GAC Opening Plenary Session
Session # 1 - Opening Plenary

**Session Objective**

The GAC Opening Plenary Session is the first opportunity for GAC participants to gather, introduce themselves and prepare for the ICANN Public Meeting week. During this session the GAC Chair typically (1) provides a “state of the committee” review, (2) summarizes the GAC meeting agenda for the week and (3) identifies topic highlights and priority matters that merit GAC Member focus and attention.

**Agenda**

During this opening session, the GAC Chair plans to report on the committee efforts made regarding action items and next steps identified during the ICANN72 Virtual Annual General Meeting. The Chair will also highlight a number of substantive and operational matters that the committee is currently addressing and identify a number of work efforts that will attract committee attention in the coming months. During the session, GAC working group leaders may also offer updates on their work progress on various matters. GAC participants will be invited to share comments on their meeting goals and expectations.

**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 ICANN72, the GAC has sent and received written correspondence regarding various matters of importance to GAC members including the GAC ICANN72 Communique (ICANN Board and GNSO), the new gTLD application for “dot GCC”, the ccNSO proposed policy for retirement of ccTLDs, the proposed design for governmental accreditation authorities in a standardized system for access/disclosure (SSAD) of registration data, and recommendations regarding Phase 2A of the GNSO Expedited Policy Development Process on the Temporary Specification for gTLD Registration
Data pertaining to the treatment of domain registration data from legal entities and pseudonymized email contacts. Incoming and outgoing correspondence documents related to those matters and others since ICANN72 are posted and tracked on a special web page of the GAC website which can be accessed here - https://gac.icann.org/advice/correspondence/.

During the ICANN72 Virtual Annual General Meeting, the GAC Support Staff noted a number of follow-up matters and action items agreed to among GAC attendees. Those items are tracked via a google collaboration document that can be accessed here - https://docs.google.com/spreadsheets/d/1q2jygHjk1MQHoUYj2k1hjPDAw5TAebMRWqG98Go6eEY/edit#gid=1067667374.

**Key Reference Documents**

- GAC ICANN72 Action Points (Google Doc) - https://docs.google.com/spreadsheets/d/1q2jygHjk1MQHoUYj2k1hjPDAw5TAebMRWqG98Go6eEY/edit#gid=1067667374
- GAC Correspondence Web Page - https://gac.icann.org/advice/correspondence/

**Document Administration**

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Opening Plenary Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
**GAC Discussion on the Global Public Interest Framework**

**Session 2**

<table>
<thead>
<tr>
<th>Session Objective</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background</td>
<td>2</td>
</tr>
<tr>
<td>Agenda</td>
<td>3</td>
</tr>
<tr>
<td>Key Reference Documents</td>
<td>3</td>
</tr>
<tr>
<td>Further Information</td>
<td>3</td>
</tr>
</tbody>
</table>

**Session Objective**

In 2019, the ICANN Board developed a proposed global public interest (GPI) framework in consultation with the ICANN community. The purpose of the GPI framework is to facilitate a bottom-up multistakeholder-driven understanding of the GPI issues relevant to each Board decision. The framework is intended to reinforce the community’s commitment to the public interest and to demonstrate how specific recommendations, advice, and public comments are in the global public interest, but is not intended to change the process by which decisions are made. The Board has offered the framework as a template for various ICANN communities to implement their own public interest assessments on topics of interest and matters before the Board.

During this session, GAC participants will discuss whether the GAC is interested in exploring this framework as part of the committee’s advisory efforts and, if so, how that effort might be managed. The session will also allow participants to prepare for the Cross Community Plenary Session on the GPI framework scheduled during the ICANN73 public meeting.

**Background**

The global public interest (GPI) is central to many of ICANN’s historic and current primary governance documents (Articles of Incorporation, Affirmation of Commitments, Bylaws). Broad community discussions have taken place over the past several years exploring what the global public interest is; and determining how to best serve the interests of the public, while deciding what means and mechanisms could help achieve that goal.

**Framework Development**
In 2019, the ICANN Board, with community consultation, developed a framework designed to address whether specific policy recommendations or organizational actions by the Board meet the Bylaws-defined public interest considerations.

The developed framework is designed to help the Board determine whether and how specific advice and recommendations developed by the community serve the global public interest within ICANN’s remit.

At the conclusion of the community consultation on the proposed framework, the Board agreed to “pilot” the proposed GPI framework and showcase how it can be leveraged to ascertain relevant public interest considerations on a given issue, identify gaps, if any, and share lessons learned.

**SSAD ODP Pilot**

The ICANN Board decided to showcase the proposed framework using two test cases, the System for Standardized Access Disclosure Operational Design Phase (SSAD ODP), which has recently concluded, and the Subsequent Procedures Recommendations ODP, which is now underway.

The pilot processes consists of (1) determining which recommendations carry public interest considerations and whether the GPI framework categories are relevant to the issue; (2) applying the questions posed in the framework to consider the GPI issues in light of the relevant ICANN Bylaws, and finally, (3) exploring how the community considers the various considerations and viewpoints (including minority statements).

In January 2022, the SSAD ODP concluded and ICANN org published its Operational Design Assessment (ODA) of the SSAD Recommendations. The global public interest analysis in the ODA solely focuses on the EPDP Phase 2 policy recommendations for the SSAD (Appendix 2) and not the design for the system.

Among the observations made throughout the pilot, the ODA noted that “although the ICANN community did not formally use the GPI framework, it considered and addressed public interest considerations in the rationales provided in the SSAD recommendations”.1

Additionally, the ODA determined that the pilot process demonstrated that “the GPI exercise will be far more effective when the framework is initially run as part of recommendation development, as opposed to a post facto review.”.

Lastly, the ODA reflected that “the GPI is a key consideration in ICANN’s work and evaluation of the GPI under this framework, or any other tool or process, could be considered for use at any time during the lifecycle of recommendations.”. Thereby, the community is encouraged to consider the use of the framework in its future work as a way to help structure and guide its discussions on the GPI and inform the ICANN Board’s subsequent discussions and actions.

**Agenda**

The GAC internal session is scheduled to take place before a cross-community plenary session on the topic to offer GAC Members an opportunity to better understand the context of the GPI.

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framework, learn the Board’s expectations for the community and to discuss whether such a framework could or should be incorporated/adopted into the GAC’s advice development efforts.

The subsequent cross-community session scheduled during ICANN73 - “The Global Public Interest Framework: Is it Useful?” will include a brief review of the GPI Framework (the ICANN72 Prep Week session featured an in depth overview - see documentation below), followed by a discussion of a use case, the System for Standardized Access Disclosure (SSAD), where the GPI Framework has been used as part of ICANN Board deliberations. Lastly, the cross-community plenary session will feature a discussion of whether and how this framework can best be used by the ICANN community in its interactions with the ICANN Board. GAC Members are encouraged to actively contribute to both sessions.

Key Reference Documents

- ICANN72 Prep Week GPI Update session: https://72.schedule.icann.org/meetings/y99XbhoF3BxfCQhY
- GPI Toolkit - ICANN Wiki Page: https://community.icann.org/display/prjxplrpublicint/GPI+Toolkit

Further Information

- ICANN73 Plenary session - The Global Public Interest Framework: Is it Useful?

Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing - Session 2 - GAC Discussion on GPI Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
Session Objectives

An ICANN Public Meeting 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. The GAC Meeting with the ICANN Board of Directors is one of those important opportunities.

Relevant Developments

Recent GAC-Board Meetings have covered a range of subjects and topics and have mostly centered 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 number of standard questions or session topics to community groups for them to respond to the Board.

For ICANN73, the ICANN Board Chair has presented the following questions for GAC preparations and discussion:

1. “What are [the GAC’s] key priorities for ICANN work in 2022, how do these priorities help achieve ICANN’s common objectives as expressed in the FY 2021-2025 Strategic Plan, and how do you see Community, Board and org moving forward together on a way to achieve these?”; and
2. “If any, what suggestions would [the GAC] have to enhance ICANN’s effectiveness and efficiency with regards to the process of implementation after adoption of a PDP or Review recommendations?”

GAC Members were asked during the GAC ICANN73 Agenda Setting Call on 24 January and via email on 30 January to suggest responses to the Board questions and to recommend any additional potential topics or questions to present to the Board at ICANN73. GAC Support staff collected suggestions and submissions shared on the GAC mailing list.
A full draft set of draft responses to the Board Chair questions and also GAC questions proposed for the Board were subsequently shared with the GAC via email on 14 February and shared with the Board Operations team on 18 February after further review and curation by the GAC Leadership team.

**Session Agendas**

**Session #3 - Monday, 7 March - Preparation for Meeting with ICANN Board**

This public session on Monday 7 March will enable GAC Members to review, discuss and confirm the proposed topics and questions that have previously been shared with the ICANN Board.

**Session # 13 - Wednesday, 9 March - GAC Meeting with ICANN Board**

A preliminary meeting agenda for the meeting (as of 17 February) is:

A. Introductions  
B. Discussion of Board Chair Questions  
C. Discussion of GAC Topic/Questions (shared in advance of meeting)  
D. AOB  
E. Closing

**Further Information**

- 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 took place on 8 February. The GAC Chair will likely report to the GAC during ICANN73 on what is discussed at that meeting. Meeting materials from that meeting can be found here - [https://gac.icann.org/sessions/board-gac-interaction-group-bgig-call-8-february-2022](https://gac.icann.org/sessions/board-gac-interaction-group-bgig-call-8-february-2022) (GAC Member log-in required)

- 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 - [https://www.icann.org/resources/pages/governance/bylaws-en/#article12](https://www.icann.org/resources/pages/governance/bylaws-en/#article12)

**Document Administration**

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN72 GAC Sessions 3 &amp; 13 - GAC Meeting with ICANN Board (and Prep Session)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
GAC Meeting with the GNSO

Session 4

Session Objective
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 an exchange on the following topics:

- Operational Design Phase
  - SSAD
  - Subsequent Procedures for New gTLDs
- DNS Abuse
- EPDP-IGO Curative protections.
- AOB
  - Accuracy
  - Any other emerging issues
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. **Operational Design Phase**
   - SSAD ODP: GNSO Council to update the GAC on its views on the ICANN Board findings on the Operational Design Assessment (ODA) on the SSAD ODP.
   - SubPro ODP: GAC/GNSO Council to discuss potential expectations on the GAC/GNSO small group of closed generics to be launched as part of the SubPro ODP.

2. **DNS Abuse**
   - GNSO Council to provide an update from the Small Team on next steps regarding DNS Abuse.

3. **EPDP-IGO Curative protections:**
   - The GAC and GNSO to discuss potential challenges which may arise as the EPDP rounds up to develop the Final Report.

4. **Any other business**
   - GAC and GNSO Council to discuss any potential developments on accuracy matters, if applicable.
   - Any other emerging issues

**Key Reference Documents**

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

- DNS Abuse Mitigation;
- RDS/WHOIS and Data Protection Policy; and
- IGO Protections.

**Further Information**


**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. 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.

**Document Administration**

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing- GAC Meeting with GNSO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 4 March 2022</td>
</tr>
</tbody>
</table>
GAC Meeting with the ccNSO

Session 5

Session Objective
The GAC and the Country Code Names Supporting Organization (ccNSO) meet regularly at ICANN Meetings to discuss policy matters of common interest.

At ICANN73, the session will focus on:
- ccPDP3 on Review Mechanisms Update to the GAC
- ccPDP4 on IDNs Update to the GAC
- ccNSO and DNS Abuse Discussion

Background
The Country Code Names Supporting Organization (ccNSO) is a body within the ICANN structure created for and by ccTLD managers.

The ccNSO provides a platform to nurture consensus, technical cooperation and skill-building among ccTLDs and facilitates the development of voluntary best practices for ccTLD managers. The policy development process is managed by the ccNSO Council, which consists of 18 Councilors (15 elected by ccNSO members, three appointed by the ICANN Nominating Committee).

The GAC and ccNSO have been meeting at ICANN Meetings in order to coordinate and discuss public policy issues of common interest. The GAC has appointed a point of contact to the ccNSO, Pär Brumark (Niue) and the ccNSO has appointed Biyi Oladipo (NiRA) as point of contact to the GAC. The role of both members is to facilitate policy and other internal community discussions among the groups, as well as meeting agenda preparations for ICANN Meetings.
**Agenda**

At ICANN73, the ccNSO and GAC are expected to discuss the main issues of current common interest pertaining to:

- ccPDP3 on Review Mechanisms Update to the GAC
- ccPDP4 on IDNs Update to the GAC
  - The ccNSO will provide an update on country code Policy Development Processes (ccPDP) of interest to the GAC (see **relevant developments** below)

- ccNSO and DNS Abuse Discussion
  - The ccNSO subject matter experts will share information on recent DNS Abuse activities with the objective to initiate a constructive dialogue with the GAC and share experiences for future joint discussions beyond ICANN73.

**Relevant Developments**

**ccNSO WG ccPDP3 on Review Mechanism**

**Current status**

To date the working group has identified which decisions should be subject to a review and explored the requirements for the review mechanism. The group is now taking a deep-dive into the various requirements and related topics. The group divided into small sub-teams, which addressed certain topic clusters, such as the overarching principles, which set the parameters within which the policy recommendations have been developed and should be interpreted and implemented. They take into account the experiences to date pertaining to decisions relating to the delegation, transfer, revocation and retirement of ccTLDs. They are proposed to structure, guide and set conditions for the recommended policy for a review mechanism, its implementation and future interpretation. Those overarching principles include, among others, fundamental fairness and the bindingness of decisions.

**Next steps**

The bindingness of decisions has been discussed, and a small ccPDP3 sub-team developed questions for ICANN legal. The full group is hopeful to receive an answer by ICANN early 2022. Pending a response by ICANN Legal, the group started exploring - as an intermediary step - a non-binding Review Mechanism for the decisions subject to a review.

**What is this about**

The goal of the working group (WG) is to report on and recommend a policy for a review mechanism with respect to decisions pertaining to the delegation, transfer, revocation and retirement of the delegated Top Level Domains associated with the country codes assigned to
countries and territories listed in the ISO 3166-1 and within the framework of the ccNSO Policy Development Process.

- Read more [here](#).

**ccNSO WG ccPDP4 on Internationalized Domain Names (IDNs)**

**Current status**
The ccPDP4 full working group completed its review and discussion of the 2013 policy proposals for the IDN ccTLD string selection process. Meanwhile, the two ccPDP4 sub-groups continue to meet once every two weeks:

- The ccPDP4 Variant Management sub-group (ccPDP4-VM) discusses and reviews the IDN Variant TLD Recommendations and the ICANN org staff paper. The group agreed to adopt the Root Zone Label Generation Rules for the variant calculation, as well as the “same entity”-principle. The group is also looking at related GNSO policy development efforts, to ensure the approaches for managing variants at the top level do not diverge too much.
- The ccPDP4 sub-group on the de-selection of IDN ccTLD strings (ccPDP4-DS) defines the trigger event(s) that will cause the start of the (IDN) ccTLD retirement process. The retirement process itself is out of scope for ccPDP4 and defined as part of ccPDP3.

Since the ccPDP4-DS subgroup is about to complete its work, in January the ccPDP4 leadership team launched a call for volunteers for an additional subgroup on Confusing Similarity. The full working group meetings have been deferred until one of the sub-groups has completed its work.

**Next steps**
There are areas of potential overlap between the work by the ccPDP4-VM subgroup and the work by the full group that need to be clarified. By the end of February 2022, the ccPDP4-VM group expects to prepare a recommendation to the full group for its consideration. Once finalised, the recommendations of the ccPDP4-DS sub-group will also be included in the basic draft by the full group. The full group will reconvene again around March 2022.

**What is this about**
The ccPDP4 Working Group defines the criteria, process, and procedures for (de)selecting Internationalised Domain Name country code Top Level Domain strings (IDN ccTLDs) associated with the country codes assigned to countries, territories or other areas of geopolitical interest listed in the ISO 3166-1 standard and within the framework of the ccNSO Policy Development Process. The results of this ccPDP4 will eventually replace the IDN ccTLD Fast Track Process.

- Read more [here](#).
## Document Administration

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>ICANN73 GAC Session Briefing 5 - GAC Meeting with the ccNSO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Distribution</strong></td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td><strong>Distribution Date</strong></td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
Session Objective

The GAC Operating Principles Evolution Working Group (GOPE WG) to brief GAC members on intersessional activities of the Working Group and on prioritization efforts for next steps on addressing the GAC’s Operating Principles. GAC members to discuss the updated GAC Working Group Guidelines and GOPE WG Work Plan.

Leadership Proposal for GAC Action

Review documentation provided by GOPE WG and provide input on areas identified by GOPE WG.

Recent Developments

The GOPE WG met intersessionally since ICANN72 to review with the aim of completing the GAC Working Group Guidelines, developed by the WG in 2021 but not finalized, prior to focusing on the GAC Operating Principles. A document was created outlining changes from the existing 2016 GAC Working Group Guidelines, to showcase work undertaken by the WG.

Following a vacancy, a new Co-Chair was appointed to the GOPE WG. The WG now has two Co-Chairs: Guo Feng (China) and Ian Sheldon (Australia).

In preparation for ICANN73, the Working Group updated its Work Plan for 2022-2023 for discussion during the plenary session, outlining Working Group priorities until the end of 2023.

The updated Framework for GAC Working Group Guidelines and GOPE WG Work Plan were reviewed by GOPE WG members and subsequently circulated with GAC membership for discussion at ICANN73 for GAC wide input.
Background
At the ICANN63 meeting in Barcelona, Spain, the GAC created a new working group to study, develop and make recommendations to the GAC membership for changes to the current GAC Operating Principles. It is intended that the efforts of this new GAC Operating Principles Evolution (GOPE) Working Group will help the GAC improve the organization, scope, clarity and specificity of the committee’s processes and procedures - particularly in the new era of the ICANN Empowered Community.

Based on the working group terms of reference, the results of the GOPE effort may range from recommending:

- Modifications to or reorganization of the overall structure of the current GAC Operating Principles; or
- Changes to existing operating principles to provide more clarity and specificity; or
- The addition of new operating principles that provide more guidance and specificity to the operations of the committee; or even
- Proposals to remove principles that are no longer useful, applicable or relevant to the committee’s work.

Based on consultation with GAC leadership and GAC members, the GOPE WG focused its work on the development of GAC Working Group Guidelines.

Key Reference Documents
- GOPE WG Draft Work Plan for 2022-2023 (14 February 2022)
- GAC Working Group Guidelines - Changes from 2016 Version (3 February 2022)
- GOPE WG Terms of Reference as affirmed by the GAC (14 March 2019)

Further Information
- GOPE WG Web Page

Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing - GOPE WG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
GAC Discussion on Work Stream 2 Matters

Session 7

Session Objective

The GAC Human Rights and International Law Working Group (HRILWG) will brief the GAC on activities pertaining to the Work Stream 2 (WS2) Recommendations Implementation and particularly regarding Recommendation 1.1 on the definition of diversity.

Leadership Proposal for GAC Action

1. Review the WS2 recommendation 1.1 for implementation identified by the GAC

2. Agree on the GAC perspective proposal document regarding the Recommendation 1.1

3. Discuss the GAC proposal document with the WS2 Community Coordination Group (post ICANN73)

Recent Developments for GAC Members’ consideration

The HRILWG collaborated with the Under-Served Regions Working Group and UNESCO to work on the implementation of the Work Stream 2 recommendations pertaining to diversity while prioritizing the implementation of recommendation 1.1 on providing a definition of diversity from a GAC perspective.

At ICANN72, the HRILWG provided a draft definition of diversity for GAC input and consideration under the WS2 recommendation implementation framework.

In the lead up to ICANN73, the co-chairs will finalize the GAC perspective proposal document for further review and future discussion with the recently created WS2 Community Coordination Group.
Work Stream 2 Community Coordination Group

The Standing Organizations and Advisory Committees (SO/AC) Chairs agreed to form a coordination group in December 2021, to serve as a forum for ICANN community structures to exchange information on best practices and lessons learned, as well as for sharing information on progress related to the community’s implementation of WS2 recommendations.

The Coordination Group will also be where the WS2 recommendations or topics that can benefit from a uniform, community-wide approach will be identified and addressed, but is not a decision-making body.

In addressing community-wide implementation, the WS2 Community Coordination Group is expected to discuss:

- The relevant priority of these recommendations in the context of other WS2 recommendations implementation and overall community workload.
- The scope of and opportune timing for additional community consultations (as needed).
- How to reach broad community agreement on these recommendations.
- What each individual community group will need to carry out in regard to any agreed implementation.

Recently, each Supporting Organizations, Advisory Committees, GNSO Stakeholder Groups, Regional At-Large Organizations (SO, AC, GNSO SG, RALO) appointed one (1) representative and one (1) alternate. Additionally, they could appoint observers to the group.

The Community Coordination Group will hold its initial call in March 2022 after the ICANN73 Meeting with the objective of discussing the scope of work, a potential timeline and a cadence for its calls.

More recently, ICANN org had suggested that each SO/AC/RALO/SG complete its appointment of its primary and secondary representatives by 11 February 2022, with the aim of having the WS2 Community Coordination Group hold an initial call before ICANN73. The initial call will allow the group to familiarize itself with its scope of work, discuss a potential timeline and a cadence for its calls. Subsequent calls would then involve discussion as to the order in which the community would approach implementing the relevant recommendations. These recommendations are Recommendation 1.1 (on proposed elements of diversity), Recommendation 1.7 (on a process for handling complaints about diversity), and Recommendation 2.3 (on a standalone framework for exercising Empowered Community powers) as they further require cross-community coordination.

Further Information

ICANN update on WS2 Implementation Progress (22 December 2021)
ICANN73 - GAC Agenda Item 7 - GAC Discussion on WS2 Matters
GAC Discussion on IGO Protections

Session 8

Session Objective
GAC to (a) provide an update on work to date on an IGO List to be coordinated by the GAC with ICANN assistance, (b) review recent developments from the EPDP Specific Curative Rights Protections for IGOs.

Leadership Proposal for GAC Action

1. GAC to review current status and engage in discussions on the EPDP on Specific Curative Rights Protections for IGOs in preparation for the Final Report and potential GAC input/GAC positions on policy recommendations.

2. GAC Topic Lead to update GAC membership on the status of the draft process to manage changes to the GAC-IGO List of full IGO names to be reserved in new gTLDs.
Recent Developments / Status / For GAC Members Consideration

In August 2021, the GNSO Council made the procedural decision that the IGO Curative Rights Protection Work Track would continue its work via an Expedited Policy Development Process (EPDP). *The scope of the work of the EPDP remains unchanged.*

On 14 September 2021, the EPDP on Specific Curative Rights Protections for IGOs published its **Initial Report for Public Comment.**

This Initial Report largely focuses on Recommendation #5 of the IGO-INGO Access to Curative Rights PDP which the GNSO Council elected not to approve, and referred to the RPM PDP Phase 2 work (now the EPDP on Specific Curative Rights Protections for IGOs).

Recommendation #5 from the IGO-INGO Access to Curative Rights PDP attempted to address a situation where an IGO has prevailed in a Uniform Domain Name Dispute Resolution Policy (UDRP) or Uniform Rapid Suspension (URS) proceeding, following which the losing registrant files suit in a court and the IGO asserts immunity from the jurisdiction of that court. Recommendation #5 provided that, in such event, the original UDRP or URS panel decision would be “set aside” such that the effect would be to put the parties to the dispute in their original situations, as if the UDRP or URS proceeding in which the IGO had prevailed had never been commenced. This was seen as undesirable as a policy outcome.

During the GNSO Council’s deliberations over the Final Report from the IGO-INGO Access to Curative Rights PDP, concerns were expressed as to whether Recommendation #5 was fit for purpose, noting also that it would require a substantive modification to the UDRP and URS as well as result in a potential reduction of the existing level of curative protections currently available to IGOs.

At the time of this briefing, the EPDP is converging on potential final recommendations to be published in its Final Report.

**Preliminary Recommendations:**

The EPDP team reached several conclusions and preliminary recommendations to address the issue of IGO access to curative rights protection within the scope of its work, in accordance with the GNSO Council’s instructions as documented in its Charter.

The EPDP team reached initial agreement in its Draft Report on the following recommendations:

1. Adding a definition of “IGO Complainant” to the current Rules applicable to the UDRP and URS, to facilitate an IGO’s demonstration of rights to proceed against a registrant (in the absence of a registered trademark);
2. Rejecting the original Recommendation #5 from the IGO-INGO Access to Curative Rights Protections PDP;
3. Clarifying that an IGO Complainant would be exempt from the current requirement to state that it will “submit, with respect to any challenges to a decision in the administrative
proceeding canceling or transferring the domain name, to the jurisdiction of the courts in at least one specified Mutual Jurisdiction”

4. Including an option for arbitration ("appeal") to review an initial panel decision issued under the UDRP, following the initial UDRP or URS panel decision (this arbitration option reflects IGO jurisdictional immunity while preserving a registrant’s ability to choose to go to court prior to arbitration).

However, the EPDP team has not agreed on a suite of final recommendations, nor more specifically:

- whether the option to arbitrate will remain available to a registrant following the outcome of a court proceeding initiated by the registrant where the court declines to hear the merits of the case; and
- what should be the applicable choice of law for any arbitration that the parties may agree to.

In parallel to engaging in the EPDP work, the GAC is focusing on the following issues relative to IGO Protections:

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 protections afforded to IGOs in the DNS.

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 October 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,\(^1\) 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.

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\(^1\) According to a set of criteria, as included in the letter to the ICANN Board dated 22 March 2013 which introduced the IGO List.
Key Reference Documents

- Initial Report & Preliminary Recommendations from the Expedited Policy Development Process on Specific Curative Rights Protections for International Governmental Organizations (IGOs)
- GAC Response to ICANN Board Clarifying Questions on ICANN71 Communiqué - IGO Protections (7 October 2021)

Further Information

- GAC Policy Background Document on IGO Protections:

Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing - IGO Protections</th>
</tr>
</thead>
<tbody>
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<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
RDS/WHOIS and Data Protection Policy

Session 9

Contents

<table>
<thead>
<tr>
<th>Session Objective</th>
<th>Leadership Proposal for GAC Action</th>
<th>Current Status and Recent Developments</th>
<th>Key Reference Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>p.1</td>
<td>p.1</td>
<td>p.2</td>
<td>p.6</td>
</tr>
</tbody>
</table>

Session Objective

This session aims to discuss and consider possible next steps for the GAC regarding implementation of GAC Advice and the consideration of new ICANN policy related to gTLD Registration Data: EPDP Phase 1 Implementation, EPDP Phase 2 SSAD Operational Design Phase, EPDP Phase 2A Policy Recommendations, and scoping of possible policy work regarding accuracy of registration data.

Leadership Proposal for GAC Action

1. **Consider providing further input to the ICANN Board** regarding the proposed Standardized System for Access/Disclosure of Registration Data (SSAD) given ICANN org’s analysis of costs, benefits and risks in the SSAD Operational Design Assessment (25 Jan. 2022)

2. **Assess the public interest impacts of the current interim policy regime** for gTLD registration data, in light of:
   
   a. **Prospects of implementation and community concerns with policy recommendations** in Phase 1, Phase 2 and Phase 2A of the Expedited Policy Development Process (EPDP) on gTLD Registration Data;
   
   b. **Suspension of pre-existing implementations efforts** such as Thick WHOIS Transition Policy¹, Privacy/Proxy Accreditation Policy² and the WHOIS Accuracy Reporting System (ARS)³
   
   c. **Board responses⁴ to the GAC Montréal Advice** (1 Nov. 2019), and subsequent Follow-up in the ICANN72 Communiqué (1 Nov. 2022), to “ensure that the current system that requires ‘reasonable access’ to non-public domain name registration is operating effectively”

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¹ See [https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en](https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en) and the related recent decision by the GNSO Council (29 January 2021)

² See full analysis of the impact of EPDP Phase 1 on the Privacy/Proxy Services Accreditation policy implementation in a [detailed report](https://www.icann.org/resources/pages/privacy-proxy-access-accreditation-2021-01-15-en) by ICANN org (12 January 2021)

³ See [ICANN.org Memo on the WHOIS Accuracy Reporting System](https://www.icann.org/resources/pages/whois-accuracy-reporting-system-2022-02-01-en) (January 2022) providing background information and discussing the decision to put ARS on hold, issues with continuing ARS, and potential objectives of future accuracy studies.

Current Status and Recent Developments

Most Recent Development

- **Feasibility of a System for Standardized Access/Disclosure of Registration Data (SSAD)** has been assessed by ICANN org as part of an Operational Design Phase (ODP) which has now completed. Discussions continue between the ICANN Board and GNSO Council on next steps.
  
  - The GNSO resolution on the EPDP Phase 2 Final Report (24 September 2020) **adopted the 18 recommendations that seek to establish an SSAD, requesting a consultation with the ICANN Board** prior to its consideration of the policy recommendations **to discuss “questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements [...] including whether a further cost-benefit analysis should be conducted before the ICANN Board considers all SSAD-related recommendations for adoption”**.

  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. Several community surveys were launched to this effect, including to assess potential demand for an SSAD. A specific ICANN org **survey for GAC Members**, regarding the accreditation of governments entities and their legitimate users, as well as legal bases for various types of processing of registration data, was **circulated** to the GAC on 15 July 2021 and its results reported in a **webinar** on 18 November 2021.

  - After presenting design proposals and costs assessments in several webinars to the GNSO, GAC, and ICANN Community, the GAC **alerted the GNSO** (15 December 2021) that ICANN’s proposed design of Governmental Accreditation Authorities goes beyond the scope envisioned in GAC Principles on Accreditation (21 Jan. 2020) which were incorporated in Recommendation 2 of the EPDP Phase 2 Final Report.

  - ICANN org has delivered its **Operational Design Assessment** (25 Jan. 2022).

  - A GNSO Small Team is now reviewing ICANN org’s Assessment with a view to support GNSO Council consultation with the ICANN Board, including addressing questions and concerns expressed in an **ICANN Board letter** (24 Jan. 2022).

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5 During a 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.
Status of Policy Development

- **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 regarding EPDP Phase 1 Policy Recommendations (24 April 2019) the ICANN Board took action (15 May 2019) and laid the foundation for the future policy regime regarding gTLD Registration Data. Subsequently, the Temporary Specification on gTLD Registration Data expired on 20 May 2019 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 EPDP Phase 1 policy 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”. The ICANN Board accepted this Advice (26 January 2020). The GAC requested an update on these efforts in Follow-up to Previous Advice in the ICANN72 Communiqué (1 Nov. 2021). In its response (16 Jan. 2022), the ICANN Board suggested that standardization and centralization of requests would be achieved by an SSAD. It noted however that “data from both Contractual Compliance and Global Support do not indicate this lack of centralized intake system to be a significant issue for internet users”.

- **Implementation of the EPDP Phase 1 Policy Recommendations** (adopted by the ICANN Board on 15 May 2019) has revealed significant challenges, with possible public policy implications.
  - The GAC highlighted in the ICANN72 Communiqué (1 Nov. 2021) “with continued concern that the Phase 1 Implementation Review Team (IRT) lacks a current published implementation timeline” recall its previous Advice in the Montréal Communiqué (6 November 2019) and Follow-up since in the ICANN70 Communiqué (25 March 2021) and ICANN71 Communiqué (21 June 2021)In its response to the ICANN72 Communiqué (16 Jan. 2022), the ICANN Board listed and discussed several remaining milestones including negotiation of data protection agreement between ICANN org and Contracted Parties. It also urged “the GAC, as a participant in the processes that yield community recommendations, to work with the respective community groups to achieve clarity and alignment across the community of what recommendations will institute regarding requirements or obligations”
  - As a consequence of the adoption of the EPDP Phase 1 policy recommendations, the implementation of several pre-existing efforts were suspended, and in particular the Thick WHOIS Transition Policy, Privacy/Proxy Accreditation Policy and the WHOIS Accuracy Reporting System (ARS).

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6 See [https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en](https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en) and the related recent decision by the GNSO Council (29 January 2021)
7 See full analysis of the impact of EPDP Phase 1 on the Privacy/Proxy Services Accreditation policy implementation in a [detailed report](https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en) by ICANN org (12 January 2021)

  ○ **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 requestors).

  ○ **Stakeholders could not agree on** the policy recommendations necessary to provide for a **System for Standardized disclosure** that meets the needs of all stakeholders involved, including public authorities (recommendations 5-10 and 12). Neither could stakeholders agree on the possibility to evolve the SSAD towards more centralization and more automation of disclosure decisions in the future. (recommendation 18)

  ○ In the [ICANN70 GAC Communiqué (25 March 2021)](https://www.icann.org/en/documents/2021/03/25-reports-epdp-phase-2-gac-committee-en.pdf), the GAC Advised 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.” The Board accepted the advice (12 May 2021) noting that “standing on its own, the GAC’s Minority Statement does not constitute consensus advice”, and included a detailed discussion of issues raised in the GAC Minority Statement on EPDP Phase 2.


• **Policy Development in Phase 2A of the EPDP** to address the issues of legal vs. natural persons and the feasibility of unique contacts to have a uniform anonymized email address, **concluded** with the publication of a [Final Report (3 September 2021)](https://www.icann.org/en/documents/2021/09/03-reports-epdp-phase-2a-reports-en.pdf)

  ○ The EPDP Team Chair presented the report as “a compromise that is the maximum that could be achieved by the group at this time under our currently allocated time and scope, and it should not be read as delivering results that were fully satisfactory to everyone” and underscored “the importance of the minority statements in understanding the full context of the Final Report recommendations”

  ○ In its [Minority Statement (10 September 2021)](https://www.icann.org/en/documents/2021/09/10-reports-epdp-phase-2a-minority-statements-en.pdf), the GAC acknowledged “the usefulness of many components of the Final Recommendations” including:
    - the creation of data fields to flag/identify legal registrants and personal data;
    - specific guidance on what safeguards should be applied to protect personal information when differentiating between the domain name registrations of legal and natural persons;
- encouragement for the creation of a Code of Conduct that would include the treatment of domain name registration data from legal entities;
- encouragement for the GNSO to follow legislative developments that may require revisions to the current policy recommendations, and
- useful context and guidance for those who wish to publish pseudonymized emails.

○ The GAC noted however that it “remains concerned that almost none of the Final Recommendations create enforceable obligations” which “fall short of the GAC’s expectations for policies that would require the publication of domain name registration data that is not protected [...] and create an appropriate framework to encourage the publication of pseudonymized email contacts with appropriate safeguards.”

○ After adoption of these policy recommendations by the GNSO Council, the ICANN Board provided the bylaw-mandated notification to the GAC (9 Dec. 2021), in response to which the GAC requested that the ICANN Board “considers [...] the GAC Minority Statement in its entirety, as well as available options to address the outstanding public policy concerns expressed therein.” (9 Feb. 2022).

● The GNSO Scoping Team on Accuracy of Registration Data is expected 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.

○ The GNSO Council adopted substantive and procedural instructions for the Scoping Team (22 July 2021). In the ICANN72 GAC Communiqué (1 November 2021) the GAC welcomed “the effective start of the accuracy scoping exercise launched by the GNSO” and expressed support for “all four assignments, namely, i) enforcement and reporting, ii) measurement of accuracy, iii) effectiveness and iv) impact and improvements, for scoping the work on accuracy” noting that “assignments iii) and iv) are particularly important for the purpose of assessing possible improvements of accuracy of registration data” and stressing “the importance of delivering on all four tasks in a timely and effective manner.”

○ The GAC has nominated two representatives (European Commission and United States) to participate in these weekly deliberations which started on 5 October 2021.

○ The work of the scoping team is also being informed by an ICANN org briefing (26 February 2021), an ICANN org Memo on the WHOIS Accuracy Reporting System (January 2022) and ICANN org responses to questions by the Scoping Team.

○ In the ICANN72 GAC Communiqué (1 November 2021) as part of Issues of Importance the GAC reiterated “that maintaining accurate domain name registration data is an important element in the prevention and mitigation of DNS abuse”. The GAC also noted that it is “looking forward to exchanging with other constituencies not only on the definition and measurement of accuracy but also on solutions on how to enhance accuracy. The GAC gives particular importance to the verification, validation and correction of all registration data by registrars, and certain registries, in line with their contractual obligations, and supports rigorous monitoring and enforcement of such contractual obligations by ICANN.”
Key Reference Documents

- ICANN org SSAD [Operational Design Assessment](#) (25 January 2022)
- GAC Advice in the GAC ICANN72 Communiqué (1 Nov. 2022) and related ICANN Board [Scorecard](#) (16 January 2022)
- GAC Advice in the GAC ICANN71 Communiqué (21 June 2021) and related ICANN Board [Scorecard](#) (12 September 2021)
- GAC Advice in the GAC ICANN70 Communiqué (25 March 2021), related ICANN Board [Scorecard](#) (12 May 2021) and [GAC Response to ICANN Board Clarifying Questions](#) (16 Nov. 2021)
- GAC Minority Statement (24 August 2020) on EPDP Phase 2 [Final Report](#) (31 July 2020)
- GAC Minority Statement (10 September 2021) on EPDP Phase 2A [Final Report](#) (3 September 2021)
- GAC Response (6 October 2021) to ICANN Board Clarifying Questions (21 April 2021) on the ICANN70 GAC Advice regarding the GAC Minority Statement on EPDP Phase 2, as reiterated during the ICANN71 Communiqué clarification discussions.

Further Information

GAC Policy Background Document on WHOIS and Data Protection

Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing - RDS/WHOIS and Data Protection Policy</th>
</tr>
</thead>
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</tr>
<tr>
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<td>Version 1: 24 February 2022</td>
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Session Objectives

This session aims to continue GAC consideration of ICANN org and ICANN community initiatives to prevent and mitigate DNS Abuse. This includes implementation of the recommendations stemming from the CCT and SSR2 Reviews, discussions following the conclusion of the GNSO’s Subsequent New gTLD Procedures PDP WG, proposals by the SSAC for the establishment of a Common Abuse Response Facilitator and a recent study published by the European Commission. This session will also be an opportunity to continue discussing possible concrete proposals by the GAC.

Leadership Proposal for GAC Action

1. **Consider the findings and recommendations of the DNS Abuse Study published by the European Commission**¹ and presented to the GAC Public Safety Working Group prior to ICANN73.²

2. **Review progress of ICANN org activities** in relation to DNS Abuse under its DNS Security Threat Mitigation and Contractual Compliance programs, as reported most recently in the Pre-ICANN73 ICANN CEO Briefing to the GAC.³

3. **Assess progress in ICANN community discussions and implementation efforts related to relevant recommendations from the CCT Review Team, SSR2 Review Team, SSAC Working Party on DNS Abuse (SAC115), as well voluntary initiatives by Contracted Parties, in light of relevant GAC Advice in ICANN Montreal and ICANN72 Communiqués.**

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¹ See European Commission [Study on DNS Abuse](https://gac.icann.org/sessions/icann-org-ceo-pre-icann73-oral-briefing-for-the-gac) and its [Technical Appendix](https://gac.icann.org/sessions/icann-org-ceo-pre-icann73-oral-briefing-for-the-gac) (31 January 2022)

² See [https://gac.icann.org/sessions/pre-icann73-pswg-conference-call](https://gac.icann.org/sessions/pre-icann73-pswg-conference-call) (17 February 2022) [login required]

³ See [https://gac.icann.org/sessions/icann-org-ceo-pre-icann73-oral-briefing-for-the-gac](https://gac.icann.org/sessions/icann-org-ceo-pre-icann73-oral-briefing-for-the-gac) (16 February 2022) [login required]
Current Status and Recent Developments

Community Discussions and Concrete Steps Taken to Date

- During recent ICANN meetings, leaders of the GAC Public Safety Working Group have briefed the GAC on the issue of DNS Abuse⁴ consistent with the PSWG Work Plan 2020-2021 and its Strategic Goal #1 to Develop DNS Abuse and Cybercrime Mitigation Capabilities.
  - 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 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 level⁵, including: revisions of ICANN Contracts with registries and registrars, enforcement of existing requirements, implementation of relevant CCT and SSR2 Review recommendations, Privacy/Proxy Service Provider policy recommendations, improvement of accuracy of registration data, and publication of more detailed domain abuse activity data.
  - In the ICANN72 Communiqué (1 Nov. 2021), the GAC highlighted “the need for improved contract requirements to address the issue of DNS Abuse more effectively. In this regard, ICANN’s role under the Bylaws includes duly taking into account the public policy concerns of governments and public authorities and acting for the benefit of the public. The Bylaws also authorize ICANN to negotiate agreements, including Public Interest Commitments, in service of its Mission. Hence, ICANN is particularly well placed to negotiate improvements to existing contracts to more effectively curb DNS Abuse, as informed by the GAC and other stakeholders advocating in the public interest.”

- Leaders of the GAC and GNSO Council have discussed specific GAC questions provided to the GNSO in advance of each ICANN meeting since ICANN70⁶
  - The GAC has sought updates from the GNSO about Community work it envisions to conduct, in light of the conclusions of the New gTLD Subsequent Rounds PDP (which refrained from making recommendations on DNS Abuse Mitigation for future New gTLDs only), the SSR2 Review recommendations and SSAC recommendations in SAC115.
  - GNSO Council leaders recognized the importance of the subject for the ICANN Community and the long running discussion of this matter, but noted that further work requires appropriate scoping as well as developing a common understanding, in particular as it relates to the definition of DNS Abuse, its compatibility with ICANN’s mission, with no indication of timeline⁷.
  - On 31 January 2022 the GNSO Council announced the formation of a GNSO Small Team to consider “what policy efforts, if any, the GNSO Council should consider undertaking to support the efforts already underway in the different parts of the community to tackle

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⁴ See material of the related GAC plenary session during ICANN66, ICANN68, ICANN69, ICANN70, ICANN71 and ICANN72
⁵ See ICANN66 Minutes, ICANN68 GAC Communiqué and Minutes, ICANN69 Communiqué and Minutes, and ICANN70 Communiqué and Minutes, ICANN71 Communiqué and Minutes.
⁶ See Messages and Questions to the GNSO Council prior to ICANN70
⁷ See ICANN70 Minutes (p.16), ICANN71 Minutes (p.13) and ICANN72 Minutes (p.9)
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 to two-third of the gTLD namespace. 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 and Public Safety stakeholders reported on their collaboration to facilitate reports, their review and their referral to relevant jurisdiction through the adoption of a standardized form and the establishment of single point of contacts for relevant authorities. These efforts built on working relations established between law enforcement and registrars as well as the publication by the Registrar Stakeholder Group of a Guide to Registrar Abuse Reporting during ICANN67. This guide was updated (Jan. 2022) and endorsed by the Registry Stakeholder Group.

- Public Interest Registry (PIR), Registry Operator of .ORG and several New gTLDs launched (17 February 2021) the DNS Abuse Institute. This initiative was presented to the GAC PSWG (3 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”. The DNS Abuse Institute has since released a Roadmap (14 June 2021), published an article (24 August 2021) discussing mitigation of harm at various layers of the Internet infrastructure. More recently, it has reported developing a Centralized Abuse Reporting Tool (18 Nov. 2021) and issued a Best Practice regarding the identification of malicious registrations (2 Dec. 2021).

ICANN Org’s Multifaceted Response (now part of the DNS Security Threat Mitigation Program) and Contractual Enforcement

- ICANN org presented (22 July 2021) its DNS Security Threat Mitigation Program which aims to provide visibility and clarity over various DNS security threats related initiatives and projects, and allows for the formation and execution of a centralized strategy.

- ICANN’s Office of the CTO (OCTO) and its Security Stability and Resiliency Team (SSR) conduct research and maintain ICANN’s expertise in DNS security for the benefit of the
Community. It is engaged in cyber threats intelligence and incident response fora, and develops 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) and members have been invited to contribute to the linguistic diversity of the tool.

- 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. In October 2021, ICANN org and the Registry Stakeholder Group reported on their agreement in principle to leverage Registry-held registration data to provide registrar-level information in DAAR as **recognized by the GAC** in a recent letter to ICANN (21 February 2022).

- OCTO supported the **DNS Security Facilitation Initiative Technical Study Group**, launched in May 2020 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”. Its **Final report** (15 October 2021) was **released** after 18 months of deliberations. ICANN org **indicated to the GAC** (16 Feb. 2022) being currently developing an action plan accordingly.

○ **Regarding 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.”.

○ Following a prior **Contractual Compliance audit** of Registry Operator focused on DNS Infrastructure abuse which concluded in june 2019, ICANN **reported** (24 August 2021)

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11 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.

12 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). The Registry Stakeholder Group who had also expressed concerns made recommendations in a correspondence to ICANN’s CTO (9 September 2020).

13 See RySG letter to ICANN (22 October 2021) and ICANN Blog (28 October 2021).

14 See ICANN blog **Contractual Compliance: Addressing Domain Name System (DNS) Infrastructure Abuse** (8 November 2018) and **Contractual Compliance Report on Registry Operator Audit for Addressing DNS Security Threats** (17 September 2019)
on the results of the audit on Registrars’ Compliance with DNS Abuse Obligations:

- 126 registrars audited (managing over 90% of all registered domains in gTLDs)
- 111 registrars not fully compliant with requirements related to the receiving and handling of DNS abuse reports (RAA Sections 3.18.1 – 3.18.3)
- 92 registrars took actions to become fully compliant, 19 are implementing changes

During the Pre-ICANN73 ICANN CEO Briefing to the GAC (16 February 2022), ICANN Contractual Compliance reviewed the DNS Abuse obligations in ICANN Agreements and presented the outcome of a sample of 3378 complaints regarding the handling of abuse reports by registrars, leading to 456 compliance inquiries, and 1 breach notice.

Community Recommendations for Future Work

- 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, including for improving Domain Abuse Activity Reporting (DAAR) and strengthening 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 took action (22 July 2021) on the Review Team’s 63 Final Recommendations (25 Jan. 2021). An ICANN org blog summarized actions taken:
    - 13 recommendations were approved (pending planning of their implementation),
    - 16 recommendations were rejected (incl. 6 that could not be approved in full),
    - 34 recommendations are pending further information and analysis.
  - In the ICANN72 Communiqué (1 Nov. 2021), the GAC advised the ICANN Board to:
    - Undertake as a matter of priority the follow-up actions needed to support the swift implementation of the Board’s scorecard […] and
    - Provide further information on the diverging interpretation by the Board and SSR2 Review Team of the level of implementation of certain recommendations.
  - The ICANN Board provided additional information in its response (16 Jan. 2022)

- 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.
  - 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.

The DNS Abuse Institute has reported developing a Centralized Abuse Reporting Tool (18 Nov. 2021)

Key Reference Documents

- European Commission Study on DNS Abuse and its Technical Appendix (31 January 2022)
- SSR2 Review Final Report (25 January 2021) and Scorecard of Board Action (22 July 2021)
- ICANN announcement and report (24 August 2021) of the Audit on Registrars’ Compliance with DNS Abuse obligations.
- SSAC SAC115 Report (19 March 2021), a proposal for an Interoperable Approach to Addressing Abuse Handling in the DNS

Further Information

GAC Policy Background Document on DNS Abuse Mitigation

Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing - DNS Abuse Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 24 February 2022</td>
</tr>
</tbody>
</table>
Subsequent Rounds of New gTLDs

Session 11

Session Objective

GAC Members to discuss GAC positions on key topics for potential GAC Advice to the ICANN Board relative to Subsequent Rounds of New gTLDs, and to review recent developments on the Operational Design Phase - including the proposed GAC/GNSO Small Group on Closed Generics, and potential follow-up to the GAC Collective comment\(^1\) filed in June 2021.

Leadership Proposal for GAC Action

1. GAC to receive ICANN org update on the Operational Design Phase and consider contributing as warranted consistent with GAC positions on issues of importance to the GAC.

2. GAC Chair to update GAC membership on the proposed Board facilitated GAC/GNSO Small Group on Closed Generics.

3. GAC Members to discuss priority topics pertaining to the SubPro PDP WG Final Report with the aim to prepare, if needed, potential GAC Consensus Advice and/or any other input for the ICANN Board.

\(^{1}\) See: [https://mm.icann.org/pipermail/comments-gnso-gtld-subsequent-procedures-final-outputs-22apr21/attachments/20210601/6e13bf77/GACCommentFINAL-SubproFinalOutputsforICANNBoardConsideration-0001.pdf](https://mm.icann.org/pipermail/comments-gnso-gtld-subsequent-procedures-final-outputs-22apr21/attachments/20210601/6e13bf77/GACCommentFINAL-SubproFinalOutputsforICANNBoardConsideration-0001.pdf)
Recent Developments and Status for GAC Member Consideration

Operational Design Phase (ODP)

At the moment of this briefing, ICANN org advised the Board that the Operational Design Phase (ODP) has begun (17 December 2021) following three months of preparations, organizing and allocating resources to execute the ODP work. It is envisaged that the ODP will last approximately 10 months, followed by 3 additional months for the ICANN Board’s consideration on the Final Report Outputs.

The ODP is a period in which ICANN org develops and provides the ICANN Board with relevant information to facilitate the Board's determination of whether the Policy Development Process recommendations are in the best interest of the ICANN community or ICANN. This ODP will provide the Board with an understanding of the operational impacts of accepting the recommendations, including potential obstacles, expected costs, and the timeline to implementation. More information on the ODP process can be found on the ODP webpage.

In September 2021, the ICANN Board approved the initiation of an Operational Design Phase (ODP) relative to the Sub Pro PDP WG Final Report, as outlined in the New gTLDs Subsequent Procedures ODP Scoping Document.

Closed Generics

As part of the ODP work, several policy issues were identified for the ICANN Board to address, including closed generics, since the SubPro PDP WG did not reach consensus on policy recommendations on closed generics. GAC advice from 2013 states that “for strings representing generic terms, exclusive registry access should serve a public interest goal”.

The ICANN Board discussed the possibility for a GAC/GNSO collaboration - with ICANN Board facilitation - in a small focused group with subject matter experts from both groups to attempt the development of a framework for closed generics. The focus for this small group would be to find a compromise solution on closed generics, taking into account the GNSO position of allowing closed generics, with the GAC position of serving a public interest goal.

In December 2021, the ICANN Board reached out informally to the GAC and GNSO Chairs to receive initial feedback. GAC Topic leads were consulted by the GAC Chair for their initial reactions and agreed to move forward with this approach in principle. Formal outreach from the ICANN Board is expected imminently to launch this process with a specific framing/scoping document shared with both parties outlining roles and responsibilities, the process and expected timing.

Should the GAC and GNSO reach agreement on a framework, the broader community will be invited to provide feedback. Following community input, the proposed framework – if agreed upon – can be considered through the appropriate GNSO policy development process. If the dialogue does not result in a mutually agreed framework, the Board will need to consider appropriate next steps.
ICANN73 Focus and Next Steps

ICANN73 provides an opportunity for the GAC to review its materials and positions on subsequent rounds of new gTLDs in preparation for submission of potential GAC Advice to the ICANN Board regarding the next round of new gTLDs (implementation not anticipated before 2023-2024).

Additionally, GAC membership may wish to monitor and consider contributing to studies and deliberations of either (or both) Operational Design Phase and Implementation Review Team, consistent with GAC positions on issues of importance to the GAC.

Now that the ICANN org has began the Operational Design Phase, next steps with varying timelines include:

i. ICANN org to conduct ODP and deliver Operational Design Assessment (ODA) to the ICANN Board for consideration
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 applications for gTLDs sometime tentatively around 2023-2024, to be confirmed.

Key Reference Documents

- Final Report on the new gTLD Subsequent Procedures PDP WG
- GAC Consensus Collective Comment (1 June 2021) on GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration.
- New gTLDs Subsequent Procedures ODP Scoping Document.

Further Information


Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing - Subsequent Rounds of New gTLDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
GAC Meeting with the ALAC

Session 15

Session Objective
The GAC and the At-Large Advisory Committee (ALAC) regularly meet during ICANN Public Meetings to discuss public policy matters of both interest to government stakeholders and Internet end-users.

At ICANN73, the session will focus on topics which are on both committees' agendas for the meeting: Public Interest Processes and discussions on the System for Standardized Access Disclosure (SSAD).

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.

Agenda
As of 2 March, the ALAC and GAC are expected to discuss a number of issues of current common interest including:

1. Universal Acceptance
2. System for Standardized Access Disclosure (SSAD)
3. Public Interest Processes in light of the ICANN73 plenary session
4. At-Large Structures (ALSes) and individual collaboration with GAC representatives

**Key Reference Documents**

**GAC and ALAC activity page**

**Document Administration**

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Session Briefing GAC Meeting with the ALAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 6 March 2022</td>
</tr>
</tbody>
</table>
GAC Wrap Up Session
Session #16 - GAC Wrap-Up

**Session Objectives**

1. Visit from ICANN 2022 Nominating Committee Leadership
2. GAC Volunteer Opportunities
3. Update on ICANN Account Project
2. Follow-Up on GAC Topics of Interest
2. GAC Member Feedback on ICANN73 Meeting
2. Further Information

**Session Objectives**

Based on the GAC’s productive experiences during the previous six virtual meetings, a final GAC “wrap-up” session has been scheduled at ICANN73 to enable the GAC to conduct follow-up discussions regarding any timely topics or issues that arise during the meeting week. This additional flexible time can be used by GAC Members to discuss specific follow-up or next-step activities that require action.

**Visit from ICANN 2022 Nominating Committee Leadership**

Members of the new ICANN Nominating Committee (NomCom) for 2022 have offered to give a brief report to the GAC regarding their goals and expectations for this year. GAC Members were presented with draft 2022 input to the NomCom via an email transmitted to the GAC mailing list on 15 February. GAC Members and Observers were invited to review and comment on the materials prior to 28 February. If individual GAC Member responses are favorable and the matter is apparently non-controversial, the GAC input will have been transmitted to the NomCom prior to this session.

**GAC Volunteer Opportunities**

As the new year is underway, a number of GAC volunteer positions are being identified for this calendar year and beyond. GAC Members will be informed about available and upcoming opportunities so that they have time to consider future participation.
Update on ICANN Account Project

GAC Support staff will provide an update to GAC Members on progress regarding the transition of the GAC website to the ICANN Account infrastructure. The GAC was informed of this project via email on 5 February.

Follow-Up on GAC Topics of Interest

Based on the GAC’s experience during the six previous virtual Public Meetings, time during this session has also been set-aside to enable GAC Members to identify and discuss any new topics or issues that have arisen during the meeting week that will require post-meeting attention from the committee.

GAC Member Feedback on ICANN73 Meeting

GAC members will be asked to assess the committee’s ICANN73 meeting implementation. Topics of discussion at past wrap-up sessions have included an assessment of the Communiqué drafting process during the meeting.

GAC Members may also be asked their opinions and assessments of the GAC meeting preparation process, including the effectiveness and value of the traditional written and new oral briefings regimen offered to attendees prior to the meeting.

GAC Members may also choose to discuss the potential planning for the ICANN74 meeting, presently scheduled for The Hague, Netherlands in June 2022 - including potential reintroduction of the GAC Travel Support procedures for that meeting.

Further Information

GAC Travel Support Rules -
https://gac.icann.org/meeting-services/travel-assistance

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 -
- 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 -

### Document Administration

<table>
<thead>
<tr>
<th>Title</th>
<th>ICANN73 GAC Wrap-Up Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>GAC Members (before meeting) and Public (after meeting)</td>
</tr>
<tr>
<td>Distribution Date</td>
<td>Version 1: 18 February 2022</td>
</tr>
</tbody>
</table>
## ICANN73 GAC Schedule (Draft, as of February 18, 2022)

<table>
<thead>
<tr>
<th>Monday 7 March (Day 1)</th>
<th>Tuesday 8 March (Day 2)</th>
<th>Wednesday 9 March (Day 3)</th>
<th>Thursday 10 March (Day 4)</th>
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</thead>
<tbody>
<tr>
<td><strong>7:30</strong>&lt;br&gt;GAC Leadership Meeting&lt;br&gt;(60 mins)&lt;br&gt;07:30-08:30 AST/11:30-12:30 UTC</td>
<td><strong>9:00</strong>&lt;br&gt;GAC Daily Updates (30 mins) - 07:30-08:00 AST/11:30-12:00 UTC</td>
<td><strong>8:30</strong>&lt;br&gt;GAC Leadership Meetings (30 mins) - 08:15-08:45 AST/12:15-12:45 UTC</td>
<td><strong>9:00</strong>&lt;br&gt;</td>
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<td><strong>8:30</strong>&lt;br&gt;Virtual Coffee / Fika</td>
<td><strong>10:00</strong>&lt;br&gt;Break</td>
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<td><strong>10:00</strong>&lt;br&gt;Break</td>
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<td><strong>9:00</strong>&lt;br&gt;1. GAC Opening Plenary&lt;br&gt;(60 mins)</td>
<td><strong>10:30</strong>&lt;br&gt;Break</td>
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<td><strong>9:15</strong>&lt;br&gt;2. GAC Discussion on Global Public Interest Framework&lt;br&gt;(45 mins)</td>
<td><strong>11:00</strong>&lt;br&gt;Break</td>
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<td><strong>10:00</strong>&lt;br&gt;Q&amp;A with ICANN Org Executive Team (90 mins)</td>
<td><strong>11:30</strong>&lt;br&gt;Virtual Coffee / Fika</td>
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<td><strong>10:45</strong>&lt;br&gt;3. GAC Preparation for Meeting with the Board&lt;br&gt;(45 mins)</td>
<td><strong>12:00</strong>&lt;br&gt;Break</td>
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<td><strong>11:30</strong>&lt;br&gt;Break</td>
<td><strong>12:30</strong>&lt;br&gt;Break</td>
<td><strong>14:00</strong>&lt;br&gt;GAC Communique (1/4)&lt;br&gt;(90 mins)</td>
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<td><strong>12:15</strong>&lt;br&gt;Plenary Session 1: Moving Forward with the Global Public Interest Framework&lt;br&gt;(90 mins)</td>
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<td><strong>15:00</strong>&lt;br&gt;Discussion Forum on Geopolitical Legislative &amp; Regulatory Developments (90 mins)</td>
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<td><strong>13:00</strong>&lt;br&gt;Break</td>
<td><strong>13:30</strong>&lt;br&gt;Virtual Coffee / Fika</td>
<td><strong>15:30</strong>&lt;br&gt;ICANN Public Forum (90 mins)</td>
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<td><strong>14:45</strong>&lt;br&gt;4. GAC Meeting with the GNSO&lt;br&gt;(60 mins)</td>
<td><strong>14:15</strong>&lt;br&gt;Break</td>
<td><strong>16:00</strong>&lt;br&gt;Break</td>
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<td><strong>15:30</strong>&lt;br&gt;Break</td>
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<td><strong>16:30</strong>&lt;br&gt;Break</td>
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<td><strong>16:15</strong>&lt;br&gt;GAC Joint Sessions</td>
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<td><strong>17:00</strong>&lt;br&gt;ICANN Board Meeting</td>
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<td><strong>17:00</strong>&lt;br&gt;GAC Plenary Sessions</td>
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<td><strong>17:15</strong>&lt;br&gt;GAC Joint Sessions</td>
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<td><strong>18:00</strong>&lt;br&gt;Community Sessions</td>
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<td><strong>18:45</strong>&lt;br&gt;GAC Communique</td>
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**Official times for ICANN73**
- 09:00-17:30 (EST, UTC-4)
- GAC Plenary Sessions
- GAC Joint Sessions
- Community Sessions
- GAC Communique