# ICANN | GAC

Governmental Advisory Committee

**ICANN**
**77**
**WASHINGTON, D.C.**

## GAC Meeting with the GNSO Council

### Session 5

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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. New gTLD Program Next Round
   a. GNSO Council Small Team discussions on outstanding items/involvement of GAC members.
   b. GAC/GNSO facilitated dialogue on Closed Generics
   c. GNSO Guidance Process on Applicant Support
   d. Implementation Review Team (IRT)

2. DNS Abuse Mitigation
   a. Contractual negotiations

3. WHOIS Disclosure System

4. Any other business

## Talking Points & Questions

1. **New gTLD Program Next Round**

   a. <u>**GNSO Council Small Team discussions on outstanding items/involvement of GAC**</u>

   - The GAC is keen to take part in the ongoing discussions between Board and GNSO Council regarding some of the still outstanding topics, where the GAC has fed in comments in the past, inter alia in the GAC collective comment of June 1st 2021.
   - In this regard, the GAC is considering the following elements of potential GAC Advice:
     - Predictability: Proposed GAC Advice for consideration advises the Board to ensure equitable participation on the- Standing Predictability Implementation Review Team (SPIRT) by all interested ICANN communities, on an equal footing.

     - RVCs/PICs: Proposed GAC Advice for consideration advises the Board to ensure that any future RVCs/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. The GAC Advises that additional mandatory or voluntary PICs should remain possible in order to address emerging public policy concerns.

     - Applicant Support: Proposed GAC Advice for consideration advises the Board to take steps to substantially reduce or eliminate ongoing ICANN registry fees to expand financial support for underrepresented regions.

     - GAC Consensus Advice and GAC Early Warnings: Proposed GAC Advice for consideration advises the Board to 1) not accept recommendation guidance 30.2 regarding the timing of GAC Consensus Advice on future categories of TLDs and particular applications, oriented to disincentivizing any such Advice being submitted after the finalization of the Applicant Guidebook, and 2) to adopt recommendation 30.6 with the inclusion of the compromise language submitted by the GAC noting "Government(s) issuing Early Warning(s) must include a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns *to the extent feasible*.

     - Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets: Proposed GAC Advice for consideration advises the

Board to 1) ensure that auctions of last resort are not used in contentions between commercial and non-commercial applications, and 2) to ban or strongly disincentivize private auctions.

- The GAC would be very interested in hearing the GNSO Council's reactions to these potential elements of GAC Advice, inter alia, also on which paths the GNSO Council sees feasible in order to address them in a timely manner.

b. <u>GAC/GNSO/At-Large facilitated dialogue on closed generics</u>

- On substance: Assuming an agreed Framework can be reached within the Facilitated Dialogue, and among the respective broader communities, what would be the expected policy process of the GNSO, and the timelines for the GNSO Council to complete the work?

- On process: The GAC is very keen to continue with similar arrangements in terms of fair representation of GAC, GNSO and ALAC during the potential subsequent policy development phase, and would be interested in the Council's views thereon.

c. <u>Timeline of GNSO Council work</u>

- The GAC welcomes an update from the GNSO Council on the timeline of the upcoming GNSO Council work on the Next Round of New gTLDs.

d. <u>Applicant Support GNSO Guidance Process (GGP)</u>

- The GAC welcomes GNSO Council input and exchanges on potential ways to increase participation in the Applicant Support Program from those regions that are still not represented, especially considering that in the previous program only 3 proposals were submitted.

- What criteria should be followed if there are more than ten qualifying applications?

e. <u>Implementation Review Team (IRT)</u>

- The GAC is keen to actively engage in the IRT, through its appointed Representative, and individual participants.

- On Substance: As noted, the GAC is in ongoing discussions with the Board and the GNSO Council regarding a number of outstanding topics. On the topic of Predictability and the SPIRT, while it was resolved in the SubPro Recommendations, the GAC has remaining issues that it will be raising with the Board.

- On Process: Given that the SubPro IRT is already beginning to address Predictability and the SPIRT topic, how do you see the interplay between

ongoing discussions, and the SubPro IRT's mandate of developing implementation guidance?

## 2. DNS Abuse Mitigation

    a. <u>Contractual negotiations</u>
- Does the GNSO have a sense of what subject areas would be appropriate for subsequent targeted PDP's on DNS Abuse?
  - Are there intended mechanisms to solicit community input on these topics?
- If so, what would be priority/timing for these initiatives?
- How can the GAC best support/participate in these activities?

    b. <u>GNSO Council Small Team Update</u>
- GNSO Council to provide an update, if applicable.

## 3. Registration Data Request Service (formerly WHOIS Disclosure System)

- The Board has agreed with the GAC on the importance of maximizing voluntary participation in the system, and noted that ICANN org is working on an outreach and engagement strategy, which includes collaborating with the GNSO Small Team. How does GNSO envisage such a strategy?
- The Board also noted that the ICANN org project team is engaging with PSWG members along with the GNSO Small Team to discuss a confidentiality feature that may increase the participation of law enforcement authorities. The GAC PSWG appreciates the collaboration with ICANN Org and the RDRS small group to resolve these issues and is encouraged by the progress made to develop and agree upon appropriate solutions.

## AOB
- GAC Communique "Issues of Importance"
  - GAC to provide feedback on GNSO Council's response to ICANN76 Issues of Importance.

## 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 Sebastien Ducos. Vice Chairs are Greg DiBiase and John McElwaine. The GNSO Liaison to the GAC is Jeff Neuman. The GAC's point-of-contact to the GNSO is Jorge Cancio (Switzerland).

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

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

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

## Document Administration

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