

**GOVERNMENTAL ADVISORY COMMITTEE (GAC):  
MINUTES OF MEETING, Kobe, 9-14 March 2019**

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## **1. MEETING ATTENDANCE & MEMBERSHIP**

Sixty-eight (68) GAC Members and six (6) Observers attended the meeting. One (1) Observer attended the meeting remotely.

GAC membership currently stands at 178 Members, and 37 Observers.

A list of ICANN64 GAC attendees is provided in [Attachment 1](#).

The GAC Kobe Communiqué is published on the GAC website at:  
<https://gac.icann.org/contentMigrated/icann64-kobe-communication>

Presentations used by speakers during the meeting and supporting briefing prepared for the GAC can be accessed from the GAC website: <https://gac.icann.org/agendas/icann64-kobe-agenda>

Full transcripts for each session are available from the ICANN64 Public Meeting website, via the relevant agenda items on the GAC's website agenda page listed above.

## **2. PUBLIC POLICY AND SUBSTANTIVE ISSUES**

### **2.1. WHOIS and Data Protection Legislation**

The GAC discussed the outcome of Phase 1 of the GNSO Expedited Policy Development (EPDP) to replace the Temporary Specification on gTLD Registration Data, including the GAC Representative's Input on the Final Report which was reviewed in plenary.

GAC Members discussed concerns with some aspects of WHOIS Compliance with GDPR that remain inconclusive or need further consideration after the completion of the EPDP Phase 1, including: the continued need for the development of a Unified Access Model, including the definition of codes of conduct per user group with the identification of appropriate accreditation bodies; the need for further legal guidance on various complex questions (including a review of the EPDP Phase 1 recommendations); and the need for satisfactory solutions to swiftly address the need to distinguish legal from natural person data. Several European GAC Members expressed their readiness to contribute further to intersessional work on these matters.

Noting that the time and resources necessary to complete the EPDP Phase 2 are considerable and require focused scoping of the activity to ensure the expeditious conclusion of the activity, the GAC developed formal advice to the ICANN Board on this topic and agreed to closely monitor and assess Phase 2 of the GNSO EPDP reserving the possibility of providing further guidance if the pace of progress so requires.

The GAC received a briefing on the work of the Technical Study Group (TSG) on Access to Non-Public Registration Data. Ensuing discussion included the TSG technical model's ability to accommodate reverse searched capabilities, the confidentiality of LEA requests, the time scale for implementation of the proposed technical model and authentication of users.

**Action Points:**

- GAC to consider a response to the ICANN Board Chair correspondence on public policy aspects involved in EPDP Phase 1 Recommendation
- GAC Members to consider responding to 4 September 2018 CEO correspondence seeking assistance from EU Member States
- GAC to consider currency of prior GAC San Juan Communiqué Advice, deferred by ICANN Board, in light of latest developments
- GAC Members to consider contributing to WHOIS and Data Protection Legislation developments through participating in the GAC Small Group on GDPR/EPDP

**2.2. Subsequent Rounds of New gTLDs**

The Leadership of the GNSO New gTLD Subsequent Procedures PDP WG provided GAC members with an update regarding the status of work, expected timeline and substantive deliberations to date. Substantive issues discussed included: modalities of future releases of New gTLDs, Applicant Support Program, Community Applications, and Closed Generic gTLDs.

As the GNSO informed the GAC that it expects the PDP WG to deliver its Final Report before the end of 2019, GAC members considered the original GAC Helsinki Communiqué Advice which states that the development of policy on further releases of new gTLDs needs to fully consider all the results of the relevant reviews and analyses to determine which aspects and elements need adjustment. The GAC agreed to recall its Advice to the ICANN Board, as part of Follow-up on Previous Advice in the GAC Kobe Communiqué.

Australia, Bosnia and Herzegovina, Cook Islands, Switzerland and Yemen volunteered to take part in intersessional work on this matter.

**Action Points:**

- GAC Leadership to seek further volunteers and initiate a focal group geared towards ensuring timely input into the final deliberations of the New gTLD Subsequent Procedures PDP WG.
- GAC Support Team to work with GNSO Support Team to update the GAC's Scorecard (Annex to ICANN64 briefing) with outcome of the PDP WG's consideration of public comments on its various Initial and Supplemental Reports.

**2.3. Protection of Geographic Names in Any Future Expansion of gTLDs**

The GAC Geographic Names Working Group provided the GAC with an update on progress of Work Track 5 (WT5) of the New gTLD Subsequent Procedures PDP, dedicated to the issue of Geographic Names at Top Level. The comments received on the WT5 Initial Report were discussed pending further consideration of these in WT5

**Action Point:**

- The GAC Geographic Names WG will report to the GAC on the outcomes of public comments on the WT5 Initial Report

#### **2.4. Two-Character Country Codes at the Second Level**

GAC members discussed the ICANN Board response to GAC Barcelona Communiqué Advice and the associated documentation. It was acknowledged that the substantial nature of the documentation requires more time for consideration, before any conclusions can be drawn on the procedural and substantive matters addressed in the response.

The GAC Chair urged Members to review the ICANN Board and ICANN Org response documentation and to evaluate the new 2-character Search Tool released by the ICANN Organization for the benefit of GAC Members, with a view to finding a satisfactory way forward for all GAC Members on this issue.

##### **Action Points:**

- GAC members will review the ICANN Board response and consider a satisfactory way forward for all concerned GAC Members
- GAC members will evaluate the 2-character Search Tool and consider ICANN66 Montreal as a milestone for feedback.

#### **2.5. Dot Amazon applications**

GAC members discussed the requests by governments from the Amazon region, in particular Brazil, Peru, Colombia, and Ecuador, on behalf of ACTO member States, sent to the GAC through the mailing list, that they be given the opportunity to develop, together with the Amazon company a mutually acceptable solution for the dot Amazon applications called for in the GAC Abu Dhabi Communiqué. The governments of Brazil and Colombia reiterated the terms of that request, and emphasized their commitment to working towards a final agreement that should ensure the Amazon countries' meaningful participation in the governance and use of the dot Amazon strings.

##### **Action Point:**

- Further updates to GAC members on the status of this matter are anticipated from interested countries.

#### **2.6. IGO Protections**

The GAC was informed of progress and ongoing efforts regarding the maintenance of the GAC's IGO List to ensure its completeness, consistent with relevant GAC San Juan Communiqué Advice on which Board Action has been deferred.

As part of the GAC/GNSO dialogue to resolve the longstanding inconsistencies of GAC Advice and GNSO Policy Recommendations on the protection of IGO Acronyms, GAC Members and Observers discussed in plenary, as well as during a meeting with the GNSO Council leadership, ways to address the contested recommendations in the Final Report of the PDP WG on IGO Access to Curative Rights Protection Mechanisms. GAC members noted the possibility for the GNSO to consider restarting the PDP, under

conditions amenable to all interested parties, including IGOs and interested GAC members, with a view to achieving mutually acceptable results.

**Action Points:**

- GAC to monitor steps taken by the GNSO Council, and a planned vote on this topics during its meeting on 18 April 2019
- Depending on the outcome of current GNSO Council developments, GAC to follow-up with ICANN Board and GNSO Council, as necessary, regarding the initiation of Board-facilitated solutions-oriented dialogue consistent with GAC Barcelona Communiqué Advice
- GAC to continue collaborative efforts with ICANN org to alert IGO's about opportunities to protect IGO names at the second level.

**2.7. New gTLD Auction Proceeds**

The GAC was briefed by support staff on the status of the Cross Community Working Group (CCWG) on new gTLD Auction Proceeds. It was explained that the CCWG is considering a number of next steps including addressing comments received on the group's Initial Report, updating the Initial Report, opening a new round of comments or some combination of those actions.

**Action Point:**

- Potential GAC consideration of developing public comments after the CCWG decides on and announces next steps.]

### **3. ICANN ACCOUNTABILITY**

#### **3.1. Board-GAC Interaction Group (BGIG)**

The GAC met with the Board GAC Interaction Group and discussed a number of topics including:

- Follow-up on GAC Barcelona Scorecard
- Two-Character Tool and Briefing Materials
- Schedule for Addressing Advice in GAC Kobe Communique
- Board Follow-up on Deferred Advice

**Action Points:**

- GAC leadership to work with staff to schedule Board-GAC Communique clarification call.
- GAC members will evaluate the 2-character Search Tool and consider ICANN66 Montreal as a milestone for feedback.

#### **3.2. Competition, Consumer Trust and Consumer Choice (CCT) Review**

GAC Members expressed concerns that the recent Board resolution response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team approved only six of 35 consensus recommendations related to competition and consumer protection issues.

GAC Members considered recommendations for further GAC action, including a possible prioritization of relevant recommendations to be addressed.

The GAC developed consensus advice to urge the Board to promptly meet with the CCT Review Team leadership to discuss the Board's resolution and consider the possibility of revisiting certain decisions if agreed appropriate.

**Action Point:**

- GAC to track Board response to advice.

#### **3.3. CCWG Accountability Recommendations**

The GAC was briefed on recent developments regarding the CCWG-Accountability Work Stream 2 recommendations for the GAC to consider options for inventory development and tracking of recommendations impacting the committee.

**Action Point:**

- Recognizing a relatively long time line before actual Board action on many of the recommendations presented, GAC Support staff to develop an inventory of recommendations impacting the committee.

### 3.4. ICANN Reviews

During the GAC meeting week the GAC was briefed by support staff on the status of several ICANN organization review efforts including; the Third Accountability and Transparency Review (ATR3), the Competition, Consumer Trust and Consumer Choice (CCT) Review, the second Security and Stability (SSR2), the Registration Directory Services (RDS-WHOIS2 Review), the IANA Function Review (IFR) and the development of new Operating Standards for ICANN Organizational Reviews.

**Action Point:**

- No specific Action Points determined for the GAC membership. Staff will continue to monitor progress and developments regarding these efforts.

## **4. GAC WORKING GROUPS (ON OTHER ISSUES)**

### **4.1. GAC Public Safety Working Group (PSWG)**

The PSWG discussed abuse mitigation measures and the ICANN Board decision on the CCT Review Team recommendations, focusing on the operational definition of abuse established in 2009 and mentioned in the 2013 Beijing GAC Advice on Safeguards for new gTLDs.

The PSWG also considered priorities for the second phase of the EPDP and highlighted the need for swift development of an access model, given the impact on investigations and other activities to preserve public safety and enforce the law.

#### **Action Point:**

- PSWG to monitor relevant developments related to abuse mitigation as well as Phase 2 of the EPDP on gTLD Registration Data.

### **4.2. GAC Human Rights and International Law Working Group (HRIL WG)**

The HRIL WG discussed the role of the GAC in the implementation of ICANN's Human Rights Core Value, and as a result will work on an options paper drawing from GAC Members' input on the four potential options initially under consideration.

The HRIL WG co-chairs reported that the group is working with the Cross Community Working Party on Human Rights on a potential cross community engagement during ICANN66 in Montreal, pending ICANN Board consideration of the CCWG Accountability Workstream 2 recommendations. In the meantime, the HRIL WG is looking forward to the conclusions of ICANN Org's Human Rights Impact Assessment expected after the ICANN64 meeting for GAC review and input.

#### **Action Points:**

- HRIL WG will develop and circulate an option paper regarding the implementation ICANN's Human Rights Core Value for GAC consideration
- HRIL WG will monitor the conclusion of the ICANN Org's Human Rights Impact Assessment for review
- The HRIL WG will consider a possible cross-community engagement for ICANN66.

### **4.3. GAC Working Group on GAC Participation in Nominating Committee**

The Working Group received an update from the NomCom Implementation Planning Team. Some of the recommendations in its implementation plan may have an impact on the GAC's participation in NomCom, and those were reviewed during the meeting.

#### **Action Point:**

- The NomCom WG expects to receive further updates from the NomCom Implementation Planning Team and plans to report to the GAC accordingly.



#### 4.4. GAC Underserved Regions Working Group (USRWG)

The GAC USRWG reviewed and discussed elements of a more sustainable strategy for capacity development efforts within the GAC.

The Working Group Members acknowledged the Capacity Development Evaluation Report on the successful capacity building initiatives carried out in 2017-2018, which will be sent to the GAC for endorsement inter-sessionally; and highlighted the efforts aimed at utilizing the ICANN Learn Platform as a strategic tool to assist members of the USRWG and GAC newcomers.

Additionally, the Working Group reported on the submission of the Additional Budget Request for the ICANN 2020 Financial Year to resource five (5) capacity development workshops.

The Working Group also discussed its updated Work Plan, which is structured under three (3) strategic goals aimed at enhancing knowledge and building capacity among Members; increasing participation in ICANN's policy development processes and identifying leads from among the USRWG; and building relationships with the wider ICANN Community and relevant stakeholders.

##### **Action Point:**

- USRWG will seek GAC endorsement of the Capacity Development Initiative Evaluation Report inter-sessionally, before ICANN65 in Marrakech.
- USRWG will seek GAC endorsement of its Working Plan inter-sessionally, before ICANN65 in Marrakech.

## 5. CROSS COMMUNITY ENGAGEMENT

### 5.1. Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed:

- The applications for dot.Amazon.
- 2-character country and territory codes at the second level.
- The GNSO PDP on IGO-INGO Access to Curative Rights Protection Mechanisms.
- Data Protection Regulations - The GNSO EPDP and a Unified Access Model
- Potential Future New gTLD Rounds
- The Board-GAC Interaction Group meeting at ICANN64
- Preparations for successful implementation of ICANN strategic plans through fiscal year 2025

**Action Point:**

- GAC to monitor efforts of the ICANN Board to possibly address deferred GAC San Juan Communiqué before resolving the GNSO EPDP Final Report recommendations.

### 5.2. Meeting with the At-Large Advisory Committee (ALAC)

The GAC met with members of the ALAC and discussed:

- Joint statement on the GNSO EPDP on the Temporary Specification for gTLD Registration Data
- Alignment of New gTLD Subsequent Procedures with the CCT Review Recommendations
- Cooperation in capacity building
- Reactions to President Macron's IGF speech
- Follow-up to the GAC/ALAC Statement on informed participation in ICANN

During the meeting week, GAC and ALAC members proceeded to draft and published a joint statement on the GNSO EPDP. The GAC and ALAC also agreed to form a small focus group to make progress on an initiative on capacity building.

**Action Point:**

- USR WG chairs to reach out to ALAC co-chairs to explore establishing a focus group on capacity building initiatives
- GAC and ALAC to monitor next steps taken in relation to GAC/ALAC Statement on informed participation in ICANN

### 5.3. Meeting with the Country Code Names Supporting Organisation (ccNSO)

The GAC met with members of the ccNSO and discussed:

- Status report of the ccNSO Retirement Policy Development Process (PDP) Working Group
- Presentation of DNS over HTTPS
- Discussion on the future scheduling of the joint meetings between the ccNSO and the GAC

**Action Points:**

- USRWG will review the ccNSO FAQ on delegation, redelegation of ccTLDs
- GAC Leadership to consider request by ccNSO for changing day of joint meetings

#### 5.4. Meeting with the Generic Names Supporting Organisation (GNSO)

The GAC met with members of the GNSO Council and discussed:

- IGO Access to Curative Rights Protection Mechanisms
- Expedited Policy Development Process (EPDP) for the Temporary Specification for gTLD Registration Data
- New gTLD subsequent procedures.

**Action Point:**

- See [2.6 IGO Protections](#)

#### 5.5. Meeting with the Registrar Stakeholder Group (RrSG)

The GAC met with members of the RrSG and discussed:

- Expedited Policy Development Process (EPDP) for the Temporary Specification for gTLD Registration Data
- Third party access to non-public WHOIS Data
- Registrar efforts on DNS abuse

**Action Point:**

- None

#### 5.6. Meeting with the Registry Stakeholder Group (RySG)

The GAC met with members of the RySG and discussed:

- The role and structure of the RySG within ICANN's multistakeholder model
- Universal awareness on TLDs.

**Action Point:**

- No action points noted.

#### 5.7. Cross Community Engagement Group on Internet Governance (CCEG-IG)

Members of the CCEG-IG briefed the GAC on developments regarding this initiative - an effort to update an existing forum within the ICANN community (evolving a working group into an engagement group) to impact decisions taken within the ICANN organization on Internet governance issues. GAC involvement in the effort, including as a potential chartering organization, was proposed.

**Action Point:**

- GAC to further consider involvement with this new CCEG effort. In the meantime, individual GAC members to express interest directly with current CCEG.

## 5.8. Liaison Reports

During the week and in a special session (held for the first time), GAC participants who act as points of contact, liaisons and representatives for the GAC briefed GAC members on developments in their areas of responsibility. The GAC was briefed on developments regarding the ALAC, ccNSO, GNSO, ATRT3, WHOIS and Registration and Customer Standing Committee

### **Action Point:**

- No action points noted.

## **6. INTERNAL GAC MATTERS**

### **6.1. GAC 2019 Goals and Work Plans**

The GAC Chair reported to the GAC about the recent SO-AC Chairs meeting in Kobe. The GAC Chair also reviewed GAC actions since the Barcelona meeting.

**Action Point:**

- No action points noted.

### **6.2. GAC Standards and Work Processes Overview**

The GAC was briefed by support staff on the development of new tools to help the GAC monitor public comment forum opportunities and to deliberate in advance about GAC member interest in various comment topics.

Support staff also briefed the GAC on modifications to the Communique development process endorsed by the leadership including earlier identification of possible Communique topics prior to face-to-face GAC meetings. That process was employed for the Kobe meeting.

**Action Point:**

- Support staff to roll-out new public comment monitoring tool before Marrakech meeting.

### **6.3. Working Group on GAC Operating Principles Evolution**

The Working Group on GAC Operating Principles Evolution conducted a meeting in plenary GAC session. The WG co-chairs and support staff summarized the proposed terms of reference of the group and reviewed the proposed group work plan for 2019 - including the first two WG priorities which include working group principles and liaison/point of contact responsibilities. GAC members endorsed the terms of reference and the work plan. The co-chairs reviewed a potential framework for addressing working group operating principles and invited additional GAC members to contribute to the effort.

**Action Points:**

- The Working Group will now move forward with its 2019 plan of work.

### **6.4. Travel Guidelines**

The GAC received an update on the efforts of support staff to draft updates to the GAC travel support rules. While the drafting to date has focused on the support application process and eligibility criteria, members of the GAC Leadership (the GAC travel support selection committee) proposed having non GAC travel support applicants from the different regions to assist the selection committee with the selection process.

**Action Point:**

- GAC staff to continue drafting efforts and share materials with GAC USR WG to explore proposed GAC travel support rules changes, particularly the eligibility criteria. The USR WG will report to the GAC as appropriate.

# # #

## Attachment 1 - ICANN64 GAC ATTENDEES LIST

GAC Members		
Argentina	Italy	Sri Lanka
Austria	Japan	Sweden
Australia	Kenya	Switzerland
Bangladesh	Korea	Chinese Taipei
Belgium	Laos	Tanzania
Bosnia and Herzegovina	Liberia	Thailand
Brazil	Lithuania	Timor-Leste
Burundi	Madagascar	Trinidad and Tobago
Canada	Mali	Tunisia
China	Morocco	Tuvalu
Colombia	Nauru	United Arab Emirates
Cook Islands	Nepal	Uganda
Denmark	Netherlands	United States
Dominican Republic	New Zealand	United Kingdom
Egypt	Nigeria	Ukraine
Eswatini	Niue	Vietnam
European Commission	Norway	Zimbabwe
France	Oman	
Finland	Pakistan	
Germany	Portugal	
Guinea	Russia	
Guyana	Rwanda	
Hungary	Saint Kitts and Nevis	
Hong Kong Special Administrative Region, China	Senegal	
Iran	Singapore	
Israel	Spain	

<b>GAC Observers</b>	
Commonwealth Telecommunications Organization (CTO)	International Criminal Police Organization (INTERPOL)
Caribbean Telecommunications Union (CTU)	Organisation Internationale de la Francophonie (OIF)
Economic Community of Central African States (ECCAS)	West Africa Telecommunications Regulators Assembly (WATRA)
Economic Community of West African States (ECOWAS)	World Intellectual Property Organization (WIPO)



## Attachment 2 - ICANN64 Action Points Compilation

#	Subject Matter	Action Point
1	WHOIS	GAC to consider a response to the ICANN Board Chair correspondence on public policy aspects involved in EPDP Phase 1 Recommendation
2	WHOIS	GAC Members to consider responding to 4 September 2018 CEO correspondence seeking assistance from EU Member States
3	WHOIS	GAC to consider currency of prior GAC San Juan Communiqué Advice, deferred by ICANN Board, in light of latest developments
4	WHOIS	GAC Members to consider contributing to WHOIS and Data Protection Legislation developments through participating in the GAC Small Group on GDPR/EPDP
5	New gTLDs	GAC Leadership to seek further volunteers and initiate a focal group geared towards ensuring timely input into the final deliberations of the New gTLD Subsequent Procedures PDP WG
6	New gTLDs	GAC Support Team to work with GNSO Support Team to update the GAC's Scorecard (Annex to ICANN64 briefing) with outcome of the PDP WG's consideration of public comments on its various Initial and Supplemental Reports
7	Geo Names	The GAC Geographic Names WG will report to the GAC on the outcomes of public comments on the WT5 Initial Report
8	2 Character Codes	GAC members will review the ICANN Board response and consider a satisfactory way forward for all concerned GAC Members
9	2 Character Codes	GAC members will evaluate the 2-character Search Tool and consider ICANN66 Montreal as a milestone for feedback
10	.Amazon	Further updates to GAC members on the status of this matter are anticipated from interested countries
11	IGO Protections	GAC to monitor steps taken by the GNSO Council, and a planned vote on this topics during its meeting on 18 April 2019
12	IGO Protections	Depending on the outcome of current GNSO Council developments, GAC to follow-up with ICANN Board and GNSO Council, as necessary, regarding the initiation of Board-facilitated solutions-oriented dialogue consistent with GAC Barcelona Communiqué Advice
13	IGO Protections	GAC to continue collaborative efforts with ICANN org to alert IGO's about opportunities to protect IGO names at the second level
14	Auction Proceeds	Potential GAC consideration of developing public comments after the CCWG decides on and announces next steps

15	BGIG	GAC leadership to work with staff to schedule Board-GAC Communique clarification call
16		[Removed as duplicative after GAC Leadership review]

#	Subject Matter	Action Point
17	CCT Review	GAC to track Board response to advice
18	CCWG Accountability	Recognizing a relatively long time line before actual Board action on many of the recommendations presented, GAC Support staff to develop an inventory of recommendations impacting the committee
19	PSWG	PSWG to monitor relevant developments related to abuse mitigation as well as Phase 2 of the EPDP on gTLD Registration Data
20	HRIL	HRIL WG will develop and circulate an option paper regarding the implementation ICANN's Human Rights Core Value for GAC consideration
21	HRIL	HRIL WG will monitor the conclusion of the ICANN Org's Human Rights Impact Assessment for review
22	HRIL	The HRIL WG will consider a possible cross-community engagement for ICANN66
23	NomCom	The NomCom WG expects to receive further updates from the NomCom Implementation Planning Team and plans to report to the GAC accordingly
24	USRWG	USRWG will seek GAC endorsement of the Capacity Development Initiative Evaluation Report inter-sessionally, before ICANN65 in Marrakech
25	USRWG	USRWG will seek GAC endorsement of its Working Plan inter-sessionally, before ICANN65 in Marrakech
26	Meeting with ICANN Board	GAC to monitor efforts of the ICANN Board to possibly address deferred GAC San Juan Communique before resolving the GNSO EPDP Final Report recommendations
27	Meeting with ALAC	USR WG chairs to reach out to ALAC co-chairs to explore establishing a focus group on capacity building initiatives
27	Meeting with ALAC	GAC and ALAC to monitor next steps taken in relation to GAC/ALAC Statement on informed participation in ICANN
28	Meeting with ccNSO	USRWG will review the ccNSO FAQ on delegation, redelegation of ccTLDs
29	Meeting with ccNSO	GAC Leadership to consider request by ccNSO for changing day of joint meetings
30	CCEG	GAC to further consider involvement with this new CCEG effort. In the meantime, individual GAC members to express interest directly with current CCEG

31	GAC Standards	Support staff to roll-out new public comment monitoring tool before Marrakech meeting
32	GOPE	The Working Group will now move forward with its 2019 plan of work
33	Travel Guidelines	GAC staff to continue drafting efforts and share materials with GAC USR WG to explore proposed GAC travel support rules changes, particularly the eligibility criteria. The USR WG will report to the GAC as appropriate