
GAC Opening Plenary Session

Session # 1 - Opening Plenary

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Session Objectives

The Opening Plenary Session is the first opportunity for GAC participants to gather, introduce themselves and prepare for the public meeting week. During this session, the GAC Chair typically offers information and updates to the GAC about developments since the last public 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.

During this opening session, the GAC Chair plans to report on the committee efforts made regarding action items and next steps identified during the ICANN70 Virtual Community Forum. GAC participants will be invited to share comments on their meeting goals and expectations.

During traditional GAC face-to-face meetings, the Opening Plenary session gives delegates from all the attending GAC Members and Observer organizations the opportunity to introduce themselves. The revised “virtual” format of this ICANN71 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.

As an alternative to the opening plenary introductions, for the second time, the GAC will offer a social networking session during the meeting week of ICANN71 to give GAC participants an opportunity to meet virtually in a Zoom room and personally introduce themselves. When this type of session was attempted during ICANN70, it received positive feedback from participants.

Recent Developments

The GAC Chair will likely report on recent discussions among ICANN Community leaders from other ICANN Supporting Organizations and Advisory Committees and recent discussions among the Board-GAC Interaction Group (BGIG).

Since ICANN70, the GAC has been an active contributor to a number of ICANN community public forums and cross community efforts including [comments](#) regarding the Final Report of the Second Security, Stability, and Resiliency (SSR2) Review Team. GAC public comments 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 ICANN70, the GAC also sent and received written correspondence regarding various matters of importance to GAC members including the GNSO Policy Development Process on the Review of All Rights Protection Mechanisms in All gTLDs Phase 1, a GAC Response to the ICANN Board Regarding EPDP Phase 2 Policy Recommendations 19-22, and New gTLD Subsequent Procedures Policy Development Process Outputs. Correspondence documents related to those matters and others since ICANN70 are posted and tracked on a special web page of the GAC web site which can be accessed here - <https://gac.icann.org/advice/correspondence/>.

During the ICANN70 Virtual Community Forum, the GAC Support Staff noted a number of follow-up matters and action items agreed to among GAC attendees. Those items are tracked via a google collaboration document that can be accessed here - <https://docs.google.com/spreadsheets/d/1q2jygHjk1MQHoUYj2k1hjPDaw5TAebMRWqG98Go6eEY/edit#gid=1067667374>.

Agenda

The GAC Chair will welcome GAC participants to the meeting and offer a review of GAC activities since the ICANN70 meeting. She will highlight a number of substantive and operational matters that the committee is currently addressing and identify a number of new work efforts that will attract committee attention in the coming months. During the session, GAC working group leaders will also offer updates on their work progress on various matters.

Key Reference Documents

- GAC ICANN70 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>
- Information about ICANN org proposal for a new Operational Design Phase - <https://www.icann.org/en/system/files/files/odp-form-concept-paper-18dec20-en.pdf>
- ICANN org Community Consultation on ICANN Public Meetings - <https://ccnso.icann.org/sites/default/files/field-attached/community-consultation-icann-public-meetings-strategic-changes-11dec20-en.pdf>
- GAC Guidelines for Participating in the Empowered Community - <https://gac.icann.org/contentMigrated/guidelines-for-gac-participation-in-the-empowered-community>

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GAC Meeting with ICANN Board (and Prep Session)

Session # 2 - Preparation for Meeting with ICANN Board

Session # 10 - GAC Meeting with ICANN Board

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Purpose and Background

One of the key operational features of an ICANN Public Meeting is that it creates the opportunity for the GAC to meet and interact with other ICANN groups, organizations and structures - enabling the committee to coordinate and resolve specific policy work and operational matters and to build channels of communication with other groups to address current issues of interest and facilitate future informational 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 (BGIG) which is covered by a separate briefing document. For this meeting cycle, that meeting will not take place as part of this ICANN71 Virtual Policy Forum, but will occur a couple weeks before the core meeting week.

Relevant Developments and Previous Meeting Experiences

To provide enough preparation time for the GAC meeting with the ICANN Board, a GAC work session has been scheduled for Monday 14 June (Session #2) to allow GAC Members to finalize their preparations for the Board-GAC Meeting on 15 June 2021.

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. For ICANN71, no particular questions or topics have been proposed by the Board.

GAC members were asked via emails on 26 April, 2 May, 14 May and during the GAC ICANN71 Agenda Setting Call on 4 May to suggest potential topics or questions to present to the Board at ICANN71. Set forth below please find the collected list of proposed topics and questions that the GAC subsequently shared with the Board Support team on 26 May.

Topic 1: WHOIS/GDPR Matters

The Timeline for SSAD Implementation

Question or Potential Discussion - GAC Members could ask specifically about the status of the SSAD ODP in light of the 25 March Board decision on this matter:

Measures to Address Issues Identified in the EPDP Phase Two Final Report by the GAC in the ICANN70 Communique

It has been noted that it might be useful to wait for the GAC's consideration of the Board Scorecard on the ICANN71 advice which may lead GAC Members to ask more pertinent and focused questions.

Distinction between Legal vs. Natural Persons in gTLD Registration Data (EPDP Phase 2A) and Accuracy of gTLD Registration Data (Expected GNSO Scoping Team)

Question or Potential Discussion – The GAC may follow-up with the Board on these matters once the outcome of ongoing deliberations in EPDP Phase 2A (regarding Legal vs. Natural) and in the GNSO Council (regarding a scoping of Accuracy issues) are clearer.

Topic 2: CCT Review Recommendations

Question or Potential Discussion - Update from the Board on the development of a “tracker document” to report/assess follow-up on relevant CCT Review recommendations (as referenced in the GAC Communique from ICANN70)

Topic 3: DNS Abuse

Question or Potential Discussion - During ICANN71, the GAC is expected to seek clarity from the ICANN Board on the next steps it expects are needed to address the issue(s) in this area.

Topic 4: SSR2 Recommendations

Question or Potential Discussion - An update from the Board on how the SSR2 recommendations are being considered or might be addressed going forward

Topic 5: ICANN Return to In-Person Meetings

Question or Potential Discussion – Discuss ideas and efforts to ensure diverse and active participation at ICANN Public Meetings as the organization returns to physical meetings.

It has been noted that discussions during the upcoming BGIG meeting on 1 June 2021 could influence the consideration of these various topics at ICANN71. As is the usual practice, GAC

Support Staff will update the Board to the extent further GAC discussions refine or streamline the identified topics in any substantive ways.

Session Agendas

Session # 2 - Monday 14 June - Preparation for Meeting with ICANN Board

The Monday 14 June preparation session will enable GAC Members to review and confirm 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 # 10 - Tuesday 15 June - Meeting with ICANN Board

A preliminary meeting agenda for the meeting (as of 15 May) is:

- A. Introductions
- B. Discussion of Specific GAC Priority Areas (including specific GAC topics/questions – shared in advance of meeting)
- C. Closing

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>;
- 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>

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DNS Abuse Mitigation

Sessions #3

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Session Objectives

This session aims to continue GAC consideration of ICANN and ICANN community initiatives to prevent and mitigate DNS Abuse, including in response to recommendations of the CCT and SSR2 Reviews and discussions following the Final Report of GNSO's Subsequent New gTLD Procedures PDP WG. This session will also include continued discussion of possible concrete proposals by the GAC on this matter.

Background

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

These threats and malicious activities are generally referred to as “DNS Abuse” within the ICANN Community. DNS Abuse is generally understood as including all or part of activities such as Phishing, Malware, Botnets, Distributed Denial of Service Attacks (DDoS), Spam, and the distribution of illegal materials. However, it should be noted that even the exact definition of “DNS Abuse” is a subject of active debate.

While stakeholders in the ICANN Community generally appear to agree that DNS Abuse is an issue and should be addressed, there are differences of opinion as to the extent of responsibilities of relevant parties. For instance, Registries and Registrars are concerned with taking on more contractual obligations (which may affect their business models), and argue that their tools to mitigate abuse are limited and may not be appropriate (some abuse may need to be addressed by hosting providers and some registry/registrar action may result in collateral damage and liability exposure).

Notable ICANN Community efforts to address DNS Abuse to date have had varying degrees of success:

- ICANN’s **Generic Names Supporting Organization (GNSO)** set up the [Registration Abuse Policies Working Group](#) in 2008. It identified a [set of specific issues](#) but did not deliver policy outcomes, nor did a subsequent discussion of [non-binding best practices](#) for Registries and Registrars (including workshops during [ICANN41](#) and [ICANN42](#)).
- **As part of the New gTLD Program**, ICANN Org adopted a series of new requirements¹ per its memorandum on [Mitigating Malicious Conduct](#) (3 October 2009). [ICANN’s Report on New gTLD Program Safeguards](#) (18 July 2016) assessed their effectiveness in preparation for the bylaws-mandated [Competition, Consumer Choice and Consumer Trust \(CCT\) Review](#) which delivered its recommendations on 8 September 2018.
- Prior to the creation of the GAC’s Public Safety Working Group (PSWG), **representatives of Law Enforcement Agencies (LEA)** played a leading role in the **negotiation of the 2013 Registrar Accreditation Agreement**², as well as in the development of GAC Advice related to Security Threats which led to new provisions in the Base New gTLD Agreement that outlined responsibilities of registries³.

¹ Vetting registry operators, requiring demonstrated plan for DNSSEC deployment, prohibiting wildcarding, removing orphan glue records when a name server entry is removed from the zone, requiring the maintenance of thick WHOIS records, centralization of zone-file access, requiring documented registry level abuse contacts and procedures

² See [Law Enforcement Due Diligence Recommendations](#) (Oct. 2019) and the [12 Law Enforcement recommendations](#) (1 March 2012)

³ These provisions were later complemented by a non-binding [Framework for Registry Operators to Respond to Security Threats](#) (20 October 2017) agreed upon between ICANN Org, Registries and the GAC PSWG.

- **More recently, the ICANN Organization**, through its **Office of the CTO** has developed ICANN's [Domain Abuse Activity Reporting](#) (DAAR) which supports monthly Abuse Reports and monitoring of trends as [reported](#) most recently to the GAC (24 February 2021). The monitoring and reporting of DNS Abuse has actively been supported both by the GAC and Review Teams, which have recommended improvements. It is expected that such tools create transparency and help identify sources of problems, which could then be addressed through compliance or - where needed - informed new policy.

Issues

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

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

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

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

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

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

Such further action would require that the ICANN community come to some form of consensus around a number of open questions.

Discussions of abuse mitigation and potential policy work in the ICANN Community generally revolve around:

- **The definition of DNS Abuse:** What constitutes abuse considering the purview of ICANN and its contracts with Registries and Registrars ?
- **The detection and reporting of DNS Abuse:** How to ensure that DNS Abuse is detected and known to relevant stakeholders, including consumers and Internet users ?
- **The prevention and mitigation of DNS Abuse:** What tools and procedures can ICANN org, industry actors and interested stakeholders use to reduce the occurrence of abuse and respond appropriately when it does occur ? Who is responsible for which parts of the puzzle, and how can different actors best cooperate?

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

Leadership Proposal for GAC Action

1. **Consider the Report of the SSAC Work Party on DNS Abuse** proposing an [Interoperable Approach to Addressing Abuse Handling in the DNS](#) (19 March 2021) with a view to assessing in particular the proposed creation of a “Common Abuse Response Facilitator” as a wholly independent non-governmental, not-for-profit organization that would act as a facilitator for the entire DNS ecosystem, including ICANN contracted parties, hosting providers, Internet Service Providers (ISPs), and Content Delivery Networks (CDNs) to streamline abuse reporting and minimize abuse victimization.
2. **Consider GNSO deliberations to date regarding DNS Abuse** in light of [GAC/GNSO Council discussions during ICANN70](#) and the previously expressed serious concerns of the GAC with the decision of the GNSO Policy Development Process Working Group on New gTLD Subsequent Procedures to not make any recommendations in this area.
3. **Deliberate on possible next steps**, including through **concrete proposals to improve policies and/or improve contract provisions and their enforcement**⁷ for addressing public policy issues related to DNS Abuse as identified through various Community efforts and GAC contributions:
 - a. **The CCT Review Recommendations** per its [Final Report](#) (8 Sept. 2018), considering:
 - The [ICANN Board action](#) (1 March 2019) on all 35 recommendations, its subsequent [adoption](#) (26 January 2020) of an [implementation plan](#) proposed for the 6 recommendations it had accepted (6 September 2019), and its the most recent ICANN Board [resolution](#) (22 October 2020) including [action](#) on 11 of the 17 recommendation initially placed in pending status, as informed by a [detailed assesment](#) from the ICANN org;
 - GAC input in [Comments on the Draft Report](#) (19 May 2017), [Comments](#) on the [Statistical Analysis of DNS Abuse in gTLDs](#) (19 September 2017), [Comments on additional Draft Recommendations](#) (15 January 2018), [Comments on the CCT Review Final Report](#) (11 December 2018), [Comments on the implementation plan](#) (21 October 2019);
 - GAC Advice in the [Montréal Communiqué](#) (6 November 2019) *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"*
 - [Board Clarifying Questions](#) (16 December 2019) regarding the GAC Montreal Advice – including topic of CCT Review and Subsequent Rounds of new gTLDs and the definition of “complete implementation”
 - [GAC Response to Board Clarifying Questions](#) (22 January 2020)

⁷ Per [GAC ICANN69 Communiqué](#) Section IV.2: “the GAC believes there is now a solid expression of broad support for concrete steps to be taken to address the core components of effective DNS abuse mitigation”; and [ICANN69 GAC Minutes](#): Section 2.2 “Action Points: GAC PSWG to consider developing a concrete proposal regarding DNS Abuse Mitigation steps to prepare GAC for further discussions at ICANN70 (per GAC Wrap up Session discussion).”

- [Board Reply to GAC Response to Clarifying Questions](#) (11 February 2020) referring to its [decision](#) (26 January 2020) neither to accept nor reject the advice.
- b. **Recommendations of the Security Stability and Resiliency Review (SSR2)** in their [Final Report](#) (25 January 2021), on which the GAC provided [Comments](#) (8 April 2021) and which the ICANN Board is expected to formally consider before 25 July 2021.
- c. **The GNSO Policy Development Process Working Group on New gTLD Subsequent Procedures** which determined in its [Final Report](#) (1 February 2021) that *“this PDP Working Group is not making 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)”* despite relevant recommendations on DNS Abuse addressed to it by the CCT Review Team⁸. The GAC expressed its serious concerns with this decision in the [GAC Comments](#) (29 September 2020) on the Draft Final Report of this PDG WG, and its expectation of the GNSO Council to take swift action on this matter.
- d. **Implementation and enforcement of key contractual obligations** in the Registry and Registrar Agreements, in particular:
 - **Specification 11 of the New gTLD Registry Agreement** and the related GAC Safeguard Advice in the [Beijing Communiqué](#) (11 April 2013), considering the conclusions of the [Registry Operator Audit for Addressing DNS Security Threats](#) (17 September 2019) and discussion in the [GAC/ICANN Questions & Answers](#) (30 May 2017), in the [GAC Comments](#) on the CCT Draft Report (19 May 2017) and in the [GAC Comments](#) on the SSR2 Draft Report (3 April 2020)
 - **The WHOIS Accuracy Program Specification** of the [2013 Registrar Accreditation Agreement](#) which includes provisions for the verification, validation and accuracy of domain registration data, as discussed in the [GAC Comment](#) on the RDS-WHOIS2 Review Final Report (23 December 2019), and the **Registrar’s Abuse Contact and Duty to Investigate Reports of Abuse** (Section 3.18) which is currently subject of a [Contractual Compliance Audit launched](#) for 153 selected registrars (15 January 2021). Both of these topics were also discussed in the [GAC/ICANN Questions & Answers](#) (30 May 2017) following GAC Advice in the [Hyderabad Communiqué](#) (8 November 2016)
- e. **Community discussions of DNS Abuse and the effectiveness of related contract provisions**, both in terms of enforcement and enforceability:
 - **ICANN meeting sessions:** [pre-ICANN66 webinar](#) (15 October 2019), [ICANN66 At-Large Session on End User Concerns](#) (3 November 2019), [ICANN66 Cross Community Session on DNS Abuse](#) (6 November 2019), the [ICANN67 At-Large Session on Contract Compliance](#) (9 March 2020), the [ICANN68 ALAC Session on Public Interest Commitments and the associated Dispute Resolution Procedure](#) (22 June 2020), the [ICANN68 Board GNSO Council Meeting](#) which discussed possible

⁸ See [Sub Pro PDP WG Final Report](#) Recommendation 9.15 (p. 42) and related [ICANN Board action](#) on the CCT recommendations.

Next Steps regarding DNS Abuse (14 June 2020) and the [ICANN69 Plenary Session on DNS Abuse Issues](#) (20 October 2020)

- **Correspondence between the ICANN Board and the Business and Intellectual Property Constituencies** of the GNSO, including: the BC [Statement Regarding Community Discussion on DNS Abuse](#) (28 October 2019), a [BC letter to the ICANN Board](#) (9 December 2019), and subsequent [response](#) (12 February 2020); followed by a [letter from the IPC to the ICANN Board](#) (24 April 2020)

- f. **Implementation of proactive anti-abuse measures by ccTLD Operators** that could inform gTLD registry practices such as those presented by the .EU and .DK ccTLDs⁹
- g. **The RDS-WHOIS2 Review Recommendations** as detailed in its [Final Report](#) (8 October 2019) that are relevant to the legitimate use of WHOIS as a key crime and abuse investigation tool, considering [GAC Comments](#) (23 December 2019) and the [ICANN Board Action](#) to date (25 Feb. 2020)

4. Consider and continue monitoring progress of key DNS Abuse Mitigation Efforts in the ICANN Community to inform and 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](#) and ongoing discussion in the Internet & Jurisdiction Policy Network¹⁰
- b. **Improvements of ICANN's Domain Abuse Activity Reporting (DAAR)** as previously discussed by Registries, the GAC and SSAC, and ICANN's Office of the CTO¹¹
- c. On 27 March 2020, ICANN org [executed](#) the [proposed amendment of the .COM Registry Agreement](#) which **extends 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.

⁹ See in particular a [EURid presentation](#) (28 January 2016) and [.DK presentation](#) during ICANN64 (12 March 2018)

¹⁰ The Internet and Jurisdiction Policy Network recently [announced](#) (22 February 2021) the launch of a toolkit on DNS Level Action to Address Abuses, which it is planning to present during a conference on Thursday 18 March.

¹¹ See most recently the [RySG DAAR Working Group Report](#) (9 September 2020), a [response](#) by ICANN's CTO (30 September 2020) and the [OCTO update to the GAC](#) (24 February 2021)

Relevant Developments

Overview of recent developments

- **During recent ICANN meetings**, GAC PSWG leaders provided detailed briefings to the GAC on the issue of DNS Abuse (see material of the GAC [ICANN66 Session](#), [ICANN68 Sessions](#) and [ICANN68 GAC Briefing on DNS Abuse](#), [ICANN69 PSWG Update](#) to the GAC and [ICANN70 Session](#)).
 - 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 [Minutes](#), [ICANN69 Communiqué](#) and [Minutes](#), and [ICANN70 Communiqué](#) and [Minutes](#)).
 - The [PSWG Work Plan 2020-2021](#) includes all these areas as part of its Strategic Goal #1 to Develop DNS Abuse and Cybercrime Mitigation Capabilities.
- **SSR2 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.
 - The [Final Report](#) (25 January 2021) was considered by the GAC during ICANN70 in preparation for the eventual submission of [GAC Comments](#) (8 April 2021) as part of the [Public Comments proceeding](#).
 - The ICANN Board is now expected to formally consider the SSR2 Review Final Report before 25 July 2021, consistent with the ICANN Bylaws-mandated 6-months timeframe.
- **The Working Party on DNS Abuse of the Security and Stability Advisory Committee (SSAC)** released its Report published as [SAC115](#) (19 March 2021) which proposes an Interoperable Approach to Addressing Abuse Handling in the DNS
 - During the ICANN66 meeting, the SSAC reported to the PSWG its initiation of a Working Party on DNS Abuse, in which **a co-chair of the GAC PSWG has taken part**.
 - In this report, the **SSAC proposes a general framework of best practices and processes** to streamline reporting of DNS abuse and abuse on the Internet in general, discussing in particular: Primary Point of Responsibility for Abuse Resolution, Evidentiary Standards, Escalation Paths, Reasonable Timeframes for Action and Availability and Quality of Contact Information.
 - **The key proposal**, which the SSAC recommends should be examined and further refined by the ICANN Community in collaboration with the extended DNS infrastructure community, **is the creation of a “Common Abuse Response Facilitator”** as a wholly

independent non-governmental, not-for-profit organization that would act as a facilitator for the entire DNS ecosystem, including ICANN contracted parties, hosting providers, Internet Service Providers (ISPs), and Content Delivery Networks (CDNs) to streamline abuse reporting and minimize abuse victimization.

- **Measures and initiatives to mitigate DNS Abuse by Registries and Registrars**

- On 27 March 2020, ICANN org [executed](#) the [proposed amendment of the .COM Registry Agreement](#) which **extends 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.
- **Public Interest Registry (PIR)**, Registry Operator of .ORG and several New gTLDs [launched](#) (17 February 2021) the **DNS Abuse Institute** which stated objective is *“to bring together leaders in the anti-abuse space to: fund research, publish recommended practices, share data, and provide tools to identify and report DNS Abuse”*. This initiative was [presented to the GAC PSWG](#) (3 March 2021) in advance of a [webinar](#) to be held by the Institute on the State of DNS Abuse on 16 March 2021. In the [ICANN70 Communiqué](#), the GAC welcomed the launch of the DNS Abuse Institute and *“encouraged[d] community efforts to cooperatively tackle DNS Abuse in a holistic manner”*.

- **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 the SSR2 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.
- During a [GAC call on DNS Abuse Matters](#) (24 February 2021), **ICANN org provided updates on OCTO's DNS Abuse-related Activities**, which included a discussion the definition of DNS Security Threats and DNS Abuse, Contracted Parties obligations, Domain Abuse Activity Reporting (DAAR), Domain Name Security Threat Information, Collection, & Reporting (DNSTICR), the status of the Domain Security Facilitation Initiative (DSFI), the new Knowledge-sharing and Instantiating Norms for Domain Name Security (KINDNS) initiative, and a review of OCTO's efforts in the area of training and capacity building throughout the world.
- **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.

Focus: Definition of DNS Abuse

As highlighted during the [GDD Summit](#) (7-9 May 2019), there is **no Community-wide agreement on what constitutes ‘DNS Abuse’**, in part due to concerns of some stakeholders with ICANN overstepping its mandate, impacts on the rights of users, and impact on the bottom line of contracted parties.¹²

There is, however, according to the CCT Review Team, a **consensus on what constitutes ‘DNS Security Abuse’ or ‘DNS Security Abuse of DNS infrastructure’** understood as including *“more technical forms of malicious activity”*, such as malware, phishing, and botnets, as well as spam *“when used as a delivery method for other forms of abuse.”*¹³

The ICANN Contractual Compliance Department has referred to **‘Abuse of DNS Infrastructure’ and ‘Security Threats’** in its communications about audits of Registries and Registrars regarding their implementation of contractual provisions in the [New gTLD Registry Agreement](#) (Specification 11 3b) regarding *“security threats such as pharming, phishing, malware, and botnets”*¹⁴ - and in the [Registrar Accreditation Agreement](#) (Section 3.18) - which refers to *“abuse contacts”* and *“abuse reports”* without providing a definition of the term ‘abuse’ specifically, but including ‘Illegal Activity’ within its scope.

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

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

In response, the GAC issued a [Statement on DNS Abuse](#) (18 September 2019), followed by the [Business Constituency](#) (28 October 2019). In its Statement, 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

¹² Indeed, the definition of Abuse Mitigation may carry consequences in terms of the scope of activity overseen by ICANN policies and contracts. While governments and other stakeholders are concerned with the impact of DNS abuse on the public interest, including the safety of the public and the infringement of intellectual property rights, registries and registrars are concerned with restrictions on their commercial activities, ability to compete, increased operating costs and liability for consequences registrants may incur when action is taken on abusive domains. Non-commercial stakeholders on their part are concerned with the infringement of freedom of speech and privacy rights of registrants and Internet users, and share with contracted parties concerns about ICANN overstepping its mission.

¹³ See p.88 of the [CCT Review Final Report](#) (8 September 2018) as highlighted more recently in the [GAC Statement on DNS Abuse](#) (18 September 2019)

¹⁴ The [Advisory New gTLD Registry Agreement Specification 11 \(3\)\(b\)](#) (8 June 2017) provides a definition of ‘Security Threats’ as including *“pharming, phishing, malware, botnets, and other types of security threats.”*

the [New gTLD Registry Agreement](#) reflects this understanding in its [Specification 11](#), in particular section 3a¹⁵ and 3b¹⁶.

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.

¹⁵ 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.”

¹⁶ Specification 11 3b provides that “Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. Registry Operator will maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request.”

Focus: DNS Abuse Safeguards in Registries and Registrars Contracts

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

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

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

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

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

- the vast majority of registry operators are committed to addressing DNS security threats.
- The prevalence of DNS security threats is concentrated in a relatively small number of registry operators.

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

- Some Registry Operators interpret the contractual language of Specification 11 3(b) in a way that makes it difficult to form a judgment as to whether their efforts to mitigate DNS security threats are compliant and effective.

In January 2021, ICANN Contractual Compliance [launched](#) an audit to assess **Registrar compliance with their obligations related to DNS security threats**. After collaborating with the Registrar Stakeholder Group on developing the Request for Information (including documentation related to how registrars may have addressed the potentially abusive domains), ICANN Contractual Compliance including in the audit 127 registrars which were found to have least 5 domain names present in security threat reports provided by Registries in a previous audit, or in the Nov. 2020 Abuse report compiled by ICANN's Office of the CTO. During a [pre-ICANN70 Compliance Update](#), ICANN org indicated that it expected to report on this audit in early June 2021.

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

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

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

Per its recommendation 19, the [CCT Review Team](#) deferred the task of conducting an assessment of the effectiveness of the Framework to a subsequent review¹⁸ as the Framework had not been in existence for long enough to assess its effectiveness.

¹⁸ CCT Review recommendation 19: *The next CCT should review the "Framework for Registry Operator to Respond to Security Threats" and assess whether the framework is a sufficiently clear and effective mechanism to mitigate abuse by providing for systemic and specified actions in response to security threats*

Focus: Consideration of the CCT Review Recommendations on DNS Abuse

Based on its [analysis of the DNS Abuse landscape](#),¹⁹ including consideration of [ICANN's Report on New gTLD Program Safeguards](#) (15 March 2016) and the independent [Statistical Analysis of DNS Abuse](#) (9 August 2017), the CCT Review Team [recommended](#), in relation to DNS Abuse:

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

The ICANN Board [resolved](#) (1 March 2019) to place these recommendations in “Pending” Status, as it directed ICANN org to *“facilitat[e] community efforts to develop a definition of ‘abuse’ to inform further action on this recommendation.”*²⁰

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).

The GAC PSWG also considered 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 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*

¹⁹ See Section 9 on Safeguards (p.88) in the [CCT Review Final Report](#) (8 September 2018)

²⁰ See p.5 of scorecard of [Board Action on the Final CCT Recommendations](#)

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 [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).

In its [Final Report](#) (1 February 2021), the GNSO Policy Development Process Working Group on New gTLD Subsequent Procedures confirmed its decision²¹. The GAC expressed its serious concerns on this matter in the [GAC Comments](#) (29 September 2020) on the Draft Final Report of this PDP WG, and its expectation of the GNSO Council to take swift action on this matter.

²¹ See [Sub Pro PDP WG Final Report](#) Recommendation 9.15 (p. 42)

Focus: Discussion of GNSO policy development on DNS Abuse Mitigation

Following the initial decision by the New gTLD Subsequent Procedures PDP WG 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 20 May 2021, this matter is still identified as “Unplanned” in the [GNSO Council Action/Decision Radar](#), with the GNSO Council “*to determine next steps, if any, on DNS Abuse*”.

Since ICANN70 and the [pre-ICANN70 GAC/GNSO Leadership call](#) (8 March 2021) and [ICANN70 GAC meeting with the GNSO](#) (24 March 2021), the GNSO Council discussed briefings it received on the matter of DNS Abuse during its recent monthly meetings:

- On [22 April 2021](#), the **DNS Abuse Group of the GNSO’s Contracted Party House** reviewed various initiatives Contracted Parties have taken over the past few years and on which the GAC has been briefed previously by its PSWG. Regarding ongoing work and future work, several initiatives were referenced:
 - Collaboration with the GAC PSWG to address Malware and Botnets at scale
 - Consideration by Registrars of incentivization programs
 - Outreach efforts to other ICANN constituents including Q&A session, a Community survey and other information resources
- On [20 May 2021](#), the GNSO Council received a [briefing](#) from SSAC leaders on the recently released SAC115 Report proposing an [Interoperable Approach to Addressing Abuse Handling in the DNS](#) (19 March 2021). There was no follow-up discussion of the GNSO Council on SAC115 or next steps more generally for dealing with DNS Abuse during that meeting.

Focus: Domain Abuse Activity Reporting (DAAR)

ICANN org's [Domain Abuse Activity Reporting](#) Project emerged as a research project concurrently to the GAC and PSWG engagement of the ICANN Board and Community on the effectiveness of DNS Abuse mitigation, between the ICANN57 (Nov. 2016) and ICANN60 meetings (Nov. 2017).²²

The [purpose](#) of DAAR is to *"report security threat activity to the ICANN community, which can then use the data to facilitate informed policy decisions"*. This is achieved since January 2018 by the publication of [monthly reports](#), based on the compilation of TLD registration data with information from a large [set of high-confidence reputation and security threat data feeds](#).²³

As such, DAAR is contributing to the requirement identified by the GAC for publication of *"reliable and detailed data on DNS Abuse"* in the [GAC Abu Dhabi Communiqué](#) (1 November 2017). However, as highlighted in a [letter](#) from the M3AAWG²⁴ to ICANN org (5 April 2019), by not including security threat information on a per registrar per TLD basis, DAAR is still falling short of expectation from the GAC PSWG Members and their cybersecurity partners that it provides actionable information.

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

The Registry stakeholder group reported on its work in its [DAAR Working Group Report](#) (9 September 2020), in [response](#) to which the ICANN CTO (30 September 2020): *"the majority of recommendations in the letter emphasize improving communication around the data that are exported from the DAAR system, as that communication is seen by the Working Group as potentially unclear, both in terms of the DAAR's current methodology documentation as well as in the DAAR monthly reports. While most of the recommendations focus on specific changes in the report, some (such as recommendation 3 which asks for measuring of the "persistence" of reported abusive activity) may require longer-term investigation and analysis."*

During the [OCTO update to the GAC](#) (24 February 2021), the ICANN CTO discussed future plans in the development of DAAR: adding more ccTLDs to the scope of DAAR, continuing to work with the RySG DAAR Working Group, and exploring solutions to overcome challenges with accessing WHOIS data to build Registrar level metrics including: daily WHOIS queries only for blocklisted domains, random sampling of domains or getting approval to use data from Bulk Registration Data Access (BRDA).

²² See cross-community sessions led by the GAC PSWG during [ICANN57](#) (Nov. 2016), [ICANN58](#) (March 2017) and [ICANN60](#) (October 2017), as well as questions to the ICANN Board regarding the effectiveness of DNS Abuse Safeguards in [Hyderabad Communiqué](#) (8 November 2016), follow-up questions in the [GAC Copenhagen Communiqué](#) (15 March 2017) and a set of [draft responses](#) (30 May 2017) by ICANN org.

²³ For more information, see <https://www.icann.org/octo-ssr/daar-faqs>

²⁴ Messaging, Malware and Mobile Anti-Abuse Working Group

Current Positions

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

- [GAC Comments](#) (8 April 2021) on the SSR2 Review Team Final Report for consideration by the ICANN Board
- [GAC ICANN70 Communiqué](#) (25 March 2021) noting that *“DNS Abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of New gTLDs. The GAC supports the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS Abuse. The GAC also emphasized the importance of taking measures to ensure that Registries, Registrars and Privacy/Proxy Services providers comply with the provisions in the contracts with ICANN, including audits. The GAC welcomes the recently-launched DNS Abuse Institute and encourages community efforts to cooperatively tackle DNS Abuse in a holistic manner”*
- [GAC ICANN69 Communiqué](#) (23 October 2020) noting the GAC’s belief that *“there is now a solid expression of broad support for concrete steps to be taken to address the core components of effective DNS abuse mitigation”* in light of increasing momentum and constructive dialogue in the ICANN Community (see Section IV.2 p.6).
- [GAC ICANN68 Communiqué](#) (27 June 2020) noting *“that new efforts to tackle DNS abuse should not replace, but rather complement, existing initiatives to improve accuracy of registration data, such as the Accuracy Reporting System, and to implement policy on privacy and proxy services, which are currently on hold”* (see Section IV.3 p.7)
- [GAC Comment](#) (3 April 2020) on the SSR2 Review Team Draft Report
- [GAC Comment](#) on the RDS-WHOIS2 Review Final Recommendations (23 December 2019)
- [GAC Statement on DNS Abuse](#) (18 September 2019)
- [GAC Comments](#) on the CCT Review Final Report (11 December 2018)
- [GAC Comment](#) (16 January 2018) on [New Sections of the CCT Review Team Draft Report](#) (27 November 2017)
- [GAC Comment](#) on the Statistical Analysis of DNS Abuse in gTLDs (19 September 2017)
- [GAC Comment](#) on New gTLD Program Safeguards Against DNS Abuse Report (21 May 2016)
- [GAC Barcelona Communiqué](#) (25 October 2018) in particular sections III.2 GAC Public Safety Working Group (p.3) and IV.2 WHOIS and Data Protection Legislation (p.5)
- [GAC Copenhagen Communiqué](#) (15 March 2017) including [Abuse Mitigation Advice](#) requesting responses to the GAC Follow-up Scorecard to Annex 1 of GAC Hyderabad Communiqué (pp. 11-32)
- [GAC Hyderabad Communiqué](#) (8 November 2016) including [Abuse Mitigation Advice](#) requesting responses to Annex 1 - Questions to the ICANN Board on DNS Abuse Mitigation by ICANN and Contracted Parties (pp.14-17)
- [GAC Beijing Communiqué](#) (11 April 2013), in particular the ‘Security Checks’ Safeguards Applicable to all NewgTLDs (p.7)

- [GAC Dakar Communiqué](#) (27 Octobre 2011) section III. Law Enforcement (LEA) Recommendations
- [GAC Nairobi Communiqué](#) (10 March 2010) section VI. Law Enforcement Due Diligence Recommendations
- [LEA Recommendations Regarding Amendments to the Registrar Agreement](#) (1 March 2012)
- [Law Enforcement Due Diligence Recommendations](#) (Oct. 2009)

Questions for GAC Representative Consideration

In preparation for this and other GAC sessions at ICANN71 and future meetings, it has been considered that GAC representatives could benefit from a deeper discussion of various ICANN topics within their own government or organization. Set forth below, as an experiment for ICANN71, ICANN org staff have collaborated to develop some sample questions for GAC representatives to consider as part of their session preparations and meeting information sharing - to aid discussions, share best practices and potentially identify various approaches or strategies that different governments take to these issues. The questions below can be used by readers to focus preparation efforts or as a way to broaden future meeting dialogue. Please advise GAC Support staff if you find these types of questions to be of value in meeting preparation.

Regarding Compliance Enforcement of Abuse Provisions in the Registry and Registrar Accreditation Agreements:

- Does your government have a definition of DNS abuse? If so, how does your government define it?
- Have public authorities in your country come across domain names that appear to be used to perpetrate DNS abuse and reported these to the relevant registry or registrar? If so, of gTLD domain names reported to registry or registrar, what share was reported to ICANN Compliance for failure of Contracted Parties to adequately address the report in a timely and reasonable manner?
- What share of those names appearing to be used to perpetrate DNS abuse are registered in the gTLDs as compared to ccTLDs?
- Have public authorities in your country reviewed guidelines published by the Registrar Stakeholder Group, which provides information that may be useful in the filing of abuse complaints with registrars?
- Are public authorities in your country familiar with the provisions in the Registry Agreement (RA) and Registrar Accreditation Agreement (RAA) that are enforceable and enforced by ICANN ? (In particular RA Specification 11 3a and 3b, and RAA 3.18)
- What enforcement authority and mechanisms do public authorities in your country believe ICANN has related to abusive domains?

Regarding ICANN org's efforts in detecting and reporting Security Threats:

- ICANN's Domain Abuse Activity Reporting (DAAR) aims to give the ICANN community fact based, reliable, persistent, and unbiased data using an open and community-vetted methodology that can be used to help inform policy discussions. What improvements does your government or relevant public authorities believe should be made to DAAR?
- What improvements does your government or relevant public authorities believe should be made to ICANN's Domain Name Security Threat Information Collection and Reporting (DNSTICR), aimed at identifying COVID-19 related Malware and Phishing ?
- Is your government aware of the findings of this effort to date, in particular that evidence of problems that needed to be reported to Contracted Parties was found in the low hundreds ?

Regarding ICANN's efforts to support DNS Security Threats Mitigation:

- Does your government believe it is appropriate for ICANN to focus on supporting the mitigation of DNS Security Threats in gTLDs, as defined by the GAC (phishing, malware, command and control botnets, and pharming, plus spam when used as vector for delivering the other types of security threats), in light of the ICANN Bylaws' prohibition of the regulation of content and lack of jurisdiction over ccTLDs?
- Does your government have input to contribute to ongoing ICANN community deliberation to define the problem and determine a best way forward regarding the mitigation of DNS Abuse, be it the pursuit of voluntary best practices, or consensus policy, or a combination of those options ?
- What objective, fact-based data does your government believe ICANN org could provide to facilitate these community discussions ?

Key Reference Documents

- GAC Documentation on DNS Abuse
 - [GAC ICANN70 Session on DNS Abuse](#) (23 March 2020)
 - [GAC ICANN68 Briefing on DNS Abuse](#) (18 June 2020)
 - [GAC Questions on Abuse Mitigation and ICANN Draft Answers](#) (30 May 2017) per Advice in the [GAC Hyderabad Communiqué](#) (8 November 2016) and Follow-up in [GAC Copenhagen Communiqué](#) (15 March 2017)
- Definition of DNS Abuse (including Industry Stakeholders Perspective)
 - [Contracted parties definition of DNS Abuse](#) (October 2020)
 - [Framework to Address Abuse](#) (17 October 2019)
 - [GAC Statement on DNS Abuse](#) (18 September 2019)
- SSR2 Review [Final Report](#) (25 January 2021)
- RDS-WHOIS2 Review
 - [Scorecard of ICANN Board Action](#) (25 February 2020) on the Final RDS-WHOIS2 Review Recommendations
 - [Final RDS-WHOIS2 Review Recommendations](#) (3 September 2019)
- Competition, Consumer Choice and Consumer Trust Review
 - [Scorecard of ICANN Board Action](#) (22 October 2020) on 11 of the 17 pending CCT Recommendations and the related [detailed assessment](#) provided by ICANN org
 - [Scorecard of ICANN Board Action](#) on the Final CCT Recommendations (1 March 2019)
 - [CCT Review Final Report and Recommendations](#) (8 September 2018), in particular Section 9 on Safeguards (p.88)
 - [Statistical Analysis of DNS Abuse in gTLDs](#) (9 August 2017)

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Subsequent Rounds of New gTLDs

Session(s) # - 6, 13 - GAC Discussion on Subsequent Rounds of New gTLDs

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Session Objective

GAC Topic Leads on Subsequent Rounds of New gTLDs to review high priority issues identified by GAC Members in the GAC Scorecard, with particular focus on areas identified by GAC members in the GAC collective comment on the [GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration](#) public comment proceeding. For each priority topic, sessions will focus on:

- Providing GAC Members/Observers an overview of each priority topic as necessary;
- Actively discussing with GAC Members/Observers to gather input, if needed, to develop potential GAC Advice to the ICANN Board.

Background

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

In the context of the 2012 round of New gTLDs, ICANN received 1239 applications but only 97 Internationalized Domain Names (IDNs) related applications. It means that western companies and organisations mostly benefit from this opportunity. Then, the next round of new gTLD should represent a good opportunity for companies and organizations from Asia, Africa, Latin America and other regions to apply for IDN new gTLDs. The Internet community will not address the digital divide issue just by creating new infrastructures, access to local content is a real incentive to get more people online. IDNs allow Internet users to develop Internet identifiers based on their own narrative, their own language, their own script, their own keyboard.

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, safeguard advice and objections to applications that could cause public policy concerns.

Several processes¹ that have been supporting deliberations on these findings and wider policy issues related to further expansion of gTLDs have been of interest to the GAC, in particular:

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

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

Leadership Proposal for GAC Action during ICANN71

GAC Members and Observers to:

1. Review priority topics pertaining to the SubPro PDP WG Final Report, following the GAC collective comment on the final outputs; and
2. Actively engage in meaningful discussions to update GAC positions on such topics with the aim to prepare, if needed, potential GAC Consensus Advice and/or any other input for the ICANN Board in preparation for the Board's review of SubPro PDP WG Final Outputs.

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

Relevant Developments

At the moment of this briefing, the SubPro PDP WG finalized its work and the GNSO Council delivered recommendations relative to the SubPro PDP WG Final Report to the ICANN Board for its consideration, which triggered a public comment proceeding on [the GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration](#). The GAC submitted a [collective comment](#) for the Board to consider prior to ICANN71.

Recent developments also include the publishing of 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](#) on 29 September 2020. The [Sub Pro PDP WG Final Report](#) was submitted to the GNSO Council on 18 January 2021, and was adopted by the GNSO Council on 18 Feb. 2021.

ICANN71 provides an opportunity for the GAC to review its materials and positions on subsequent rounds of new gTLDs in preparation for a potential formal response to the ICANN Board's request for a confirmation of whether public policy concerns are noted by the GAC on final outputs from the PDP WG, and focus on areas of potential next steps for the GAC and engage in meaningful discussions on priority topics for the GAC.

Several steps with varying timelines will follow per the Policy Development Process after the GNSO Council adoption of the PDP Sub Pro final recommendations on February 18, 2021 and subsequent GNSO Council Recommendation to ICANN Board;

- i. ICANN Board may decide to trigger an Operational Design Phase (ODP);
- ii. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council - opportunity for GAC Consensus Advice to the ICANN Board;
- iii. ICANN Board vote;
- iv. 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 a new round of new applications for gTLDs sometime tentatively around 2022, to be confirmed.

Current Positions

Most recent GAC please refer to the [GAC Scorecard](#) as a key document for this briefing which has only been reviewed by GAC Leadership, for a comprehensive reference of:

- a. previous GAC input/advice provided to date;
- b. updated status of PDP WG recommendations as per final report;
- c. GAC potential next steps relative to Subsequent Rounds of new gTLDs for discussion at ICANN71

Additionally, the GAC recently submitted a [collective comment](#) (1 June 2021) to the public comment proceeding on [the GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration](#).

The GAC has [advised](#) that a new round of applications for gTLDs should be carried out in a “*logical, sequential and coordinated way*” that takes into account the results of “*all relevant reviews*”, requirements of “*interoperability, security, stability and resiliency*”, “*independent analysis of costs and benefits*”, and while proposing “*an agreed policy and administrative framework that is supported by all stakeholders*” in the [GAC Helsinki Communiqué](#) (30 June 2016) as reiterated in the [GAC Kobe Communiqué](#) (14 March 2019).

At ICANN71 (25 March 2021), the GAC [recalled previous advice](#) to the ICANN Board to note that “*the GAC is seeking a coordinated approach on the implementation of the specified Recommendations from the CCT Review ahead of the potential launch of a new round of gTLDs.*”

Additionally, “*pursuant to GAC advice issued in [Montréal \(ICANN66\)](#), related correspondence with the ICANN Board and subsequent discussions, the latest on 23rd March during ICANN70, the GAC looks forward to be periodically updated on the ongoing consideration of the above mentioned advice, and, in particular, the Recommendations marked as “prerequisite” or “high priority” [...] for example through a tracking tool that identifies the status of each Recommendation in terms of who is taking it forward, how it will be implemented and when it is expected to be completed, particularly in regard to Recommendations attributed to the Organisation and the ICANN Community (in addition to the Board). The GAC also recalls its advice to the Board in the Helsinki Communiqué that “An objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round.”*

Such analysis has yet to take place. In this regard, the GAC notes that the Operational Design Phase may provide the opportunity for this analysis to assist the Board as it considers whether a second round of New gTLDs is in the interest of the community as a whole.”

Questions for GAC Representative Consideration

In preparation for this and other GAC sessions at ICANN71 and future meetings, it has been considered that GAC representatives could benefit from a deeper discussion of various ICANN topics within their own government or organization. Set forth below, as an experiment for ICANN71, ICANN org staff have collaborated to develop some sample questions for GAC representatives to consider as part of their session preparations and meeting information sharing - to aid discussions, share best practices and potentially identify various approaches or strategies that different governments take to these issues. The questions below can be used by readers to focus preparation efforts or as a way to broaden future meeting dialogue. Please advise GAC Support staff if you find these types of questions to be of value in meeting preparation.

- Are you familiar with the benefits and risks of Internationalized Domain Names (IDNs) for the development of local content, presence and communication on the Internet in virtually all local languages and scripts ?
- Has your government already developed a strategy to encourage local content on the Internet?
- Does your government think that IDN TLDs could complement this kind of strategy? If so, will additional IDN TLDs complement this strategy?

- Does your government think that this new round of gTLDs can represent a good opportunity to develop IDNs and access to local content?

Key Reference Documents

- [GAC Scorecard: Status of Substantive Areas of Interest to the GAC for Subsequent New gTLD Rounds](#)
- [Final Report on the new gTLD Subsequent Procedures PDP WG](#)
- [GAC Consensus Collective Comment](#) on GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration

Further Information

- [ICANN70 GAC Communique](#)
- [GAC Webinar on the Subsequent Procedures PDP WG Final Report](#) - 1 March 2021
- [GAC Consensus Collective Comment](#) on Subsequent Rounds of New gTLDs Final Report - 29 Sep. 2020
- [ICANN69 GAC Communique](#) (23 Oct. 2020)
- [GAC Compilation of Individual Input](#) (May 2020)
- [ICANN68 GAC Communique](#) (27 June 2020)
- [ICANN67 GAC Communique](#) (16 March 2020)
- [Board letter on GAC Response to ICANN Board Clarification Questions on the GAC Montreal Communique Advice](#) (13 Feb. 2021)
- [GAC Response](#) to ICANN Board Clarification Questions on the GAC Montréal Communiqué Advice (22 Jan. 2020)
- [Letter from the ICANN President & CEO to the GAC Chair regarding CCT Review and Subsequent Rounds of New gTLDs advice](#) (16 Dec. 2019)
- [ICANN66 GAC Communique](#) (6 Nov. 2019)
- [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 Sep. 2018)
- GAC [Helsinki Communiqué](#) Advice on [Future gTLDs Policies and Procedures](#) (30 June 2016)

Annex A: Main chronological milestones of SubPro work

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

PDP Working Group Milestones so far have included:

- a [first round of community consultations](#) on overarching issues (Summer 2016)
- a [second round of community consultations](#) on a wide range of more specific topics (March-May 2017). It received 25 [submissions](#).
- an [Initial Report](#) (3 July 2018) documenting the Working Group's deliberations, preliminary recommendations, potential options, as well as specific questions to the ICANN Community. It received 72 [submissions](#) in a period of 3 months.
- a [Supplemental Initial Report](#) (30 October 2018) addressed a more limited set of additional issues including Auctions, Application Comments, Changes to Applications and proposal to improve Registrar support of New gTLDs. It received 14 [submissions](#).
- a [Supplemental Initial Report of its Work Track 5](#) (5 December 2018) dedicated to address the use of Geographic Names at the Top Level².
- The full Working Group reviewed 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 [Subsequent Rounds of New gTLDs Final Report](#) delivered to the GNSO Council on 18 January 2021 and submitted for [public comment](#) on 22 April 2021.

The final report and the GNSO Council recommendations report was submitted to the ICANN Board for their review and consideration on 24 March 2021 .

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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](#).

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

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

Last Updated: January 2021

As per [Final Report](#) Submitted to GNSO Council on 18 January 2021

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Color-coding of General Status/Alignment for Each Policy Area of previous GAC input vis-à-vis the PDP Working Group Recommendations to Prioritize GAC Work:

Key to color-coding:	General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority
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General Alignment / Low Priority	Less Alignment / Medium Priority	Possibility of No Alignment / High Priority
GAC views and positions are generally aligned or are adequately reflected in the Final Report recommendations on these issues. .	Final Report recommendations show less alignment of GAC views and positions and the PDP WG has not addressed some GAC concerns in PDP WG Final Recommendations and may diverge on some policy objectives. These issues would require additional engagement from GAC members with GNSO Council/ICANN Board in order to ensure GAC views are fully reflected going forward.	GAC Action is possibly needed on this item. Final Report recommendations show a degree of non alignment with GAC positions. GAC priority views and positions are not reflected in the Final Report recommendations. These issues require additional engagement from GAC members with the GNSO Council/ICANN Board to get GAC views and positions reflected going forward.

1. GAC Priority Topics as per [GAC Consensus Input](#) to PDP WG Final Report Public Comment

Clarity and Predictability of Application Process

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> o “Continuous delegation” could provide long-term certainty, reduce opportunities for gaming the system and enable more efficient allocation of resources by ICANN, the community and applicants. o Need for process flexibility to respond to emerging issues o Need mechanism to alert, allow application by and giving a say to parties interested in name applied for o GAC Appreciates importance of predictability at the pre-application, application and ongoing post-application stages. However, this should not be the prime or only consideration o The GAC needs a degree of flexibility to respond to emerging issues at the global level, as dealt with in ICANN processes, since national laws may not be sufficient to address them. The need for such flexibility continues after the conclusion of a GNSO PDP <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> o The GAC supports any reasonable measures that streamline application procedures (thereby reducing compliance costs) but that also enable due consideration of public policy issues raised by GAC o Reiterates response to Sub Pro PDP CC1 regarding flexibility to respond to emerging issues, including after conclusion of PDP <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> o Reiterates response to Sub Pro PDP CC1 on need for flexibility to respond to emerging issues <p>ICANN68 GAC Communiqué (27 June 2020): some GAC members raised doubts on the added-value of a SPIRT, and expressed concerns that its creation, if adopted, could add complexity to the current procedure and potential inconsistency with existing roles and responsibilities according to the ICANN Bylaws [...].if established, the new mechanism be lean, inclusive and transparent</p> <p>GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020): GAC appreciates effort of PDP WG to create a predictability framework, but notes that some GAC members are not persuaded of added value of creating the new SPIRT structure, reiterating</p>	<p>Final Recommendations Topic 2 </p> <ul style="list-style-type: none"> • The Sub Pro PDP WG recommends that ICANN establish predictable, transparent, fair processes and procedures for managing issues that arise in the New gTLD Program after the Applicant Guidebook is approved which may result in changes to the Program and its supporting processes (rec 2.1). • To do so, the PDP WG advises ICANN to use a new Predictability Framework (Annex E to Subpro PDP WG Final Report): framework for analyzing the type/scope/context of an issue and if already known, the proposed or required Program change, to assist in determining the impact of the change and the process/mechanism that should be followed to address the issue. The framework is a tool to help the community understand <u>how</u> an issue should be addressed as opposed to determining what the <u>solution</u> to the issue should be; the framework is not a mechanism to develop policy (2.1). • Following ICANN68, PDP WG modified draft recommendation on SPIRT to address concerns received about the predictability framework, noting it is not intended to be used to develop policy. • Additionally, the PDP WG recommends creating a new Standing Predictability Implementation Review Team (“SPIRT”) to serve as the body responsible for: <ul style="list-style-type: none"> o reviewing potential issues related to the Program o to conduct analysis utilizing the framework, and o to recommend the process/mechanism that should be followed to address the issue (i.e., utilize the Predictability Framework). • The GNSO Council shall be responsible for oversight of the SPIRT and may review all recommendations of the SPIRT in accordance with the procedures outlined in the GNSO Operating Procedures and Annexes (Rec. 2.1). • The Predictability Framework will be used for issues or proposed program changes in various categories as outlined in the Predictability Framework (Annex E of the Final Report). Final recommendations include updated language clarifying the role of the framework (i.e. not to identify a solution but to identify proper mechanism to reach a solution in a consistent and procedurally sound manner) - complementing the existing GNSO processes and procedures (not a replacement or substitution of those)(Rec.2.1) • The Standing Predictability Implementation Review Team (“SPIRT”) is a new GNSO structure to advise its Council, and with which ICANN org would be required to consult when it considers certain types of changes/modifications

comments raised in the ICANN68 Communique. Some GAC members asked PDP WG to consider what role the GAC could play in SPIRT, vis a vis idea of a GAC liaison. The GAC recommends that any changes made to the new gTLD program should be transparent and shared with community members and that the annual review of the IRT is very important to ensure revisions and adjustments, and will also contribute to increased transparency.

to the New gTLD program after its launch (that is after new applications have been received). The Sub Pro PDP WG recommends it be **advisory in nature (and overseen by the GNSO Council)** and would not impact the ability of the GNSO and other SO/ACs from performing their roles assigned under the ICANN Bylaws (Rec. 2.1).

- Additionally, **the PDP WG took into account feedback received and modified rationale on the SPIRT implementation guidance:**
 - the Working Group recognizes the challenges in determining the details of the framework and establishing the SPIRT and **therefore emphasizes that implementation of both elements should focus on simplicity and clarity** (Implementation Guidance 2.2).
- **Implementation guidance 2.5 agreed by PDP WG post ICANN68:** ICANN Org should maintain and publish a change log or similar record to track changes to the New gTLD Program, especially those that arise and are addressed via the Predictability Framework and the SPIRT.
- Composition of SPIRT: not necessarily a GAC Liaison envisaged or directly mentioned, but *"the SPIRT should be open to all interested parties, but may not necessarily be representative of the ICANN community, as actual participation may depend on interest and relevance of the new gTLD Process. Membership criteria should identify knowledge, experience, responsibilities to their respective organization, rules of engagement, a Statement of Participation, etc."*

Possible Next Steps for the GAC to Consider

- For context, the proposed SPIRT will report directly to the GNSO Council, so these recommendations are expected to be closely evaluated by the GNSO Council. There is also the expectation that the SPIRT would need to be implemented within existing GNSO processes, in a way that is satisfactory to the GNSO Council, the ICANN Board, and the community, as there is shared a concern with the effect the SPIRT would have on ICANN policy development.
- Review the proposed Predictability Framework, its associated SPIRT and the guidelines for ICANN org, and assess the impact on the GAC's need for "flexibility to respond to emerging issues", the potential GAC interaction with SPIRT (i.e. a GAC liaison to SPIRT) and whether GAC Advice to the GNSO Council/ICANN Board is required to restate the concerns some GAC members have relative to the creation of the SPIRT.

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on CCT Review Team Draft Report (19 May 2017): the GAC supports</p> <ul style="list-style-type: none"> Improvement of definition, accessibility and evaluation of applicant's Public Interest Commitments (Draft Rec. 37-39, Final Rec. 25) <p>Response to Sub Pro PDP CC2 (22 May 2017) Regarding mechanisms to be employed to serve the public interest, in addition to Public Interest Commitments, the GAC referred GAC Advice it believed were still current:</p> <ul style="list-style-type: none"> Beijing Communiqué on Cat. 1 Safeguards Advice (Closed Generics) Los Angeles Communiqué Advice on PICDRP to ensure that non compliance with Public Interest Commitments is effectively and promptly addressed, and for Cat. 2 TLDs (restricted registration) to provide registrants an avenue to seek redress for discriminatory policies Singapore Communiqué (2015) Advice to reconsider the PICDRP and develop a 'fast track' process for regulatory authorities, government agencies and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public Singapore Communiqué (2015) Advice to recognise voluntary adoption of GAC advice on verification and validation of credentials as best practice. <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Actual adoption and implementation of the PICs differed in many respects from GAC advice (Toronto and Beijing Communiqués), most notably on the issue of safeguards applicable to highly regulated gTLDs (Cat. 1). Before making any final recommendations, the PDP should consider the GAC's prior safeguard advice and any recommendations in the CCT final report on these issues should be fully considered in the next stage of the PDP's work PICs should be effectively monitored by ICANN for compliance, with appropriate sanctions when breached <p>ICANN66 Communiqué Advice (6 November 2019)</p> <ul style="list-style-type: none"> CCT-RT Recommendations to be implemented before a new round is launched per GAC Montreal Advice. <p>ICANN67 Communiqué (16 March 2020)</p> <ul style="list-style-type: none"> concerns with intention to refer DNS Abuse to a separate PDP, in light of GAC Montreal Advice. <p>GAC Compilation of Individual Input (9 May 2020)</p>	<p>Final Recommendations - Topic 9 </p> <p>On Mandatory Public Interest Commitments (PICs) (also see safeguards section on Cat. 1 strings), the WG recommends that:</p> <ul style="list-style-type: none"> That singular and plural versions of the same string should not be permitted (Rec. 24.3) However, if two applications are submitted during the same application window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with two different meanings, the WG recommends that the applicants should be permitted to move forward if they commit to the use stated in the application via a mandatory PIC (rec 24.5). <i>Existing practices confirmed as policy for the future, that is current mandatory PICs in RA Specification 11 3(a)-(d) to be maintained in future agreements (Rec. 9.1)</i> Exempting single-registrant TLDs from compliance with in RA Spec. 11 3(a) and (b) (Rec. 9.2) <p>On Voluntary PICs, now Registry Voluntary Commitments (RVCs), the WG recommends:</p> <ul style="list-style-type: none"> Allowing their use by applicants in response to public comments, GAC Early Warnings, and/or GAC Consensus Advice, specifying whether such commitment is limited in time, duration and/or scope to facilitate review by ICANN org, a possible objector and the GAC (rec. 9.9) RVCs must continue to be included in the applicant's Registry Agreement (rec. 9.10) Transparency: RVCs must be readily accessible and presented in a manner that is usable, [in line with GAC positions] (rec. 9.13). The WG notes that commitments made within PICs/RVCs must be enforceable through contracts entered between registry operators and ICANN and urges the Implementation Review Team to work with ICANN org to implement the recommendations and implementation guidance set in final report consistently with ICANN's current Bylaws. <p>Consideration of relevant CCT Review recommendations by the Working Group:</p> <ul style="list-style-type: none"> ICANN org should evaluate, in the implementation phase, CCT-RT recommendation 25 to develop an "organized, searchable online database" for Registry Voluntary Commitments (rec 9.13 and Implementation Guidance 9.14)) [in line with GAC positions].

- GAC members mostly converged on noting that DNS abuse mitigation should be included in the SubPro PDP WG recommendations.
- Several GAC members questioned whether ccTLDs should fall within the remit of the Subpro PDP WG (rationale 8).
- A few GAC members mentioned the approach/effort to address DNS abuse should be holistic.
- Some GAC members mentioned the importance of enforceability and enhancing dispute resolution mechanisms.

[GAC Comment on Subpro PDP WG Draft Final Report](#) (29 Sep 2020):

- The GAC continues to harbour serious concerns regarding the absence of policy recommendations on DNS Abuse Mitigation in the Subpro PDP WG Final Report, and notes that the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs. GAC expects swift action from the GNSO Council in triggering such holistic effort, in order for the conditionality expressed in the GAC ICANN66 Communique to be met.
- The GAC strongly supports the need for safeguards to address concerns around public interest and expects public interest safeguards for any future rounds. Additional mandatory PICs should remain possible in case where unanticipated risks emerge.
- GAC believes that voluntary and mandatory PICs must be effectively enforceable with clearly expressed contractual obligations and consequences for failure to meet these obligations.
- The GAC recalls persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly-regulated sectors and the lack of clarity and effectiveness of the mechanism to enforce disputes (the Public Interest Commitments Dispute Resolution Process - PICDRP).
- The GAC recommends the incorporation of the GAC advised safeguards regarding highly-regulated gTLDs into the PICs so that applicants for new gTLDs are aware of these requirements in advance.

- **No policy recommendations proposed with respect to mitigating DNS Abuse:** As [reported](#) to the [GNSO Council \(21 May 2020\)](#) the WG deems that such future effort should be holistic and must apply to both existing and new gTLDs (and potentially ccTLDs) (rec 9.15)

Possible Next Steps for the GAC to Consider

- For context, GAC concerns about enforceability of any and all parts of the contracts are shared by different parts of the community represented in the Sub Pro WG, and the existence of such concerns have been reflected in the Final Report. However, enforceability mechanisms for PICS/RVCs remains an open question since the Final Report does not address them.
- As a matter of high priority, the GAC may wish to consider the absence of policy recommendations on DNS Abuse. (Refer to [Safeguards](#) section due to overlap in content). The GAC may wish to follow-up with GNSO Council on a "framework of possible community work and policy development", as previously discussed between GNSO Council and GAC Leadership prior to ICANN68, and as referred to in the ICANN Board decision to extend the CEO's contract (ICANN69 Communiqué, and potentially issuing GAC Advice to the GNSO to this effect).

- The GAC may also wish to consider potential GAC Advice to the ICANN Board and/or discussion with the ICANN Board relative to PDP WG recommendation that no additional mandatory PICs are needed (rec. 9.1) - other than the mandatory PICs currently captured in Spec. 11 3(a)-(d) of the Registry Agreement - , as this may impact the flexibility and ability of the GAC to advise on public policy concerns that may emerge in the future
- The GAC may wish to align with At-Large positions (as noted in the [ALAC Minority Statement](#) to the SubPro PDP WG) as follows: GAC might want to reaffirm that any and all Registry Commitments incorporated in the Registry Agreement must be clear and enforceable, whether such commitments are:
 - PICs (mandatory)
 - RVCs [voluntary commitments] that are negotiated due to GAC Advice or Early Warnings, or Application Comment/Objection
 - RVCs that are voluntarily proffered by the applicant

The GAC may wish to support ALAC views from the [ALAC Minority Report](#) to SubPro PDP WG, noting that:

- *Where an RVC is determined or ruled to be unenforceable, "the ICANN Board must take action to remedy such unenforceability in 2 ways: (1) where feasible, to preserve the original intention of a PIC or RVC which led to that provision in the first place, and (2) if that provision that has been rendered unenforceable matches or is similar to provisions in other contracts, to enter into negotiations with relevant contracted parties to preserve that the original intention of such a provision in an agreeable manner."*
- *"The significance of PICs and RVCs, in particular, is that they are often added to the contract to address public interest concerns [...] such commitments should be expressed as explicitly and clearly as possible with ICANN Contract Compliance and ICANN Legal reviewing each of these provisions for enforceability, prior to any contract finalization for approval by the ICANN Board. If ICANN Contract Compliance or ICANN Legal finds any provision of a contract to be unenforceable, that provision needs to be rewritten for greater clarity and specificity to facilitate its enforceability."*

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on CCT Review Team Draft Report (19 May 2017):</p> <ul style="list-style-type: none"> Establish clear measurable goals and indicators for applications from the Global South, linked to ICANN strategic objectives. Increase in number of delegated strings from underserved regions should be critical (Draft Rec. 43, Final Rec. 29) Expand and update work on outreach to Global South, starting with response to challenges identified to date (Draft Rec. 44, Final Rec. 30) ICANN to coordinate pro bono assistance (Draft R., 45, Final Rec. 30) Revisit Application Support Program: reduction of fees, additional support, access to simple information in relevant language (Draft Rec. 46, Final Rec. 32) Not only should the application fee be reduced for all applicants but members from underserved regions should be offered additional support due to external issues [...] which should not prevent entities in those regions from applying <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> PDP Should consider the CCT Review recommendations in this area <p>Comment on CCT Review Team Final Report (11 Dec. 2018)</p> <ul style="list-style-type: none"> Reiterated comments on Draft Report Establishment of "clear, measurable goals for the Global South, including whether or when applications and even number of delegated strings should be objectives" of any New gTLD Application Round (Final Rec. 29) <p>GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on the GAC Montreal Communique: GAC agree[s] that expanding and improving outreach should be an ongoing effort, and expects the Board to make a judgment, in good faith, as to whether it considers outreach has been expanded and improved enough to justify proceeding with the new round of gTLDs</p> <p>GAC Compilation of Individual Input (9 May 2020): The individual input by GAC members mostly supported draft final recommendations aligned with previous GAC advice. Some added need for evaluation to assess success.</p> <p>GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):</p> <ul style="list-style-type: none"> GAC support recs expanding scope of financial support of ASP beyond only economies classified by the UN as least developed, but to consider and define "middle applicant". The GAC urges consideration on how ASP can include reduction/elimination of ongoing ICANN 	<p>Final Recommendation - Topic 17 </p> <p>Working Group Recommendations:</p> <ul style="list-style-type: none"> Extend scope of the program beyond only economies classified by the UN as least developed (revision of implementation guidelines) and also consider "<i>struggling regions that are further along in their development compared to underserved or underdeveloped regions</i>" (Rec. 17.1). Expand the scope of financial support to also cover costs such as application writing fees, attorney fees related to the application process (Rec. 17.2). ICANN org to continue facilitating non-financial assistance including the provision of pro-bono assistance where applicable (Rec. 17.1) Outreach and awareness-raising activities should be delivered well in advance of the application window opening, to help to promote more widespread knowledge about the program (Rationale Rec.16.1). Applicants who are not awarded Applicant Support, must have the option to transfer to the standard application process (Rec. 17.18). The Final Report does not include a recommendation for the Applicant Support Program to support the reduction or elimination of ongoing registry fees - contrary to GAC positions - for eligible candidates. The Working Group's Initial Report included a preliminary recommendation that the Applicant Support Program should include coverage of such fees. The Working Group has removed this element in the final recommendations, noting that different perspectives were expressed on the topic in public comment on the Initial Report and in Working Group discussions. As a compromise, a proposal was put forward in the WG that ICANN should cover registry fees for a limited period of time. The Working Group did not come to any agreement on this proposal. <p>Issues to to be addressed during Implementation (Implementation Review Team):</p> <ul style="list-style-type: none"> Draw on expertise including from the targeted regions, to develop appropriate program outreach, education, and application evaluation.

<p>registry fees, at least in part, to expand financial support available to eligible applicants (as was present in initial report then removed in final report).</p> <ul style="list-style-type: none"> • The GAC supports the intention of the recommendations to continue and to expand the applicant support program, and supports a meaningful evaluation of the program to assess its success. 	
<p>Possible Next Steps for the GAC to Consider</p>	
<ul style="list-style-type: none"> • For context, in general terms the Sub Pro WG membership is supportive of efforts to improve the level of participation of underserved regions in subsequent TLD application rounds, albeit some parts of the community (e.g. ALAC) consider that further steps could be taken (see below). • The GAC (and Underserved Regions Working Group in particular) may wish to review final recommendations to assess whether they meet GAC expectations and actual needs of prospective applicants in these regions. The GAC may wish to consider recommending/advising GNSO Council and/or ICANN Board to consider including the reduction or elimination of the ongoing registry fees , at least in part, to expand financial support available to eligible applicants (as this is not included in the final report, while it was present in the initial report). • In this context, the GAC may wish to recommend/advise GNSO Council and/or ICANN Board to consider , the compromise proposal brought forward within the PDP WG (but not endorsed) that ICANN should cover registry fees for a limited period of time, perhaps suggesting a specific time frame for this purpose. Keeping in mind that ICANN Org has previously expressed that it is still exploring all possible funding opportunities within ICANN's current remit and bylaws. 	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Based on principles of promoting competition and consumer protection, exclusive registry access should serve the public interest goal (per Beijing GAC Communiqué Cat. 2 Safeguards Advice) <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Re-affirms previous advice (Beijing Communiqué, Cat. 2 Safeguards): for strings representing generic terms, exclusive registry access should serve a public interest goal <p>ICANN67 Communiqué (16 March 2020)</p> <ul style="list-style-type: none"> The GAC should conduct further work to identify criteria, examples and use-cases that may serve for assessing the public interest in the context of closed generics. <p>GAC Compilation of Individual Input (9 May 2020):</p> <ul style="list-style-type: none"> Majority of GAC members contributing support previously articulated GAC Advice (GAC Beijing Advice): “exclusive registry access should serve a public interest goal”. Individual members noted that public interest should be defined. <p>ICANN68 GAC Communiqué (27 June 2020):</p> <ul style="list-style-type: none"> Some GAC members expressed the view that the lack of a formal PDP WG recommendation on the delegation of closed generics would imply that the relevant Board Resolution from the 2012 round would still apply. <p>GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):</p> <ul style="list-style-type: none"> the GAC continues to support the advice contained in the GAC Beijing Communiqué whereby “exclusive registry access should serve the public interest goal” and that adequate means and processes are defined to ensure that public interest goals are met. GAC encourages further discussions to identify criteria as to how to assess “public interest” within closed generic TLDs. The GAC reviewed three proposals submitted by individual/small groups of PDP WG members: Regarding these proposals, the GAC does not support “The Case for Delegating Closed Generics”, allowing all closed generics being delegated. The GAC notes that the “Proposal for Public Interest Closed Generic gTLDs”, which includes a new category of new gTLDs - Public Interest Closed 	<p>No Agreement Final Recommendations - Topic 23</p> <ul style="list-style-type: none"> The WG has not been able to agree on how to treat closed generic TLD applications in future rounds. The Final Report reflects this status (No Agreement 23.1). In the 2012 round of the New gTLD Program, a decision was made by the ICANN Board to either (a) “submit a change request to no longer be an exclusive generic TLD”, (b) “withdraw their application” or (c) “maintain their plan to operate an exclusive generic TLD,” which would operate to defer their application to the next round of the New gTLD Program, subject to rules developed for the next round, to allow time for the GNSO to develop policy advice concerning exclusive generic TLDs.”(No Agreement 23.1) The PDP WG has had numerous discussions and received extensive comments from the community, but was not able to agree. Key challenges in this discussion have included: <ul style="list-style-type: none"> defining closed generics defining the public interest or public interest goals, and evaluating whether the public interest may be served or harmed by an application. diverging opinions on perceived benefits and harms of closed generics PDP WG members recognize ICANN Board's resolution after the 2012 round noting that the PDP WG attempted to draft recommendations but no agreement was reached (Rationale for No Agreement 23.1). Individual PDP WG Member Proposals on Closed Generics (Topic 23, section C. New issues raised in deliberations since publication of the Initial Report): Three proposals were submitted by individual PDP WG members on potential paths forward on closed generics. All proposals are included in the public comment but are NOT part of the final recommendations (since PDP WG could not reach an agreement). <p><u>Proposal 1 (A Proposal for Public Interest Closed Generic gTLDs):</u></p> <ul style="list-style-type: none"> Includes creation of a new category of gTLDs: Public Interest Closed Generic Strings (PICGS) similar to the “community status” of applications in the first round. Purpose for these TLDs to operate within a public interest framework - i.e. not just the interests of an individual organization. A Public Interest Closed Generic Review Panel - a group or committee will be established to evaluate whether each application meets the unique aspects and requirements of a PICG TLD. <p><u>Proposal 2 (The Case for Delegating Closed Generics):</u></p> <ul style="list-style-type: none"> Focuses on why closed generics should be allowed, recommending to “permit the delegation of single registrant TLDs for any string (including closed generics TLDs) so long as the application meets all other AGB criteria”

<p>Generic Strings (PICGS) - is aimed to operate within a public interest framework directly in response to the GAC Beijing Advice, and notes that the suggestion of a public interest closed generic review panel and creation of public interest closed generic would require further community work, in order to minimize added complexity and avoid undue overlap with community status applications. The GAC encourages the continued consideration of this proposal together with the "Closed Generics Proposal", both proposals having found explicit support in the GAC.</p> <ul style="list-style-type: none"> Regarding the "Closed Generics Proposal" the GAC finds value in the notion of creating a Framework for Evaluating Closed Generic applications to determine whether those applications serve a legitimate public interest goal. 	<p>Proposal 3 (Closed Generics Proposal):</p> <ul style="list-style-type: none"> The Implementation Review Team must create a Framework for Evaluating Closed Generic applications to determine whether those applications "serve a legitimate public interest goal." To serve the public interest: <ul style="list-style-type: none"> A Public Interest Panel shall be appointed by the ICANN Board to evaluate whether the application and the proposed use of the Closed Generic TLD serves a legitimate public interest goal. The TLD must serve a broad base of end users above and beyond the interests of the individual registry operator. The TLD must serve a demonstrated and legitimate need of that broad base of end users. <p>Final recommendations note this disagreement and lack of policy recommendations on the delegation or non delegation of closed generics.</p>
<p>Possible Next Steps for the GAC to Consider</p>	
<ul style="list-style-type: none"> For context, GAC advice that any closed-generic domain should serve the global public interest is supported by different members of the Sub Pro WG as the 'starting point' for this issue, while other members of the WG question such assumptions. GAC may wish to consider submitting advice to the ICANN Board recalling/reiterating GAC advice that closed generics should serve a public interest goal, and noting areas of agreement within the three proposals submitted by individual PDP WG members to seek potential alignment with previous GAC advice, notably in proposals 1 and 3. GAC may consider that due to No Agreement in rec 23.1 in absence of a SubPro PDP WG recommendation, as per At-Large statement: <ul style="list-style-type: none"> advocate that in the present absence of consensus policy recommendations on how to address Closed Generics, there be a suspension of any processing or acceptance of any applications for Closed Generics until such a time recommendations on how to address applications for Closed Generics which serve a global public interest are developed by the GNSO/ICANN Board, in keeping with the GAC Advice in the ICANN46 Communique, and GAC consensus input provided to the PDP WG during the public comment process. The GAC may advise the GNSO/ICANN Board to provide continued consideration of "A Proposal for Public Interest Closed Generic gTLDs" together with the "Closed Generics Proposal", both proposals having found explicit support in the GAC. 	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> o GAC Early Warning provided earliest possible notice of potential public policy concern and served the interests of both applicants and the GAC o GAC Advised for commitments in response to Early Warning to be made contractually binding (Toronto) o The GAC is interested in participating in any discussions to improve the Early Warning arrangements so that the legitimate concerns of governments, applicants and the wider community are met. <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> o GAC Early Warning and GAC Advice were useful instruments to identify applications that raise public policy concerns and should be an integral part of any future rounds. o GAC is Open to increasing transparency and fairness of these, including giving applicants an opportunity for direct dialogue with the GAC. o However, the GAC does not consider that the PDP should make recommendations on GAC activities which are carried out in accordance with the ICANN Bylaws and the GAC's internal procedures <p>ICANN67 Communique (16 March 2020)</p> <ul style="list-style-type: none"> o Further GAC discussion needed on draft recommendations regarding the scope of the rationale of GAC Advice; and the limitation of GAC Advice issued after the application period to individual strings only "based on the merits and details of the applications for that string, not on groups or classes of applications." <p>GAC Compilation of Individual Input on Subpro PDP WG recommendations (May 2020):</p> <ul style="list-style-type: none"> o Most supported previous GAC positions supporting retention of the "will create a strong presumption for the ICANN Board that the application should not be approved". o Converged on not limiting scope of GAC advice. o A few agreed on the need for alignment with ICANN Bylaws. o GAC Consultation took place prior to updated PDP WG recommendation language, so may be to some extent outdated since substantive changes were made to the draft recommendations (see Status of PDP WG deliberations column). <p>GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):</p> <ul style="list-style-type: none"> o GAC Early Warnings and GAC Advice are useful instruments to identify applications that raise public policy concerns and should be an integral part of any future rounds. GAC remains open to increasing transparency and fairness of these, including giving 	<p>Final Recommendations - Topic 30 </p> <ul style="list-style-type: none"> • WG Recommendations and Implementation Guidance on issuance of GAC Advice in future rounds notes GAC Advice is recommended to be limited to the scope set out in the applicable Bylaws provisions (see Section 12.2.a.i) and elaborate on any interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues (Rec.30.3). <p>Following public comment and GAC consensus input:</p> <ul style="list-style-type: none"> • Rec 30.3: WG recommendation language noting that well-founded merits-based public policy reasons must be articulated was removed by PDP WG aligned with GAC consensus input. • Rec 30.2: PDP diverges from GAC consensus input and notes that GAC Advice on categories of TLDs, groups or classes of applications, or string types, or to a particular string, should be issued by the GAC before the Applicant Guidebook is published, If GAC Advice on categories is issued after the finalization and publication of the AGB, and whether the GAC Advice applies to categories, groups or classes of applications or string types, or to a particular string, the ICANN Board should take into account the circumstances resulting in such timing and the possible detrimental effect in determining whether to accept or override such GAC Consensus Advice as provided in the Bylaws. • Rec 30.6: PDP WG notes that GAC members issuing Early Warnings must include a written explanation describing why the Early Warning was submitted and how the applicant may address the concern, against GAC positions. • Regarding 30.6, GAC consensus comment included proposed compromise language to note that applications may not always be able to be remedied in the opinion of the Government(s) issuing a GAC Early Warning. Therefore, the GAC proposed updated language to Recommendation 30.6 as follows: "[...] how the applicant may potentially address the GAC member's concerns to the extent feasible". The recommendation language remains however unchanged, and no explanation was presented for not taking into account GAC suggested edits. • Rec. 30.4: WG recommendations diverge with the opinion of a number of GAC members since PDP WG rec 30.4 notes that future versions of the AGB should omit this language: GAC Advice "<i>will create a strong presumption for the ICANN Board that the</i>

<p>applicants an opportunity for direct dialogue with the GAC.</p> <ul style="list-style-type: none"> ○ GAC does not consider that the PDP should make recommendations on GAC activities which are carried out in accordance with the ICANN Bylaws and the GAC's internal procedures. <p>GAC does not support:</p> <ul style="list-style-type: none"> ○ PDP WG recommendations limiting the scope of GAC advice (30.3). ○ Implementation Guidance 30.2) regarding the timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to discouraging any such Advice being submitted after the finalization and publication of the next Applicant Guidebook. <p>The GAC agrees with the PDP WG notion that a GAC Early Warning should be explained; However, the GAC proposes updated language to Recommendation 30.6 as follows: "[...] how the applicant may potentially address the GAC member's concerns to the extent feasible".</p> <ul style="list-style-type: none"> ○ Recommendation 30.4, some GAC Members continue to consider that the Bylaws changes from 2016 did not introduce any modification to the section on GAC Advice which would require a change of the language included in Section 3.1 of the 2012 Applicant Guidebook which states that GAC Consensus Advice "will create a strong presumption for the ICANN Board that the application should not be approved". 	<p><i>application should not be approved". The SubPro WG motivates this deletion with the objective of increasing the Board's flexibility to facilitate a solution that both accepts GAC Advice and allows for delegation of a string if GAC concerns are addressed. This remains a sensitive issue for many GAC members.</i></p>
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Possible Next Steps for the GAC to Consider

- For context, different members of the Sub Pro WG (which might be prospective applicants) have expressed their views that the Applicant Guidebook needs to provide a clear and predictable framework regarding the role and use of GAC early warnings and GAC advice.
- The GAC may wish to provide GAC Advice to the GNSO and/or ICANN Board as the updated final recommendations - albeit taking into account some GAC positions - would still establish new requirements on GAC Early Warnings and GAC Consensus Advice in future rounds which diverge from GAC positions.

In particular the GAC may wish to consider to:

- Re-affirm that some GAC members strongly support the retention of the "Strong presumption" language which is recommended for removal by the PDP WG in the future AGB (Rec. 30.4)
- Re-affirm GAC opposition to Rec. 30.2 which notes the limited timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to discouraging any such Advice being submitted after the finalization and publication of the next Applicant Guidebook. PDP WG rationale noted that this is in keeping with issues of predictability for applicants
- Re-affirm GAC proposed compromise language relative to Rec. 30.6 where GAC consensus comment included proposed compromise language to note that applications may not always be able to be remedied in the opinion of the Government(s) issuing a GAC Early Warning. Therefore, the GAC proposed updated language to Recommendation 30.6 as follows: "[...] how the applicant may potentially address the GAC member's concerns to the extent feasible". The recommendation language remains unchanged, and no explanation was presented for not taking into account GAC suggested edits.
- The GAC can also consider working with the GAC Board Interaction Group (BGIG) for on-going exchanges on the implications of the Sub Pro Final recommendations, and how the Board-GAC relationship can be best understood and communicated in Applicant Guidebooks.

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on CCT Review Team Draft Report (19 May 2017):</p> <ul style="list-style-type: none"> Conduct a thorough review of procedures and objectives for Community-based applications (Draft Rec. 48, Final Rec. 34) <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Where a community which is impacted by a new gTLD application has expressed a collective and clear opinion, that opinion should be duly taken into account as part of the application. (Beijing Communiqué) Take better account of community views, regardless of whether those communities have utilised the ICANN formal community process or not (Durban Communiqué 2013) The GAC proposes the establishment of an appeal mechanism for community applications The GAC has recently referred to the PDP Working Group for consideration the recommendations of a report on community applications commissioned by the Council of Europe. <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Supports proposal in the Initial Report The study by the Council of Europe should be considered <p>Comment on CCT Review Team Final Report (11 Dec. 2018)</p> <ul style="list-style-type: none"> a thorough review of procedures and objectives related Community-Based Applications be conducted prior to the launch of any future round of New gTLD Application (Final Rec. 34) <p>ICANN67 Communiqué (16 March 2020)</p> <ul style="list-style-type: none"> evaluators should have necessary expertise and additional resources at their disposal to gather information about a CPE application and any opposition to it improved transparency and predictability, for greater consistency in the CPE process, establishment of an appeals mechanism consideration to be given to providing support for non-profit community-based applications. <p>GAC Consultation on Subpro PDP WG recommendations (May 2020):</p> <ul style="list-style-type: none"> Some GAC members agreed in principle with the draft recommendations, while expressing concerns about the Community Priority Evaluation Process (CPE) specifically due to lack of clear definition of "community". GAC members converged on the need for further clarification of the CPE Process per ICANN67 Communiqué and recalled the GAC consensus positions from the ICANN67 Communiqué on CPEs. <p>GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):</p> <ul style="list-style-type: none"> PDP WG final recommendations include measures for improved transparency and predictability, aligned with concerns expressed by the GAC regarding the need for greater consistency in the CPE process, and the 	<p>Final Recommendations - Topic 34 </p> <ul style="list-style-type: none"> The PDP WG supports the overall approach used in the 2012 round for community-based applications, including the continued prioritization of applications in contention sets that have passed Community Priority Evaluation (Affirmation 34.1). The WG believes its work is in line with the CCT-RT recommendation 34. With a view to making the Community Priority Evaluation (CPE) processes efficient, transparent and predictable as possible, the WG recommends (Rec. 34.13-31.15): <ul style="list-style-type: none"> Amended CPE Guidelines should be considered a part of the policy adopted by the PDP WG. ICANN org to consider efficiency improvements, costs and timing. All CPE procedures and dispute provider rules must be published before the application submission Regarding the improvement of information gathering by CPE evaluators: <ul style="list-style-type: none"> in addition to clarifying questions to CPE applicants, written dialogue should be enabled (Rec. 34.17) clarifying questions or similar methods should also be available to engage those who submit letters of opposition to community-based applications (Rec. 34.18) Regarding the definition of "Community", the WG does not appear to be seeking to establish a broader definition instead relying on the existing criteria for the CPE review. Implementation Guidelines 34.2 - 34.9 added which address various GAC comments regarding recognition of communities beyond economic communities with a formal membership structure, such as marginalized groups, such as linguistic, cultural, ethnic minority groupings, "traditional knowledge" and "Indigenous Communities", and to civil-society advocacy groups, defined as CHR (Community Human Rights based). Further delineations included in such implementation guidelines for the AGB, namely for "Organized", "community" - i.e. there should be some understanding of the community's existence prior to the beginning of the current application submission period

<p>establishment of an appeals mechanism for the New gTLD Program.</p> <ul style="list-style-type: none"> ○ The GAC supports the recommendations to improve the community priority evaluation process, particularly with regard to predictability and transparency. ○ As CPE Guidelines are still being considered by the PDP WG, the GAC encourages the GNSO to improve the CPE process in order to address important shortcoming/uncertainties such as effectiveness, predictability, transparency and independent appeal mechanism. ○ The definition of "community" would deserve clarification as well as the criteria to be qualified as such. The GAC encourages the consideration of measures to ensure more grassroots participation and expertise, in evaluation panels, in order to improve their understanding about how different "communities" are recognized, organized, administered or developed. 	<p>(Rec. 34.5).</p>
<p>Possible Next Steps for the GAC to Consider</p>	
<p>The GAC may wish to assess whether its expectations are met by the final recommendations regarding community based applications. It may also consider supporting ALAC minority statement to SubPro PDP WG noting dissent on omissions from the PDP WG Final Report:</p> <ul style="list-style-type: none"> ● <i>"Implementation Guidance 34.4 – to address impediment to proving both 'awareness and recognition of the community members' for CPE Criterion 1-A; while allowance has been made in respect of 'recognition' to compel consideration the views of the relevant community-related experts, especially in cases where recognition of the community is not measurable, no similar allowance has been made in respect of measuring 'awareness' where such measurement could also be prevented or impaired."</i> ● Recommendation 34.12: <i>"falls short by not also stipulating that the shortlisting and selection of CPE provider(s) by ICANN Org be subject to community input as a proactive measure for the community to help ICANN Org select the most suitable CPE Provider for subsequent procedures."</i> 	

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> ○ Auctions of last resort should not be used in contentions between commercial and non-commercial applications ○ Private auctions should be strongly disincentivised <p>Comment on Sub Pro PDP Supplemental Initial Report (19 Dec. 2018)</p> <ul style="list-style-type: none"> ○ Reiterates comments made on the Initial Report <p>ICANN68 GAC Communiqué (27 June 2020)</p> <ul style="list-style-type: none"> ● GAC Members expressed concerns on why other options are not being further considered by the WG. <p>GAC Comment on Subpro PDP WG Draft Final Report (29 Sep 2020):</p> <p>GAC acknowledges that in an attempt to reduce potential gaming, rec. 35.3 includes the need for applications to be submitted with a “bona fide” intention to operate a TLD. GAC recommends further discussion on how this intention will be ensured and implemented, noting that punitive measures for non compliance or non submission of a “bona fide” intention are not sufficiently defined.</p> <p>Regarding Auctions of Last resort, the GAC reaffirms its view that they should not be used in contentions between commercial and non-commercial applications, and reiterates that private auctions should be strongly disincentivized.</p>	<p>Final Recommendations Topic 35 </p> <ul style="list-style-type: none"> ● Affirmation 35.1: PDP WG recommends that if there is contention for strings, applicants may: <ul style="list-style-type: none"> ○ resolve contention between them within a pre-established timeframe in accordance with the AGB and supporting documents (rec...) ○ If there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. ○ If there is no such claim, and no mutual agreement, <i>contention will be resolved through an ICANN Auction of Last Resort</i> and; ○ the ICANN Board <i>may use expert panels to make Community Priority Evaluation determinations</i> ● Rec. 35.2: <ul style="list-style-type: none"> ○ The AGB must reflect that applicants will be permitted to creatively resolve contention sets in a multitude of manners, including but not limited to business combinations or other forms of joint ventures and private resolutions (including private auctions) - see topic 20 Application Change Requests. ○ All contention sets resolved through private resolution shall adhere to the transparency requirements set forth in the Contention Resolution Transparency Requirements in the relevant recommendation. ● Rec. 35.3: <ul style="list-style-type: none"> ○ Applications must be submitted with a bona fide (good faith) intention to operate the gTLD, i.e. applicants shall <u>not</u> submit applications for the purpose of financially benefiting from the resolution of contention sets ○ The WG has included a non-exhaustive list of potential “Factors” intended to help identify when an application may have been submitted without a bona fide intent to operate the gTLD. Those potential “Factors” are assumed to serve as the basis for enforcement of the bona fide use clause. ○ Consideration of whether an application was submitted with a bona fide intention to operate the gTLD must be determined by considering all of the facts and circumstances surrounding the impacted Applicants and Applications. ● Rec. 35.4: <ul style="list-style-type: none"> ○ The PDP WG recommends that auctions of last resort must take place using the second-price auction method, in which bidders submit a sealed-bid auction rather than the ascending clock auction used in 2012. ○ ICANN Auctions of Last Resort shall only take place after all other evaluation procedures, objections, etc., similar to the 2012 round. ○ ICANN Auctions of Last Resort cannot occur if one or more of the applications in the contention set is involved in an active appeal or ICANN Accountability mechanism

	<p>or is in a new public comment period or reevaluation due to private resolution.</p> <ul style="list-style-type: none"> ○ Once application submission period closes, applicants in contention sets will be informed of # of other applications in contentions set but no other information will be revealed. ○ Any applicants who wish to compete for their applied for string must submit a sealed bid for each relevant application. ○ All applications are evaluated and subject to other application procedures, including Initial/Extended evaluation, Objections, GAC Early Warnings/Advice, CPE)
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Possible Next Steps for the GAC to Consider

- For context, auction and private resolutions procedures are both technically complex and have opposing/different viewpoints across members of the Sub Pro WG. The GAC and some members of the Sub Pro WG share the ICANN Board's high level concerns with gaming and abuse of auctions in future rounds. However, to date there is no consensus in the WG on the proportionate safeguards to address government, civil society, and private sector interests on this complex issue.
- GAC may consider refining expectations and making proposals in terms of incentives for the avoidance of private auctions and submit this as GAC Advice to the GNSO Council and or ICANN Board, inter alia, reiterating the importance of punitive measures for bona fide intention clauses, and seek further language disincentivizing auctions of last resort, and supporting the ALAC Minority Statement language on this item:
 - *"Recommendation 35.3 implies that use of a bona fide intent affirmation is limited to applicants who participate in auctions or private resolution mechanisms. If at all, this affirmation should apply to all applications, not just those that fall into contention sets. In any case, the factors for establishing a lack of bona fide intent are too subjective, and without deterrence through penalty, are ultimately just a mere attempt at 'window dressing' "*

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

Policy Development Process

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> GAC Notes range of ongoing interconnected reviews and policy development processes relevant to new gTLDs Take a comprehensive and measured approach to new gTLD policy in a sequential and coordinated way rather than through too many parallel and overlapping efforts Cross-community working environment essential to the development of workable policies that maximise benefits to all relevant stakeholders GNSO process to be complemented by the input from other SOs/ACs, and ICANN Board when not appropriately reflected in the outcome Experience suggests conclusion of a PDP on such a wide-ranging set of issues unlikely to be end-point agreed by all stakeholders. GAC will make every effort to participate in agreed post-PDP policy processes. Consider metrics to support both policy development and ongoing implementation as a specific stream of work <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> Increased data collection on consumer trust, DNS abuse, domain wholesale and retail pricing, reseller information, WHOIS accuracy [...] will allow for more informed decision and policy [...] particularly with regard to future standard registry and registrar contract provisions and any subsequent rounds of gTLDs (Final Rec. 1, 8, 11, 13, 17, 18) 	<p>Final Recommendation Topic 1, 3 & 7 </p> <ul style="list-style-type: none"> According to the GNSO Review of the GAC Kobe Communiqué (18 April 2019), all CCT Review recommendations directed at the PDP either by the Review Team (in the course of its work) or by the ICANN Board resolution (1 March 2019) were considered in the course of the PDP WG's deliberations (Annex C) The PDP WG flagged a review of GAC Advice contained in the Montréal Communiqué and understands that it is required to consider all CCT-RT recommendations directed to it via the 01 March 2019 ICANN Board resolution at it, but is not required to agree with all outcomes and suggested solutions. Annex C: Specific CCT-RT recs were not addressed in this context, but as an overarching response to the Montreal Communiqué Advice, which is inconsistent with GAC expectations. The WG describes its consideration of the CCT-RT recommendations in its Final Report in each relevant section (a summary of where each CCT-RT rec is discussed is included in Annex C) PDP WG discussed whether the program should only utilize "rounds", and recommends a "systematized manner of applying for gTLDs be developed in the long term" (Affirmation 1.1) The PDP WG took note of GAC Advice contained in the Montréal Communiqué, that future rounds should not begin until the prerequisite and high priority recommendations of the CCT-RT are implemented. The PDP WG recommends meaningful metrics must be identified to understand the impact of the New gTLD Program. To review metrics, data must be collected at a logical time to create a basis against which future data can be compared. Metrics collected to understand the impact of New gTLD Program should focus on areas of trust, competition and choice (Rec. 7.1). ICANN org must establish metrics and service level requirements for each phase of the application process (review, evaluation, contracting and transition to delegation stages). ICANN must report on a monthly basis on its performance with respect to these key performance indicators (Rec. 7.3). Of the recommendations flagged by the GAC in the CCT-RT recommendations regarding increased data collection, only Rec. 17 of the CCT-RT was directly assigned to the Subpro PDP WG by the ICANN Board and is not addressed in final report, "ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations."
Possible Next Steps for the GAC to Consider	
<ul style="list-style-type: none"> GAC may wish to provide input on the CCT-RT Recs not addressed, notably on DNS Abuse (CCT-RT 14, 15 and 16) since the WG believes that the scope of the PDP WG focuses solely on new TLDs introduced in subsequent rounds, it believes that the topic is more appropriately addressed by a group able to develop policy for existing TLDs as well as new gTLDs, and the subsequent GNSO Council Discussion noting a more holistic approach should be triggered on DNS Abuse Mitigation. 	

Future Releases of New gTLDs (Timing and Prerequisites)

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CCI (29 July 2016)</p> <ul style="list-style-type: none"> Reiterated GAC Helsinki Communiqué Advice on this matter Lack of clarity on realization of the expected benefits of new gTLDs (per pre-2012 economic analysis) Development and collection of metrics far from complete ICANN, registries and registrars should commit to gathering appropriate data on security and consumer safety issues in a transparent manner Preventing or restricting further release of new gTLDs could be seen as a windfall gain for existing gTLD owners. However, competition is only one factor in terms of assessment of costs and benefits. <p>Comment on CCT Review Team Draft Report (19 May 2017)</p> <ul style="list-style-type: none"> CCT-RT's contribution is critical in evaluating the overall impact of the new gTLD Program and identifying corrective measures and enhancements <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Reiterates GAC Helsinki & Hyderabad Communiqué and previous input that costs and benefits of new gTLDs should be reviewed before any further rounds, noting it does not seem addressed directly by PDP Further expansion should take into account the CCT Review recommendations identified as prerequisites <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> the GAC endorses recommendations in the final report that encourage the collection of data to better inform policy making before increasing the number of new gTLDs (Need for data) <p>GAC Advice Montreal Communiqué (6 November 2019)</p> <ul style="list-style-type: none"> Advised not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the CCT Review that were identified as "prerequisites" or as "high priority". <p>GAC Response (20 Jan. 2020) to ICANN Board Clarification Questions on GAC Montreal Communiqué which clarified its positions on "pre-requisites" and "high priority" CCT RT Recs, clarifying that the Board should remain respectful of the advice received from its advisory committees and on topics which encompass high priority/pre-requisite CCT RT recs which were not adopted by the Board the GAC asked</p>	<p>Final Recommendations - Topic 1, 3 & 7 </p> <ul style="list-style-type: none"> The PDP WG final recommendations note that an "orderly, timely and predictable New gTLD Program is universally supported" (Affirmation 1.1). The PDP WG recommends that prior to the commencement of the next Application Submission Period, ICANN shall publish either (a) the date in which the next subsequent round of new gTLDs will take place or (b) the specific set of criteria and/or events that must occur prior to the opening up of the next subsequent round (Rec. 3.2). The Sub Pro PDP WG has not conducted cost/benefit analysis of further releases of new gTLDs. This is based in part on the fact that "It is the policy of ICANN that there be subsequent application rounds, and that a systemized manner of applying for gTLDs be developed in the long term" (New gTLD Applicant Guidebook, section 1.1.6). The PDP WG recommends that a "systematized manner of applying for gTLDs be developed in the long term" be maintained as per the 2012 Applicant Guidebook (Affirmation 1.1). In terms of data collection, the Sub Pro PDP WG created a section on metrics (topic 7) referred to above in Policy Development section draft final recommendations note that <i>"metrics collected to understand the impact of New gTLD Program should [...] focus on the areas of trust, competition, and choice. Work related to the development of metrics should be in accordance with CCT-RT recommendations currently adopted by the Board, as well as those adopted in the future"</i> (Implementation Guidance 7.2) More specifically the PDP WG recommends that <i>"to review metrics, data must be collected at a logical time to create a basis against which future data can be compared."</i> (Rec. 7.1) No objections within PDP WG to the New gTLD Program continuing, nor to the collection of data and metrics for assessing the impact of the program. The PDP sought to try and identify metrics for success but ultimately determined that this exercise is more appropriately completed during the implementation phase, in accordance with Board-approved recommendations of the CCT-RT. The Working Group believes that an Implementation Review Team should determine the appropriate metrics, and the data required, to measure such metrics on a regular basis to help evaluate the New gTLD Program (see Policy Development section above and topic 7 of the final report)

for clarification from the Board on how it intends to proceed and when it will make its decision.

[ICANN68 GAC Communique](#) (27 June 2020):

- While supporting a new round of new gTLDs in principle, some GAC members recalled the importance of a cost/benefit analysis being conducted prior to the next round.

Possible Next Steps for the GAC to Consider

- Determine whether PDP WG final recommendations meet GAC's expectations, in particular in the GAC [Montreal Communique](#), where GAC's advice was not to proceed with a new round of gTLDs until the complete implementation of recommendations in the CCT-RT that were identified as "prerequisites" or as "high priority" is achievable.
- The GAC may wish to address advice to the ICANN Board in keeping with the GAC Montreal Communique, reiterating the importance of completing implementation of recommendations in the CCT-RT identified as "prerequisites" or as "high priority".

3. New gTLD Applications Process

Application Procedures

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> ○ Critical assessment should be made on whether Applicant Guidebook or single place on ICANN's website should be preferred in future ○ If Applicant Guidebook is retained, partitioning in different audience-driven sections or by type of application has merit <p>Comment on Sub Pro PDP Supplemental Initial Report (19 Dec. 2018)</p> <ul style="list-style-type: none"> ○ Concur that better guidance provided by ICANN would be helpful regarding possible changes in applications once submitted and their consequences in terms of publication and evaluation. ○ Care is required so as not to allow changes that could undermine the role of Application comments ○ A change to the likely operator of the new gTLD would constitute a material change and require notification (AGB 1.2.7) and possibly re-evaluation as well as public comments for competition and other concerns. 	<p>Final Recommendations - Topic 1, 3, 12 </p> <ul style="list-style-type: none"> ● The Applicant Guidebook is expected to be retained and made available in the 6 UN Languages (Affirmation 12.1). ● The English version of the Applicant Guidebook must be issued at least four (4) months prior to the commencement of the applicant submission period (Rec. 12.8) ● All other translated versions of the Applicant Guidebook, including in the 6 UN languages, must be available no later than two (2) months prior to the commencement of the application submission period (Rec. 12.9) ● The PDP WG recommends that ICANN org provide better guidance to the Applicant (Rec. 12.4). ● The Working Group recommends focusing on the user when drafting future versions of the Applicant Guidebook and prioritizing usability, clarity, and practicality in developing the AGB for subsequent procedures. The AGB should effectively address the needs of new applicants as well as those already familiar with the application process. It should also effectively serve those who do not speak English as a first language in addition to native English speakers (Rec. 12.4). ● Application fees for each application must be published in that round's Applicant Guidebook (Rec. 12.11).
Possible Next Steps for the GAC (potential GAC inputs to GNSO Council and/or ICANN Board)	
<p>GAC to consider whether 2 months is sufficient for the translated versions of the AGB to be received prior to the commencement of the applicant submission period.</p>	

Freedom of Expression

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> ◦ No clear evidence of infringement of an applicant's freedom of expression rights in the recent gTLD round ◦ Freedom of expression, especially from commercial players, is important but not absolute. ◦ As in any fundamental rights analysis all affected rights have to be considered, including, inter alia, intellectual property rights, applicable national laws on protection of certain terms etc. ◦ Procedures have to be inclusive of all parties whose interests and rights are affected by a specific string application, and all need to be given a fair say in the process 	<p>Final Recommendation - Topic 10 </p> <ul style="list-style-type: none"> • The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law (Affirmation 10.1) • WG notes that as ICANN incorporates human rights into ICANN's processes in line with the recommendations of Work Stream 2, it may want to consider elements of the New gTLD Program as they relate to applicant freedom of expression (Implementation Guidance 10.2). • The Working Group understands the challenges of ensuring that freedom of expression is incorporated into the implementation and operation of the new gTLD program, and recommends a proactive approach to ensuring that these rights are taken into account in the development of program rules, processes, and materials (Rationale Rec. 10.1 and Implementation Guidance 10.2). • While the Working Group did not agree to specific recommendations in this regard, it encourages ICANN org to give additional consideration to this issue in the implementation phase (Rationale Rec. 10.1 and Implementation Guidance 10.2). <p>PDP WG updated language to cross reference the Framework of Interpretation (FOI) for the human rights core value as part of the CCWG Accountability WS2 recommendations adopted by the ICANN Board in Nov. 2019</p>
Possible Next Steps for the GAC to Consider	
<ul style="list-style-type: none"> • The GAC HRIL WG may wish to review final recommendations (10.2) to ensure alignment with GAC HRIL WG positions, due to mention of human rights and WS2 implementation. 	

TLD Categories (or Types)

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories Limited geographic and category diversity of 2012 application should inform discussions GAC 2007 Principles and Durban Communiqué suggest certain types of TLDs which may deserve a differential treatment, including sensitive strings and highly regulated sectors Differential treatment may require different tracks for application and different procedures, rules and criteria. To be confirmed with data gathering. <p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Reiterates GAC Nairobi Communiqué Advice in relation to possible variable fee structure per type of application <p>Comment on the Statistical Analysis of DNS Abuse in New gTLDs (19 September 2017)</p> <ul style="list-style-type: none"> There is still significant scope for the development and enhancement of current mitigation measures and safeguards, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD, Community gTLD, Geographic gTLD and Brand gTLD) Risk levels also varies depending on the strictness of the registration policy (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names) <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Reiterates GAC Nairobi Communiqué Advice calling for further exploration of categories and addressing fees 	<p>Final Recommendation, Topic 4</p> <ul style="list-style-type: none"> WG recommends differential treatment for certain applications based on either the application type, the string type, or the applicant type (Rec.4.1). Such differential treatment may apply in one or more of the following elements of the new gTLD Program: Applicant eligibility; Application evaluation process/requirements; Order of processing; String contention; Objections; Contractual provisions (Rec. 4.1). PDP WG considered GAC Advice in Nairobi Communiqué, relative to exploring the benefits of further categories. Working Group concluded that it is challenging to implement additional categories in a simple, effective, and predictable manner. PDP WG notes that the establishment of additional types should be done under exceptional circumstances only and should be done via community processes (Rec. 4.1). PDP WG includes new "Strings subject to Category 1 Safeguards" in string types. See Safeguards section (Rec. 4.1). PDP WG recommends maintaining existing categories and to not create additional categories, with the exception of formally adopting the .Brand category (Rec. 4.1). Rec. 15.1: The PDP WG recommends maintaining the single base fee charged in the 2012 application round, with the exception of: <ul style="list-style-type: none"> Applicant Support Applicants electing to use a pre-approved registry service provider
Possible Next Steps for the GAC to Consider	
<ul style="list-style-type: none"> The GAC may wish to consider whether its expectations are met on this topic by the Final Recommendations. 	

Community Engagement

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC1 (29 July 2016)</p> <ul style="list-style-type: none"> • Ensure/empower participation from all relevant stakeholders from affected communities (as applicants or to have a fair say when legitimate interests affected by TLD applications) 	<p>Final Recommendations - Topic 13 </p> <ul style="list-style-type: none"> • The PDP WG agreed that the New gTLD Program's communications plan should serve the goals of raising awareness about the New gTLD Program to as many potential applicants as possible around the world and making sure that potential applicants know about the program in time to apply. • To serve this objective, the WG determined that the focus should be on timeliness, broad outreach, and accessibility (Rec 13.2). • The WG believes that an effective communications strategy and plan is needed to support the goals of the program • WG recommends that the New gTLD communications plan must be developed with timeliness, broad outreach and accessibility as key priorities. • The communications plan must be targeted to achieve the goals of the New gTLD Program as articulated and must include a Communications Period commensurate in length to achieve those goals. • For timeliness, WG believes that for the subsequent round, the Communications Period should begin at least six (6) months prior to the beginning of the application submission period (Implementation Guidance 13.3). • For accessibility, the Working Group stresses the need for a single, well-designed website dedicated to the New gTLD Program to support the sharing and accessibility of program information (rec. 13.6)
Possible Next Steps for the GAC to Consider	
<ul style="list-style-type: none"> • The GAC may wish to consider monitoring how the New gTLD Communication Strategy is implemented by the IRT. 	

4. New gTLD Applications Requirements

Applicant Evaluation and Accreditation Programs

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none">○ Applicant evaluation and Registry Service Provider pre-approval process should include consideration of potential security threats○ Such consideration should include using tools such as ICANN's DAAR to identify any potential security risks (and affiliated data) associated with an application	<p>Final Recommendations - Topic 6 </p> <ul style="list-style-type: none">● Accreditation Programs renamed RSP Pre-Evaluation by PDP WG (Rec. 6.2).● PDP WG recommends establishing a program in which Registry Service Providers ("RSPs") may receive pre-evaluation by ICANN if they pass the required technical evaluation by ICANN or their selected third party provider (Rec. 6.2).● The only difference between a pre-evaluated RSP and one that is evaluated during the application evaluation process is the timing of when the evaluation and testing takes place● PDP WG recommends that all criteria for evaluation and testing must be the same.● The WG did not integrate data such as DAAR- which provides data for an already delegated TLD - into the evaluation process within recommendations, i.e. the pre-approval program would not be backwards looking, but look at an RSP's current state and capability.
Possible Next Steps for the GAC (potential GAC inputs to GNSO Council and/or ICANN Board)	
<ul style="list-style-type: none">● The GAC and PSWG particularly may wish to consider GAC advice/comment in this area as to ensure outcomes compatible with GAC expectations and threat landscape, consistent with previous GAC Advice. In particular, it may consider recommending that applicant evaluation and RSP pre-approval process should include considerations of potential security threats.¹● The GAC may want to consider providing specific guidance within the implementation phase on how tools like DAAR can benefit the evaluation process.	

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

Reserved Names

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Existing reservations of names at the top level substantially reflect the GAC Principles Regarding New gTLDs. The GAC would expect that any changes should be consistent with these Principles The GAC wishes to draw the attention of the PDP to its most recent advice on certain 2-character codes at the second level (GAC Panama Communiqué) 	<p>Final Recommendations - Topic 21 </p> <ul style="list-style-type: none"> Reserved Names ["Unavailable Names," referred to in 2012 AGB as "Reserved Names"] at the Top Level : the PDP WG affirms Recommendation 2 from the 2007 policy, which states "Strings must not be confusingly similar to an existing top-level domain or a Reserved Name" (Rec. 21.1) PDP WG supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round (Rec. 21.2) The Working Group supports continuing to reserve as unavailable for registration those strings that are on the then-current schedule of Reserved Names at the second level. The schedule may only change through the then-current process for making such changes (Affirmation 21.5) PDP WG recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for second-level Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 November 2016 (Rec. 21.6)
Possible Next Steps for the GAC to Consider	

5. New gTLD Applications Requirements - Safeguards

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

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Comment on CCT Review Team Draft Report (19 May 2017): the GAC supports:</p> <ul style="list-style-type: none"> o Incentives for registries to meet user expectations regarding content, registrants in TLD, safety of personal data (Draft Rec. 14, Final Rec. 12) o Further gathering of data related to WHOIS Accuracy and related complaints (Draft Rec. 17-18, Final Rec. 18) o Regular gathering, analysis by ICANN of data pertaining to abuse rates in new gTLDs (Draft Rec. 19, Final Rec. 16) o Review of Registry Security Framework (Draft Rec. 20, Final Rec. 19) o Assessing whether mechanisms to report and handle complaints have led to more focused efforts to combat abuse and improving awareness of Registries points of contact to report abuse (Draft Rec. 21-22, Final Rec. 20) o Collection of additional information in complaints to assess effectiveness of highly regulated strings Cat. 1 safeguards (Draft Rec. 23-24, Final Rec. 21) o More data and information required for an objective assessment of the effectiveness of safeguards for highly regulated strings (Draft Rec. 25-30, Final Rec. 23) o Survey registrant and ICANN compliance on enforcement of Safeguards related to New gTLDs with Inherent Governmental Functions and Cyberbullying (Draft. Rec 31-32, Final Rec. 24) o Additional collection of data to assess effects of restricted registration policies on TLD trustworthiness, DNS Abuse, competition, and costs of compliance (Draft Rec. 33-36, Final Rec. 13) <p>Comment on the Statistical Analysis of DNS Abuse in New gTLDs (19 September 2017)</p> <ul style="list-style-type: none"> o There is still significant scope for the development and enhancement of current mitigation measures and safeguards, taking into account the specific risk levels associated with different categories of New gTLD (Standard or generic gTLD, Community gTLD, Geographic gTLD and Brand gTLD) o Risk levels also varies depending on the strictness of the registration policy (bad actors prefer to register domains in standard new gTLDs, which are generally open for public registration, rather than in community new gTLDs, where registries may impose restrictions on who can register domain names) <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> o Verified [TLD] Consortium and the National Association of Boards of Pharmacy recommendations on applications for strings linked to highly regulated sectors should be supported. <p>Comment on CCT Review Team Final Report (11 December 2018)</p> <ul style="list-style-type: none"> o Considering the conclusion that "The new gTLD safeguards alone do not prevent DNS Security abuse in the DNS", consider more proactive measures to identify and combat 	<p>Final Recommendations - Topic 26 </p> <ul style="list-style-type: none"> • As indicated in the Policy Development Process section of this scorecard, the PDP WG believes that all CCT Review recommendations directed at the PDP are being considered in the course of the PDP WG's deliberations • Per the PDP WG's working document, 4 of the CCT Review recommendations identified as important by the GAC in the area of safeguards (see Left) are being considered by the PDP (Rec. 12, 14, 16, 23). All of these are identified as requiring more consideration in PDP WG deliberations • It should be noted that CCT Review Final Recommendations have been considered by the ICANN Board (1 March 2019). The Board's actions are currently subject to further community discussion, as tracked by the GAC in another dedicated scorecard. • The WG affirms the framework established by the New gTLD Program Committee (NGPC) to apply additional Safeguards to certain new gTLD strings that were deemed applicable to highly sensitive or regulated industries, as established in response to the GAC Beijing Communique • This framework created 10 safeguards of various levels to be implemented among a set of 4 groups. • The WG recommends establishing a process to determine if an applied-for string falls into one of four groups. This process must be included in the Applicant Guidebook along with information about the ramifications of a string being found to fall into one of the four groups (rec 9.3) • PDP WG recommends that a panel should make the ultimate determination of whether it is one of the 4 categories due to the operational nature of this role, and that a panel might be most effective - to be evaluated in implementation phase (rec 9.4).

<p>DNS abuse, including incentives (contractually and/or financially) by ICANN to encourage contracted parties to adopt proactive anti-abuse measures (Final Rec. 14)</p> <ul style="list-style-type: none"> o Incentivize registries to meet expectations about who can register domains in sensitive or regulated industries and gathering data about complaints and rates of abuse in these gTLDs that often convey an implied level of trust (Final Rec. 12, 23) o Endorses recommendation for an audit of highly regulated gTLDs to assess whether restrictions regarding possessing necessary credentials are being enforced (Final Rec. 23) o ICANN Contractual Compliance to publish more details as to the nature of the complaints they are receiving and what safeguards they are aligned with, to enhance future policy making and contractual safeguards (Final Rec. 20, 21) 	
<p style="text-align: center;">Possible Next Steps for the GAC to Consider</p>	
<ul style="list-style-type: none"> • For context, 'Safeguards' are supported by many members of the Sub Pro WG, especially to mitigate consumer harm from abuse of trust in the DNS, and the SubProWG accepted the Boards implementation of GAC's safeguard advice. • (Refer to PICs section since content overlaps). Given the importance of this policy area for the GAC, and given the reduced scope of consideration of CCT Review Recommendations in the PDP WG (compared to GAC expectations), the GAC may wish to: <ul style="list-style-type: none"> o track developments in relation to the Board consideration of the CCT Review recommendations, and possibly engage via other channels in complement to the PDP WG where appropriate. o The GAC may wish to consider advice to the GNSO/ICANN Board relative to final recommendations on topics not yet addressed, of interest to the GAC: <ul style="list-style-type: none"> ➤ Consideration of existing safeguards and related CCT recommendations o GAC may wish to provide input to GNSO/ICANN Board on Regulated and Highly-Regulated Strings Framework by PDP WG. 	

6. New gTLD Applications Evaluation, Objections and String Contention

String Similarity/String Confusion

Summary of Previous GAC Input	Final PDP WG Deliberations and Recommendations
<p>Response to Sub Pro PDP CC2 (22 May 2017)</p> <ul style="list-style-type: none"> Reference to the GAC Hyderabad Communiqué Advice regarding the proposed guidelines on the second IDN ccTLD string similarity review process Reference to GAC Prague Communiqué advice “to create a mechanism of appeal that will allow challenging the decisions on confusability” in relations to applied-for IDN ccTLDs <p>Comment on Sub Pro PDP Initial Report (8 October 2018)</p> <ul style="list-style-type: none"> Reaffirms previous advice (GAC Beijing and Singapore Communiqué) that singular and plural versions of the same string as a TLD could lead to consumer harm 	<p>Confirmed w/ GNSO Support Final Recommendation - Topic 24</p> <ul style="list-style-type: none"> Draft final recommendations include detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round PDP WG recommends the standard used in the String Similarity Review from the 2012 round to determine an applied-for string is “similar” to any existing TLD, any other applied-for strings, reserved names, and in the case of 2-character IDNs, any single character or any 2-character ASCII string. PDP Recommends prohibiting plurals/singulars of the same word within the same language/script to reduce consumer confusion. The Working Group notes that recommendation 2.3.b from the Program Implementation Review Report states: “Consider any additional policy guidance provided to ICANN on the topic of string similarity.” The Working Group anticipates that ICANN org will leverage the above recommendations in the development of String Similarity review processes for subsequent procedures.
Possible Next Steps for the GAC to Consider	

Discussion of Future GAC Meetings

Session # 7 - Future GAC Meetings

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Background

Beginning at ICANN67 in early 2020, the COVID-19 global pandemic necessitated that the ICANN community shift to a “virtual” public meeting format for the entire calendar year. Those virtual meetings have continued into 2021 and ICANN71 represents the fifth consecutive “virtual” meeting for ICANN and the GAC.

Throughout this virtual meeting period, the GAC and the broader ICANN community have continued regular discussions about how to improve the planning and implementation of virtual meetings while looking forward to the day when face-to-face meetings are again possible. As the ICANN org contemplated arrangements for future public meetings, in late 2020 individual ICANN communities were given the opportunity to share their views about future meeting planning collectively during a community session at ICANN69 and then in follow-up surveys and community consultations. The GAC and GAC members actively participated in those activities and efforts.

As a result of those collaborations and discussions, a “planning guidelines” document was developed by ICANN org in collaboration with the chairs of the various Supporting Organizations and Advisory Committees (“SO-ACs”). The [document](#) was created to serve as a basic handbook for the community-based ICANN Meetings Community Planning Group, to assist with their planning for ICANN Public Meetings by providing a set of minimum guidelines with the aim of clarifying the role

of the community-based ICANN Meetings Community Planning Group and to facilitate consistency and accountability in decision making.

Relevant Recent Developments

As the community heads into ICANN71, and attention begins to turn to the possibility of a transition back to future in-person public meetings, or more likely hybrid meetings, the ICANN org launched (on 26 May) a community survey to investigate the possibility of conducting a hybrid meeting in Seattle, USA for ICANN72, which would include both in-person and virtual attendance. It is considered that a survey will help gauge community interest in a face-to-face meeting and learn what health and safety measures are most important to potential attendees when meeting in-person.

The [survey](#) has been sent to approximately 4,000 past meeting attendees who had “opted-in” to receive emails from ICANN org. The ICANN Meetings team plans to also market the survey on the ICANN71 event website to solicit the highest response rate possible. Results from the survey will be shared with the community during ICANN71 during [The Post-Pandemic Future of ICANN Public Meetings \[71.schedule.icann.org\]](#) session on Thursday, 17 June at 14:30 UTC.

GAC members had suggested the concept of a cross-community plenary session at ICANN71 to consider a number of future meeting planning matters including ways to optimize virtual meetings, a plan for how to return to in-person/hybrid meetings and identification of strategies for ensuring inclusive participation and other priorities needed for effective meetings in the future. A number of these topics will be explored during the scheduled ICANN71 cross community session.

Proposed GAC Action During Session

GAC Members will discuss ideas and concepts for planning future ICANN public meetings - including GAC meetings. This session will help clarify GAC views and prepare participants for community-wide discussions on the topic scheduled for Thursday 17 June during ICANN71.

Key Reference Documents

GAC Input Regarding ICANN Public Meeting Strategy Survey -

[https://gac.icann.org/activity-inputs/public/GAC%20Input%20Regarding%20ICANN%20Public%20Meeting%20Strategy%20Survey%20\(30Nov2020\)\(Final\).pdf?language_id=1](https://gac.icann.org/activity-inputs/public/GAC%20Input%20Regarding%20ICANN%20Public%20Meeting%20Strategy%20Survey%20(30Nov2020)(Final).pdf?language_id=1)

GAC Comments Regarding Community Consultation on ICANN Public Meetings: Recommended Strategic Changes for Future Meetings -

[https://gac.icann.org/reports/public/GAC%20Comments%20Regarding%20Community%20Consultation%20On%20ICANN%20Public%20Meetings%20\(18DEC2020\)\(Final\).pdf?language_id=1](https://gac.icann.org/reports/public/GAC%20Comments%20Regarding%20Community%20Consultation%20On%20ICANN%20Public%20Meetings%20(18DEC2020)(Final).pdf?language_id=1)

Further Information

ICANN Planning Guidelines for ICANN Public Meetings (April 2021) -

https://meetings.icann.org/sites/default/files/planning_guidelines_for_icann_public_meetings_-_proposed_clean_final_version_-_20_april_2021.pdf

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RDS/WHOIS and Data Protection Policy

Session #8

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Session Objective

Review the latest developments regarding efforts to bring Whois into compliance with applicable Data Protection Law, including: challenges in the implementation of EPDP Phase 1 Policy Recommendations; progress in the Operation Design Phase (ODP) on the EPDP Phase 2 Policy Recommendations regarding a System for Standardized Access and Disclosure of Registration Data (SSAD); initial recommendations of Phase 2A of the EPDP regarding the distinction of legal vs. natural person in the publication of gTLD Registration Data, as well as the feasibility of using unique and anonymized emails for contacts; and accuracy of gTLD 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 services¹, grew to become an indispensable tool for attributing content, services and crime on the Internet.

Consequently, WHOIS has been the subject of long-standing attention for the ICANN Community, including the GAC, particularly in relation to challenging issues such as concerns about the lack of protection of personal data, and the inaccuracy of registration data.

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

Issues

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

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

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

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

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

³ For further discussion, see “Importance of a Unified Access to Non-Public gTLD Registration Data” in the [GAC Webinar Discussion Paper](#) (23 September 2019)

Leadership Proposal for GAC Action

1. **Determine the need to follow-up with the ICANN Board regarding public policy concerns** related to the [GNSO Policy Recommendations on a System for Standardized Access/Disclosure of Registration Data \(SSAD\)](#), considering the GAC [ICANN70 Communiqué Advice](#) (25 March 2021), the [GAC Minority Statement](#) (24 August 2020) it references, the ensuing [discussion](#) of the Board's [Clarifying Questions](#) (21 April 2021), and the recent [adoption](#) by the Board of its [response to the GAC Advice](#) (12 May 2021).
2. **Consider GAC input as part of the Operational Design Phase (ODP) [launched](#)** by the ICANN Board (25 March 2021), for an initial duration of 6-months, [to perform an assessment](#) of possible implementation parameters for the proposed SSAD before the GNSO's policy recommendations are formally considered by the Board. .
3. **Consider a GAC position, as well national positions, on the proposed non-mandatory guidance for registrars who would voluntarily choose to distinguish between legal and natural person's registration data, as part of a GAC comment, and possibly national comments** in response to the expected public comment proceeding to be launched on the Initial Report of Phase 2A of the EPDP, before the ICANN70 meeting.
4. **Assess the public interest impacts** of the conflicts between the EPDP Policy Recommendations and the **suspended implementations** of the **Thick WHOIS Transition Policy**⁴, as recently [determined](#) by the GNSO (29 January 2021), and of the **Privacy/Proxy Accreditation Policy** Recommendations, as [reported](#) by ICANN org (12 January 2021).
5. **Consider GAC Positions, policy proposals and engagement of relevant parties** (Data Protection Authorities, the ICANN Board, ICANN org and GNSO Council) as appropriate, **to resolve pending policy and implementation issues** of public interest concern, including:
 - a. Exploring the feasibility of **unique contacts** and **uniform anonymized email addresses** (as currently discussed in EPDP Phase 2A)
 - b. Ensuring **accuracy of registration data** in view of the purposes for which such data is processed (the GNSO Council [continues to discuss](#) the initiation of a scoping effort, for a possible future launch of a new specific Policy Development Process)
 - c. Clarify personal data **disclosure responsibilities between ICANN and Contracted Parties**, as well as the issue of **controllership**
 - d. Address **international data transfers**, when registration data disclosure crosses different jurisdictions
 - e. 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.

⁴ See <https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en>

6. **Discuss GAC expectations regarding the timely deployment and operation** of a System for Standardized for Access and Disclosure to gTLD Registration Data (SSAD) in light of the launch by the ICANN Board of a 6-month Operational Design Phase (ODP) to inform its consideration of the GNSO Recommendations
- a. GAC Members may wish to consider **how the GAC Accreditation Principles together with the EPDP-proposed System for Standardized 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)
7. **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 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, including *“to collaborate with the Registry and Registrar Stakeholder Groups to develop a voluntary standard request form that can be used by stakeholders to request access”*
 - As part of implementation of the Montréal GAC Advice, ICANN Contractual Compliance has deployed new [complaint forms](#) and is now reporting data⁵ for alleged violations of the Temporary Specification on gTLD Registration Data.
- In the meantime, **implementation of the EPDP Phase 1 Policy Recommendations** ([adopted](#) by the ICANN Board on 15 May 2019) has revealed significant impacts, with possible public policy implications, on two existing ICANN Policies for which implementation had effectively been suspended concurrently with the entry into force of the GDPR:
 - **Thick WHOIS Policy** - The GNSO Council [informed](#) the ICANN Board (29 January 2021), after substantial [debates](#) among affected stakeholders, that *“notwithstanding the absence of a clear statement”* the intent of EPDP Phase 1 Recommendation 7 *“is to modify the Thick Whois Transition Policy”*, potentially affecting its expected outcomes⁶.
 - **Privacy/Proxy Accreditation Policy** - ICANN org [estimates](#) that the Privacy/Proxy Service Accreditation Issues (PPSAI) Policy and Implementation is *“substantively impacted by the new Registration Data Policy requirements, indicating a need for significant changes in*

⁵ See ICANN’s monthly [Contractual Compliance Dashboard Reports](#) which now include a granular report on *“Registrar Complaints Processed [...] Related to Requirements Under the Temporary Specification for gTLD Registration Data”*

⁶ The ICANN Board [adopted](#) the Thick WHOIS Policy on 7 February 2014 given community consensus on its benefits and despite concerns including in terms of data protection. Implementation of the Thick WHOIS policy eventually ran into legal issues, as described in a [correspondence](#) by Verisign to ICANN (20 June 2017). Following the entry into force of the GDPR, the ICANN Board [resolved](#) (7 November 2019) to defer compliance enforcement until PDP Phase 1 Implementation is complete and the GNSO determines whether to take action regarding potential impact on its original recommendations

the proposed implementation of PPSAI”, and noted that *‘The GNSO may also wish to undertake policy work’* in relation to these impacts.

- **Policy Development in Phase 2 of the EPDP** which aimed to propose a System for Standardized for Access/Disclosure (SSAD) to gTLD Registration Data **concluded** with the publication of the [Final Report](#) (31 July 2020). A significant level of divergence 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). Despite these significant levels of reservation and opposition, **the GNSO Council adopted the EPDP Phase 2 recommendations** for consideration by the **ICANN Board, which is expected to launch an Operational Design Phase (ODP)** prior to its formal consideration of the recommendations.
 - **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).
 - **Stakeholders could not agree on** the policy recommendations necessary to provide for a **System for Standardized 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 a compromise, **stakeholders were not able to agree** on the scope of evolution that would not require an entirely new GNSO Policy Development Process, in particular when it comes to automation and centralization of disclosure decisions.
 - 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 motion⁷. 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”**⁸.
 - Prior to considering the GNSO’s SSAD Policy Recommendations, **the ICANN Board launched** (25 March 2021) a newly proposed **Operational Design Phase (ODP)**, for an initial duration of 6-months, **to perform an assessment** of possible implementation parameters. The concept of an ODP was introduced during ICANN69, to *“allow the Board*

⁷ 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.

⁸ 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 expected to change its policy recommendations to the ICANN Board.

to obtain relevant information about any operational and resourcing issues associated with certain policy implementation efforts [...] 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.” following [Community input](#) received on an [updated proposal](#) (18 December 2020), which was discussed during an [ICANN org webinar](#) (13 January 2021), following which the [GAC submitted input](#) (22 January 2021).

- On 9 March 2021, in a [letter to the ICANN Board](#), the **GNSO’s Intellectual Property Constituency (IPC)** requested “that the ICANN Board direct ICANN Org to **pause the development and deployment of the new Operational Design Phase (“ODP”) and any further work on the Standardized System of Access and Disclosure (“SSAD”)**” in connection with the lack of consensus on policy recommendations, their not reflecting the global public interest, and new legal developments (European Commission’s NIS2 Directive) since their adoption by the GNSO Council. In its [response](#) (13 May 2021) the **ICANN Board recalled** the rationale for conducting an Operational Design Assessment on the SSAD recommendations and shared its analysis of the application of the GDPR and the impact of the NIS2 Directive to domain registration data.
- **The so-called “Priority 2” policy issues not addressed during phase 2 of the EPDP** are currently the subject of further discussions as part of:
 - A new **Phase 2A of the EPDP** addressing the issues of **legal vs. natural persons** and the **feasibility of unique contacts** to have a **uniform anonymized email address**, which convened in December 2020 and is due to release an Initial Report for Public Comment before ICANN71. This initial report is expected to include:
 - a [proposal](#) of **non-mandatory guidance for registrars** who would voluntarily choose **to distinguish between legal and natural person’s registration data**, despite GAC expectations for mandatory requirements (see ICANN70 GAC/GNSO meeting [minutes](#))
 - regarding the **feasibility of unique and anonymized contacts**, a [response](#) to its GNSO Council-mandated questions that will not propose any policy requirements (the GAC had expressed interest in analysis of this issue in the [GAC Minority Statement](#) on the EPDP Phase 2 Final Report)
 - A **GNSO Scoping Team** consisting of volunteers from GNSO Stakeholder Groups and Constituencies, as well as interested Advisory Committees, was due to consider an introductory [ICANN org briefing](#) (26 February 2021) and aim to facilitate understanding of the issue of **Accuracy of Registration Data and issues associated with the WHOIS Accuracy Reporting System**, before potential further policy work is considered. However, the GNSO Council is still discussing a set of [proposed next steps](#) (23 April 2021) which Contracted Parties are [requesting](#) to be reconsidered, for a start of any discussions not envisioned before the end of EPDP Phase 2A ([currently estimated](#) late August 2021).
- **GAC discussions regarding Access to gTLD Registration Data with the ICANN CEO covered various concerns and implementation matters.** 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). In a [letter to the IPC](#) (13 May 2021) the ICANN Board addressed the matter further stating: *"we do not see how ICANN Contractual Compliance could overturn a contracting party's application of the GDPR balancing test where, as here, legal liability for non-compliance with unclear requirements of the law will fall to the contracted party"*
- 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 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 decisions 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 issues of controllership, accuracy of Registration Data and international data transfers. With respect to the issue of accuracy, the ICANN CEO sought clarity on whether non-compliance with the data accuracy obligation will result in liability only vis-à-vis data subjects, or even toward third parties relying on the accuracy of the data disclosed (such as requestors for non-public registration data), in light

of 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.

The European Commission [responded](#) (18 December 2020) stressing the relevance of ICANN's policy and implementation process to address these complex issues and the need to proceed toward delivering an SSAD as a matter of priority.

- Following GAC/Board [clarification discussions](#), the ICANN Board accepted in its [response](#) (12 May 2021) to the ICANN70 GAC Advice to ***“consider the GAC Minority Statement and available options to address the public policy concerns expressed therein, and take necessary action, as appropriate”***. In doing so, the ICANN Board:
 - Stressed that its **acceptance of the Advice is based on the understanding** that the GAC Advice *“was simply intended to draw the Board’s attention to the GAC’s Minority Statement, and for the Statement to be factored into the Board’s review of the EPDP Phase 2 recommendations”*
 - Indicated that *“it must better understand the GAC’s **rationale for the positions taken in the Minority Statement** particularly in light of GAC members’ unique position as governments and the need to ensure that a Standardized System for Access and Disclosure that may be developed also complies with data protection laws”*
 - Highlighted certain **issues raised** in the [GAC Minority Statement](#) (24 August 2020) noting, inter alia:
 - Regarding **disclosure of registration data**: *“The Board understands that the EPDP Phase 2 team proposed a non-centralised disclosure model system, the SSAD, given that for practical purposes the law effectively prevents a centralized model. This is because contracted parties would be responsible and liable for disclosure decisions and contracted parties should be the ones making that decision. As a result, the system proposed by the EPDP Phase 2 team foresees that ICANN Contractual Compliance would not be in a position to evaluate the substance of a contracted party’s decision nor would it have the regulatory or governmental authority to compel a different disclosure decision than the one taken by a contracted party.”*
 - Regarding **additional engagement with DPAs on disclosure decision liability**: *“ICANN org elevated the question whether shifting decision-making would impact liability of the contracted parties to the level of the Data Protection Authorities [...]. The Belgian authority did not provide any actionable guidance. Neither did the European Commission, which did not take action to elevate the issue at the level of the EDPB. The Board understands that the GAC would like ICANN org to continue to pursue this question and a concrete answer on the viability of a centralized model that would ensure that the contracted parties are not liable for decisions they do not make.”*
 - Regarding **application of the GDPR Accuracy principle**: *“The Board is of the mind that the existing measures and mechanisms in place [registration data provided by registrants, binding and enforceable obligations for registrars to help confirm the accuracy of registration data; and obligations to verify and validate registration data at certain points in the lifecycle of a domain name registration] are sufficient to satisfy the legal requirement of the accuracy principle under the GDPR and would not violate data protection rules as noted in the GAC’s Minority Statement.”*

Focus: Interim gTLD Registration Data Policy and EPDP Phase 1 Implementation

- Following the ICANN Board [action](#) on the EPDP Phase 1 Recommendations (15 May 2019), the [Temporary Specification on gTLD Registration Data](#) expired on 20 May 2019, and is now replaced by the [Interim Registration Data Policy for gTLDs](#) which requires **Contracted Parties to continue to implement measures that are consistent with the Temporary Specification**, pending the [implementation](#) of the final Registration Data Policy per EPDP Phase 1 recommendations.
- ICANN org and Community representatives in the [Implementation Review Team](#) (IRT), who are drafting language to eventually become contractually-enforceable ICANN [Consensus Policy](#), delivered a [3-stage plan](#) for **the implementation of the final Registration Data Policy**, consistent with the principles set out in EPDP Phase 1 Recommendation 28.
- However, as [reported](#) to the GNSO Council (2 October 2019), **the IRT deemed the deadline for implementation of 29 February 2020 to be “not feasible”**, due to the large scope of work and complexity, **and is not providing any timeline for completion** 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**⁹ 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.”

⁹ 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: EPDP Phase 2

- 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 work¹⁰ 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), described in the [GAC Summary](#) (17 February 2020) and discussed during the related [ICANN67 GAC plenary session](#) (10 March 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
- 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;

¹⁰ which the GAC [advised](#) should be clearly defined (14 March 2019)

- 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.
 - The GAC requested the GNSO Council to ensure that these key data issues are promptly addressed in the next and final Phase of the EPDP.
- 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](#)¹¹.
 - The GAC requested that the GNSO ensures that the **“Priority 2” policy issues be promptly addressed in the EPDP final Phase.**

¹¹ 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: Priority 2 Policy Issues Discussed in EPDP Phase 2A and Scoping Team on Accuracy

- Following the deprioritization of the so called “Priority 2 Issues” at the conclusion of EPDP Phase 2, **the GNSO considered [proposals](#)** to further discuss: Distinguishing between data from legal vs. natural persons, Feasibility of unique contacts to have a uniform anonymized email address and Accuracy of gTLD Registration Data.
- During ICANN69, the GNSO [decided](#) to:
 - **Reconvene the EPDP in a new Phase 2A** for an initial duration of 3 months (later [extended](#) to 6 months) to address both issues 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 of gTLD Registration** before further policy work can be considered.
- Representatives from the European Commission, the United Kingdom and the United States regularly participate in [meetings](#) of the **EPDP Team Phase 2A**, as well in the [meetings of its Legal Sub-Committee](#). The EPDP Team is due to release an Initial Report for Public Comment before ICANN71. This initial report is expected to include:
 - a [proposal](#) of **non-mandatory guidance for registrars** who would voluntarily choose **to distinguish between legal and natural person’s registration data**, despite stated GAC expectations for mandatory requirements (see ICANN70 GAC [minutes](#))
 - regarding the **feasibility of unique and anonymized contacts**, a [response](#) to its GNSO Council-mandated questions that will not propose any policy requirements (the GAC had expressed interest in analysis of this issue in the [GAC Minority Statement](#) on the EPDP Phase 2 Final Report)
- Regarding an expected **GNSO Scoping Team on Accuracy**
 - The GAC is expected to be represented by the European Commission, Iran and the United States when the **GNSO Scoping Team to address the topic of accuracy of gTLD Registration Data** is convened. One of their first task is expected to be a review of the [ICANN Org briefing](#) (26 February 2021) which reviews existing accuracy requirements and programs, and the impact that GDPR has had on their implementation and enforcement.
 - During ICANN71, the [GAC asked the GNSO Council](#) for an update on the launch of this effort and prospects of addressing the policy issues. The GNSO Council leadership indicated that it was too early to tell when actual policy development work could start, and confirmed that this matter would next be discussed in an [extraordinary meeting of the GNSO Council](#) which took place on 8 April 2020.
 - The GNSO Council is since discussing a set of [proposed next steps](#) (23 April 2021) which Contracted Parties have recently [requested](#) be reconsidered, for a start of any discussions not envisioned before the end of EPDP Phase 2A ([currently estimated](#)

late August 2021). A small team of the GNSO Council is now due to revise the proposed path forward.

- During the [GNSO Council meeting on 20 May 2021](#), GNSO leaders discussed a [presentation](#) of the history of this topic since November 2018, an outline of the GNSO Council [leadership proposal](#) for next steps, stakeholders response to this proposal, and recent discussion of the issue by the ICANN Board in its [response to the ICANN71 GAC Advice](#) (12 May 2021), stressing differences of understanding of the GDPR's accuracy principle and challenges for ICANN to implement any policy on Accuracy given the unavailability of public contact information in WHOIS/RDS.

Focus: ICANN Org Engagement with European Data Protection Authorities

- **Between September and November 2018, ICANN reported on its work¹²** 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](#) 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 UAM paper, the EPDP Phase 2 Initial Report and the ICANN Board's consideration of the EPDP Phase 1 recommendations:

¹² 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).

- **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 [...]". With respect to the issue of accuracy of registration data the ICANN CEO sought clarity on whether non-compliance with the data accuracy obligation will result in liability only vis-à-vis data subjects, or even toward third parties relying on the accuracy of the data disclosed (such as requestors for non-public registration data), in light of 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.

- **The European Commission**, in its [response](#) to the ICANN CEO (18 December 2020) **stressed the relevance of ICANN's policy and implementation process to address the complex issues** Controllershship, Accuracy of Registration Data and international data transfers, starting in particular:
 - *[...] We think these questions are primarily a matter of ICANN policy and should be addressed within the EPDP according to the established procedures. [...]*
 - *Regarding Data Controllershship, "[...] we consider that the details of the processing activity involved in the SSAD and in particular the disclosure of registration data have to be determined in the policy. The role of data controller requires implementing the necessary technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with the requirements of the data protection legal framework. When a group of controllers decide jointly on the purposes and means of the processing (joint controllers), they have to determine their respective responsibilities in a transparent way, normally by means of an arrangement between them as well as by making available information on such agreements to the data subject. To this end, we believe that controllership agreements are essential to clarifying further their respective roles and responsibilities, also in the context of a future centralized decision-making system."*
 - *"On the issue of data accuracy, the Commission has repeatedly underlined that the accuracy of domain name registration data is of prime importance for the purpose of maintaining a secure and resilient DNS – a purpose that is also stated in ICANN's bylaws. This is now also explicitly recognised in our recent proposal for a revised [Directive on Security of Network and Information Systems](#) (NIS2 Directive). The Commission proposal introduces new obligations for TLD registries and registrars providing services in the European Union, namely to: i) collect and maintain accurate and complete domain name registration data; ii) publish non-personal domain name registration data (i.e. concerning legal entities), iii) provide access to specific personal domain name registration data upon lawful and duly justified requests of legitimate access seekers, and iv) reply without undue delay to all requests for access. The proposal leaves open the possibility to use an interface, portal or other technical tool to provide an efficient system for requesting and accessing registration data."*¹³

¹³ The obligation to publish non-personal data under the NIS2 Directive Proposal (as described under (ii)) relates to registration data which concern legal entities and are not personal data.

- *“On the issue of international transfers, we can confirm that the Commission, as indicated in its Communication of June 2020, is actively working on the development of standard contractual clauses both for international transfers and the controller/processor relationship. In that regard, the public consultation on the draft published on 12 November 2020 has been recently completed.”*
- *“[...] While it is not within our remit to effectuate a data protection assessment, we remain committed to facilitate the interactions on the matter with the European DPAs [...]”*

Current Positions

- GAC Advice in the [ICANN70 Communiqué](#) (25 March 2021) regarding the EPDP Phase 2 Final Report, for the ICANN Board *“to consider the GAC Minority Statement and available options to address the public policy concerns expressed therein, and take necessary action, as appropriate.”*
- [GAC ICANN69 Communiqué](#) (23 October 2020) reiterating its previous advice in the San Juan Communiqué (legal vs. natural, public access to registration data) as well as previous statements on accuracy of registration data (GAC Minority Statement on EPDP Phase 2 Final Report) and the imperative for WHOIS to meet the needs of safeguarding interests of the public (GAC Abu Dhabi Communiqué).
- [GAC Minority Statement](#) on the Final Report of Phase 2 of the EPDP on gTLD Registration Data (24 August 2020)
- [GAC ICANN68 Communiqué](#) (27 June 2020) stressing the Need for Evolution of any Proposed SSAD, Legal vs. Natural, Data Accuracy, Data Controllorship, Anonymized Emails
- [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)

Questions for GAC Representative Consideration

In preparation for this and other GAC sessions at ICANN71 and future meetings, it has been considered that GAC representatives could benefit from a deeper discussion of various ICANN topics within their own government or organization. Set forth below, as an experiment for ICANN71, ICANN org staff have collaborated to develop some sample questions for GAC representatives to consider as part of their session preparations and meeting information sharing - to aid discussions, share best practices and potentially identify various approaches or strategies that different governments take to these issues. The questions below can be used by readers to focus preparation efforts or as a way to broaden future meeting dialogue. Please advise GAC Support staff if you find these types of questions to be of value in meeting preparation

Regarding accreditation in the proposed System for Standardized Access and Disclosure to gTLD Registration Data (SSAD):

- Is there an accreditation authority in your country that can be designated as such for the SSAD?
- How would your country's accreditation authorities accredit legitimate users of the SSAD?

Regarding data transfer:

- Are there legal requirements for transfer of registration data that contain personal data outside your jurisdiction? If yes, what are those?

Regarding legal bases for access to non-public registration data by authorities:

- Under what legal basis can authorities in your country request disclosure of non-public registration data by registries/registrars?
- Under what legal basis can authorities in your country request disclosure of non-public registration data by registries/registrars in another jurisdiction?
- Under what legal basis can authorities in another jurisdiction request disclosure of non-public registration data by registries/registrars in your country?

Key Reference Documents

- GAC Documentation
 - Summary Notes of the the [GAC/ICANN Board Clarification Call](#) (21 April 2021) discussing [clarification questions](#) on the [ICANN70 GAC Communiqué](#) Advice
 - ICANN70 GAC Session [material](#) (22 March 2021) including [slides](#) offering a timeline to the availability of an Access/Disclosure System, and discussion of EPDP Phase 1 implementation challenges, Phase 2A progress and Accuracy of registration data.
 - ICANN69 GAC Session [material](#) (20 October 2020) including [slides](#) providing an overview of the the EPDP Phase 2 Recommendations, GAC and other stakeholders concerns related to them and an over timeline of next steps
 - 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 [letter](#) to the ICANN CEO (18 December 2020) in response to the ICANN CEO follow-up [letter](#) (2 October 2020) regarding the [GAC Minority Statement](#) on the Final Report of Phase 2 of the EPDP on gTLD Registration Data (24 August 2020)
 - 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 [resolution](#) (12 May 2021) adopting its [response](#) to the GAC ICANN70 Advice regarding the EPDP Phase 2 Final Report and GAC Minority Statement.
 - ICANN Board [resolution](#) (25 March 2021) to launch a 6-month Operation Design Phase (ODP) regarding the GNSO's EPDP Phase 2 SSAD Policy Recommendations
 - ICANN Board [resolutions](#) (25 February 2020) regarding [Board Action](#) on the RDS-WHOIS2 Review Team recommendations
 - ICANN Board [resolution](#) (7 November 2019) on Deferral of Compliance Enforcement of the Thick WHOIS Consensus Policy
 - 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 org Analysis of Registration Data Policy Impact on existing ICANN Policies per EPDP Phase 1 Recommendation 27:
 - [Wave 1 Report](#) regarding impacts on ICANN policies in effect, including the Thick WHOIS Transition Policy (14 February 2020)
 - [Wave 1.5 Report](#) regarding impacts on ICANN policies under implementation, addressing Privacy/Proxy Accreditation (11 January 2021)
 - 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 and [presented to the EPDP Team](#) at the initiation of Phase 2A (26 January 2021)
 - [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 to date as part of deliberations on legal questions that arose during [Phase 1](#), [Phase 2](#) and [Phase 2A](#)
 - [Legal vs. Natural: EU and third-party recognition of registration data publication interests](#) (27 April 2021)
 - [Options for contact address masking](#) (9 April 2021)
 - [Legal vs. Natural: Legal personhood, consent and level of risks associated with various basis for publication of personal data](#) (6 April 2021)
 - [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> (Phase 1)

<https://gnso.icann.org/en/group-activities/active/gtld-registration-data-epdp-phase-2>

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GAC Meeting with the GNSO

Session 11 - GAC Meeting with the GNSO

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Session Objectives

The GAC and Generic Names Supporting Organization (GNSO) meet at ICANN Meetings to discuss policy matters of interest to both parties. This session will focus on:

1. Follow-up to ICANN70:
 - EPDP/SSAD and Phase 2A;
 - Accuracy;
 - DNS Abuse;
2. CCT-Review and GNSO take on pending recommendations
3. Subsequent Procedures of New gTLDs and/or issues coming out of GNSO Council

Background

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

At recent public meetings, the GAC has interacted with various community groups from the gTLD space including business, intellectual property and non commercial interests. This meeting with the GNSO Council will continue that strategic communications approach.

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

The GAC normally meets with the Chair and other members of the GNSO Council at each ICANN public meeting to discuss issues of common concern and identify methods for better cooperation. The current Chair of the GNSO Council is Philippe Fouquart. Vice Chairs are Pam Little and Tatiana Tropina. The GNSO Liaison to the GAC is Jeff Neuman. The GAC's point-of-contact to the GNSO is Jorge Cancio (Switzerland).

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

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

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

Agenda

The GAC and Generic Names Supporting Organization (GNSO) meet at ICANN Meetings to discuss policy matters of interest to both parties. This session will focus on:

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1. Follow-up to ICANN70:
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Key Reference Documents

For additional insights on topics that may be discussed during this session, please review the pre-meeting GAC topic briefings on:

- New gTLD Subsequent Procedures;
- RDS/WHOIS and Data Protection Policy; and
- DNS Abuse Mitigation.

Further Information

Further information about the GNSO and its policy development process are available at <http://gns0.icann.org/en/about>.

GNSO web site – <https://gns0.icann.org/en>

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IGO Protection Matters

Session(s) 12 - GAC Discussion on IGO Protection Matters

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Session Objective

GAC members to discuss recent developments on IGO matters as follows:

- GNSO IGO Work Track update
- Discussion on relevant developments on the consultation with the ICANN Board on IGO Protections
- Potential process to manage changes to the GAC IGO List used for protection of full IGO names in new gTLDs.

Background

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

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

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

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

However, since the GNSO delivered its [recommendations on the Protection of IGO and INGO Identifiers in All gTLDs](#) (20 November 2013),³ the ICANN Board has been challenged to reconcile the divergence between these policy recommendations and GAC Advice, as reflected in the Board [resolution](#) of 30 April 2014, while the United Nations Secretary General BAN Ki-moon [requested](#) assistance from all Members States *"in obtaining protection for the names and acronyms of IGOs from being registered as Internet Domain Names by third parties who misrepresent themselves as the IGOs in question"* (June 2016). The 2013 GNSO recommendations are set out below under "Issues". The outcome of the ensuing [IGO/INGO Access to Curative Rights Protection Mechanism GNSO PDP](#) (June 2016-July 2018) has been disputed by IGOs as summarized in a [letter from the United Nations Assistant Secretary-General, Office of Legal Affairs to the ICANN Board](#) (27 July 2018).⁴

Given that the above-mentioned Second Level IGO acronym protection is temporary in nature, and that it does not prevent the possibility of infringing registrations from being undertaken, the need for a post-registration "curative" dispute resolution mechanism was identified as a priority.

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

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

³ In a Minority Statement, IGOs disagreed with the designation of "consensus" and suggested that a far more accurate PDP designation would be "strong support but significant opposition".

⁴ letter sent on behalf of the Legal Counsels of the OECD, UPU, WHO, and WIPO, as part of a broader coalition of 40 IGOs, and to which the ICANN CEO [responded](#) on 29 November 2018

It should be noted that IGOs positions have been consistently supported by the GAC, including through GAC Consensus Advice.

As to a curative Rights Protection Mechanism, given their status under international law, IGOs have raised concerns (e.g., standing, and “appeal jurisdiction” flowing from internationally recognized privileges and immunities afforded to IGOs) about using the UDRP to address abusive registrations concerning their identifiers in domain names. One of the recommendations (No. 5) in this respect from the GNSO IGO-INGO Access to Curative Rights Protection Mechanisms PDP Working Group was that, in the admittedly rare case where:

- i. an IGO has prevailed in a Uniform Domain Name Dispute Resolution Policy (UDRP) or Uniform Rapid Suspension (URS) proceeding; and
- ii. the losing registrant files suit in a court of competent jurisdiction; and
- iii. the IGO successfully claims immunity from the jurisdiction of that court; then
- iv. the original UDRP or URS panel decision is to be set aside.

The relevant Work Track Charter states:

Assuming an IGO were able to avail itself of the UDRP process, the effect of this recommendation is that the parties to the dispute will be placed in the original situation as if the UDRP or URS proceeding had never been commenced.

During the GNSO Council’s deliberations over the final PDP recommendations, concerns were expressed as to whether this particular recommendation will:

- i. require a substantive modification to the UDRP and URS (notwithstanding that these two dispute resolution procedures are currently under consideration in the RPM PDP); and
- ii. result in a potential reduction of the existing level of curative protections currently available to IGOs (notwithstanding the fact that the PDP had been chartered to determine “whether to amend the UDRP and URS to allow access to and use of these mechanisms by IGOs and INGOs ...or whether a separate, narrowly-tailored dispute resolution procedure at the second level modeled on the UDRP and URS that takes into account the particular needs and specific circumstances of IGOs and INGOs should be developed”).

Consequently, the GNSO Council did not approve this particular recommendation and has tasked the RPM PDP Working Group to “consider, as part of its Phase 2 work, whether an appropriate policy solution can be developed which:

- a. accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;

- b. does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction whether following a UDRP/URS case or otherwise;; and
- c. recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction” (see <https://gnso.icann.org/en/council/resolutions#20190418-03>).

A separate IGO Work Track was subsequently created to work in parallel with the RPM PDP WG, structured to encourage balanced participation from interested groups within the ICANN community; in particular, from affected IGOs.

The IGO Work Track is expected to take into account the review of the relevant historical documentation and prior community work conducted by the IGO-INGO Access to Curative Rights Protection Mechanisms PDP Working Group (see Sections 3.1 and 3.2 of the [PDP Final Report](#)), relevant GAC Advice, the 31-October-2016 letter from IGO Legal Counsels to Council Leadership, the external legal expert opinion commissioned by the PDP Working Group (Annex F), and the IGO Small Group Proposal (Annex D). In order to avoid, to the extent possible, re-opening or re-visiting the policy recommendations, the GNSO Council instructs the IGO Work Track to base its recommendations on its analysis of the materials cited in this paragraph, and its deliberations as to whether there is a need to develop appropriate policy recommendations to address identified IGO needs in respect of the specific issue that was referred to the RPM PDP by the GNSO Council.

Issues

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

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

- Under the rules of the 2012 [New gTLD Applicant Guidebook](#), IGOs were eligible to file objections on New gTLD Applications (see Legal Rights Objections, Section 3.2 of the [New gTLD Applicant Guidebook](#))
- Per ICANN Board [resolution](#) (30 April 2014) adopting GNSO Policy recommendations not inconsistent with GAC Advice, Full Names of IGOs on the [GAC List](#) are now permanently reserved at the Top Level.

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

- Full Names of IGOs listed on the [GAC List](#) are permanently protected in two languages by virtue of the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#) (an ICANN [Consensus Policy](#) effective since 1 August 2018)
- Acronyms of IGOs listed on the [GAC List](#) are temporarily protected by virtue of an ICANN Board [resolution](#) (9 January 2014) consistent with GAC Advice in the [GAC Buenos Aires Communiqué](#) (20 November 2013), and pending the resolution of [inconsistencies](#) between existing GNSO policy recommendations and GAC Advice, including consideration of the

contested [Final Report](#) of the [IGO/INGO Access to Curative Rights Mechanism PDP WG](#) (17 July 2018) [adopted](#) in part by the GNSO Council (18 April 2019)

Currently the GAC is focusing on the following issues:

1. Seeking to resolve the long-standing issues created by the divergence of policy recommendations provided to the ICANN Board by the GNSO and GAC Advice regarding the protections afforded to IGOs.
2. Specifically, addressing the concerns that IGOs immunities (under international and national laws), have not been appropriately taken into account in the Final Report of the GNSO PDP WG on IGO Access to Curative Rights Protection Mechanisms, [adopted](#) in part by the GNSO Council (18 April 2019) which the GAC [advised](#) the ICANN Board to “*abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward*” in a letter to the ICANN Board on 20 August 2019. As a [response](#), the ICANN Board informed the GAC (15 Oct. 2019) it would form a Board Caucus Group for the GNSO’s PDP WG Recommendations 1, 2, 3, and 4. Subsequently, a Board-GAC Consultation process on IGO Protections was initiated, and is still underway.
3. Reviewing the process to ensure that the GAC’s [IGO List of 22 March 2013](#) is updated,⁵ is as complete as possible, and is maintained in the future, consistent with [Advice](#) in the [GAC San Juan Communiqué](#), in response to which the Board [directed](#) a feasibility study.

Leadership Proposal for GAC Action during ICANN71

1. GNSO IGO Work Track update
2. Discussion on relevant developments on the consultation with the ICANN Board on IGO Protections
3. Potential process to manage changes to the GAC IGO List used for protections in gTLDs

Historical Background / Relevant Developments

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

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

- The [initiation](#) (5 June 2014) of the [IGO/INGO Access to Curative Rights Protection Mechanism Policy Development Process](#) (IGO CRPM PDP) stemmed from the [Final Report](#) of the preceding PDP on [Protection of IGO and INGO Identifier in All gTLDs](#) (10 November 2013) which recommended that current policies be “*amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections*” (recommendation 3.5.3).

⁵ According to a set of [criteria](#), as included in the [letter](#) to the ICANN Board date 22 March 2013 which introduced the IGO List.

- On 14 April 2014, **IGOs provided [comments](#)** as part of the development of the [Final Issue Report](#) (25 May 2014) required for the PDP to be initiated, stating:
 - *“IGOs dissented from the Working Group's recommendation against preventative protection for IGO acronyms [...]. If, however, owing to the Working Group's recommendation, protection for IGO [acronyms] at the second level is to be curative rather than preventative, it is vital that the limited protections ICANN is willing to grant are implemented in as effective a way as is possible within a registration-driven framework”*
 - noting that *“The focus of the GAC, GNSO, and NGPC is now on second-level protection of IGO identifiers through administrative dispute resolution mechanisms”, “IGOs agree with the Staff recommendation that it is more appropriate to create a separate dispute resolution procedure modeled on the UDRP (and one on the URS) but narrowly-tailored to accommodate the particular circumstances of IGOs”*
- In the [GAC Los Angeles Communiqué](#) (16 October 2014), the **GAC issued [Advice to the ICANN Board](#)** regarding the question of whether the UDRP should be amended or a separate dispute resolution procedure should be created for IGOs: *“The GAC advises the ICANN Board: i. That the UDRP should not be amended;[...]”*.
- On 29 April 2015, the **GAC [responded](#)** to a [request from the PDP Working Group](#) for input noting that *“GAC advice to the ICANN Board has repeatedly emphasized that IGOs are in an objectively different category to other rights holders and that governments support the implementation of appropriate protections of IGO names and acronyms on public policy grounds”* and pointing to an earlier [IGO Small Group response to questions from the Working Group](#) (16 January 2015) discussing in detail aspects of the legal issues at hand.
- In the course of its deliberations the IGO CRPM PDP Working Group requested that ICANN retains [Professor Edward Swaine](#) from George Washington University (USA) to prepare a **legal memo** in response to a set of specific questions related to IGOs immunity from judicial process. Pr. Swaine delivered an [Initial Synopsis of a Draft Memo](#) (28 February 2016) and eventually released the [Memorandum on IGO Immunity](#) (17 June 2016)
- In response to the legal memo, certain **IGO representatives** (WIPO, OECD, World Bank) [commented](#) (12 July 2016), inter alia, that the analysis in the Memo was not requested by the IGOs and reiterated *“longstanding statements of the IGOs regarding the basic facts that preclude IGO recourse to the UDRP”*
- On 4 October 2016, the **ICANN Board communicated to the GNSO Council the [IGO Small Group proposal](#)** for the protection of IGO Acronyms at the Second Level of the Domain Name System, which the GAC referred to in the [Hyderabad Communiqué](#) (8 November 2016) as striking *“a reasonable balance between rights and concerns of both IGOs and legitimate third parties”*, and called on ICANN to establish all of the following:
 - *a procedure to notify IGOs of third-party registration of their acronyms;*
 - *a dispute resolution mechanism modeled on but separate from the UDRP, which provides in particular for appeal to an arbitral tribunal instead of national courts, in conformity with relevant principles of international law; and*

- *an emergency relief (e.g., 24-48 hours) domain name suspension mechanism to combat risk of imminent harm.*
- On 31 October 2016, the **legal counsels of the IGO coalition** [wrote to the GNSO Council Leadership](#) *“to provide the perspective of IGOs on some of the political, legal and practical considerations”* of the issue, referring to the [IGO Small Group proposal](#) as a *“compromise proposal follow[ing] on years of comprehensive negotiations involving representatives of the ICANN Board, the GAC, IGOs and ICANN staff”*, and noted that *“thus far, we have seen policy-making on this important matter dominated by Internet domain name registration interests”*
- In the [GAC Hyderabad Communiqué](#) (8 November 2016), **the GAC advised the ICANN Board**:
 - *“to [...] facilitate, through a transparent and good faith dialogue, the resolution of outstanding inconsistencies between GAC advice and GNSO recommendations with regard to the protection of IGO acronyms in the DNS and to report on progress at ICANN 58.”*
 - *“that a starting basis for resolution of differences between GAC Advice and existing GNSO Recommendations would be the [small group compromise proposal](#) set out in the October 4, 2016 letter from the ICANN Board Chair to the GNSO”*
- On 20 December 2016, **representatives of the ICANN Board, Organization, GAC and GNSO met to prepare a facilitated discussion** during ICANN58 (see [Notes](#) of the meeting). Eventually, these preparations led to the circulation of three documents:
 - [Proposed Process For a Facilitated Dialogue Between GAC and GNSO](#)
 - [Problem Statement](#) (10 March 2017)
 - [Briefing Paper: Reconciling GAC Public Policy Advice & GNSO Policy Recommendations](#) (10 March 2017)
- On 19 January 2017, the IGO CRPM PDP **WG released its [Initial Report](#)** on which the **GAC submitted [comments](#)** (12 March 2017), pointing to inadequate consideration of GAC Advice and IGO contributions. The [US Government](#) and 21 IGOs also submitted contributions. See section IV. Analysis of Comments in the [Report of Public Comments](#) (5 May 2017) for a summary of comments.
- In the meantime, on 12 March 2017, during the ICANN58 meeting in Copenhagen **the GAC and GNSO participated in a [Facilitated Dialogue session](#)** (see [summary](#) by the session’s facilitator). There were no subsequent developments in the facilitation process as the facilitator, Bruce Tonkin, eventually [indicated](#) (16 June 2017) a dependency on progress of the IGO CRPM PDP WG.
- In the November 2017-June 2018 timeframe, **the IGO CRPM PDP Working Group experienced procedural difficulties and formal challenge** in the formation of consensus on its recommendation, as discussed in a GNSO Council [Paper on Policy & Procedural Options relating to IGO Jurisdictional Immunity](#) (9 March 2018). A later [Summary Report on the Current Status of Consultations with the IGO IGO CRPM PDP WG](#) (12 April 2018) recognized a number of challenges in the PDP WG deliberations which made them “highly unlikely” to

“result in clear consensus”, noting that *“any consensus recommendation on this topic will likely conflict with GAC advice”*. This ultimately led a closer involvement of the GNSO Council with sought a timely delivery of the Final Report.

- In the [GAC Panama Communiqué Advice](#) (28 June 2018), the **GAC advised the ICANN Board** to work with the GNSO to ensure that GAC Advice and the [IGO Small Group proposal](#) is *“adequately taken into account in any related Board decision”*. The rationale referred to the [2007 GNSO Issue Report on Dispute Handling for IGO Names and Abbreviations](#) as providing *“a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the ‘small group’ proposal.”*

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

- On 17 July 2018, the **IGO Curative RPM PDP Working Group** submitted its [Final Report](#) for consideration by the GNSO Council. The report includes several substantial Minority Statements (see Annex B)
- On 27 July 2018, **IGOs disputed the Final Report** in a [letter from the United Nations Assistant Secretary-General, Office of Legal Affairs to the ICANN Board](#). In reaction, participants of the PDP Working Group expressed their views with the ICANN Board ([Letter From IGO-INGO Working Group](#) and [Letter from Paul R. Keating](#), 16 August 2018)
- In a letter from [GAC Chair to GNSO Council Chair](#) (21 October 2018), the **GAC expressed “its serious concerns about this report given the clear conflict between its conclusions and longstanding GAC advice”** and asked *“that the GNSO Council gives serious consideration to the option of deferring its decision on the [...] PDP final recommendations until a dialogue between GAC and GNSO Council has been conducted”*
- During the ICANN63 meeting (22 October 2018), at the request of the GNSO Council, **IGO representatives provided a high-level overview of concerns** with the IGO CRPM PDP WG Final Report, quoting or echoing the minority statement of the resigned co-chair of the Working Group (in addition to a more detailed discussion of each recommendation):
 - *“After four years of effort this WG has utterly failed to provide a policy recommendation that reasonably resolves the central challenge it confronted”*
 - *“Not only has the working group failed to provide any recommendations that would facilitate IGO access to curative rights mechanisms, they have actually passed one recommendation that would *penalise* an IGO that successfully asserts an immunity claim”*
 - it also pointed the *“imbalance of the working group members’ votes on the final recommendations: “Of the 11 WG members who supported the Recommendation, a majority (7) were either domain investors or attorneys representing domain investors (domainers), indicating that the WG’s consensus call process had been captured by a narrow segment of the ICANN community with a significant commercial interest in the outcome”*

- In the [GAC Barcelona Communiqué](#) (25 October 2018), the GAC [advised](#) the ICANN Board to: *“facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC in an effort to resolve the longstanding issue of IGO protections, on which it reaffirms its previous advice, notably with respect to the creation of a curative mechanism and maintenance of temporary protections.”*
- On 29 November 2018, the ICANN CEO hinted at the ICANN Board’s readiness to facilitate the requested dialogue in his [response to the Legal Counsels of the IGOs](#), while [reassuring](#) other stakeholders that the *“ICANN Board is fully cognizant of the need for the bottom-up policy”*.
- On 27 January 2019, the ICANN Board confirmed its readiness to *“facilitate a substantive, solutions-oriented discussion should it be invited to do so by the GNSO and the GAC”* in its [response](#) to the GAC Barcelona Communiqué.
- On 18 April 2019, after 9 months of internal deliberations (including a dedicated [webinar](#) on 9 October 2018), and in spite of engagement with the GAC through correspondence ([response to GAC Chair](#) on 14 January 2019) and bilateral meetings ([GAC/GNSO Leadership discussion](#) on 14 February 2019, [GAC/GNSO Joint Meeting during ICANN64](#) on 10 March 2019), the GNSO Council [resolved](#) to approve Recommendations 1 to 4 of the IGO CRPM PDP WG Final Report and to refer Recommendation 5 to the ongoing RPM Review PDP WG.
- GAC efforts to secure the GNSO’s participation in a facilitated dialogue, both before the GNSO Council vote ([GAC letter](#) of 17 April 2019) and after its decision ([GAC/GNSO Leadership Call](#) on 21 May 2019 and the subsequent GAC Chair [letter](#) of 23 May 2019), have been unsuccessful. The GNSO Council confirmed, in its [response](#) to the GAC Chair (31 May 2019), to be awaiting the ICANN Board’s decision on Recommendation 1-4, while initiating work on charter further work on Recommendation 5.
- During the ICANN65 meeting, representatives from the GAC, IGOs, GNSO, and ICANN Board discussed informally the possibility to complete new policy development in relation to Recommendation 5 expeditiously. GAC and IGO representative indicated that this would be acceptable to the extent that there would be appropriate safeguards in place to ensure that GAC and IGO input are taken into account, that the issues would be considered comprehensively and that new policy recommendation would be permitted to overtake the current Recommendation 1-4 of the IGO Access to Curative RPM PDP WG. It was understood that the ICANN Board’s flexibility on the matter would allow such an outcome.
- As a consequence, in its [response to the ICANN Board’s notification](#) (20 August 2019) of its consideration of the GNSO’s policy recommendations 1-4, the GAC advised the ICANN Board to *“abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward”*.
- In its [response](#) (14 October 2019), the ICANN Board indicated that *“At its workshop at ICANN65 in Marrakech in June 2019, the Board decided to form a Board Caucus Group to review the community’s work on this matter.”* and that consequently it *“does not presently intend to act on the GNSO’s PDP recommendations 1, 2, 3, and 4 until the newly formed*

Board Caucus Group has completed its review of the matter and formulated suggestion for possible paths forward”

- The ICANN Board communicated to the GAC on the 8 Dec. 2020, as a follow up on the Board’s resolution of [22 October 2020](#), which described the Board’s intention to take an action that is not or may not be consistent with the GAC’s advice on the scope of a permanent notification mechanism concerning third party registrations of second level domain names matching the acronyms of the IGOs on the GAC’s list dating from April 2013.
- The Board resolution initiated the required Board-GAC Bylaws Consultation Process that is needed in such an event. As mandated by the second step of the Bylaws Consultation Process, the Board must *“provide written notice to the GAC stating, in reasonable detail, the GAC advice the Board determines not to follow, and the reasons why such GAC advice may not be followed.”* In this regard, the Board noted its [8 June 2020](#) communication to the GAC regarding the current status of GAC advice, as inventoried in the Action Request Register (ARR) maintained for this purpose.
- Between November 2013 (ICANN48, Buenos Aires) and June 2018 (ICANN62, Panama), the GAC provided advice to the Board on the topic of IGO protections in nine Communiques, which remain open for further Board consideration. In view of the Board’s 22 October 2020 resolution that deferred action on the remaining recommendations from the Generic Names Supporting Organization’s (GNSO) 2013 Policy Development Process (PDP) that are not consistent with GAC advice as well as on the four PDP recommendations approved by the GNSO Council in 2019 concerning curative rights protections for IGOs, the Board has prepared a scorecard to reflect the status of Board action regarding IGO protections.
- As noted in a [Board letter](#) to the GAC on 26 January 2021, the current Board-GAC Consultation Process relates only to GAC advice on “preventative” protections for IGOs. The Board has deferred action on all four Curative Rights recommendations sent by the GNSO Council. A new Work Track (with GAC and IGO participants) was launched by the GNSO to work on the fifth Curative Rights PDP recommendation that was not approved by the GNSO Council, and the Board is awaiting the outputs from the new Work Track to consider the other four deferred recommendations. As such, the final overall scope of IGO protections (i.e., both preventative and curative) will therefore not be known until this new Work Track completes its work, its recommendations (if any) are approved by the GNSO Council, and the Board reviews and decides on all the Curative Rights recommendations.
- Following a Board-GAC meeting, the Board issued another [follow-up letter to the GAC](#) on 23 February 2021, noting that the *“Board understands the GAC’s concern about the need to protect IGOs on a permanent basis. This is why [the Board’s] proposal is to provide the post-registration service on a permanent, ongoing basis at no or nominal cost to an IGO. The current temporary reservations would remain in place until the post-registration service is ready so that there will be no lapse in IGO protections and strings matching IGO acronyms will remain reserved until the launch of the post-registration service.”*

- On the [11 March 2021 Board-GAC Interaction Group Call](#), the GAC Chair asked for clarifications on the above statement by the Board to understand if the current IGO acronym reservation list stays in place or is replaced by the new post-registration protection scheme. GAC attendees expressed a desire to preserve existing pre-registration protections for IGOs as long as possible until the resolution of the new GNSO Work Track.
- Regarding future Board decisions on IGO Protections in relation GAC Advice, as discussed per the ongoing Consultation, the GAC expressed a preference for a holistic approach of IGO Protections, that is preserving existing pre-registration protection for IGOs until completion of the work on Curative Right Protections ongoing in the IGO Work Track of the RPM PDP.

Current Positions

- [ICANN70 Communiqué](#) - text in full: *“While the GAC welcomes the new GNSO Work Track on Curative Rights, the GAC recalls prior GACAdvice (e.g., from Johannesburg and Panama) and ICANN agreement on a moratorium for new registrations of IGO acronyms ahead of a final resolution of this issue”*
- GAC [response](#) (20 August 2019) to the ICANN Board [letter](#) (11 July 2019), including Advice to the ICANN Board to *“abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward”*
- ICANN63 [Barcelona Communiqué](#) (25 October 2018) includes [Advice](#) regarding the facilitation of a dialogue and reaffirming previous advice on maintaining of temporary protections and creating curatives rights mechanisms.
- ICANN62 [Panama Communiqué](#) (28 June 2018) includes [Advice](#) regarding the maintenance of the IGO List, maintaining temporary protections and the ICANN Board working with the GNSO to ensure that GAC Advice and the [IGO Small Group proposal](#) is *“adequately taken into account in any related Board decision”*. The rationale refers to a [2007 GNSO Issue Report](#) which *“provided a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the “small group” proposal.”*
- ICANN61 [San Juan Communiqué](#) (15 March 2018) includes [Advice](#) regarding the maintenance of the IGO List, followed by subsequent [clarifications](#) (15 May 2018).
- ICANN60 [Abu Dhabi Communiqué](#) (1 November 2017) includes [Advice](#) calling on a close review of decisions related to the IGO CRPM PDP WG with a rationale signaling the expectation that recommendations would conflict with GAC Advice and comments on the Initial Reports.
- ICANN59 [Johannesburg Communiqué](#) (29 June 2017) includes [Advice](#) regarding the creation of curative dispute resolution mechanism and calling on the Board to ensure IGO input and expertise is reflected in the IGO CRPM PDP WG’s recommendations.
- ICANN58 [Copenhagen Communiqué](#) (15 March 2017) notes the start of the facilitated dialogue and includes [Advice](#) regarding maintaining the temporary protections, facilitating

continued discussions and urging the IGO CRPM PDP WG to take into account the GAC's [comments](#) on its Initial Report.

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

Other GAC Contributions and Statements (in chronological order)

- GAC [response](#) to a [request](#) for input from the IGO CRPM PDP WG (29 April 2015)
- GAC [comments](#) on the IGO CRPM PDP WG Initial Report (12 March 2017)
- Letters from [GAC Chair to GNSO Council Chair](#) (9 August 2018) regarding the IGO CRPM PDP WG Final Report
- Letter from [GAC Chair to GNSO Council Chair](#) (21 October 2018) regarding the IGO CRPM PDP WG Final Report
- Letter from [GAC Chair to GNSO Council Chair](#) (17 April 2019) regarding the expected vote on the IGO CRPM PDP WG Final Report recommendations
- Letter from [GAC Chair to GNSO Council Chair and ICANN Board](#) (23 May 2019) seeking GNSO Council participation in a Board facilitation process
- Letter from [GAC Chair to the ICANN Board Chair and GNSO Council](#) (13 June 2019) regarding the expected Board consideration of the GNSO recommendations.

IGO Statements and Substantive Contributions (in chronological order)

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

Questions for GAC Representative Consideration

In preparation for this and other GAC sessions at ICANN71 and future meetings, it has been considered that GAC representatives could benefit from a deeper discussion of various ICANN topics within their own government or organization. Set forth below, as an experiment for ICANN71, ICANN org staff have collaborated to develop some sample questions for GAC representatives to consider as part of their session preparations and meeting information sharing - to aid discussions, share best practices and potentially identify various approaches or strategies that different governments take to these issues. The questions below can be used by readers to focus preparation efforts or as a way to broaden future meeting dialogue. Please advise GAC Support staff if you find these types of questions to be of value in meeting preparation.

- What are the provisions of trademark laws in your jurisdiction applicable to the protection of IGO names and acronyms? Does your national ccTLD(s) have measures to protect IGO names and acronyms in its registration policies?
- What are the national measures implemented locally to prevent unauthorized third-party trademark registrations, complementing [Article 6ter](#) of the Paris Convention?

- What is the level of awareness of your government of the ICANN Board's proposal to afford “post-registration” protections for IGO acronyms, (i.e. deploying a notification mechanism, at no cost, when an IGO’s acronyms is registered in any gTLD) ?
- What is the level of familiarity of your government with the “Protection of IGO and INGO Identifiers in All gTLDs Policy” of ICANN which requires full names of IGOs on the GAC List to be reserved at the second level of all gTLDs ?

Key Reference Documents

- [Follow up Questions from the Board-GAC Consultation Process Call on IGO Protections](#) (23 February 2021)
- [GNSO Council Recommendations Report to the ICANN Board – Regarding Adoption of the Phase 1 Final recommendations from the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process](#) - 10 February 2021
- [Board-GAC Consultation Process on GAC Advice in relation to Protections for IGOs at the Second Level of the DNS](#) (26 January 2021)
- [Phase 1 Final Report on the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process](#) - 24 November 2020
- [ICANN Board Chair letter to GAC Chair related to Board Action on IGO Protections \(including scorecard\)](#) (8 December 2020)
- [Submission by the GAC on GNSO PDP on IGO-INGO Access Curative Rights Policy Recommendations for ICANN Board Consideration](#) (15 October 2019)
- [IGO Small Group proposal](#) for the protection of IGO Acronyms at the Second Level of the Domain Name System (4 October 2016)
- [Final Report](#) of the IGO Access to Curative RPM PDP Working Group (17 July 2018)
- [Letter from the United Nations Assistant Secretary-General, Office of Legal Affairs](#) to the ICANN Board (27 July 2018)
- [IGO representatives’ High-Level Overview of Concerns](#) with the IGO Access to Curative RPM PDP WG Final Report (22 October 2018)
- [GNSO Council resolution](#) adopting Recommendations 1-4 of the IGO Access to Curative RPM PDP WG (18 April 2019)
- [Report of Public Comments](#) for Board Consideration of the GNSO Council recommendations related to IGO Access to Curative RPMs (4 September 2019)

Further Information

ICANN Board Facilitation Documentation

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

Policy Development Documentation

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

Document Administration

Meeting	ICANN71 Virtual Policy Forum, 14-17 June 2021
Title	ICANN71 GAC Briefing - Session 12 - GAC Discussion on IGO Protection Matters
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 1: 1 June 2021

GAC Meeting with ALAC

Session # 15 - GAC Meeting with At Large Advisory Committee

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Session Objective

The GAC and the At-Large Advisory Committee (ALAC) regularly meet during ICANN Public Meetings to discuss public policy matters of common interest to government stakeholder and Internet end-user interests. At ICANN71, the ALAC and GAC will discuss the main issues of common interest pertaining to the various phases of the GNSO Expedited Policy Development Process on the Temporary Specification on gTLD Registration Data and the GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration.

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. In the past they have worked to develop joint statements on certain policy and operational topics - including during the ICANN60 and ICANN64 meetings.

Main Agenda Topics

At ICANN71, the ALAC and GAC are expected to discuss the main issues of current common interest pertaining to the Expedited Policy Development Process (EPDP) Phase 2, and the New gTLDs Subsequent Procedures (SubPro).

As of the publication of this initial briefing, specific agenda topic details are still being developed between the leadership teams of the two committees.

Key Reference Documents

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

16 April ALAC Advice to the ICANN Board on Subsequent Procedures -

https://atlarge.icann.org/advice_statements/13823

Further Information

[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](#)

[GAC and ALAC activity page](#)

Document Administration

Meeting	ICANN71 Virtual Policy Forum, 14-17 June 2021
Title	ICANN71 GAC Briefing - Session 15 - GAC Meeting with the ALAC
Distribution	GAC Members (before meeting) and Public (after meeting)
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GAC Wrap Up Session

Session #16 - GAC Wrap Up

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Session Objectives

Based on the GAC’s productive experiences during the previous four virtual meetings, a final GAC “wrap-up” session has been scheduled at ICANN71 to enable the GAC to conduct follow-up discussions regarding any timely topics or issues that arise during the ICANN71 meeting week. This additional flexible time can be used by GAC Members to discuss specific follow-up or next-step activities that may be triggered during the meeting week.

GAC Operational Matters

GAC Workstream 2 - Accountability - Progress on Implementation of Recommendations

As of 1 June 2021, the GAC has addressed implementation of 16 of the nearly 50 Work Stream 2 accountability recommendations directed toward the various ICANN supporting organizations and advisory committees. GAC Support staff continues to track committee progress on assessing and implementing the recommendations on the GAC tracking tool - see <https://docs.google.com/spreadsheets/d/1NOTa6ULaUihKIVAKzpBaRBknScBDMZcuy95D10TcDF0/e dit?pli=1#gid=1764714964>.

Review of GAC Information Tools

GAC Action/Decision Radar Update

As part of its efforts to better inform GAC Members and Observers about existing and upcoming priorities and work efforts, the GAC Leadership and GAC Support staff worked together to create an Action/Decision “radar” document that is intended to track existing and anticipated actions requiring GAC decisions on policy and operational matters.

The first GAC Action/Decision Radar document was provided to GAC Members at the beginning of May 2021 and a GAC web page devoted to the radar tool has been established - see <https://gac.icann.org/activity/gac-action-decision-radar>. The web page will archive all the monthly radar “snapshots”.

During this session, GAC participants will have the opportunity to share their feedback on the radar and to suggest improvements to the document.

GAC Website Update

GAC Support staff has continued to work with ICANN org technology staff to ensure that the GAC web site offers committee participants a productive user experience. In reaction to participant feedback about user experiences on the current site, work is under way to modernize the look of the site consistent with developments on the ICANN.org website. Although fundamental changes cannot be made to the site’s technical infrastructure, it is hoped that upcoming changes will improve navigation of the site and allow participants to more effectively use this resource. Conversion of the GAC web site to the new user interface is expected to take place by the beginning of July 2021.

2021 GAC Vice Chair Elections - Nomination Period

In 2021, elections for the GAC Vice chairs, who serve one (1) year terms, will be conducted. The current Vice-Chairs have been elected for the term from March 2021 (end of ICANN70) to March 2021 (end of ICANN73).

GAC Vice-Chairs nomination will begin shortly after the ICANN71 Marrakech Meeting and will conclude 45 days before the start of the ICANN72 Meeting at which the confirmation of appointment is due to take place. Nominations for candidates start at the end of the GAC meeting which precedes the meeting in which the confirmation is due to take place (Operating Principle 33). If more than five candidates for the positions of Vice-Chairs are identified during the nomination period, an election will be held.

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

During this session, the GAC Support staff will provide an overview of the nomination and election process to the GAC Membership.

Possible Topic Follow-Up Time

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

Further Information

GAC Operating Principles -

<https://gac.icann.org/operating-principles/operating-principles-june-2017>

GAC Working Groups -

Active GAC working groups continue to make progress between ICANN public meetings in their various areas of focus and expertise. As developments warrant, these working groups 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 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>

Document Administration

Meeting	ICANN71 Virtual Policy Forum, 14-17 June 2021
Title	ICANN71 GAC Briefing - 16 - GAC Wrap-Up Session
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 1: 26 May 2021

ICANN71 GAC Schedule (Final, as of 24 May 2021)

PDT	EDT	UTC-3	UTC	CEST	UTC+3	UTC+8	Monday 14 June (Day 1)	Tuesday 15 June (Day 2)	Wednesday 16 June (Day 3)	Thursday 17 June (Day 4)	CEST		
23:00	2:00	5:00	6:00	8:00	9:00	14:00			GAC Leadership Meetings (30 min) - 08:15 - 08:45 CEST		08:00		
23:15	2:15	5:15	6:15	8:15	9:15	14:15					08:15		
23:30	2:30	5:30	6:30	8:30	9:30	14:30					08:30		
23:45	2:45	5:45	6:45	8:45	9:45	14:45					08:45		
0:00	3:00	6:00	7:00	9:00	10:00	15:00	1. Opening Plenary (60 min)		11. GAC Meeting with the GNSO (60 min)	15. GAC Meeting with the ALAC (60 min)	09:00		
0:15	3:15	6:15	7:15	9:15	10:15	15:15					09:15		
0:30	3:30	6:30	7:30	9:30	10:30	15:30	2. Preparation for Meetings with the ICANN Board, GNSO and ALAC (90 min)		12. IGO Protection Matters (45 min)	Plenary Session 3 Understanding Reputation Block Lists (RBLs)	09:30		
0:45	3:45	6:45	7:45	9:45	10:45	15:45					09:45		
1:00	4:00	7:00	8:00	10:00	11:00	16:00			Virtual Coffee Break	Break	Virtual Coffee Break	10:00	
1:15	4:15	7:15	8:15	10:15	11:15	16:15						10:15	
1:30	4:30	7:30	8:30	10:30	11:30	16:30	6. Subsequent Rounds of New gTLDs (1/2) (45 min)	7. Discussion of Future GAC Meetings (45 min)	13. Subsequent Rounds of New gTLDs (2/2) (45 min)		10:30		
1:45	4:45	7:45	8:45	10:45	11:45	16:45					10:45		
2:00	5:00	8:00	9:00	11:00	12:00	17:00					11:00		
2:15	5:15	8:15	9:15	11:15	12:15	17:15					11:15		
2:30	5:30	8:30	9:30	11:30	12:30	17:30	Break	Break	Virtual Coffee Break	Break	11:30		
2:45	5:45	8:45	9:45	11:45	12:45	17:45					11:45		
3:00	6:00	9:00	10:00	12:00	13:00	18:00					12:00		
3:15	6:15	9:15	10:15	12:15	13:15	18:15					12:15		
3:30	6:30	9:30	10:30	12:30	13:30	18:30	Plenary Session 1 Impact of Regulatory Developments on ICANN Policy Topics	8. RDS/WHOIS and Data Protection (60 to 90 min as needed)	14. GAC Communiqué Drafting (1/4) (90 min)	14. GAC Communiqué Drafting (4/4) (90 min)	12:30		
3:45	6:45	9:45	10:45	12:45	13:45	18:45					12:45		
4:00	7:00	10:00	11:00	13:00	14:00	19:00		9. GAC Communiqué Review (2/2)			13:00		
4:15	7:15	10:15	11:15	13:15	14:15	19:15					13:15		
4:30	7:30	10:30	11:30	13:30	14:30	19:30	Break	Virtual Coffee Break	Break	Break	13:30		
4:45	7:45	10:45	11:45	13:45	14:45	19:45					13:45		
5:00	8:00	11:00	12:00	14:00	15:00	20:00					14:00		
5:15	8:15	11:15	12:15	14:15	15:15	20:15					14:15		
5:30	8:30	11:30	12:30	14:30	15:30	20:30	3. DNS Abuse Mitigation (60 to 90 min as needed)	Plenary Session 2 ICANN's Multistakeholder Model within the Internet Governance Ecosystem	14. GAC Communiqué Drafting (2/4) (90 min)	16. GAC Wrap-up (90 min)	14:30		
5:45	8:45	11:45	12:45	14:45	15:45	20:45					14:45		
6:00	9:00	12:00	13:00	15:00	16:00	21:00					15:00		
6:15	9:15	12:15	13:15	15:15	16:15	21:15					15:15		
6:30	9:30	12:30	13:30	15:30	16:30	21:30	4. GAC Communiqué Review (1/2)	Break	Break	Break	15:30		
6:45	9:45	12:45	13:45	15:45	16:45	21:45					15:45		
7:00	10:00	13:00	14:00	16:00	17:00	22:00					16:00		
7:15	10:15	13:15	14:15	16:15	17:15	22:15					16:15		
7:30	10:30	13:30	14:30	16:30	17:30	22:30	5.GAC Social (60 min)	10. GAC Meeting with the ICANN Board (60 min)	14. GAC Communiqué Drafting (3/4) (60 min)	ICANN Org & Community Discussion on The Future of ICANN Public Meetings (60 min)	16:30		
7:45	10:45	13:45	14:45	16:45	17:45	22:45					16:45		
8:00	11:00	14:00	15:00	17:00	18:00	23:00					17:00		
8:15	11:15	14:15	15:15	17:15	18:15	23:15					17:15		
8:30	11:30	14:30	15:30	17:30	18:30	23:30	GAC Session Updates (30 min) - 17:45 - 18:15 CEST				17:30		
8:45	11:45	14:45	15:45	17:45	18:45	23:45					17:45		
9:00	12:00	15:00	16:00	18:00	19:00	0:00					18:00		
9:15	12:15	15:15	16:15	18:15	19:15	0:15					18:15		
9:30	12:30	15:30	16:30	18:30	19:30	0:30	GAC Leadership Meeting (30 min)		GAC Plenary Sessions GAC Joint Sessions Community Sessions GAC Communiqué Non official ICANN67 Sessions	Official times for ICANN71 09:00-17:30 (CEST, UTC+1)	18:30		
9:45	12:45	15:45	16:45	18:45	19:45	0:45					18:45		
10:00	13:00	16:00	17:00	19:00	20:00	1:00					19:00		