat Coalition (CTC) and Intelligence League (CTI).
  It is also developing systems and tools to assist in identification, analysis and reporting DNS Abuse:
    - In response to the COVID-19 crisis, OCTO developed the **Domain Name Security Threat Information Collection and Reporting (DNSTICR)** tool to help identify domain names used for COVID-19-related abuse and share data with appropriate parties. The GAC was [briefed](#) on this matter prior to ICANN68 (12 June 2020), as was the ICANN Community [during the ICANN68 meeting](#).
    - Through its **Domain Abuse Activity Reporting (DAAR) platform**, ICANN has [reported monthly](#) since January 2018 on domain name registration and security threats behavior observed in the DNS. It also monitor trends through its [Identifier Technologies Health Indicators](#) (ITHI). Several stakeholders and ICANN initiatives have commented on the limitations of DAAR, in particular a [letter](#) from the M3AAWG to ICANN org (5 April 2019) and the [Draft Report](#) of tSSR2 Review Team (24 January 2020) which the GAC supported (see below). The Registry Stakeholder Group who had also expressed their concerns with DAAR and was know to be working with ICANN in its evolution, recently made recommendations in a [correspondence](#) to ICANN's CTO (9 September 2020)
  - ICANN OCTO also supports the recently [launched](#) (6 May 2020) **DNS Security Facilitation Initiative Technical Study Group**, as part of the implementation of the [FY21-25 Strategic Plan](#), 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.
  - **Contractual Compliance enforcement**: in its [blog](#) (20 April 2020), the ICANN CEO recalled: *"ICANN Compliance enforces the contractual obligations set forth in ICANN's policies and agreements, including the Registry Agreement (RA) and the Registrar Accreditation Agreement (RAA). ICANN Compliance also works closely with OCTO to identify DNS security threats [...] and associate those threats with the sponsoring contracted parties. ICANN Compliance uses data collected in audits [...] to assess whether registries and registrars are adhering to their DNS security threat*

obligations. Outside of audits, ICANN Compliance will leverage data collected by OCTO and others to proactively engage with registries and registrars responsible for a disproportionate amount of DNS security threats. Where constructive engagement fails, ICANN Compliance will not hesitate to take enforcement action against those who refuse to comply with DNS security threat-related obligations.". The blog also provided a sense of volumes of complaints, resources allocated to their processing and statistics on resolution of these complaints.

- Since the ICANN66 meeting, several sessions were dedicated to **Community discussion of the effectiveness of enforcement as well as the enforceability of current contract provisions** related to DNS Abuse, including:

    - [ICANN66 Cross Community Session on DNS Abuse](#) (6 November 2020)

    - [ICANN67 At-Large Session on Contract Compliance](#) (9 March 2020)

    - [ICANN68 ALAC Session on Public Interest Commitments and the associated Dispute Resolution Procedure](#) (22 June 2020)

- PSWG Leaders are following **correspondence being exchanged** on these enforcement and enforceability matters, **between the ICANN Board and the Business and Intellectual Property Constituencies** of the GNSO:

    - BC [Statement Regarding Community Discussion on DNS Abuse](#) (28 October 2019)

    - [Letter from the BC to the ICANN Board](#) (9 December 2019)

    - [Response from the ICANN Board Chairman to the BC Chair](#) (12 February 2020)

    - [Letter from the IPC to the ICANN Board](#) (24 April 2020)

    - [Response from the ICANN Board Chairman to the IPC Chair](#) acknowledging the questions and pointing to a future meeting after ICANN68 (10 June 2020)

- **The Working Party on DNS Abuse of the Security and Stability Advisory Committee (SSAC)** is expected to Report on its activities and findings

    ○ During the ICANN66 meeting, the SSAC reported to the PSWG its initiation of a Working Party on DNS Abuse, in which **a representative of the PSWG has taken part**.

    ○ Since then, the SSAC has signaled its intention not to declare a definition of DNS Abuse. Instead, the Work Party is expected to focus on roles of appropriate parties, building on Community perspectives and existing Frameworks. The Work Party's goal is to produce a report that outlines potential efforts to standardize community strategies and processes surrounding abuse identification and mitigation.

- **Security Stability and Resiliency Review Recommendations**

    ○ 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 a blog on 1 June 2020). A pre-ICANN69 progress update webinar is planned on 7 October 2020 at 1500 UTC.

○ A number of DNS Abuse-related recommendations fall in the scope of the PSWG Work Plan and are consistent with CCT-RT Recommendations as well as previous GAC input regarding the definition of DNS Abuse, limitations of Domain Abuse Activity Reporting (DAAR), new contractual provisions, effectiveness of contractual compliance enforcement. Several recommendations point to new work streams also identified in the PSWG Work Plan 2020-2021 such as the inclusion of ccTLDs in DNS Abuse mitigation efforts, and the investigation of the security implication of DNS encryption technologies (DNS over HTTPS, or DoH).

● **Two particular current policy issues** are of interest to the PSWG as it relates to mitigating DNS Abuse: **Accreditation of Privacy/Proxy Services** and the **Accuracy of gTLD Registration Data**

○ The PSWG continues to seek the implementation of **accreditation of Privacy/Proxy Services** providers with an appropriate law enforcement disclosure framework in line with GNSO policy recommendations dating back to 2013. During ICANN68, law enforcement representatives reported to the GAC being impaired in identifying perpetrators of COVID-19 related abuse in 65% of cases because of non-disclosure of registration data protected by a privacy/proxy service. In the GAC Comments on the RDS-WHOIS2 Review Team Final Report (23 December 2019), the GAC recalled that the correlation between the use of privacy/proxy service and DNS Abuse is established, and reminded of its GAC Kobe Communiqué and GAC Montréal Communiqué advice to the ICANN Board to consider restarting this implementation. Most recently, the ICANN Board responded (25 February 2020) to a letter from the Coalition for Online Accountability (31 October 2019) referring to an ongoing ICANN review of the impact of EPDP policy recommendations on the PPSAI policy recommendation and implementation work completed to date.

○ **Accuracy of gTLD Registration data** is a policy area of high impact for the mitigation of DNS Abuse that the PSWG is pursuing. In its Comments on the RDS-WHOIS2 Review Team Final Report (23 December 2019), the GAC recalled its concerns regarding this systemic issue that negatively affects the security and stability of the DNS, noted that in its view registration data accuracy is not solely a responsibility of registrants, and concluded that enforcement of registrar contractual obligation by ICANN is critical and necessitates proactive monitoring of registration data at scale. This matter is currently discussed in the context of ongoing and future GNSO policy development, discussed in the next section of this briefing, and as well as in the ICANN69 GAC Briefing on WHOIS and Data Protection.

WHOIS: Accessibility and Accuracy of Domain Registration Data

Efforts by ICANN to bring WHOIS in compliance with the EU General Data Protection Regulation (GDPR) have created impediments for law enforcement and consumer protection agencies to access WHOIS data, which is a critical investigative tool for law enforcement. These impediments on investigations[5] have compounded existing challenges with the permanent and growing security threat environment and adversely impact Law Enforcement's ability to conduct investigations, notify victims in a timely manner, and disrupt ongoing criminal activity. This was recognized in the GAC Barcelona Communiqué (25 October 2018) and in a GAC letter to the ICANN Board (24 April 2019) prior to its adoption of recommendations from Phase 1 of the Expedited Policy Development Process (EPDP) on gTLD Registration Data.

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

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

● **Requirement for Contracted Parties to provide Reasonable Access** to non-public gTLD registration data: the PSWG is considering the ICANN Board response (26 January 2020) to the Advice in the GAC Montréal Communiqué (6 November 2019) and the subsequent clarification (20 January 2020) provided by the GAC which aimed to ensure that while new policy is being developed, interim mechanisms are effective and their deficiencies addressed. As anticipated by the Board in response to GAC Advice, ICANN Contractual Compliance has deployed new complaint forms and is now reporting data[7] for alleged violations of the Temporary Specification on gTLD Registration Data since 1 February 2020.

● **Implementation of EPDP Phase 1 Recommendations**: while Phase 2 of the EPDP recently concluded and next steps remains a current focus of ICANN Community attention[8], the PSWG is also following and contributing to the implementation of the EPDP Phase 1 Policy recommendations. In particular, in light of previous GAC advice, last in the GAC Montréal Communiqué, PSWG representatives seek to ensure that the implementation is done in a timely manner that is consistent with the policy recommendations.

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

[6] Per Objectives in the PSWG Terms of Reference

[7] See ICANN Contractual Compliance Dashboard for August 2020 under headers "[Registry/Registrar] Complaints with Evidence of Alleged Violation of the Temporary Specification - 1 February 2020 to Date" and "[Registry/Registrar] Inquiries/Notices Related to Temporary Specification Sent and Closed in August 2020

[8] See ICANN69 GAC Briefing on WHOIS and Data Protection Policy

- **Standardized System for Access and Disclosure (SSAD) to non-public gTLD registration data** proposed in the [Final Report](#) of EPDP Phase 2 (7 February 2020)

  ○ PSWG participants have contributed case experience and expertise to inform positions and contributions of the GAC Representatives in the EPDP Team, in particular regarding the [GAC Accreditation Principles](#) (21 January 2020), automation of responses to law enforcement requests in jurisdiction, and Service Level Agreements for responses to urgent request and most recently the [GAC Minority Statement on the EPDP Phase 2 Final Report](#) (24 August 2020).

  ○ The PSWG continues to track progress of discussions in the GNSO Council regarding the so-called ["Priority 2" Items](#) not addressed in Phase 2 of the EPDP which include policy areas that have direct impact on DNS Abuse, such as the Accuracy of WHOIS information, and the accreditation of Privacy/Proxy Services providers.

- **RDS-WHOIS2 Review Team Recommendations**: following ICANN's [report](#) (6 February 2020) of the Public Comment period on the final recommendations of this Bylaw-mandated review, which included a [contribution](#) from the GAC (23 December 2019), the ICANN Board [adopted](#) a set of [Board actions](#) (25 February 2020).
  The GAC had highlighted the importance of several objectives and activities called for by the RDS-WHOIS2 Review Team (in which PSWG participants represented the GAC):

  ○ Establishing a Strategic Foresight Function for Regulatory and Legislative Developments affecting ICANN in furtherance of a new strategic goal [adopted](#) by ICANN in its [2021-2025 Strategic Plan](#). This recommendation was accepted by the Board

  ○ Proactive Compliance Enforcement and Reporting of WHOIS Data Accuracy, which the GAC argued must continue at scale and despite current impediments, given the importance of accuracy requirements for preventing and mitigating DNS Abuse, and the extent of estimated nature of inaccuracies. This recommendation is placed in pending status, to be considered by the ICANN Board upon completion of EPDP Phase 2

  ○ Accreditation of Privacy/Proxy Services and Validation of Registration Data Using Them, which was subject of Follow-up on GAC Advice in the [GAC Montréal Communiqué](#) (6 November 2019), in [response](#) to which (26 January 2020) the ICANN Board pointed to [impact analysis](#) being conducted by ICANN org in the context of the EPDP Phase 1 Implementation. This recommendation was also placed in pending status, to be considered by the ICANN Board upon completion of EPDP Phase 2

Current Positions

- [GAC Minority Statement on the EPDP Phase 2 Final Report](#) (24 August 2020)
- [GAC Comments](#) on the RDS-WHOIS2 Review Recommendations (23 December 2019)
- [GAC Montréal Communiqué](#) (6 November 2019)
- [GAC Statement on DNS Abuse](#) (18 September 2019)

Key Reference Documents

- [PSWG Work Plan 2020-2021](#) (16 March 2020)
- [ICANN66 GAC Briefing on DNS Abuse](#) (30 October 2019)

Further Information

- [ICANN68 Briefing on DNS Abuse](#) (18 June 2020)
- [ICANN69 GAC Briefing on WHOIS and Data Protection Policy](#) (24 September 2020)

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RDS/WHOIS and Data Protection Policy

Session 6

Contents

Session Objective

Review the latest developments regarding efforts to bring Whois into compliance with applicable Data Protection Law, in particular following the publication of the EPDP Phase 2 Final Report. While the report, its policy recommendations for Standardized System for Access and Disclosure of non-public registration data and the minority statements of various stakeholders are expected to be considered by the GNSO Council and the ICANN Board for adoption, a number of policy areas are expected to undergo further work, including registration data accuracy and distinguishing the publication of legal vs. natural person registration data.

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 services[1], 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 Advice[2] 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 interest[3].

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[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 ICANN69

1. **Determine a GAC position on** the recent GNSO Council [resolution](#) (24 September 2020) to forward **policy recommendation of the EPDP Phase 2** [Final Report](#) (31 July 2020) to the ICANN Board, either in response to an upcoming call for public comments by the ICANN Board, or as possible GAC Advice to the ICANN Board, taking into account the public policy concerns expressed in the [GAC Minority Statement](#) (24 August 2020). In addition, the GAC may wish to consider **input to the Board in the context of the GNSO's requested consultation with the ICANN Board prior to its consideration of the policy recommendations** to discuss "*questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements [...] including whether a further cost-benefit analysis should be conducted before the ICANN Board considers all SSAD-related recommendations for adoption*".

2. **Consider GAC positions and proposals to address the issue of inaccurate RDS data** being processed in contradiction with data protection principles which, contrary to GAC expectations, was not addressed during EPDP Phase 2. The GNSO Council is contemplating a scoping effort which signals that this issue would not be addressed until the launch of a new specific Policy Development Process (either by a vote of the GNSO Council or a resolution of the ICANN Board[4]).

3. **Develop GAC proposals for input into a reconvened EPDP** expected to address two additional policy issues deprioritized during Phase 2**:**

    a. Distinguishing the treatment and level of protection required for **legal (versus natural) entities**

    b. Exploring the feasibility of **unique contacts** and **uniform anonymized email addresses**

4. **Consider engagement of relevant parties** (Data Protection Authorities, the ICANN Board, ICANN org and GNSO Council) as appropriate, **to resolve additional pending policy and implementation issues** of public interest concern, including:

    a. Ensure **accuracy of registration data** in view of the purposes for which such data is processed

    b. Clarify personal data **disclosure responsibilities between ICANN and Contracted Parties,** as well as the issue of **controllership**

    c. Address **international data transfers**, when registration data disclosure crosses different jurisdictions

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[4] Per [Annex A](#) of the [ICANN Bylaws](#), the ICANN Board "*may request an Issue Report by instructing the GNSO Council ("Council") to begin the process outlined the PDP Manual*" (Annex A section 3) and eventually initiate a PDP without voting of the GNSO Council (Annex A section 5). Annex A also provides that the GAC, as an Advisory Committee, "*may raise an issue for policy development by action of such committee to request an Issue Report, and transmission of that request to the Staff Manager and GNSO Council.*" (Annex A section 3). This triggers the creation of an Issue Report within 45 days, which then undergoes public comments. (Annex A Section 4). Upon consideration of the Public Comments, and finalization of the Issue Report, the GNSO Council may initiate the PDP by vote.

d. 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.

5. **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)

6. Continue **to assess the effectiveness of interim arrangements for access to non-public data** 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.

  - As anticipated by the Board in response to GAC Advice, ICANN Contractual Compliance has deployed new complaint forms and is now reporting data[5] for alleged violations of the Temporary Specification on gTLD Registration Data since 1 February 2020.

- **Policy Development in Phase 2 of the EPDP** which aimed to propose a Standardized System for Access/Disclosure (SSAD) to gTLD Registration Data **has now concluded,** with the publication of the Final Report (31 July 2020). A significant level of divergence was expressed by various stakeholders are documented in the Consensus Designations (Annex D) and Minority Statements (Annex E), including the GAC Minority Statement (24 August 2020).

  - **Consensus was achieved on** aspects of the SSAD relating to **accreditation of requestors and centralization of requests** (recommendations 1-4, 11, 13 and 15-17). Once implemented these recommendations should improve the current fragmented systems by providing a central entry point to request access to registration data, according to clearly defined standards, and providing guarantees of appropriate processing (including safeguards for data subjects and requestor).

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[5] See ICANN Contractual Compliance Dashboard for August 2020 under headers "[Registry/Registrar] Complaints with Evidence of Alleged Violation of the Temporary Specification - 1 February 2020 to Date" and "[Registry/Registrar] Inquiries/Notices Related to Temporary Specification Sent and Closed in August 2020"

- **Stakeholders could not agree on** the policy recommendations necessary to provide for **a standardized system of disclosure** that meets the needs of all stakeholders involved, including public authorities (recommendations 5-10 and 12).

- While an **evolution mechanism** was to ensure that the SSAD could evolve towards more centralization and more automation of disclosure decisions (recommendation 18) as part of an EPDP Team compromise, **stakeholders were not able to agree** on the scope of evolution recommendations that would not require an entirely new GNSO Policy Development Process, in particular when it comes to automation and centralization of disclosure decisions.

- Despite significant levels of reservation and opposition, **the GNSO Council adopted the EPDP Phase 2 recommendations** to be forwarded to the ICANN Board for their consideration**, while requesting a consultation with the Board** in the meantime, and while also considering further policy work on policy issues not addressed by the EPDP**.

  - The GNSO [resolution](#) (24 September 2020) adopted the 18 EPDP Phase 2 recommendation that seek to establish an SSAD, despite the Business and Intellectual Property Constituencies voting against this motion[6].

  - The resolution also includes a **request to the ICANN Board for a consultation** prior to its consideration of the policy recommendations **to discuss "*questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements [...] including whether a further cost-benefit analysis should be conducted before the ICANN Board considers all SSAD-related recommendations for adoption*"**[7].

  - **The GNSO also continues its consideration of** an [EPDP Chair proposal](#) (10 September 2020) to address **the so-called "Priority 2" policy issues** not addressed during phase 2 of the EPDP, and is expected to decide during ICANN69 to:

    – Reconvene the EPDP to address the issue of **legal vs. natural persons** and the **feasibility of unique contacts** to have a uniform anonymized email address.

    – Form a Scoping Team consisting of volunteers from GNSO Stakeholder Groups and Constituencies as well as interested Advisory Committees to facilitate understanding of the issue of **Accuracy and WHOIS Accuracy Reporting System** before further policy work.

- The ICANN CEO and ICANN Board leadership introduced to the leaders of ICANN's Advisory Committees and Supporting Organizations a [proposal to establish an Operational Design Phase](#) (2 October 2020) to "a*llow the Board to obtain relevant information about any operational and resourcing issues associated with certain policy implementation efforts [...]*

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[6] See rationale of these votes against the adoption of the EPDP Phase 2 recommendations in the [BC Statement](#) and the [IPC Statement](#). The [RySG](#) and [RrSG](#) also released a statement supporting their votes in favor of the recommendations.

[7] During a recent GAC/GNSO Leadership call (29 September 2020) and during the pre-ICANN69 [Joint GAC/GNSO Call](#) (1 October 2020), The GNSO leadership clarified that it intends to focus this consultation on the issue of financial sustainability and that it was not expectws to change its policy recommendations to the ICANN Board.

prior to Board action on GNSO-approved policy recommendations" noting that *this* would *"likely only be needed for complex, costly or other large-scale implementation efforts."*. It is not yet clear whether such a process is considered to address the EPDP Phase 2 recommendations.

● **Recent GAC discussions with the ICANN CEO covered concerns and implementation matters which are expected to be further discussed** between GAC topic leads and ICANN org according to a [communication by the GAC Chair](#) to the Membership (17 September 2020):
  During the [GAC Discussion with ICANN CEO: WHOIS/GDPR Policy and Implementation Matters](#) (28 May 2020):

  ○ 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 following ICANN's recent [letter to the EDPB](#) (22 May 2020).

  ○ 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.**

  During the [GAC Dialogue with the ICANN CEO](#) (14 September 2020), following the [ICANN CEO letter to the GAC Chair](#) (10 September 2020) in response to the [GAC Minority Statement](#) (24 August 2020):

  ○ The ICANN CEO called on relevant legislators to provide their assistance in **facilitating interpretation of applicable data protection law**

  ○ GAC representatives reiterated the GAC's view that there is a risk of non-compliance with the GDPR if the reasonable **steps to be taken by data controllers to achieve data accuracy** are not clarified

  ○ On the topic of **controllership**, European Commission representatives suggested that the System for Standardized Access and Disclosure of gTLD Registration Data (SSAD) should provide clarity on the roles and responsibilities of various parties, and called on ICANN to establish controllership agreements as part of the elaboration of the SSAD to avoid creating uncertainty.

  ○ Regarding **disclosure decisions**, the ICANN CEO shared ICANN's view that Contracted Parties have the legal responsibility to make these decision and reiterated the request for the GAC to clarify the basis for its statement that granting contracted parties full discretion in reviewing disclosure requests *"may undermine the obligation to ensure the continued viability of domain name registration data as a*

tool to vindicate the rights and interests of the public, agencies tasked with protecting the public, and commercial and intellectual property constituencies".

On 2 October 2020, the ICANN CEO sent a [letter](#) to the European Commission seeking its assistance in obtaining greater legal clarity on the above issues discussed with the GAC.

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](#) wich 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

- Following initial interim steps in implementation of the Board resolution, as [reported](#) to the GAC by its PSWG during ICANN67, as of ICANN69, ICANN org reported on the availability of a **new [complaint forms](#) along with ICANN Compliance reporting data**[8] for alleged violations of the Temporary Specification on gTLD Registration Data. In the meantime, Contracted parties presented their [Practical Insights on Data Disclosure for Contracted Parties](#) (22 September 2020).

- 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.*"

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[8] See [ICANN Contractual Compliance Dashboard for August 2020](#) under headers "[Registry/Registrar] Complaints with Evidence of Alleged Violation of the Temporary Specification - 1 February 2020 to Date" and "[Registry/Registrar] Inquiries/Notices Related to Temporary Specification Sent and Closed in August 2020"

Focus: Ongoing Policy Development and Implementation

- On 31 July 2020, the EPDP Team officially completed the EPDP Phase 2 deliberations, which had started in May 2019 under the leadership of Janis Karklins, Latvian Ambassador to the UN in Geneva and former GAC Chair, and with a GAC representation composed of:

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

- Originally the EPDP Team had been aiming to release its Final Report by ICANN67. As highlighted during the GAC Webinar on EPDP (25 September 2019) and its associated Discussion Paper: GAC representatives in the EPDP shared the expectation 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 work[9] 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, it became clear that this would not be the case, as evidenced in the Addendum to the Phase 2 Initial Report (26 March 2020), in light of legal advice received by the EPDP Team and timeline pressures which 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 Summary (17 February 2020), initially 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

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[9] 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**, as reflected in the EPDP Phase 2 Final Report (31 July 2020) and its Consensus Designations (Annex D), **did not prove entirely satisfactory to the GAC and other stakeholders** who submitted Minority Statements (Annex E).

- In particular, **the GAC submitted**, along with those of the ALAC, SSAC, BC and IPC, and with the support of most of them, a [Minority Statement](#) (24 August 2020) which noted that the EPDP Phase 2 Final Recommendations:
    - Concluded with a fragmented rather than centralized disclosure system;
    - Do not contain enforceable standards to review disclosure decisions;
    - Do not sufficiently address consumer protection and consumer trust concerns;
    - Do not contain reliable mechanisms for the System for Standardized Access/Disclosure (SSAD) to evolve in response to increased legal clarity; and
    - May impose financial conditions that risk an SSAD that calls for disproportionate costs for its users including those that detect and act on cyber security threats;
    - Do not address key issues, most notably data accuracy, the masking of data from legal entities not protected under the GDPR, and the use of anonymised emails.
    - Would benefit from further clarifying the status and role of each of the data controllers and processors.

- Despite this level of reservation and opposition, **the GNSO Council adopted the EPDP Phase 2 recommendations for consideration by the ICANN Board** in a [resolution](#) (24 September 2020) against which the Business and Intellectual Property Constituencies voted. They offered a rationale for their opposition in respective statements: see [BC Statement](#) and the [IPC Statement](#)[10].

- The GAC requested that the GNSO ensures that the **"Priority 2" policy issues be promptly addressed in the EPDP in final Phase 3**. On this matter, **the GNSO has been considering** an [EPDP Chair proposal](#) (10 September 2020), and is expected to be deciding during ICANN69 to:
    - Reconvene the EPDP to address the issue of **legal vs. natural persons** and the **feasibility of unique contacts** to have a uniform anonymized email address.
    - Form a Scoping Team consisting of volunteers from GNSO Stakeholder Groups and Constituencies as well as interested Advisory Committees to facilitate understanding of the issue of **Accuracy and WHOIS Accuracy Reporting System** before further policy work.

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[10] See rationale of these votes against the adoption of the EPDP Phase 2 recommendations in the [BC Statement](#) and the [IPC Statement](#). The [RySG](#) and [RrSG](#) also released a statement supporting their votes in favor of the recommendations.

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

- **Between September and November 2018, ICANN reported on its work[11]** 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

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[11] 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].

● Following the [GAC/ICANN CEO Dialogue] (14 September 2020), and referring the [GAC Minority Statement on the EPDP Phase 2 Final Report] (24 August 2020), the ICANN CEO [sought the support of the European Commission] (2 October 2020) **to "*obtain greater legal clarity and certainty with respect to the application of the GDPR*" in particular regarding the issues of Controllership, Accuracy of Registration Data and international data transfers**. The letter highlighted that "*ICANN and the ICANN community have embarked on an effort to ensure the rights of data subjects are protected without sacrificing the critical efforts of other stakeholders, including public authorities worldwide*", in keeping with Public authorities' (including the EU Member States) persistent ask for "*a stable, predictable, and workable method for accessing non-public WHOIS data for users with a legitimate interest or other legal basis as provided for in the GDPR.*" He pointed out that "*[t]he ICANN community develops policies for gTLDs within the boundaries of the law. The community policy development process cannot, nor should it be able to, define, interpret, or change applicable law. The recommendations developed by the ICANN community with respect to the SSAD are therefore greatly impacted by the legal uncertainty and lack of clarity that exists under the GDPR with respect to a number of issues*". The letter stated that "*further dialogue with the Data Protection Authorities is necessary [...] to ensure that ICANN can implement a*

mechanism for access to non-public gTLD registration data that is predictable, transparent, accountable, protects the rights of data subjects, and also meets the needs of parties who have a legitimate interest in accessing gTLD registration data as advised by ICANN's Governmental Advisory Committee [...]”.

Current Positions

- GAC Minority Statement on the Final Report of Phase 2 of the EPDP on gTLD Registration Data (24 August 2020)

- 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

  - Summary Notes of [GAC/CEO Dialogue](#) (14 September 2020) following the [ICANN CEO Letter to the GAC Chair](#) (10 September 2020) in response to the GAC Minority Statement on the EPDP Phase 2 Final Report

  - [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)

  - European Commission [Technical Input on proposed WHOIS Models on behalf of the European Union](#) and [Cover Letter](#) (7 February 2018)

- 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

  - EPDP Phase 2 [Final Report](#) (31 July 2020)

  - [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
    - ICANN Study on the Differentiation between Legal and Natural Persons in Domain Name Registration Data Directory Services (8 July 2020) prepared per recommendation 17.2 of the Final Report of EPDP Phase 1
    - 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
    - Use 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

Document Administration

Meeting	ICANN69 Virtual Annual General Meeting, 13-22 October 2020
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Governmental Advisory Committee

ICANN 69 VIRTUAL ANNUAL GENERAL

GAC and ALAC Joint Meeting

Session #8 - GAC & ALAC joint meeting

Contents

Session Objective

The GAC and the At-Large Advisory Committee (ALAC) meet at ICANN Meetings to discuss public policy matters of government and Internet end-user interest.

At ICANN69, the ALAC and GAC will discuss the issues of common interest pertaining to the Expedited Policy Development Process (EPDP) Phase 2, and the New gTLDs Subsequent Procedures (SubPro).

Background

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

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

Agenda

1. EPDP

GAC and ALAC representatives will discuss matters related to WHOIS and Data Protection in particular following the conclusion of Phase 2 of the Expedited Policy Development Process (EPDP) on the Temporary Specification for generic top-level domain (gTLD) Registration Data with the publication of its Final Report on 30 July 2020, including minority statements by the GAC and ALAC (See Annex E of Final Report). Discussion is expected to focus on next steps, following expected deliberations of the GNSO Council on policy recommendations to the ICANN Board and consideration of further policy work regarding the so called "Priority 2" issues not addressed during EPDP Phase 2 (Legal vs. Natural, Uniques pseudonymized contacts and WHOIS Accuracy).

2. Subsequent Procedures

The GAC and ALAC will focus on potential opportunities for coordination and convergence on topics of interest related to Subsequent Rounds of New gTLDs following the publication of the New gTLDs Subsequent Procedures PDP WG Draft Final Report, submitted for Public Comment, to which the GAC is expected to file a consolidated comment by 30 September 2020.

3. AOB

Key Reference Documents

GAC Minority Statement on the Final Report of the Phase 2 of the EPDP on gTLD Registration Data

ICANN CEO letter to GAC on Minority Statement on EPDP Phase 2 Final Report

Addendum to the ALAC Statement on EPDP

Subsequent Rounds for New gTLDs PDP WG Draft Final Report

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

GAC Comment on Subsequent Rounds for New gTLDs PDP WG Draft Final Report

Further Information

[GAC and ALAC activity page](#)

Document Administration

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Governmental Advisory Committee

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GAC ICANN69 Wrap-Up Session
Session # 10 - GAC Wrap-Up Session

Contents

Session Objectives

Based on the GAC's experiences during the ICANN67 Virtual Community Forum and the ICANN68 Virtual Policy Forum, a final GAC "wrap-up" session has been scheduled at ICANN69 to enable the GAC to conduct follow-up discussions regarding any timely topics or issues that arise during the ICANN69 meeting week. The additional flexible time can also be used by GAC members to discuss specific follow-up or next-step activities that may be triggered during the meeting week.

Planning for Future GAC Meetings and Activities

Among other topics that might arise, during this session GAC Members will have the opportunity to share their views regarding the planning and implementation of GAC meetings during the next several ICANN Public Meetings.

ICANN69 represents the third "virtual" GAC meeting in a row. As the ICANN org contemplates arrangements for future public meetings, individual ICANN communities have been given the opportunity to share their views collectively during a community session on Monday 19 October and to reflect on future planning within their own communities as the prospects for face-to-face meeting potentially return in 2021.

This session will give GAC members an opportunity to take stock of those recent discussions (including the 19 October community session) and examine how the GAC can continue to maintain its own effective operations and activities during these challenging times. Additionally, GAC members will be asked their assessment of the ICANN69 meeting implementation and share comments and ideas for future improvements.

Further Information

GAC working groups continue to make progress between ICANN public meetings in their various areas of focus and expertise. These working groups regularly update their individual working group web pages. GAC Members and Observers are invited to review those pages for additional progress updates.

GAC Working Group Web Page links:

- 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

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