

19 July 2019

Submission of GNSO Council Review of Marrakech GAC Communiqué

Keith Drazek, GNSO Chair

Pam Little, GNSO Council vice-chair

Rafik Dammak, GNSO Council vice-chair

To:

Cherine Chalaby, Chair of ICANN Board

CC:

Manal Ismail, Chair of the GAC

Dear Cherine and members of the ICANN Board,

On behalf of the GNSO Council, we are hereby transmitting to you the review by the GNSO Council of the Marrakech GAC Communiqué, which was unanimously adopted by the Council during its meeting on 18 July 2019.

The GNSO Council's review of each GAC Communiqué is an effort to provide feedback to you, in your capacity as members of the ICANN Board, as you consider issues referenced in the Communiqué that we believe relate to policies governing generic Top-Level Domains. Our intent is to inform you and the broader community of gTLD policy activities, either existing or planned, that may directly or indirectly relate to advice provided by the GAC. The GNSO Council hopes that the input provided through its review of the GAC Communiqué will enhance co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

On behalf of the GNSO Council

Keith Drazek

Pam Little

Rafik Dammak

GNSO COUNCIL REVIEW OF [THE MARRAKECH GAC COMMUNIQUE](#)¹

GAC Advice - Topic	GAC Advice Details	Does the advice concern an issue that can be considered within the remit² of the GNSO (yes/no)	<i>If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?</i>	<i>How has this issue been/is being/will be dealt with by the GNSO</i>
<p>1. .AMAZON applications <i>(Follow-up on Previous Advice)</i></p>	<p>The GAC asks the Board to explain in writing whether and why it considers that its decision to proceed with the .AMAZON applications, based on a proposal that the eight Amazon countries considered did not address their concerns, complies with GAC Advice.</p> <p><u>RATIONALE</u></p> <p>During the meeting with the ICANN Board, several GAC members expressed their concerns about the recent Board decision to find the Amazon corporation proposal of 17</p>	<p>Yes</p>	<p>Subject to existing policy recommendations and implementation actions.</p>	<p>As this Advice from the GAC is merely a request for the Board to explain its actions, the GNSO Council sees little harm in the Board doing so.</p>

¹ Only of “Section V of the Communiqué: GAC Advice to the ICANN Board and for this Communiqué, Follow-up on Previous Advice”

² As per the ICANN Bylaws: ‘There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

	<p>April 2019 acceptable and directing the ICANN org to continue processing of the .AMAZON applications delegation of sensitive strings that the GAC has stressed as raising public policy concerns in future. Several members referenced the ICANN60 Abu Dhabi Communiqué, where:</p> <ul style="list-style-type: none">a) in section “V. Follow-up on Previous Advice”, with regard to the “Application for .amazon and related strings”, “[t]he GAC expressed the need to find a mutually acceptable solution in the case of the .Amazon gTLD applications for the countries affected and for the Amazon corporation”; andb) in section “VII. GAC Consensus Advice to the Board”, with regard to “Applications for .amazon and related strings”, “[t]he GAC recognizes the need to find a mutually acceptable solution for the countries affected and the Amazon corporation to allow for the use of .amazon as a top level domain name”.			
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	<p>Several members also referenced the letter the GAC sent to the Board on 15 March 2018 in response to the Board’s request for “new or additional information to provide to the Board regarding the GAC’s advice that the Amazon applications should not proceed”, where it was stated that “the GAC does not have any additional information to provide to the Board on this matter, beyond referring to the GAC Abu Dhabi Communique.”</p> <p>Some members did not necessarily agree with the basis of these concerns as articulated above nor with the interpretation of GAC advice on this subject.</p> <p>On another note, some GAC members during the discussion with the ICANN Board, urged all parties to exhaust all means consistent with applicable procedures to facilitate a mutually acceptable solution.</p> <p>This request for a written response from the Board should be considered a follow-up to the GAC-Board</p>			
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	<p>discussion during ICANN65 and should not be construed as new GAC Advice on this matter. according to the policies and procedures of the New gTLD Program. Concerns were also expressed with the possibility of the outcome in the .AMAZON case becoming a precedent for similar cases for</p>			
<p>2. Two-Character Country Codes as Second Level Domain Names (Follow-up on Previous Advice)</p>	<p>The GAC remains concerned that GAC advice on the procedure for the release of country codes at the second level under new gTLDs was not taken into consideration as intended, and advises that meaningful steps be taken to ensure this does not happen in the future.</p> <p>Moreover, the GAC notes the provision of a search tool by ICANN. GAC Members have highlighted that the effectiveness of the tool is still being evaluated.</p> <p>The GAC urges ICANN to continue to engage with concerned GAC members in order to address their concerns.</p>	<p>Yes</p>	<p>Existing: new gTLD Policy (see http://gnso.icann.org/en/groupactivities/inactive/2007/newgtld-intro)</p> <p>New gTLD Subsequent Rounds Final Issue Report (http://gnso.icann.org/en/iss ues/new-gtlds/subsequentprocedures-final-issue04dec15-en.pdf)</p>	<p>This topic has been a subject of a number of GNSO Council Reviews of prior GAC Communiques:</p> <ul style="list-style-type: none"> ● Dublin (December 2015): pp.9-11 ● Helsinki (July 2016): pp.5-6 ● Hyderabad (December 2016): p.3 ● Copenhagen (April 2017): pp.7-8 ● Panama (July 2018): pp.6-8 ● Barcelona (October 2018) pp.1-2 <p>The GNSO Council is of the view that ICANN has fully implemented the GAC’s Advice on this matter.</p>

3. WHOIS and Data Protection <i>(Follow-up on Previous Advice)</i>	The GAC recalls its GAC Kobe Communiqué Advice and welcomes the actions being taken on the 2nd phase of the EPDP.	Yes	Subject to ongoing GNSO policy development work	The GNSO Council continues to monitor the EPDP closely to ensure progress.
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