

UTC+1		UTC+8	UTC	UTC-5	Saturday 11 March (Day 1)		Sunday 12 March (Day 2)		Monday 13 March (Day 3)		Tuesday 14 March (Day 4)		Wednesday 15 March (Day 5)		Thursday 16 March (Day 6)		UTC-5
15:00	22:00	14:00	9:00		SO/AC Chairs Roundtable (08:00-10:00) (120 mins)	Subsequent Procedures Work Track (session 2) (60 mins)	Welcome Ceremony (60 mins)	8. GAC Meeting with the ALAC (60 mins)	11. GAC Meeting with the GNSO (60 mins)	7 (f). GAC Communique (60 mins)	9:00						
15:15	22:15	14:15	9:15	9:15													
15:30	22:30	14:30	9:30	9:30													
15:45	22:45	14:45	9:45		Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	9:45						
16:00	23:00	15:00	10:00	10:00													
16:15	23:15	15:15	10:15	10:15													
16:30	23:30	15:30	10:30		GAC LAC CDW (Introduction on ICANN, GAC and PDP Process) (90 mins)	1. GAC Opening Plenary (90 mins)	Q&A with ICANN org Executive Team (90 mins)	9. GAC Discussion on DNS Abuse (90 mins)	Cross-Community Plenary Session "Looking Towards WSIS+20: How Can We Improve the Multistakeholder Model for the Future? " (90 mins)	ICANN Public Forum (90 mins)	10:30						
16:45	23:45	15:45	10:45	10:45													
17:00	0:00	16:00	11:00	11:00													
17:15	0:15	16:15	11:15		Lunch Break (75 mins)	Lunch Break (75 mins)	Lunch Break (75 mins) [GAC Leadership Meeting]	Lunch Break (75 mins) [GAC Leadership Meeting]	Lunch Break (75 mins) [GAC Leadership Meeting]	Lunch Break (75 mins)	11:15						
17:30	0:30	16:30	11:30	11:30													
17:45	0:45	16:45	11:45	11:45													
18:00	1:00	17:00	12:00		GAC LAC CDW (DNS Abuse) (75 mins)	2. GAC Discussion on Subsequent Rounds of New gTLDs (75 mins)	5. GAC Working Groups Reporting and IGOs Discussion (75 mins)	Geopolitical Forum (75 mins)	7 (c). GAC Communique (75mins)	12. GAC Wrap-Up (75 mins)	12:00						
18:15	1:15	17:15	12:15	12:15													
18:30	1:30	17:30	12:30	12:30													
18:45	1:45	17:45	12:45		Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	12:45						
19:00	2:00	18:00	13:00	13:00													
19:15	2:15	18:15	13:15	13:15													
19:30	2:30	18:30	13:30		GAC LAC CDW (SubPro) (60 mins)	3. Joint Meetings Discussions (GNSO, ALAC, Board) (60 mins)	6. GAC Discussion on WHOIS and Data Protection (incl. Accuracy) (60 mins)	10. GAC Meeting with the ICANN Board (60 mins)	7 (d). GAC Communique (60 mins)	ICANN Board Meeting (60 mins)	13:30						
19:45	2:45	18:45	13:45	13:45													
20:00	3:00	19:00	14:00	14:00													
20:15	3:15	19:15	14:15		Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	14:15						
20:30	3:30	19:30	14:30	14:30													
20:45	3:45	19:45	14:45	14:45													
21:00	4:00	20:00	15:00		GAC LAC CDW (WHOIS) (60 mins)	4. GAC Meeting with the GNSO Contracted Party House (RrSG/RySG) (60 mins)	7 (a). GAC Communique (60 mins)	7 (b). GAC Communique (60 mins)	7 (e). GAC Communique (60 mins)	Closing Cocktail (60 mins)	15:00						
21:15	4:15	20:15	15:15	15:15													
21:30	4:30	20:30	15:30	15:30													
21:45	4:45	20:45	15:45		Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	Break (30 mins)	15:45						
22:00	5:00	21:00	16:00	16:00													
22:15	5:15	21:15	16:15	16:15													
22:30	5:30	21:30	16:30		GAC LAC CDW (WHOIS) (60 mins)	4. GAC Meeting with the GNSO Contracted Party House (RrSG/RySG) (60 mins)	7 (a). GAC Communique (60 mins)	7 (b). GAC Communique (60 mins)	7 (e). GAC Communique (60 mins)	Closing Cocktail (60 mins)	16:30						
22:45	5:45	21:45	16:45	16:45													
23:00	6:00	22:00	17:00	17:00													
23:15	6:15	22:15	17:15		GAC LAC CDW (WHOIS) (60 mins)	4. GAC Meeting with the GNSO Contracted Party House (RrSG/RySG) (60 mins)	7 (a). GAC Communique (60 mins)	7 (b). GAC Communique (60 mins)	7 (e). GAC Communique (60 mins)	Closing Cocktail (60 mins)	17:15						
23:30	6:30	22:30	17:30	17:30													
23:45	6:45	22:45	17:45	17:45													
0:00	7:00	23:00	18:00								18:00						
0:15	7:15	23:15	18:15	18:15													
0:30	7:30	23:30	18:30	18:30													
0:45	7:45	23:45	18:45	18:45													
1:00	8:00	0:00	19:00	19:00													
								GAC Plenary Sessions GAC Joint Sessions Community Sessions GAC Communique GAC Capacity Building and Outreach		Official times for ICANN76 09:00-17:30 (UTC-5) *** ICANN Board Workshop (Friday 10 to Sunday 12 March)							

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## GAC Opening Plenary Session

### Session # 1 - Opening Plenary

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#### Session Objective

The GAC Opening Plenary Session is the first formal opportunity for GAC participants to gather, introduce themselves and prepare for the ICANN Public Meeting week. During this session the GAC Chair also 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.

#### Session Agenda

During this ICANN76 opening session, the GAC Chair will highlight particular aspects of the meeting week agenda and share logistical information to help in-person and remote attendees participate effectively during the meeting week.

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.

In this hybrid meeting format the committee will also employ the traditional “tour de table” ceremony during which all GAC delegates will be invited to introduce themselves. First, in-person delegates will identify themselves, followed by remote participants who raise their hands to indicate their desire to speak. Delegates will be invited to share comments on their meeting goals and expectations.

Time permitting, GAC members will review the Communique drafting process for ICANN76. The process has progressively evolved in the past three years and attendees will be familiarized with how some of those recent innovations will be encompassed in the hybrid meeting format.

## Recent Developments

### ***GAC Chair Reporting***

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

Since ICANN75, the GAC has developed and submitted public comments in six ICANN Community public forums on the subjects of specific curative rights protections for IGOs; draft terms of reference for an ICANN pilot holistic review; proposed amendments to the base generic top-level domain (gTLD) Registry Agreement and the 2013 Registrar Accreditation Agreement; registration data consensus policy for gTLDs; and the draft FY24-28 ICANN Operating and Financial Plan and the Draft FY24 Operating Plan and Budget.

GAC Public Comment filings related to those matters are archived on a special page of the GAC website which can be accessed here -

<https://gac.icann.org/activity/gac-public-comment-opportunities>

Since ICANN75, the GAC has also sent and received written correspondence regarding various matters of importance to GAC members including the GAC ICANN75 Communique (ICANN Board), GNSO registration data accuracy scoping (GNSO), GNSO guidance process (GGP) for support of future new gTLD applicants (GNSO), specific curative rights protections for IGOs (ICANN Board), draft terms of reference for a ICANN pilot holistic review (ICANN Board) and Universal Acceptance Day 2023 (Universal Acceptance Steering Group- UASG).

Incoming and outgoing correspondence documents related to those matters and others since ICANN75 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 ICANN75 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=721141591>.

### **Key Reference Documents**

- GAC ICANN75 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/>

## Document Administration

<b>Title</b>	ICANN76 GAC Opening Plenary Session
<b>Distribution</b>	GAC Members (before meeting) and Public (after meeting)
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## GAC Discussion on Subsequent Rounds of New gTLDs

### Session 2

#### Contents

<a href="#">Session Objective</a>	p.1	<a href="#">Leadership Proposal for GAC Action</a>	p.1	<a href="#">Current Status and Recent Developments</a>	p.1	<a href="#">Key Reference Documents</a>	p.4
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#### Session Objective

GAC Members to 1) Review Operational Design Assessment, 2) Review outputs from the GAC facilitated dialogue with the GNSO Council and ALAC on Closed Generics, 3) Review GAC priority topics to prepare GAC advice, if needed.

#### Leadership Proposal for GAC Action

1. GAC to discuss current status of work in ODA (options and unresolved issues, see below) and Board/Org preparations for launch of next round, and consider possible input and/or advice to the Board on such questions.
2. GAC to discuss draft outputs from the GAC/GNSO/ALAC dialogue on Closed Generics, and offer guidance to GAC representatives in said dialogue.
3. GAC Members to review prior GAC inputs regarding SubPro PDP WG Final Report and consider if any of them need to be elevated to the level of GAC Consensus Advice and/or any other input for the ICANN Board.

#### Current Status and Recent Developments

##### 1. Operational Design Phase (ODP) and Operational Design Assessment (ODA)

To help inform its discussion on whether the outputs of the [Subpro PDP WG Final Report](#) are in the best interest of the ICANN community or ICANN, in September 2021, the ICANN Board [approved](#) the initiation of an Operational Design Phase (ODP). The ODP is a process 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.

After a three-month ramp-up period, the ODP started on 3 January 2022. The ICANN Board has asked that ICANN org submit the Operational Design Assessment (ODA), the final output of the ODP 10 months after its start.

The ODA was [delivered](#) to the Board on 12 December 2022. A major component of ICANN org's work in the ODP was to conduct an analysis of the potential timeline, costs, resource requirements, systems needs, and risks related to implementation of the SubPro Final Report outputs. The analysis provided in the ODA presents ICANN org's assessment based on the goal of delivering on all 300-plus outputs of the SubPro Final Report to the maximum extent possible. Upon completion of its analysis, ICANN org found that the overall implementation cost for the next round of the New gTLD Program would be higher than the 2012 round. ICANN org notes that there are a few reasons for this: 1) implementing the SubPro Final Report outputs, which includes ensuring that the appropriate systems, procedures, processes, and resources are all in place in time for the opening of the next application submission period—and to mitigate challenges faced in the past—will require considerable upfront cost; 2) inflation, including increased vendor costs; 3) added complexities in the recommendations versus the 2012 round; and, 4) the need to ensure that tools for applicant assistance and other resources are in place.

In this light, ICANN org presents two potential paths forward (“options”) for implementation of the SubPro Final Report outputs: 1) a single application submission period per round; and 2) cyclical application submission periods.

### **Option 1**

In the scenario in which ICANN org implements the SubPro Final Report outputs in a single, immediate next round, ICANN org estimates that implementation of the next round of the New gTLD Program may take at least five years from the point that the Board directs ICANN org to begin implementation to the opening of the application submission window. This estimate includes time for policy implementation, process design, infrastructure development as well as for communications and outreach.

ICANN org estimates that the overall cost for the next round of the New gTLD Program will be approximately \$457 million, including approximately \$50 million for building and deploying the New gTLD Program infrastructure, including all resourcing, software licensing, and administrative overhead during implementation.

### **Option 2**

ICANN org considered ways to mitigate the risk of unknown demand, and ways to gain efficiencies in the implementation timeline. Balancing a number of factors, such as cost, time, and predictability, ICANN org has developed a proposal for “Cyclical Application Submission Periods” for consideration by the Board in its deliberations on the SubPro Final Report outputs. Under this alternative proposal, the immediate next round would be split into four application submission periods, or cycles, occurring annually. While the number of applications that can be submitted in a

cycle would remain unlimited, the applications received in each cycle would be prioritized and processed based on an established capacity limit. Under Option 2, a round would consist of four application “cycles” over four years. Application submission periods would occur every 12 months for the four years, creating predictability for the Program and potentially moderating the influx of applications in the first cycle.

## Issues Raised to the Board Relevant to Adopting the Final Report

Several substantive policy issues remain unresolved or “open” and have been raised to the ICANN Board for review prior to the approval of the SubPro PDP WG Final Report. See below some of these issues which the GAC has previously focused on as priority topics and submitted comments to the Board in June 2021 during the public comment on the Final Report.

- **Public Interest Commitments (PICs)/Registry Voluntary Commitments (RVCs)**

As PICs/RVCs were used during the 2012 round, there were some concerns expressed about enforcement. According to the CCT Final Report: *“The combination of a short timeframe to respond, and uncertainty about the specifics of enforcement may have deterred certain applicants from submitting PICs or impacted which PICs they elected to submit.”*

ICANN org and the Board have noted concerns as to whether the language of the Bylaws (adopted after the launch of the 2012 round) might preclude ICANN from entering into future Registry Agreements (that materially differ in form from the 2012 round version currently in force) that include PICs and RVCs that reach outside of ICANN’s technical mission as stated in the Bylaws. The language of the Bylaws specifically limits ICANN’s negotiating and contracting power to PICs that are “in service of its Mission.”

The Final Report recommends RVCs and PICs as one mechanism to overcome certain aspects of string similarity, as well as address GAC advice and objections.

Should the Board decide to adopt the recommendations as proposed, this could bear governance risks due to the Bylaws language in [Section 1.1](#). *“The mission of [...] ICANN is to ensure the stable and secure operation of the Internet’s unique identifier systems [...]. ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet’s unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a).”*

**The ODA** stipulates that one option to address this concern is to amend the Bylaws with a narrowly tailored amendment to ensure that there are no ambiguities around ICANN’s ability to agree to and enforce PICs and RVCs as envisioned in the Final Report.

**The GAC** noted in its [1 June 2021 collective comment](#), that *“consistent with the GAC Montreal Communiqué, the GAC further notes that any future voluntary and mandatory PICs need to be enforceable through clear contractual obligations, and consequences for the failure to meet those obligations should be specified in the relevant agreements with Contracted Parties. Additional mandatory and voluntary PICs should remain possible in order to address emerging public policy concerns. 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 or PICDRP) and recommends that these issues are remedied in any subsequent rounds.”*

- **Closed Generics**

Due to diverging views within the SubPro PDP WG, the WG did not reach consensus on policy recommendations regarding closed generics. By way of background, the GNSO Council stated on [7 March 2013](#): “it was the view within the GNSO that it should not be the responsibility of ICANN to restrict the use of gTLDs in any manner, but instead to let new gTLD applicants propose various models; open or closed, generic or not.” The GAC, on the other hand, issued Advice on 4 April 2013 that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” Ultimately the ICANN Board made a [Board resolution](#) that addressed the issue of Closed Generics, but was applicable only to the 2012 round, with the understanding that the GNSO would develop policy on the issue prior to the start of subsequent rounds of new gTLDs.

Due to the lack of policy recommendations in the SubPro Final Report, the GAC, GNSO Council and At-Large agreed to pursue next steps for a facilitated Dialogue in April 2022, which commenced in November 2022 and is currently ongoing.

**The ODA** states that “the Board’s final action on Closed Generics depends on the outcome of the facilitated dialogue and the results of any additional GNSO policy work. The outcome(s), if any, will need to be factored into SubPro planning, design, and implementation.” The ODA also notes that “any action taken by the Board on the Final Report is not dependent upon a resolution to the Closed Generics issue.”

**The GAC** noted in its [1 June 2021 collective comment](#) its continued support of the retention of the advice contained in the GAC Beijing Communique 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. The burden of demonstrating the public interest benefit of a closed generic string should rest with the applicant and be subject to comments during the review process. The GAC is currently engaged with the GNSO and At-Large in a facilitated dialogue on closed generics to attempt to agree upon a framework for closed generics.

- **Applicant Support Program**

The Applicant Support Program (ASP) was developed for the 2012 round with the goal of providing financial and non-financial assistance to gTLD applicants requiring support that intend to use a gTLD to provide a public interest benefit. The Final Report outputs on Applicant Support Program introduce a number of improvements to the way the program operated during the 2012 round. In August 2022, the GNSO Council [initiated](#) a GNSO Guidance Process (GGP) to provide additional guidance on ASP-related outputs.

ICANN org notes in the ODA that the ASP is an important program and has added planning details to the ODA with the aim of improving the program. Rec 17.2 of the final report calls for ICANN org to expand “the scope of financial support provided to [...] beneficiaries beyond the application fee



to also cover costs such as application writing fees and attorney fees related to the application process.”

As noted in the [Board’s comments](#) on the Draft Final Report, expanding financial support to cover fees that ICANN org does not charge does not seem feasible or appropriate to implement.

**In the ODA**, ICANN org suggests working collaboratively with a sub-committee of the IRT focused on the Applicant Support Program to explore ways to follow the intent of expanding the scope of the ASP, taking into account research on other globally recognized procedures.

**The GAC** noted in its [1 June 2021 collective comment](#) general support for the final recommendations on applicant support, noting the importance of extending the scope of the program beyond only economies classified by the UN as least developed and also considering the “middle applicant”. GAC members highlighted the importance of fostering gTLD applications from a diverse array of applicants, which could include regional and local authorities, from all regions and that every effort be made to increase the number of applications from underrepresented regions. The GAC reiterated its support for proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support.

- **Auctions**

In the 2012 round ICANN org included methods to resolve contention into the AGB and encouraged self-resolution and subsequently, private resolution of contention set (e.g., private auctions) were commonly used to resolve string contention sets. The PDP WG, however, did not reach consensus on private resolution of contention sets but noted that “some applicants that applied for multiple TLDs (called “Portfolio Applicants”) leveraged funds from the private auctions they “lost” for financial positioning in the resolution of other contention sets.”

**The ODA** proposes that in future rounds, in accordance with the Final Report output, applicants be required to sign a statement of bona fide intent to operate the gTLD and abide by the Contention Resolution Transparency Requirements. Additionally, during the implementation period, ICANN org will seek expert guidance to identify additional effective mechanisms to deter applicants from applying for new gTLDs solely for financial gain.

**The GAC** noted in its [1 June 2021 collective comment](#) the GAC reiterated concerns on the implementation of the “bona fide” intention to operate a gTLD (as noted in the SubPro PDP WG Final Report) and noted that punitive measures for non compliance or submission of a “bona fide” intention are not sufficiently defined. Regarding Auctions of Last resort, the GAC reaffirmed 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. The GAC sees value in ALAC’s view expressed in its advice to the ICANN Board noting that they believe there *“should be a ban on private auctions. Also, by mandating ICANN only auctions, the proceeds of any such ICANN auctions can at least be directed for uses in pursuit of public interest, such as was determined through the CCWG on Auction Proceeds.”*

## 2. Closed Generics

As part of the Operational Design Phase (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”.

In March 2022 the ICANN Board [reached](#) out to the GAC and GNSO Chairs to identify interest in a GAC/GNSO collaboration in a small focused group with subject matter experts from both groups to attempt the development of a framework for closed generics, followed by a subsequent [letter](#) including a framing paper outlining roles and responsibilities, the process and expected timing. Both the GAC and GNSO have agreed to this dialogue taking place and [invited](#) participation from At-Large. The GAC [agreed](#) to the proposed facilitator for the dialogue as brought forward by the ICANN Board. ICANN org [prepared](#) a Problem Statement and Briefing Paper to set the basis for the dialogue as a starting point.

GAC members identified for this effort include the GAC Chair, Switzerland, Canada, UK, Australia, and Nigeria.

The GAC/GNSO dialogue on closed generics began in November 2022 via Zoom meetings, including a 2-day hybrid meeting held in Washington D.C. in January 2023. During this hybrid meeting, participants discussed several key topics and definitions, brainstormed ideas for potential application and evaluation criteria, and collaborated in breakout and plenary sessions. A [summary](#) of the meeting and discussions was shared with GAC members.

In preparation for ICANN76, the GAC/GNSO group anticipates to share a summary of outputs for review by GAC and GNSO members and for discussion.

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.

## 3. GNSO Guidance Process (GGP) on Applicant Support

During its meeting on 25 August 2022, the GNSO Council [approved](#) the GGP Initiation Request to provide additional guidance to support the eventual implementation efforts relating to the Applicant Support Program, as recommended in the SubPro Final Report. The working group was subsequently formed and began its work in November 2022, following its [work plan and timeline](#).

GAC Members appointed to the GGP on Applicant Support effort include: Argentina, United Kingdom and Universal Postal Union.

Its tasks include reviewing historical information about applicant support, identifying subject matter experts, developing data/metrics and measures of success, and creating methodology for allocating financial support where there is inadequate funding for all qualified applicants. Once the working group completes all of its tasks, it is expected to produce a GNSO Guidance Recommendation(s) Report, which will be subject to Public Comment.

Following the review of Public Comment submissions and, if required, additional deliberations, the working group will produce a Final Report for the consideration of the GNSO Council and subsequently for consideration by the ICANN Board.

During ICANN76, the GGP Working Group will hold a working session, aiming to finish consideration of Tasks 3-5 related to metrics and begin discussions of Task 6 related to financing the program.

#### **4. ICANN76 as an opportunity to raise certain substantive issues to GAC Advice**

Beyond closed generics, where the GAC can offer feedback to the GAC representatives to the facilitated dialogue, and ODA, where the GAC can offer input to the Board both on the “options” and the “unresolved issues” mentioned above, the GAC can also use ICANN76 to review its inputs (LINK) to the subsequent procedures discussions and consider if any of those may be raised to the level of GAC Advice to the Board.

#### **5. Next steps**

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

- i. ICANN Board consideration of the PDP recommendations as adopted by GNSO Council - opportunity for GAC Consensus Advice to the ICANN Board;
- ii. ICANN Board vote;
- iii. ICANN org (as directed by the Board) to begin implementation of the policy recommendations (which will likely include a revised Applicant Guidebook).

Upon completion of these successive steps ICANN org would be expected to start a new round of applications for gTLDs, timing 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 gTLD Subsequent Procedures Operational Design Assessment](#)
- [New gTLD Subsequent Procedures ODA Community Webinar Slides](#)

#### **Further Information**

- GAC Policy Background Document on Subsequent Rounds of New gTLDs:  
<https://gac.icann.org/briefing-materials/public/gac-policy-background-new-gtlds-subsequent-rounds.pdf>

## Document Administration

<b>Title</b>	ICANN76 GAC Session Briefing - Subsequent Rounds of New gTLDs
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<b>Distribution Date</b>	Version 1: 1 March 2023

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## GAC Meeting with ICANN Board (and Prep Session)

Session 3 - GAC Preparation For Meeting with the Board and Working Group Reports

Session 10 - GAC Meeting with ICANN Board

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### 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. This session will enable the GAC to share views and ask timely questions of Board Members on topics of importance to the committee.

### Recent Developments

Recent GAC-Board Meetings have covered a range of subjects and topics that 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 ICANN76, the ICANN Board Chair has proposed a single topical question for GAC consideration that would cover the first half of the joint meeting at ICANN76. That question is:

***“The ICANN Board would like to explore how to combine the efficiencies of an agile approach to problem solving, like the Council’s small teams, with the need for accountability and transparency, to make progress on policy conversations. When would such an approach be most appropriate and how can we ensure that it does not circumvent required steps in a policy development process?”***

The ICANN Board Chair has proposed that half of the meeting time be dedicated to discussing this topic and the other half of the time to discuss any topic(s) of the GAC's choice or to answer any questions the committee might have.

GAC Members were asked during the GAC ICANN76 Agenda Setting Calls on 12 January and 13 February to recommend any potential topics or questions to present to the Board at ICANN76. GAC Support staff collected suggestions and submissions shared on the GAC mailing list and submitted to a committee Google collaboration document (see - <https://docs.google.com/document/d/1tPv5qhTFk9ftCV84WMjfGz5s3IA7yWaYIzZCDJrgBKo/edit#>).

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**The entire following section reflects new information for Version "2" of this briefing document**

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By 1 March, the GAC Leadership was scheduled to determine what primary topic areas to explore with the Board during the planned joint session on 14 March 2023. As of 7 March, suggested topics from GAC Members that were shared with the ICANN Board included:

#### I. GAC Topics/Questions for the Board at ICANN76

##### **Topic #1 – New gTLD Subsequent Rounds –**

###### Background:

The GAC has taken note with interest of the Board's planned approach to handle the outputs from the GNSO SubPro PDP Final Report as well as the perception that ICANN org is considering an IRT to be set up post-Cancun to work on specific issues.

The GAC especially takes note of the issues the Board is identifying as "pending" and subject to further dialogue with the GNSO Council.

In this regard, the GAC would like to draw the Board's attention to the GAC's collective comment to the Board consultation on the final recommendations of SubPro, filed on 1 June 2021. That GAC comment includes GAC consensus positions regarding many of the issues now identified as pending by the Board, interalia:

- Registry Voluntary Commitments (RVCs) and Public Interest Commitments (PICs);
- Applicant Support;
- GAC Consensus Advice and GAC Early Warnings;
- Community Applications; and
- Auctions.

###### GAC Questions:

The GAC would like to ask the Board:

(1) whether these GAC positions on above mentioned issues (beyond GAC Consensus Advice and Early Warnings) are being considered by the Board;

(2) whether the GAC is going to be given an opportunity to be involved in the forthcoming dialogue on these issues; and

(3) If the Board does not adopt all recommendations from the GNSO, how will such decisions impact the overall implementation time frame for SubPro going forward?

The GAC would welcome being included in such a forthcoming dialogue. The committee may also consider elevating all or some of the above-mentioned issues to GAC Consensus Advice in order to trigger a formalized dialogue on those matters with the Board.

## **Topic #2 – DNS Abuse Mitigation -**

### **A. CCT Review Recommendations**

#### **Background**

The GAC appreciates more regular reporting updates from the ICANN org regarding implementation of CCT Review Recommendations (see e.g., the *ICANN Specific Reviews Q4 2022 Quarterly Report* (31 December 2022, hereafter 31 December Quarterly Report)(<https://www.icann.org/en/system/files/files/specific-reviews-q4-2022-report-31dec22-en.pdf>).

#### **Questions:**

(4) Pursuant to the GAC Montréal Advice not to proceed with a new round of gTLDs until after the complete implementation of the CCT Review recommendations identified as ‘prerequisites’ or as ‘high priority’, including recommendation pertaining to on DNS abuse, can the Board share its view of the role of ongoing ICANN org negotiations with contracted parties with respect to CCT review Recommendations 14 and 15? (see 31 December Quarterly Report at page 20); and whether the negotiations will satisfy these recommendations; and

(5) Also, when can implementation be expected to start on CCT Review Recommendation 22 which requires engagement with stakeholders to discuss best practices implemented to offer appropriate security measures when dealing with sensitive information such as health or financial matters (see 31 December Quarterly Report at page 27).

### **B. Contract Negotiations**

#### **Background**

ICANN and Contracted Parties have been negotiating improved DNS Abuse contractual provisions. The GAC understands that ICANN plans to publish proposed changes for community review and public comment before ICANN77.

In The Hague Communiqué, the GAC recalled that “ICANN org is particularly well placed to receive public policy input from the ICANN community and negotiate updates to the standard Registry and Registrar Agreements.”.

So ICANN org may avail of timely community input, and to promote transparency, the Board could hold a listening session on the contract negotiations prior to the publication of proposed changes for public comment. Such session would focus on matters within the scope of the negotiations as

agreed between ICANN and the contracted parties.

Question:

(6) Will the Board consider organizing a listening session on the DNS Abuse negotiations within one month of the conclusion of ICANN76?

**Topic #3 - WHOIS Disclosure System -**

A. Ensuring Proper Data Collection

Background

In the ICANN75 Kuala Lumpur Communiqué, the GAC noted the proposed WHOIS Disclosure System is a useful first step which would facilitate the collection of useful data, to possibly shed light on usage rates, timelines for response, and percentages of requests granted or denied.

Question:

(7) Given the importance of gathering robust data to inform building a more comprehensive system, if the GNSO does not pursue a PDP narrowly tied to the mandatory use of the WDS to ensure proper data collection to inform the project, would the board consider initiating a PDP per its prerogatives in the ICANN Bylaws ?

B. Law Enforcement Requests

Background:

The Board's recent resolution from 27 February on the WHOIS Disclosure System Implementation included a reference to law enforcement requests that raises questions:

"Whereas, the ICANN Board encourages the GNSO Council to consider how best to promote and secure comprehensive use of this System by ICANN-accredited Registrars for all data access requests other than those submitted by law enforcement or as otherwise required by applicable law, including through consensus policy development undertaken in parallel with System development."

Question:

(8) This could be read to suggest that law enforcement requests are excluded from the WHOIS Disclosure System. Was that the Board's intent? If it was not, we suggest that the Board issue a written clarification so that there is no unintended confusion about law enforcement's ability to use the WHOIS Disclosure System.

C. Features To Be Built Into WDS

Questions:

(9) The GAC also deemed important to: properly log Information about approvals or denials of requests, timing of the response, and reasons for denial; and to include a mechanism to allow for confidential law enforcement requests. Will these features be built into the system?



(10) The rationale of the ICANN Board resolution on the WHOIS Disclosure System (27 Feb. 2023) states that “ICANN org is prepared to incorporate the following requests from the community into the System: [...] Additional System logging functionality, to log data associated with requests attempted for non-participating registrars that have been identified as “low risk” to data subjects and system security”. Does this mean this additional logging functionality will be incorporated in WDS once it becomes operational in 11 months?

#### **Topic #4 - ICANN’s Emergency Assistance Program (EAP) Framework for Continued Internet Access –**

##### Questions:

(11) The GAC would appreciate further information regarding expected dates and EAP design developments with the goal of better GAC understanding of the EAP initiative, its scope and implications.

(12) Who or what entities will be eligible to apply for the EAP?

(13) What particular assistance does ICANN org anticipate could be provided to re-establish connection for those disconnected during emergency circumstances?

(14) Does ICANN have any carrier and/or infrastructure to provide such assistance?

(15) During ICANN75 in Malaysia, the possibility of ICANN developing a more structured assistance/cooperation program was suggested. Does the anticipated EAP include this concept?

#### **Topic #5 - Curative Rights Protections for Intergovernmental Organizations -**

##### Questions:

(16) The Board recently received a Staff summary of public comments on the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs) which stated that “[w]hile some commentators expressed support...a few commentators [notably the BC/ICA] noted specific concerns, including with the potential consequence for registrants should IGOs [not be required to] submit to a [court] jurisdiction.” In reviewing the Staff summary of public comments on the Final Report, is the Board aware that:

(a) that the Recommendations specifically state that a complaint “must also include a notice informing the respondent...of its right to challenge a UDRP [or URS] decision...by filing a claim in court”?

(b) the BC/ICA participated in the EPDP and the Recommendations received a Full Consensus designation?

(c) The GNSO Council’s vote to approve the EPDP recommendations was unanimous?

(17) Noting that there was Full Consensus for each of the 5 Recommendations of the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs), how can the GAC support timely implementation of these Recommendations?

The full GAC will finalize these topics and questions on-site in Cancún during the ICANN76 planning

session for GAC joint meetings scheduled on 12 March 2023.

## Session Agendas

### Session #3 - Sunday, 12 March - Joint Meeting Discussions; Preparation for Meetings with GNSO, ALAC and Board

This public session will enable GAC Members to review, discuss and confirm proposed topics and any questions that the GAC plans to explore with Board members during ICANN76.

Time permitting, this session will also feature committee discussions regarding preparations for the GAC's bilateral meetings with the ALAC and GNSO during ICANN76. See the written briefings for those meeting sessions for more details about the topics to be covered during those bilateral meetings.

### Session #10 - Tuesday, 14 March - GAC Meeting with ICANN Board

A preliminary meeting agenda for the joint meeting (as of 27 February) is:

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

## Further Information

### *Board-GAC Interactions -*

- 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>
- 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 28 February. The GAC Chair will likely report to the GAC during ICANN75 on what was discussed during that recent meeting.

## Document Administration

<b>Title</b>	ICANN76 GAC Session Briefing - GAC Meeting with ICANN Board (and Prep)
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## DNS Abuse Mitigation

### Sessions 4 and 9

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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. The GAC will be briefed on relevant developments and continue discussing possible efforts by the GAC to engage with the broader ICANN community to support enhanced contract provisions and possible policy development processes to better mitigate DNS Abuse.

#### Leadership Proposal for GAC Action

1. **Consider possible improvements of ICANN contracts with Registries and Registrars for effective DNS Abuse mitigation**, in the context of ongoing contractual negotiations between ICANN and Contracted Parties<sup>1</sup>.
2. **Follow-up on [The Hague Communiqué](#) (20 June 2022) and the GAC's position that "ICANN org is particularly well placed to receive public policy input from the ICANN community and negotiate updates to the standard Registry and Registrar Agreements."**
3. **Consider the status of Review Recommendations related to the mitigation of DNS Abuse** in particular in the [CCT Review Final Report](#) (8 September 2018) and the [SSR2 Review Final Report](#) (25 January 2021)
4. **Discuss the scope of desirable policy development to improve DNS Abuse prevention and mitigation**, following the recommendation by the [GNSO Small Team on DNS Abuse](#) (7 October 2022) to initiate a policy development process on malicious registrations, and the possibly limited scope of ongoing contractual negotiations on this matter..

<sup>1</sup> See ICANN CEO Blog "[ICANN and Contracted Parties Negotiate About Improved DNS Abuse Requirements](#)" on 18 January 2023.

## Current Status and Recent Developments

- **Ongoing contractual negotiations seek to define baseline obligations to require registries and registrars to mitigate or disrupt DNS abuse**
  - Since ICANN66, **leaders of the GAC Public Safety Working Group have briefed the GAC** on the issue of DNS Abuse mitigation<sup>2</sup> including **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; as well as on **possible avenues to address DNS Abuse more effectively at the ICANN Board and ICANN org level**, such as the revisions of ICANN Contracts with registries and registrars, the enforcement of existing requirements, the implementation of relevant CCT and SSR2 Review recommendations, Privacy/Proxy Service Provider policy recommendations, the improvement of accuracy of registration data, and the publication of more detailed domain abuse activity data.
  - In recent Communiqués, the GAC highlighted ***“the need for improved contract requirements to address the issue of DNS Abuse more effectively*** ([ICANN72 GAC Communiqué](#), 1 Nov. 2021) and proposed that *“Improved contract provisions could focus on the reporting and handling of DNS Abuse and enforcement of related contract requirements”* ([The Hague Communiqué](#), 20 June 2022). The GAC also stressed that ICANN is *“particularly well placed to negotiate improvements to existing contracts”* and *“to receive public input from the ICANN Community”*.
  - During ICANN75, the **GNSO Small Team on DNS Abuse, discussed “gaps in interpretation and/or enforcement” of the current ICANN contracts** as later reflected in its [Recommendations to the GNSO Council](#) (7 Oct. 2022).
  - In the [Kuala Lumpur Communiqué](#) (26 September 2022) the **GAC recalled its “support for ‘the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS Abuse’<sup>3</sup>, for example those identified in the SSR2 and the CCT reviews”**
  - In November 2022, the Registry and Registrar Stakeholder Groups [signaled](#) their **willingness to “pursue possible enhancements to the DNS Abuse obligations contained in [their] respective agreements with ICANN”,** to which [ICANN org responded](#) (30 Nov. 2022) that it *“aligned on the proposed guideposts outlined in [the] letter for any negotiations”*. These guidepost were provided in the Contracted Parties correspondence to ICANN as follows:
    - *The focus of the new provisions will be on DNS Abuse as set forth in the existing ICANN contracts, and reinforced by the GNSO Small Team on DNS Abuse;*
    - *The amendments will not include matters pertaining to website content abuses nor access to registration data; and*
    - *Any new provisions [...] will not seek to impose pass-through requirements on either group.*

<sup>2</sup> See material of GAC plenary sessions during [ICANN66](#), [ICANN68](#), [ICANN69](#), [ICANN70](#), [ICANN71](#), [ICANN72](#), [ICANN73](#) and [ICANN74](#).

<sup>3</sup> [ICANN70 GAC Communiqué](#), Section IV.1 p.5

- In December 2022, the [Registrar Stakeholder Group \(RrSG\)](#) and [Registry Stakeholder Group \(RySG\)](#) formally **notified ICANN to initiate negotiations** to respectively *“incorporate baseline contractual requirements to Section 3.18 of the RAA for registrars to disrupt and/or mitigate Domain Name System Abuse”* and *“enhance the DNS Abuse obligations contained in the [Registry Agreement]”*.
- A recent **ICANN CEO Blog** (18 Jan. 2023) confirmed ongoing work *“to **define baseline obligations to require registries and registrars to mitigate or disrupt DNS abuse**”* expecting that this should *“aid ICANN's Contractual Compliance team in its enforcement efforts with registrars or registries who fail to adequately address DNS abuse.”* It also noted this would be an opportunity for the ICANN Community *“to discuss and determine if further obligations are required via a policy development process”*. **The ICANN CEO aims “to share drafts with the community before ICANN77”**.
- In the meantime, the GNSO’s Business Constituency (**BC**) and Intellectual Property Constituency (**IPC**), and the At Large Advisory Committee (**ALAC**) [requested](#) (20 Jan. 2023) that *“community input is appropriately regarded, and to assist ICANN Org in its established role as an advocate for community needs and arbiter of the public interest”*
- In preparation for an update by Contracted Parties on the ongoing negotiations, a [Pre-ICANN76 GAC Briefing on Contract Negotiation regarding DNS Abuse Mitigation](#) (28 February 2023) [GAC website login required] GAC Topic leads **discussed possible improvements to existing contract provisions** towards better clarity and enforceability, **as well as possible areas for new contract provisions** as discussed in the ICANN Community (including by the CCT and SSR2 Review recommendations) **including: financial and reputational incentives, thresholds of abuse and compliance triggers, best practices and centralized abuse reporting.**
- **Prospects of policy development regarding the prevention and Mitigation of DNS Abuse**
  - Per the [ICANN69 GAC Communiqué](#) (23 October 2020), *“**From the GAC’s perspective, the momentum has been increasingly building for concrete action** as the Community has progressively engaged in constructive dialogue to advance work on a shared goal, the mitigation of DNS abuse. Beginning with the recommendations from the CCT-RT and the SSR2 RT and continuing through several cross-community sessions and more recent work on a DNS Abuse Framework, **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**”*. The GAC also took note of the *“rationale for the ICANN Board decision to extend the contract for the ICANN CEO, which explicitly cites ongoing work in the Community on DNS abuse that could lead to policy recommendations.”*
  - Since prior to the ICANN68 meeting, **the GAC Leadership has sought the establishment, in collaboration with the GNSO Council leadership, of a framework of possible community work and policy development to address DNS Abuse.** During the ICANN72 bilateral meeting between the GAC and the GNSO as reported in the [ICANN72 GAC](#)

[Minutes](#), the GAC Chair reiterated that DNS Abuse “is a long standing issue of interest to the GAC and that the GAC is interested in advancing community discussions, driving progress and convergence of views prior to the launch of new gTLDs” and added that “the GAC looks forward to agreeing on how to handle community wide discussions on DNS Abuse mitigation (a PDP, CCWG etc)”

- On 31 January 2022 the GNSO Council [formed](#) a **GNSO Small Team on DNS Abuse** expected to determine “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 DNS abuse”.
- In the [GAC response](#) (4 April 2022) to the GNSO’s request for community input on DNS Abuse policy making, the GAC Chair suggested that in light of the fact that “ongoing community efforts may produce beneficial initiatives and outcomes which may obviate the need for a PDP”, “At this time [...] pursuing a PDP scoping exercise may be premature”.
- In the [The Hague Communiqué](#) (20 June 2022), the GAC stated that “**any PDP on DNS Abuse should be narrowly tailored to produce a timely and workable outcome**” to which the ICANN Board responded that it shares this view and is prepared to support the ICANN community in such pursuits<sup>4</sup>.
- **The GNSO Small Team recommended** in a [Report to the GNSO Council](#) (7 October 2022): **the initiation of a tightly scoped policy development on malicious registrations** (Rec. 1), **further exploration of the role of bulk registrations play in DNS Abuse** and measures already in place to address it (Rec. 2), **encouraging further work towards easier, better and actionable reporting** of DNS Abuse (Rec. 3), and possible work between Contracted Parties and ICANN Compliance regarding its findings on potential gaps in interpretation and/or enforcement of the current ICANN contracts (Rec. 4). The GNSO Council proceeded with recommended outreach to [Contracted Parties](#) regarding Rec. 3 and to [Contracted Parties, the DNS Abuse Institute and ICANN Compliance](#) regarding Recommendation 2 (6 January 2023).
- **Regarding bulk registrations**, the [ICANN Compliance response to the GNSO Council](#) (22 February 2023) states that “ICANN agreements and policies do not contain requirements or limitations related to registering domain names in bulk. As a result, **ICANN Contractual Compliance does not collect or track information on bulk registrations**, the potential role these may play in Domain Name System (DNS) abuse”. The [DNS Abuse Institute's response](#) (24 February 2023) proposed that “**research would need to be conducted to determine the scale of any issues related to [Bulk Domain Registration] prior to any policy work**”, and noted the relevance of the [Framework on Domain Generating Algorithms Associated with Malware and Botnets](#) developed by the RySG and the GAC PSWG. The **DNS Abuse Institute expressed support for payment-based approaches to fighting DNS abuse**, and proposed that it would be worth “**to encourage Registrars to investigate all of the domains in a customer account where one is identified as malicious**” as part of “sensible and practical options available to registrars that will reduce DNS Abuse [...] right now”, in addition to “friction at the time of registration”.

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<sup>4</sup> See <https://gac.icann.org/sessions/boardgac-interaction-group-bgig-call-31-august-2022> (31 August 2022) [login required]



- **Status and implementation prospects of Specific Reviews recommendations related to DNS Abuse disruption<sup>5</sup>**
  - **The SSR2 Review delivered 63 recommendations** in its [Final Report](#) (25 January 2021) with a significant focus on measures to prevent and mitigate DNS Abuse.
    - The GAC considered a [Draft SSR2 Review Report](#) (24 January 2020) and endorsed many of the draft recommendations in a [GAC Comment](#) (3 April 2020). These were followed by [GAC Comments](#) (8 April 2021) on the final recommendations, and subsequent GAC Advice in the [ICANN72 Communiqué](#) (1 Nov. 2021) requesting follow-up action and further information on levels of implementation of certain recommendations, to which the ICANN Board [responded](#) (16 Jan. 2022), leading to further discussions during ICANN73<sup>6</sup>, and communications by ICANN org to the GAC in a [letter](#) (18 March 2022) and a [follow-up email](#) (12 April 2022).
    - To date, per the latest [ICANN Specific Review Quarterly Report](#) (21 February 2023), based on 3 ICANN Board resolutions ([22 July 2021](#), [1 May 2022](#) and [16 November 2022](#)): **23 recommendations** are now **approved** (including 14 subject to prioritization for implementation), **30 rejected**, and **10 pending** further Board consideration.
    - **7 Pending Recommendations relating to DNS Abuse** - **12.1** (*DNS Abuse Analysis advisory team*), **12.2** (*structure agreements with data providers to allow further sharing of the data*), **12.3** (*publish reports that identify registries and registrars whose domains most contribute to abuse*), **12.4** (*report actions taken by registries and registrars to respond to complaints of illegal and/or malicious conduct*), **13.1** (*central DNS abuse complaint portal mandatory for all gTLDs*), **13.2** (*publish complaints data for third party analysis*) and **14.2** (*provide contracted parties with lists of domains in their portfolios identified as abusive*) - **are tentatively expected to be considered by the ICANN Board in Q3 2023**. In the relevant [Board Scorecard](#) (22 July 2021), the ICANN Board acknowledged “the extensive community and ICANN org efforts currently going on around DNS security threats” and directed ICANN org “to evaluate how this grouping of recommendations, along with other recommendations that pertain to DNS security threats should be considered in a coordinated way” and inform the Board’s decision on next steps.
    - **In its recent discussion of ongoing contract negotiations on DNS Abuse, the GAC PSWG discussed<sup>7</sup> several SSR2 recommendations that have been rejected** by the ICANN Board per the [Board Scorecard](#) (22 July 2021) - **8.1** (*commission a negotiating team that includes abuse and security experts to renegotiate contracted party contracts*), **9.4** (*regular compliance reports enumerating missing tools*), **14.4** (*provide contracted parties 30 days to reduce the fraction of abusive domains below the threshold*) and **14.5** (*consider offering financial incentives*) - **for**

<sup>5</sup> The status of all recommendations may be consulted in the [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023) starting p.28, along with further documentation at: <https://www.icann.org/resources/reviews/specific-reviews/whois>

<sup>6</sup> See [ICANN73 GAC Minutes](#) p.13

<sup>7</sup> See [PSWG Conference Call](#) on 14 February 2023 [GAC website login required]



which the GAC acknowledged in the [GAC ICANN72 Communiqué](#) (1 November 2021) “the procedural bases for the Board’s rejection” noting, nevertheless, “**the useful substantive aspects of certain rejected recommendations, including those that aim to provide ICANN org and ICANN Contractual Compliance with appropriate tools to prevent and mitigate DNS abuse**”.

- The **Competition, Consumer Trust & Consumer Choice Review Team’s [Final Report](#)** (8 Sep. 2018) provided 35 recommendations. In the [Montréal Communiqué](#) (6 Nov. 2019), as clarified in subsequent [correspondence with the ICANN Board](#) (Jan. 2020), **the GAC advised the ICANN Board “not to proceed with a new round of gTLDs until after the complete implementation of the recommendations [...] that were identified as ‘prerequisites’ [14 recommendations] or as ‘high priority’ [10 recommendations].”** Several of these recommendations are relevant to contract negotiations on DNS Abuse and were discussed recently by the GAC PSWG<sup>8</sup>:
  - **Recommendation 17** (collect data about and publicize the chain of parties responsible for domain name registrations) **was approved and implementation is complete** per its [Implementation documentation](#) as of 14 Sep. 2022.
  - **Recommendation 13** (collect data on impact of registration restrictions which the GAC noted “would allow for more informed decision and policy making with regard to future standard registry and registrar contract provisions”) and **Recommendation 20** (assess mechanisms to report and handle complaints and possibly consider amending future standard Registry Agreements to require registries to more prominently disclose their abuse points of contact and provide more granular information to ICANN) were approved in part per [Board Scorecard of 22 October 2020](#), and **their implementation is in progress with competition estimated for Q2/Q3 2023** according to the [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023)
  - **Recommendation 14** (incentives to adopt proactive anti-DNS Abuse measures) and **Recommendation 15** (negotiate amendments to include provisions aimed at preventing systemic use of specific registrars or registries for DNS Security Abuse, and establish thresholds of abuse for automatic compliance triggers) which were placed **in pending status** per [Board Scorecard of 1 Mar. 2019](#) in consideration of ongoing community discussions on DNS abuse, **are tentatively expected to be considered by the ICANN Board in Q3 2023**. In the meantime, ICANN org is processing these recommendations along with other relevant Specific Reviews recommendations and advice to the Board.
- The **RDS-WHOIS2 Review recommendations LE.1 and LE.2** which sought “regular data gathering through surveys and studies to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement” and conducting “conducting comparable surveys and/or studies with other RDS (WHOIS) users working with law enforcement on a regular basis” are now **considered to “implemented to the extent**

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<sup>8</sup> See [PSWG Conference Call](#) on 14 February 2023 [GAC website login required]

*possible*” in connection with work of EPDP Phase 2 and 2A as well as the SSAD ODP, per the [Implementation Documentation](#) (11 October 2022)

- **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 three-quarters of the gTLD namespace**<sup>9</sup>. 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<sup>10</sup> 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](#) the **DNS Abuse Institute** (17 February 2021). 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), regularly discusses best practices, and developed an [initiative to measure the use of the DNS for phishing and malware activities](#). During ICANN74, the GAC invited the DNS Abuse Institute to present [Net Beacon](#) (formerly known as the **Centralized Abuse Reporting Tool**), which it indicated it is developing in response to SAC115 and SSR2 Recommendation 13.1, and consistent with CCT-RT Recommendation 20.

- **ICANN Org’s multifaceted Response<sup>11</sup> (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

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<sup>9</sup> Such provisions include [Specification 11.3b](#) which had only been applicable to New gTLDs so far. As of March 2022, .COM totaled 161.3 million domains names registrations, which, excluding the 133.4 million ccTLD domains out of the 350.5 million domains across all TLDs, represent a 74% share of all gTLD domain registrations (see [Verisign Domain Name Industry Brief](#) of June 2022)

<sup>10</sup> See Contracted Parties presentations [prior](#) and [during the ICANN68 meeting](#) and [PSWG briefing to the GAC](#) during ICANN68.

<sup>11</sup> See ICANN CEO blog on 20 April 2020 detailing ICANN Org’s [Multifaceted Response to DNS Abuse](#)

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<sup>12</sup>.

- 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 initially [briefed](#) on this matter prior to ICANN68 (12 June 2020) and GAC 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<sup>13</sup>. In October 2021, ICANN org and the Registry Stakeholder Group reported on their agreement in principle<sup>14</sup> to leverage Registry-held registration data to provide registrar-level information in DAAR as [recognized by the GAC](#) in a letter to ICANN (21 February 2022). These changes were included in the [Proposed Amendments to the Base gTLD RA and RAA to Add RDAP Contract Obligations](#) (6 September 2022) which the GAC welcomed in its [Comments](#) (16 November 2022), and which are expected to undergo a 60-day voting period before ICANN Board consideration.
- 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) developing an action plan accordingly. The [implementation process](#) and a [wiki page](#) to track progress was introduced to the community on 20 April 2022. During ICANN74, the GAC discussed the value of prioritizing recommendation E5 for the establishment of a **threat and incident information sharing platform** among relevant stakeholders in the ICANN community<sup>15</sup>.
- **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

<sup>12</sup> 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, and updates on DAAR, DNSTICR, DSFI, KINDNS, and OCTO’s efforts in the area of training and capacity building throughout the world

<sup>13</sup> 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).

<sup>14</sup> See RySG letter to ICANN (22 October 2021) and ICANN Blog (28 October 2021)

<sup>15</sup> Recommendation E5 *Incident Response* of the [DSFI-TSG Final Report](#) (13 Oct. 2021): “ICANN org should, together with relevant parties, encourage the development and deployment of a formalized incident-response process across the DNS industry that allows for interaction with others in the ecosystem. Such an effort should include incident-response handling as well as the protected sharing of threat and incident information”

*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 Operators focused on DNS Infrastructure abuse which concluded in June 2019<sup>16</sup>, ICANN [reported](#) (24 August 2021) 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); and 92 registrars took actions to become fully compliant.
- On 9 March 2022, ICANN [announced](#) its rolling out of new reporting enhancing the visibility of complaint volumes and trends.
- **A new round of audits for 28 gTLD Registry Operators**<sup>17</sup> running gTLDs that have not previously been audited in a standard full-scope audit, and which were found to have the highest abuse score as reported by publicly available Reputation Blocklists (excluding Spam), was [announced](#) on 13 April 2022 and concluded with the publication of the [Audit Report](#) on 16 September 2022. The GAC discussed the findings during its [plenary session on DNS Abuse during ICANN75](#) (20 September 2022).
- As part of ICANN76 Prep Week, [Contractual Compliance is expected to report to the ICANN Community](#) on its activities (28 February 2023)

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<sup>16</sup> 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)

<sup>17</sup> .africa .app .art .bar .best .blog .buzz .cat .cloud .club .com .coop .gift .icu .ink .istanbul .moe .one .ooo .org .ren .ryukyu .tel .tirol .xin 我爱你 (Xn--6qq986b3xl) .닷컴 (Xn--mk1bu44c) .Pyc (Xn--p1acf)

## Key Reference Documents

- [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023)
- [RySG – RrSG Communication on DNS Abuse Disruption/Mitigation Obligations](#) (4 November 2022)
- [GNSO Small Team on DNS Abuse Report to the GNSO Council](#) (7 October 2022)
- [GAC Response to GNSO Request for Community Input](#) on DNS Abuse Policy Making (4 April 2022)
- [The Last Four years in Retrospect: A Brief Review of DNS Abuse](#) by ICANN org (22 March 2022)
- European Commission [Study on DNS Abuse](#) and its [Technical Appendix](#) (31 January 2022)
- SSR2 Review [Final Report](#) (25 January 2021) and related [GAC Comments](#) (8 April 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

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## GAC Discussion on IGO Protections

### Session 5

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#### 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 status of EPDP and related GAC Advice on Curative Rights Protections for IGOs.

#### Leadership Proposal for GAC Action

1. GAC to discuss the draft process to manage changes to the GAC-IGO List of full IGO names to be reserved in new gTLDs.
2. GAC to discuss prior and proposed updated (not new) GAC Advice on Curative Rights Protections for IGOs with the view of potentially updating it following the EPDP on Specific Curative Rights Protections for IGOs Final Report, for alignment.

#### Current Status and Recent Developments

##### Process for Updating the GAC IGO List for Protections of IGOs in New gTLDs

The GAC has been reviewing the process to ensure that the GAC's [IGO List of 22 March 2013](#) is updated,<sup>1</sup> 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. A proposed mechanism to manage changes to the GAC IGO List of IGOs full names to be reserved in new gTLDs was circulated to GAC membership for review and input following ICANN73 and again in preparation for ICANN76.

The focus for ICANN76 is to review the proposed process (including being made aware of forms for IGOs to be added to the List) with the view of finalizing the proposed mechanism and allow the

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<sup>1</sup> According to a set of [criteria](#), as included in the [letter](#) to the ICANN Board dated 22 March 2013 which introduced the IGO List.



GAC to be in a position to action any requests relative to the GAC IGO list including: additions, changes or removals from the list.

### **EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs)**

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.

The GNSO Council approved the [Final Report](#) from the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs) in June 2022 and submitted the [Recommendations Report](#) to the ICANN Board describing the proposed policy and its impacts in July 2022. GAC members submitted a GAC collective comment in support of the final report findings in January 2023 as part of the public comment proceeding.

### **EPDP Final Recommendations:**

The EPDP team reached **full consensus** on the five final 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 Council has **unanimously** voted to approve and has now passed this to the Board.

The EPDP team reached agreement in its Final Report on the following five recommendations:

1. Definition of “IGO Complainant”: adding such definition 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. Exemption from Submission to “Mutual Jurisdiction”: 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”
3. Arbitral Review following a UDRP Proceeding: 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).
4. Arbitral Review following a URS Proceeding: Including provision in the URS to accommodate the possibility of binding arbitration to review a determination made under the URS.
5. Applicable Law for Arbitration Proceedings: Arbitration will be conducted in accordance with the law as mutually agreed by the parties. Where the parties cannot reach mutual agreement, the IGO complainant shall elect either the law of the relevant registrar’s principal office or the domain name holder’s address as shown for the registration of the disputed domain name in the relevant registrar’s Whois database at the time the complaint was submitted to the UDRP or URS provider.

## Key Reference Documents

- [Final report](#) - EPDP Specific Curative Rights Protections for IGOs
- [Proposed Mechanism to Update IGO List](#)

## Further Information

- GAC Policy Background Document on IGO Protections:  
<https://gac.icann.org/briefing-materials/public/gac-policy-background-igo-protections.pdf>

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## GAC Working Group Reporting

### Session # 5 - Working Group Reporting and IGOs Discussion

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#### Session Objectives

As the GAC operations continue to emerge from the global COVID-19 pandemic, committee working group briefings to the GAC continue to take several different forms. An ICANN Public Meeting creates the opportunity for the GAC to receive briefings from various GAC Working Groups.

Some working groups plan to provide the GAC with written briefings circulated by email prior to the meeting (e.g., GAC Operating Principles Evolution Working Group). Other working groups have planned webinar teleconferences prior to ICANN76 to discuss their activities and work plans (Public Safety Working Group). During the first part of Session 5 at ICANN76, the committee expects to hear from the chairs of three GAC working groups, the Underserved Regions Working Group (USRWG), the Human Rights and International Law Working Group (HRIL WG) and the UA and IDN Working Group.

#### Recent Developments and Session Agenda

The USRWG has been an integral part of planning capacity development events at both ICANN75 and now ICANN76. During this session, USRWG co-chairs will provide a report to the committee about the most recent Capacity Development Workshop held earlier in the meeting week and will review with the GAC the annual capacity development work plan for public meeting workshops that has been reviewed by the GAC Leadership team.

The HRIL WG has been at the forefront of community efforts to progress community-wide implementation of accountability and transparency recommendations established during the recent WorkStream 2 - Accountability effort initiated several years ago in the wake of the historic IANA Transition that took place in 2016 (see - <https://www.icann.org/en/announcements/details/stewardship-of-iana-functions-transitions-to-gl>

[obal-internet-community-as-contract-with-us-government-ends-1-10-2016-en](#)). During this session, HRIL co-chairs will share updates on the latest work done in this area, including an update of the FY24 Additional Budget Request that the working group developed to initiate a pilot effort by ICANN org to offer sign language communications ability during ICANN Public Meetings.

The UA-IDN Working Group is re-energizing under a new chair just appointed after ICANN75 and the update from the WG will feature plans for Universal Acceptance Day and recent activities by the committee to share information about IDN developments.

## Further Information

### *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 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>

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## RDS/WHOIS and Data Protection Policy (incl. Accuracy)

### Session 6

#### Contents

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#### Session Objective

This session aims to discuss status and consider possible next steps for the GAC in relation to deliberations and implementation efforts aiming to establish a new WHOIS/Registration Data policy framework taking into account relevant Data Protection law. The GAC will be briefed on latest developments and related policy concerns, in connection with the proposed Registration Data Consensus Policy (EPDP Phase 1), development of a WHOIS Disclosure System as a proof of concept of EPDP Phase 2 Policy Recommendations for a System for Standardized Access/Disclosure (SSAD), and status of dependencies on the scoping of possible future policy work regarding accuracy of registration data.

#### Leadership Proposal for GAC Action

- 1. Consider possible avenues for mandating participation of Registrars and possibly Registries in a WHOIS Disclosure System (WDS).** The ICANN Board [resolution](#) (27 Feb. 2023) launching the implementation of this system, urged the GNSO Council to consider policy development to this effect.
- 2. Follow-up on the GAC's public policy concerns<sup>1</sup> regarding the proposed Draft Registration Data Consensus Policy** (EPDP Phase 1 Implementation), including: definition and proposed timelines to respond to urgent requests; collection and publication of reseller data; collection/publication of registration information related to legal entities; need for clear standards around implementation and enforcement; and implementation of a partial system resulting in a policy gap.

<sup>1</sup> See GAC Comments on the Draft Registration Consensus Policy for gTLDs (21 November 2022)

3. **Examine opportunities for advancing accuracy of registration data** in gTLDs, after the pausing of the Registration Data Accuracy (RDA) scoping team by the GNSO Council, due to dependencies on the continuing negotiations of Data Processing Agreements between ICANN and Contracted Parties and on ICANN's work regarding privacy implication of assessing the accuracy or registration data requiring the processing of personal data, including outreach to European authorities<sup>2</sup>.
4. **Continue assessing the public interest impacts of the current policy regime** for gTLD registration data, considering:
  - a. **Prospects of implementation of, and community concerns with policy recommendations** in Phase 1 and Phase 2A of the Expedited Policy Development Process (EPDP) on gTLD Registration Data;
  - b. **Current and expected future experience of parties seeking registration data** for a legitimate purpose which may have not aligned with the GAC's Advice to *"ensure that the current system that requires 'reasonable access' to non-public domain name registration is operating effectively"*, and will evolve with the potential deployment of the new Registration Data Consensus Policy for gTLDs as well as ICANN org's proposed WHOIS Disclosure System.
  - c. **The continued impact of delayed implementation of the privacy/proxy services accreditation policy recommendations.** Despite GAC Advice to resume implementation of the Privacy/Proxy Accreditation Policy, this is still suspended and continues to delay the delivery of an accreditation program including a law enforcement disclosure framework.

## Current Status and Recent Developments

- **The policy foundations of a new Registration Data Policy regime** initially proposed to become effective before the end of 2024, **is expected to be further discussed** following the recent closure of a public comment proceeding.
  - ICANN published a proposed [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022) as developed by ICANN org with the EPDP Phase 1 Implementation Review Team (IRT), in response to the ICANN Board's [resolutions](#) adopting the policy recommendation of EPDP Phase 1 (15 May 2019).
  - This Consensus Policy **would become part of ICANN's contractual requirements for Registries and Registrars within 18 months of its adoption** (currently planned in Q1 2023) and replace the current [Interim Registration Data Policy for gTLD](#) (20 May 2019) which currently requires Contracted Parties to continue to implement measures that are consistent with the [Temporary Specification](#) (20 May 2018). **It would also introduce changes to existing ICANN Policies** which rely on, or relate to Registration Data, including

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<sup>2</sup> ICANN has expressed its intention to engage with the European Data Protection Board (see [ICANN letter](#) of 2 June 2022 to the European Commission).

the superseding of the Thick WHOIS transition Policy and revisions of the implementation of the Registration Data Access Protocol (RDAP).

- **The GAC provided input** at several stages of the developments leading to these proposals, including most recently on the resulting proposal:
  - [Input to the ICANN Board](#) (24 April 2019) before its consideration of the GNSO Policy Recommendations from EPDP Phase 1, in which the GAC deemed the *“recommendations to be a sufficient basis for the ICANN Community and organization to proceed - with all due urgency - to the completion of a comprehensive WHOIS model covering the entirety of the data processing cycle, from collection to disclosure, including accreditation and authentication, which would restore consistent and timely access to non-public registration data for legitimate third party interests, in compliance with the GDPR and other data protection and privacy laws”*. The GAC also highlighted and referenced in this correspondence prior policy concerns it has expressed..
  - Advice to the ICANN Board in the [Montréal Communiqué](#) (6 November 2019), to *“ensure that the current system that requires ‘reasonable access’ to non-public domain name registration is operating effectively”* ([accepted](#) by the ICANN Board on 26 January 2020) and *“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”*, which were the subject of follow up in the GAC Communiqués of [ICANN70](#) , [ICANN71](#), [ICANN72](#) , and [ICANN73](#) and related interactions with the ICANN Board<sup>3</sup>.
  - In the latest [GAC Comments](#) (21 November 2022), **the GAC expressed public policy concerns with the proposed Draft Registration Data Consensus Policy for gTLD** including: definition and proposed timelines to respond to urgent requests; collection and publication of reseller data; collection/publication of registration information related to legal entities; need for clear standards around implementation and enforcement; and implementation of a partial system resulting in a policy gap.
- ICANN org is currently considering the input received from 14 community groups on the proposed Draft Registration Data Consensus Policy for gTLDs. In the [Report of Public Comments](#) (20 January 2023), ICANN org indicates that it will continue to analyze the input received and *“work with the Implementation Review Team (IRT) to review and consider updates to the draft Registration Data Policy, as needed”*
- As part of EPDP Phase 1 Implementation, the conclusion of **Data Processing Agreements (DPAs) between ICANN and Contracted Parties** consistent with EPDP Phase 1 Recommendation 19, which the GAC referred to in its ICANN72, ICANN73 and Kuala Lumpur Communiqués, is identified in the [EPDP Phase 1 Implementation timeline](#) (last updated 1 September 2022) as standing at 79% completion.

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<sup>3</sup> See Board GAC Advice Scorecards related to each Communiqué at:  
<https://gac.icann.org/activity/icann-action-request-registry-of-gac-advice>

- **Feasibility of a System for Standardized Access/Disclosure of Registration Data (SSAD) is now focusing on the implementation of a WHOIS Disclosure System**, following the [GNSO's request for an SSAD proof of concept](#) (27 April 2022) on the basis of an ICANN org [Design Paper](#) (13 Sep. 2022) and [updates](#) (7 Nov. 2022) [suggested](#) by the GNSO Council to the ICANN Board (17 Nov. 2022).
  - 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”**<sup>4</sup> including in the [GAC Minority Statement](#) (24 August 2020).
  - Prior to considering the GNSO's SSAD Policy Recommendations, **the ICANN Board launched** (25 March 2021) an **Operational Design Phase (ODP) to perform an assessment** of possible implementation parameters. A GNSO Small Team reviewed ICANN org's resulting [Operational Design Assessment](#) (25 Jan. 2022) in support of the GNSO Council's consultation with the ICANN Board and consideration of questions and concerns expressed in a [Board letter](#) (24 Jan. 2022).
  - In a [letter to the ICANN Board](#) (27 April 2022), **the GNSO shared concerns with ICANN's Operational Design Assessment** and called for a pause of the Board's consideration of the SSAD recommendations to allow for work to continue on a “proof of concept”, in collaboration with ICANN org, who suggested it could propose a simplified “SSAD Light Design” in a [Concept Paper](#) (6 April 2022)<sup>5</sup>. The **ICANN Board confirmed** (9 June 2022) its **agreement and decision to pause the consideration of the policy recommendations**.
  - In the [The Hague Communiqué](#) (20 June 2022), while looking forward to the “*timely completion of the ‘proof of concept’*”, the GAC emphasized “*the importance of providing specific timelines and goals*” for this work and clarifying “*what will happen after the ‘proof of concept’ phase concludes*”.
  - Shortly before ICANN75, ICANN org introduced a [WHOIS Disclosure System Design Paper](#) (13 Sep. 2022) the key features of which were considered in [GAC plenary](#) (20 Sep. 2022): **a free central portal for intake of requests, automatically routed to participating registrars, at no cost to requesters, possibly operational by Q4 2023**. Several risks and concerns were discussed, including the absence of identification of requestors which may hamper lawful disclosure of data, uncertainty as to adoption of the system by registrars (participation not mandatory), and the ability of this system to effectively inform the demand for an SSAD.

<sup>4</sup> 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.

<sup>5</sup> The approach proposed by ICANN org in the SSAD Light Concept Paper was presented to the GAC during the [Pre-ICANN74 ICANN org's briefing to the GAC](#) on 31 May 2022 (GAC website login required)



- In the [Kuala Lumpur Communiqué](#) (26 September 2022), the GAC noted the proposed WHOIS Disclosure System is a **useful first step which would facilitate the collection of useful data**, to possibly shed light on usage rates, timelines for response, and percentages of requests granted or denied. The GAC also deemed **important to properly log information about approvals or denials of requests**, timing of the response, and reasons for denial; **and to include a mechanism to allow for confidential law enforcement requests**.
- The **GNSO Council** adopted the [addendum](#) (7 Nov. 2022) to the SSAD ODA Small Team [Preliminary Report](#) (4 April 2022) and expressed being *“supportive of the request that the ICANN Board proceeds with the implementation of the Whois Disclosure System”* in the [GNSO Chair letter to ICANN Board Chair](#) (17 Nov. 2022)
- On 27 February 2023, the ICANN Board [resolved](#) to **launch the implementation of the WHOIS Disclosure System**, or “Registration Data Request Service” per the associated [announcement](#) (2 March 2023). The GAC expects to follow-up on this resolution with a set of questions prepared in advance of the meeting<sup>6</sup>.
- **The work of the GNSO Scoping Team on Accuracy of Registration Data** has been paused
  - The GNSO Council adopted substantive and procedural [instructions](#) for the Scoping Team (22 July 2021). In the [ICANN72 GAC Communiqué](#) (1 Nov. 2021) the GAC welcomed *“the effective start of the accuracy scoping exercise launched by the GNSO”* and expressed support for *“all four assignments”* of the team. The GAC nominated representatives from the European Commission and United States to participate in these [weekly deliberations](#) which started on 5 October 2021.
  - The work of the scoping team was 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) 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.”*
  - In the [ICANN73 Communiqué](#) (14 March 2022), the GAC highlighted that as part of the work of the scoping team to date, it *“has emphasized the importance of holding contracted parties accountable for their compliance with the existing accuracy requirements, as well as the importance of increasing transparency about compliance, in order to inform an evidence-based analysis of these issues”*

<sup>6</sup> See the ICANN76 GAC Briefing for Agenda Items 3 and 10, available on the GAC website at <https://gac.icann.org/agendas/icann76-hybrid-meeting-agenda> [sign in required to access the briefings]

- In May 2022, the **ICANN org shared with the Scoping Team a [set of scenarios](#) for which it plans to consult the European Data Protection Board** on whether or not ICANN org has a legitimate purpose that is proportionate (i.e. not outweighed by the privacy rights of the individual data subjects) to request that Contracted Parties provide access to registration data records for purposes of accuracy verification.
- In its [preliminary recommendations](#) for the GNSO Council (2 September 2022) the scoping team recommended:
  - **A registrar Survey** be conducted on the status of accuracy of their domains under management (Recommendation 1). In the [ICANN74 Communiqué](#) (20 June 2022), the GAC noted that *"the voluntary nature of the survey [...] could limit the volume of feedback received"* and therefore encouraged *"the team to explore additional and complementary work items, such as testing accuracy controls in a manner that is not dependent upon access to personally identifiable data"*. However, the preliminary report notes that *"[a]t this stage, the Scoping Team has not identified sufficient benefits of moving forward with any of the other proposals that do not require access to registration data [...]"*.
  - **A Registrar Audit** be considered regarding their procedures for determining the accuracy of registration data (Recommendation 2)
  - **A pause of scoping team work in relation to proposals that require access to registration data** until feasibility is clearer (Recommendation 3) including through: ICANN org's outreach to the European Data Protection Board (EDPB), a possible Data Protection Impact Assessment to be conducted by ICANN, and the finalization of Data Processing Agreements between ICANN and Contracted Parties.
- **GNSO Council adopted a [motion](#) (17 Nov. 2022) pausing the work of the scoping team and deferring consideration of the recommendations to conduct a survey and an audit** *"until such time the DPA negotiations between ICANN org and Contracted Parties have completed and there is feedback from ICANN org on if/how it anticipates the requesting and processing of registration data will be undertaken in the context of measuring accuracy, or for six months, whichever is the shorter"*.
- In a [GNSO Council letter to ICANN org](#) (1 December 2022), **ICANN org was requested to** *"Proceed with both (i) your outreach to the European Data Protection Board and (ii) your work on a Data Protection Impact Assessment in connection with the scenario(s) in which the request and processing of registration data takes place as a matter of urgency; Finalize negotiations on the Data Processing Agreement (DPA) as soon as practicable, as the absence of a completed DPA may act as a roadblock for the policy work before the GNSO Council."*
- In the meantime, As reported in the [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023):
  - **Recommendations 4.1, 4.2 and 5.1 of the RDS-WHOIS2 Review Team [Final Report](#) (3 September 2019) relating to data accuracy monitoring and enforcement** (all



identified as “High” priority) **remain in “Pending Board Consideration” status** in light of continued dependencies on Board consideration of the SSAD and the work of the Registration Data Accuracy Scoping Team.

- **Recommendation 9.2 of the SSR2 Review Team [Final Report](#)** (25 January 2021), for ICANN org to **proactively monitor and enforce contractual obligation to improve accuracy of registration data**, is currently in **“Pending Board Consideration” status** and **“likely to be rejected** unless additional information shows implementation is feasible” requires additional time before further consideration.

#### **Reminder on the status of other policy development, policy implementation and Review recommendations pending further consideration**

- **Policy Development in Phase 2 of the EPDP concluded** with the publication of a [Final Report](#) (31 July 2020), which recommended a System for Standardized Access/Disclosure (SSAD) to gTLD Registration Data with a significant level of divergence among stakeholders as documented in the Consensus Designations (Annex D) and Minority Statements (Annex E), including the [GAC Minority Statement](#) (24 August 2020).
  - **Consensus was achieved on** aspects of the SSAD relating to **accreditation of requestors and centralization of requests** (recommendations 1-4, 11, 13 and 15-17). Once implemented these recommendations should improve the current fragmented systems by providing a central entry point to request access to registration data, according to clearly defined standards, and providing guarantees of appropriate processing.
  - **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), 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.
  - The GAC issued a [response](#) (6 October 2021) to the Board’s [clarifying questions](#) on the ICANN70 advice that were re-iterated before and discussed during the [GAC/Board ICANN71 Communiqué clarification call](#) (29 July 2021)
- **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)
  - 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**” underscoring “the importance of the minority statements in understanding the full context of the Final Report recommendations”

- In its [Minority Statement](#) (10 September 2021), 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).
- On 10 March 2022, the ICANN Board [adopted](#) the Phase 2A policy recommendations and directed ICANN org to develop and execute an implementation plan for these resolutions.

- **Privacy/Proxy Services Accreditation (PPSAI) Policy Implementation and related issues**

- As of 15 February 2023, the PPSAI Implementation remains [on hold](#) with ICANN org planning to “allocate resources and finalize a timeline to continue the implementation of PPSAI once the implementation of EPDP Phase 1 is finalized and the design criteria of the EPDP Phase 2 SSAD and Whois Disclosure System are sufficiently stable so that org and the community can identify what synergies can be leveraged with these projects and the PPSAI implementation.”. As part of EPDP Phase 1 Implementation, in the so called [Recommendation 27 Registration Data Policy Impacts Wave 1.5 Report](#) (23 February 2021), ICANN org conducted in depth analysis of the substantial impact of the Registration Data Policy requirements on the PPSAI recommendations, and invited the GNSO to consider whether updates of the latter are needed.
- In the meantime, per the [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023), **RDS-WHOIS2 Review Recommendation R10.1** (low priority, currently pending

Board consideration<sup>7</sup>) for the ICANN Board **to monitor the implementation of the Privacy Proxy Services Accreditation (PPSAI) policy** recommendations, and to ensure that until it is implemented *“the underlying registration data of domain name registrations using Privacy/Proxy providers affiliated with registrars shall be verified and validated in application of the verification and validation requirements under the RAA”*, addressed in Recommendation 19 of the [EPDP Phase 2 Final Report](#) (31 July 2020), is **expected to be subject to an assessment in Q1 2023** to inform Board action.

- In the recent [GAC Comments](#) (16 November 2022) on the [proposed RDAP and Bulk Registration Data Access \(BRDA\) Contractual Amendments](#) the GAC argued that **“commercial proxy services” may need “their own data element or entity role” in RDAP responses**, *“in recognition of the purposes of the RDDS system and the evolving domain name industry”* and the need to include *“all entities inherent to the registrar’s domain name registration data distribution channel”*, when they exist, in RDAP query responses.

## Key Reference Documents

- ICANN Board [resolution regarding WHOIS Disclosure Implementation](#) (27 February 2023)
- [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023)
- [GAC Comments](#) (21 November 2022) on the [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)
- [GNSO Council Motion](#) (17 Nov. 2022) pausing work of the Registration Data Accuracy Scoping Team and deferring consideration of several recommendations for possibly up to 6 months.
- [Addendum](#) (7 Nov. 2022) to the SSAD ODA Small Team [Preliminary Report](#) (4 April 2022) regarding requirements for an SSAD proof of concept.
- [WHOIS Disclosure System ICANN Design Paper](#) (13 Sep. 2022)
- Accuracy Scoping Team [preliminary recommendations](#) to the GNSO Council (2 September 2022)
- [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)

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<sup>7</sup> The status of all recommendations may be consulted in the ICANN Specific Reviews Q4 2022 Quarterly Report (published 21 Feb. 2023) starting p.28, along with further documentation at: <https://www.icann.org/resources/reviews/specific-reviews/whois>

- [ICANN org Update to the Accuracy Scoping Team](#) on scenarios for EDPB engagement (9 May 2022)
- ICANN org SSAD [Operational Design Assessment](#) (25 January 2022)
- GAC Advice in the [GAC ICANN72 Communiqué](#) (1 Nov. 2021) 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.

## Document Administration

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## GAC Meeting with the ALAC

### Session 8

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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 both interest to government stakeholders and Internet end-users.

#### Background

The 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.

The ALAC has appointed Joanna Kulesza as liaison to the GAC. The GAC Point of Contact (PoC) seat is currently vacant since ICANN75. Their role is to facilitate policy and other internal community discussions among their groups and leaderships, while also preparing meeting agendas for joint sessions at ICANN Public Meetings.

## Session Agenda

At ICANN76, the joint session will focus on the following topics:

- **Follow up on the 2017 joint Advice to the Board entitled “Enabling Inclusive, Informed and Meaningful Participation at ICANN: A Joint Statement by ALAC and GAC.”**

In 2017, at the ICANN60 Abu Dhabi Meeting, the GAC and ALAC developed a joint statement on “Enabling Inclusive, Informed and Meaningful Participation at ICANN,” stating that “in order to enable inclusive, informed and meaningful participation by all stakeholders at ICANN, the GAC and ALAC ask ICANN, inter alia:

- **To develop a simple and efficient document management system that allows** – even to non-insiders – **an easy and quick access to ICANN documents.** As a minimum, every document should have a title, a date and/or reference number; it should identify the author and indicate intended recipients, and make reference to the process it belongs to. Acronyms should be explained.
- **To produce executive summaries, key points and synopses for all relevant issues,** processes and activities, made easily understandable to nonexperts so that all stakeholders will be able (a) to quickly determine if a particular issue is of concern to them and (b) if yes, to participate in the policy process easily and effectively, on equal footing with other stakeholders. This should be done at least for issues put up for public comment.”

Pursuant to the [2017 Joint ALAC-GAC Statement](#) and [2018 ALAC follow-up statement](#), the ICANN Board introduced ICANN’s development of the [Information and Transparency Initiative](#) (ITI), an operational activity to improve ICANN’s content governance and infrastructure. ITI’s goals include:

- Creating an integrated ongoing, operational process to govern, preserve, organize, and secure ICANN's public content.
- Implementing this governance through a new document management system (DMS), the content foundation for ICANN ecosystem-wide governance.
- Surfacing this content through a new content management system (CMS), which will serve as the backbone for ICANN's external web properties.
- Enabling a multilingual user experience (in the U.N. six languages)
- Upgrading and establishing a future-proof and content agnostic technology landscape.

In Cancún, the GAC and ALAC will be discussing the potential significant changes made through the ITI project and whether it addresses the committees’ concerns.

Notably, on 31 August 2021, the Information Transparency Initiative (ITI) released an improved [Public Comment feature](#). After several sessions and demonstrations with the community, the ITI and Policy Development Support functions were able to implement many of the changes that the community, including the ALAC and the GAC, requested.

On 1 March 2022, the Information Transparency Initiative (ITI) team created a new and improved section dedicated to [government and Intergovernmental Organizations \(IGO\)](#) work. The improvements include: keyword(s) search within Government Engagement (GE) publications and other GE content; a date range filter; and subscriptions to news alerts when new GE content is published.

On 19 October 2022, the Information Transparency Initiative (ITI) team made several improvements to the [Board Meetings](#) page. These include: filtering search by document type (agenda, approved resolutions, board briefing materials, minutes, preliminary report, secretary's notice), committee, board meeting type, and date; improving keyword search for documents and files; enabling email subscription alerts when new content is posted or updated; allowing users to download search results as a CSV file; and improving the overall layout and user experience.

Much of the initial effort to improve governance and infrastructure of ICANN's content has been completed, resulting in a robust platform called the Information Transparency Platform (ITP). In the remaining phases of the project, new features will be added to the ITP, as well as the entire ecosystem of ICANN sites, including the Supporting Organization and Advisory Committee sites.

- **Furthering the multistakeholder model – follow up to the plenary session.**

Both committees will be sharing their views and experiences relative to the preparations for the plenary session on "Looking Towards WSIS+20: How Can We Improve the Multistakeholder Model for the Future?".

- **DNS abuse in the context of contemporary policy advancements – coordinating the multistakeholder approach.**

The ALAC and GAC will discuss DNS abuse related issues (e.g. domain name registration data, next round of new generic top-level domains (gTLDs), contract negotiations, malicious vs compromised domains) and what can be done for the consumers' safety online.

## Key Reference Documents

- [2017 Joint GAC-ALAC Statement activity page](#)
- [Follow-up to original GAC-ALAC statement \(2018\)](#) - Clarifying statement language (paragraph 1)



## Document Administration

<b>Title</b>	ICANN76 GAC Session Briefing - GAC Meeting with ALAC
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## GAC Meeting with the GNSO Council

### Session 11

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#### Session Objective

The GAC and Generic Names Supporting Organization (GNSO) meet at ICANN Meetings to discuss policy matters of interest to both parties.

The agenda for the session is scheduled to focus on an exchange on the following topics:

1. Subsequent Rounds of New gTLDs
  - a. GNSO Guidance Process on Applicant Support
  - b. Operational Design Assessment (ODA) (including options being considered by the Board and unresolved issues identified in the ODA)
  - c. GAC/GNSO facilitated dialogue on Closed Generics
2. DNS Abuse
  - a. Contract negotiations
3. WHOIS Disclosure System
  - a. SSAD light state of work
  - b. Accuracy
4. IGO Protections and UDRP Review
5. Any other business
  - a. GAC Communiqué issues of importance to the GAC and GNSO Council response

## Talking Points & Questions

### Subsequent Rounds of New gTLDs

- GNSO Guidance Process (GGP) Applicant Support
  - What key indicators of success have emerged so far as part of the GNSO guidance process on applicant support?
- SubPro Operational Design Assessment (ODA) - including options being considered by the Board and unresolved issues identified in the ODA
  - What is your current state of thinking regarding the intention of the Board to adopt some SubPro recommendations during ICANN 76, while deferring a small set of important ones to a later stage?
  - The GAC has taken note with interest of the Board's planned approach to handle the outputs from the GNSO on SubPro. We have especially taken note of the issues the Board is identifying as "pending" and subject to further dialogue with the GNSO Council.
  - In this regard, we would like to draw your attention to the GAC input to the Board consultation on the final recommendations of SubPro, which was filed on June 1<sup>st</sup> 2021. This GAC input includes GAC positions regarding many of the issues now identified as pending by the Board, inter alia:
    - RVC/PICs
    - Applicant support
    - GAC Consensus Advice and GAC Early Warnings
    - Community Applications
    - Auctions
  - The GAC would welcome being included in such forthcoming dialogues.
- GAC/GNSO facilitated dialogue on closed generics;
  - Should an agreement be reached and a PDP be considered, can GNSO processes accommodate delivering a PDP in a limited amount of time (i.e. prior to the next round of gTLD releases)? If so, given the varying viewpoints on the topic, how would GAC and ALAC be included in such a PDP in order to ensure that the communities allow them equivalent say as in the facilitated dialogue?

## DNS Abuse Mitigation

- *Can the GNSO Council share its views as to whether it considers the topic of domain name abuse mitigation to fall within the designated scope of permissible policy development efforts within ICANN's mandate under the bylaws ?*
- *What does the GNSO Council think would be required to set the stage for a successful delivery of effective policy recommendations that address the harms caused by DNS Abuse?*

## WHOIS Disclosure System

- *In the Kuala Lumpur Communiqué, the GAC noted the proposed WHOIS Disclosure System is a useful first step which would facilitate the collection of useful data, to possibly shed light on usage rates, timelines for response, and percentages of requests granted or denied.*
- *Given the importance of gathering such data to inform building a more comprehensive system, how can participation of all registrars be achieved ?*
- *Should policy development be considered, can GNSO processes accommodate a truly expedited very narrowly focused policy development process ? If that is the case what would such expedited delivery of policy recommendation require to be successful ?*

## Accuracy of Registration Data

### Background:

- *In the Kuala Lumpur Communiqué, the GAC “having actively contributed to the work of the Registration Data Accuracy Scoping Team,” reiterated “the importance of addressing efficiently and in a timely manner the issue of accuracy and reliability of domain name registration data”. The GAC also took “good note of the recommendations of the Interim Report on Assignments #1 and #2 and encourages the Scoping Team to continue its work while ICANN awaits feedback from the relevant data protection authorities regarding its legal basis for processing data for the purposes of measuring accuracy”*
- *The GAC is aware of the GNSO Council resolution of 17 november 2022 which paused the work of the Registration Data Accuracy Scoping Team, possibly for up to six months, and stated: “As part of its review of the formation and instructions to the Scoping Team, the Council will consider next steps for finding new leadership for this effort”*

## Question

- What is the status of the search for a new Chair of the Registration Data Accuracy Scoping Team ?

## **IGO Protections and UDRP Review**

- The Board recently received a Staff summary of public comments on the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs) which stated that “[w]hile some commentators expressed support...a few commentators [notably the BC/ICA] noted specific concerns, including with the potential consequence for registrants should IGOs [not be required to] submit to a [court] jurisdiction.” For purposes of any dialogue with the Board, is the Council aware that:
  - (a) that the Recommendations specifically state that a complaint “must also include a notice informing the respondent...of its right to challenge a UDRP [or URS] decision...by filing a claim in court”?
  - (b) the BC/ICA participated in the EPDP and the Recommendations received a Full Consensus designation?
- Noting that there was Full Consensus for each of the 5 Recommendations of the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs), and assuming a Board vote to move ahead, how can the GAC support timely implementation of these Recommendations?

## **Any other business**

- GAC Communiqué issues of importance to the GAC and GNSO Council response
  - The GAC would welcome an even more interactive exchange with the GNSO Council. Hence, any additional reactions from GNSO to the GAC Communiqué beyond the “advice section” would be welcome. Such reactions can be in writing but also may take the form of an intersessional dialogue if the matter warrants it.

## **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;
- Subsequent Rounds of New gTLDs; and
- IGO Protections.

## Further Information

Further information about the GNSO and its policy development process is available at <http://gnso.icann.org/en/about>. GNSO web site – <https://gnso.icann.org/en>

## 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.

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## GAC Wrap Up Session

### Session 12 - GAC Meeting Wrap-Up

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#### Session Objectives

Based on the GAC’s productive experiences during the last two years of virtual meetings, a final GAC “wrap-up” session has been scheduled at ICANN76 to enable GAC delegates to conduct follow-up discussions regarding any timely topics or issues that arise during the meeting week. This additional flexible session time can be used by GAC Members to discuss specific follow-up or next-step activities that will require intersessional committee action.

#### Nominating Committee Visit

Members of the 2023 ICANN Nominating Committee have asked to give a short report to the GAC about their planned efforts for the coming nominations period.

#### GAC Chair Appreciation

ICANN76 is the last GAC public meeting to be chaired by current GAC Chair Manal Ismail who is term-limited and will be stepping down from her role at the end of this GAC Wrap-Up session. This session will offer GAC members and others an opportunity to express their thanks to and appreciation for Manal’s service to the GAC and the ICANN community.

## GAC Action/Decision Radar

The GAC Action/Decision Radar tool (see <https://gac.icann.org/activity/gac-actiondecision-radar>) has now been in place for almost two years (since May 2021). Time permitting, GAC members will be asked to provide feedback on the tool and how it can be improved.

## Public Meeting Feedback Time

Implementation of the “hybrid” meeting format for only the third time at ICANN76 - with a continued but moderated health and safety regimen - will be a unique experience for many in-person and virtual attendees. Time permitting, meeting participants will express their thoughts and feedback about the meeting experience and share ideas about lessons-learned and improvements for meeting planning and implementation at ICANN77.

## Possible Topic Follow-Up Time - ICANN76 to 77 Planning

Based on the GAC’s experience during the 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 may arise during the meeting week. This 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>

## Document Administration

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