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**MINUTES OF MEETING**  
**ICANN77 Policy Forum, 12-15 June 2023**

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## 1. MEETING ATTENDANCE & MEMBERSHIP

74 GAC Members and 8 Observers attended the meeting.

GAC membership currently stands at 182 Member States and Territories, and 38 Observer Organizations. A list of ICANN77 GAC meeting Member and Observer attendees is provided in [Attachment 1 - ICANN77 Hybrid Policy Forum - GAC ATTENDEES LIST](#).

The ICANN77 GAC Communiqué is published on the GAC website at: <https://gac.icann.org/contentMigrated/icann77-washington-d-c-communicue>.

Presentations used by speakers during the meeting and supporting briefings prepared for the GAC can be accessed from the GAC website: <https://gac.icann.org/agendas/icann77-hybrid-meeting-agenda>.

Full transcripts for each meeting session are to be made available from the ICANN77 Public Meeting website, via the relevant agenda items on the GAC's website agenda page listed above.

### 1.1. Opening Plenary Session

GAC Chair Nicolas Caballero, welcomed GAC participants to ICANN77 – the first meeting during his tenure as GAC Chair.

After noting that it was the first time in 25 years that an ICANN meeting was taking place in Washington DC, the GAC Chair introduced Alan Davidson, Assistant Secretary Commerce for Communications and Information and Administrator of the United States National Telecommunications and Information Administration to provide some brief welcoming remarks from the GAC member of the country hosting the ICANN77 meeting. Mr. Davidson welcomed GAC Members and Observers to Washington, D.C. and shared his perspectives about the multistakeholder model as successfully practiced by ICANN over the years.

The GAC Chair then noted the productive Capacity Development Workshop held for GAC participants the previous day and reviewed the GAC meeting agenda for the week – including committee and community events and sessions. He particularly noted that GAC plenary sessions were planned to focus on GAC priority topics and would include discussions on future rounds of new gTLDs, WHOIS and data protection and DNS Abuse mitigation.

The GAC Chair and GAC Support provided an overview of the meeting logistics and technical capabilities for the week. Notable information was shared for both in-person and virtual attendees.

GAC delegates and all attendees (both in-person and remote) then subsequently introduced themselves in the committee's traditional "tour de table" ceremony.

The GAC Chair and GAC support reminded GAC attendees of the production process for the GAC Communiqué, including the final 72-hour review period in place after the completion of the Cancun meeting.

The GAC Chair also offered attendees a brief update on recent meetings of the chairs of the ICANN Supporting Organizations and Advisory Committees, of which he has been a part as well as recent interactions between the ICANN Board and the committee.

## 2. PUBLIC POLICY AND SUBSTANTIVE ISSUES

### 2.1. New gTLD Program Next Round

GAC members discussed recent developments relative to the New gTLD Program Next Round, notably on the draft framework on closed generic gTLDs submitted for input by the facilitated dialogue group, GAC advice on GAC priority topics pertaining to new gTLDs, the GNSO Guidance Process (GGP) on Applicant Support and the SubPro Implementation Review Team (IRT).

On **closed generic gTLDs**, GAC Topic Leads and GAC representatives appointed to the GAC, GNSO and At-Large facilitated dialogue on closed generic gTLDs presented the [Draft Framework for Closed Generic gTLDs](#) circulated for community input on 8 June 2023. GAC Topic Leads reviewed the process for the development of the Draft Framework, and reminded GAC members that the facilitated dialogue's purpose is to attempt to develop a framework on closed generic gTLDs for upcoming rounds of new gTLDs in keeping with the GAC Beijing Advice whereby "exclusive registry access should serve a public interest goal". As such, the facilitated dialogue group designed the framework into three stages, mirroring the life cycle of new gTLD applications: application, evaluation and post-delegation or contracting phase.

GAC Topic Leads underscored that the Draft Framework is a result of a multistakeholder effort, initiated by the ICANN Board who recognized there was a need for community discussion including the GAC to move forward on this issue. As such, the Draft Framework represents the views of various stakeholders, including the GAC, and is a result of compromises made by all parties to attempt to move this issue forward. The Draft Framework should be reviewed by GAC members while noting this is not yet policy, but a framework which includes high-level policy principles to set the stage for an upcoming policy process - where the GAC would also participate in.

Preliminary reactions from the GAC addressed various areas of the Draft Framework. The GAC raised concerns over the lack of convincing resolutions for preliminary yet fundamental matters in the Draft Framework and discussed the need for further clarification on use cases contained. These pertain among the others to competition issues, the overall assessment of the value of Closed Generic gTLDs for the Internet, their potential negative economic and social impacts, and the evaluation panel including the criteria for its selection as well as its membership. The GAC also expressed doubts regarding the identification of compelling case studies or the lack of operational definitions of critical concepts such as public interest. The GAC also discussed potential ways and means for governments to intervene during the evaluation of potential applications for Closed Generic gTLDs.

GAC members reiterated their commitment to further elaborate the GAC's position in the period set for community comments on the Draft Framework, by 15 July 2023, via a GAC collective comment, and a call for volunteers to hold the pen was announced. GAC members noted that the possible initiation of a GNSO policy process should only be undertaken if in the final draft of the framework, specific solutions are proposed and the above-mentioned issues are adequately addressed.

The GAC recalled that no policy option, including the prohibition of Closed Generic gTLDs, should be excluded if a way forward that satisfies GAC concerns is not found. In any event, the framework will be subject to the GAC consensus agreement.

On **priority topics pertaining to new gTLDs**, GAC Topic Leads presented draft advice language circulated to GAC members prior to ICANN77 for review and discussion. Said language is based on the GAC collective

comment submitted in June 2021 on the SubPro PDP WG Final Report, addressing key areas of concern to the GAC on the following areas of new gTLD applications: Predictability, Registry Voluntary Commitments (RVCs)/Public Interest Commitments (PICs), Applicant Support, Auctions and GAC Consensus Advice and GAC Early Warnings. Following discussion on these topics, GAC members identified items to be included in the GAC ICANN77 Communiqué under Issues of Importance to the GAC and areas to be drafted as GAC Advice to the ICANN Board.

On **predictability**, the GAC noted the importance of advising the Board to take steps to ensure equitable participation in the proposed Standing Predictability Implementation Review Team (SPIRT) by all interested ICANN communities, on an equal footing. On **RVCs/PICs**, the GAC advised the Board to ensure that RVCs/PICs are enforceable through clear contractual obligations, and that consequences for the failure to meet those obligations should be specified in the relevant agreements with Contracted Parties. The GAC further noted that additional mandatory and voluntary PICs should remain possible for future New gTLDs in order to address emerging public policy concerns.

On **Applicant Support**, the GAC decided to issue advice to the Board, asking the Board to specify ICANN's plans related to steps to expand financial support and engage with actors in underrepresented or underserved regions by ICANN78 in order to inform GAC deliberations on these matters. Additionally, the GAC advised the Board to take steps to substantially reduce or eliminate the application fees and ongoing ICANN registry fees to expand financial support for applicants from underrepresented or underserved regions. And finally, the GAC advised the Board to take timely steps to facilitate significant global diversification in the New gTLD program by ensuring increased engagement with a diverse array of people and organizations in underrepresented or underserved markets and regions, including by: raising awareness of the Applicant Support Program; providing training and assistance to potential applicants; exploring the potential to support the provision of back-end services; and providing adequate funding for the Applicant Support Program consistent with diversification targets.

Regarding **Auctions of Last Resort**, the GAC reaffirmed its view that they should not be used in contentions between commercial and non-commercial applications. In addition the GAC reiterated that private monetary means of resolution of contention sets should be banned or strongly disincentivized, to prevent applications under false pretenses for monetary gain. Other means, like drawing lots, may be used to resolve contention sets. The GAC discussed support to ALAC's view expressed in its advice to the ICANN Board noting that they believe there "should be a ban on private auctions" and that "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."<sup>1</sup>

On the **Implementation Review Team (IRT)**, the GAC representative on the IRT provided an overview of the work conducted thus far, noting it has mainly been administrative. Discussions included introductions on the topics to be explored by the IRT, a suggested timeline and process to address the approved policy recommendations. GAC members are encouraged to observe this effort, or reach out to the GAC representative on the IRT for any questions or comments on this work.

#### **Action Point:**

- **GAC members** were encouraged to volunteer to serve as pen holders for a GAC collective comment on the Draft Framework on Closed Generic gTLDs.

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<sup>1</sup> [ALAC Advice to the ICANN Board on the Subsequent Procedures PDP Recommendations](#) (16 April 2021)

- **GAC members** to submit input to the Draft Framework on Closed Generic gTLDs by 15 July 2023.

## 2.2. WHOIS and Data Protection Policy (incl. Accuracy)

Topic leads from the GAC Small Group on WHOIS/EPDP/GDPR reminded the GAC of the Importance of this subject matter in light of the GAC Principles Regarding gTLD WHOIS Services (28 March 2007). They provided an overview of the continuing multi-phase efforts undertaken since 2018 to define a new policy framework for Registration Data Services in compliance with data protection law, including the proposed Draft Registration Data Consensus Policy (EPDP Phase 1), the Registration Data Request Service (EPDP Phase 2) and possible future policy development regarding the accuracy of registration data (Accuracy Scoping effort).

Presenters recalled the public policy concerns raised in the GAC Comments<sup>2</sup> (Nov. 2022) regarding the proposed **Draft Registration Data Consensus Policy (EPDP Phase 1)** as it relates to the definition and proposed timelines to respond to urgent requests; the collection and publication of reseller data; the collection/publication of registration information related to legal entities; and qualifiers in the policy language related to “commercial feasibility” in connection with redacted data. Among other concerns, the GAC noted that there currently is a lack of clear standards in terms of enforcement and implementation of the proposed consensus policy, and a risk that the proposal implements a partial and outdated system not taking into account other more recent policy developments such as EPDP Phase 2A, as well as ongoing regulatory or legislative developments.

GAC Topic Leads reviewed at a high level ICANN org’s response to the public comments<sup>3</sup>, including those of 14 community groups. They noted that while ICANN did take onboard the GAC’s comment regarding the timeline for response to Urgent Requests for disclosure (now set to 24 hours), a lot of the GAC input was characterized as being out of scope. GAC Topic leads will continue to monitor and engage in ongoing discussions related to the implementation of EPDP Phase 1.

The subsequent **Phase 2 of the EPDP** process delivered recommendations for a Standardized System for Access and Disclosure (SSAD) regarding which significant concerns were expressed by the GAC and other community groups. The ICANN Board eventually paused consideration of these recommendation and approved, as part of a pilot program, the development of a simpler **Registration Data Request Service (RDRS)**, formerly WHOIS Disclosure System<sup>4</sup>. This service is expected to be deployed by the end of 2023, for a period of 2 years, during which usage data is to be collected and analyzed to inform future consideration of a more permanent SSAD. This simpler system will act as a central portal for intake registration data disclosure requests, at no cost to requestors, and will route requests to the relevant registrar automatically for appropriate consideration. Following consideration of this proposal In the Kuala Lumpur and Cancun Communiqués, in particular as it relates to confidentiality of law enforcement requests in such a system, ICANN org plans to implement a feature which would allow requesting confidentiality from a registrar in the processing of a disclosure request.

In light of uncertainty as to the adoption of this system by registrars, and risks that it may not produce actionable usage data, further work is expected to take place in order to build awareness and encourage comprehensive use of the system by both data requestors and registrars, and to possibly require registrar participation.

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<sup>2</sup> See <https://gac.icann.org/statement/public/gac-comments-registration-data-consensus-policy-21nov22.pdf>

<sup>3</sup> See “ICANN org Review of the Public Comments” as appended to the [Public Comment Summary Report](#) on p.40

<sup>4</sup> See [Board resolution](#) of 27 Feb. 2023

One GAC Member sought to understand how the RDRS addresses cross-jurisdictional challenges in accessing registration data. GAC Topic Leads indicated that this may be a benefit of the RDRS to the extent that it does not prevent such disclosure requests. However, it is expected in such cross-jurisdictional cases, the relevant Registrar (to which the request will be routed) will determine the appropriate processing in accordance with applicable data protection laws.

GAC Topics Leads highlighted a risk that the RDRS may not be effective due to the increased prevalence of **Privacy/Proxy Services in gTLD registration data** measured anecdotally by PSWG members during the COVID-19 crisis at 65% of reported domains). These services, when used, effectively shield the identity and/or contact information of the actual registrant of the domain name, thus preventing meaningful access to registration data and therefore possibly deterring use of the proposed RDRS. The GAC and the ICANN Board discussed in April 2023 the need and opportunity of the RDRS for reinvigorating the implementation of relevant GNSO policy recommendations on the accreditation of Privacy/Proxy Services. Started in 2016 and suspended in 2018, this effort was working to deliver an accreditation framework for such services, including requirements for responses to disclosure requests from law enforcement authorities and the relay of communications from third parties to registrants. In the Kobe Communiqué (14 March 2019), the GAC advised the ICANN Board to *“Consider re-starting implementation processes for relevant existing policies, such as the Privacy Proxy Services Accreditation Issues Policy”*. Most recently, ICANN org indicated that it plans to resume this implementation effort once the EPDP Phase 1 Implementation is completed. GAC Topics Leads noted that the specific timing is still unclear and that this issue may need to be revisited by the GAC.

Regarding efforts in the GNSO to define the scope of future potential policy work in the area of **accuracy of registration data**, GAC Topic Leads recalled the assignments of GNSO Scoping Team<sup>5</sup> assembled for this purpose. They also reviewed GAC input in each Communiqué since ICANN72 towards encouraging progress and appropriate focus for this work. Following an Initial Report of the Scoping Team to the GNSO Council (6 September 2022), the GNSO Council determined to pause the work of this team (17 November 2022) and deferred consideration of initial recommendations (for which the GAC has expressed support in the Kuala Lumpur Communiqué), for a period of up to six months, due to perceived dependencies on ongoing negotiations between ICANN org and Contracted Parties regarding Data Protection Agreements, as well as work on ICANN org’s ability to process registration data for purposes of measuring accuracy. Most recently, at the end of ICANN76, ICANN org reported completing a Data Protection Impact Assessment (DPIA) for a possible audit focusing on compliance with accuracy requirements under the Registrar Accreditation Agreement (RAA) and concluded that such an audit would comply with the GDPR. It also indicated it is currently working on a DPIA for a separate audit that would analyze a representative sample of full registration data, which GAC Topics Leads noted would provide more visibility, even if not seeking to verify identity of the registrant or the accuracy of the contact information.

One GAC Member highlighted the expiration of the six month pause requested by the GNSO on the work of the accuracy scoping team and noted that there should be no procedural hurdle to conducting at least the survey of registrars that had initially been envisioned. Another GAC Member requested whether criteria and a methodology for measuring accuracy has been defined and actual measurement made towards determining the current state of accuracy of registration data. In response, GAC Topics Leads suggested that this would require further discussion in the Accuracy Scoping Team once the work resumes.

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<sup>5</sup> See “The Charge of The Scoping Team” on p.2 of the related [GNSO Instructions](#) (9 July 2021)

### 2.3. DNS Abuse Mitigation

Russ Weinstein, Vice President of Accounts and Services within ICANN org's Global Domains and Strategy team, and coordinator of ICANN's DNS Security Threat Mitigation Program, was invited to provide an overview of ICANN's **proposed amendments to the Registrar Accreditation Agreement (RAA) and Registry Agreement (RA) as it relates to the mitigation of DNS Abuse**<sup>6</sup>. This presentation was a summary of a longer discussion held during the GAC ICANN77 Capacity Development Workshop. The goal of these contractual amendments were recalled to be the creation of a new floor for all registries and registrars, through meaningful and enforceable obligations to mitigate or disrupt DNS Abuse in their portfolio when it is evident. Changes to the existing contracts include a definition of DNS Abuse (malware, botnets, phishing, farming, and spam) based on community consensus, new obligations to take mitigation action to stop or disrupt DNS Abuse and a requirement to provide confirmation of receipt of an abuse report. ICANN also provides a new **Advisory** which describes the new requirements and illustrates how implementation and enforcement of these requirements is expected to take place.

Leaders of the GAC's Public Safety Working Group (PSWG) who assess the amendments to be a good step forward and an effective raising of the floor, reviewed a series of real-world threats of interest to governments such as **SMS-based phishing or Ransomware** and confirmed that they are in the scope of these amendments to the extent that they are effectively varieties of either phishing or malware threats included in the now contractual definition of DNS Abuse.

A GAC Member noted that the language of the amendments seemed carefully drafted to achieve a delicate balance, ultimately providing flexibility in interpretation, stressing the importance of the Advisory. In response to the question of whose **interpretation of reasonableness** would prevail, the ICANN org representative responded that Contracted Parties are expected to behave reasonably and that should it be needed, ICANN would be able to evaluate reasonableness of actions taken based on its experience in the field, and would have the discretion to enforce these provision, possibly all the way to termination of a registry or registrar agreement. In response to further questions on potential differences of interpretation between ICANN and Contracted Parties, ICANN org stated that the compliance process provides an opportunity for both parties to present their views and work out an appropriate resolution path, and that in some cases, as highlighted in the Advisory in the context of compromised domains, there may be situations where suspending the domain name would not be the appropriate action. ICANN org also clarified that nothing in the contracts prohibits registries and registrars from taking action as they see fit on issues not covered by the definition of DNS Abuse, noting that in fact, the RAA includes unchanged provisions to investigate and respond to reports of a broader set of abuses.

Regarding the **challenges created by the cross-border nature of DNS Abuse** and their consideration in the new contractual language, PSWG leaders noted that based on their own experience, the language would allow for cross-board action, at the discretion of the contracted parties, whose determination in such case may be greatly influenced by the quality of the evidence of the DNS Abuse taking place.

A GAC member welcomed the proposed amendments stressing that success in this important development could demonstrate, through a community-wide achievement, the effectiveness of the ICANN model, and made several **suggestions for improvements**: best practices in proactive monitoring for DNS Abuse should be embedded in the contracts; enforcement mechanisms and consequences for non-compliance should be

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<sup>6</sup> See ICANN Public Comment proceeding on [Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations](#) (29 May 2023)

made clearer; and contracted parties should report on their actions taken on DNS Abuse so as to increase transparency and accountability.

As part of this GAC Discussion on DNS Abuse, the General Manager of EURid, ccTLD Manager of the .eu ccTLD, provided an overview of procedures and systems in place to prevent and mitigate DNS abuse.

**Action Point:**

- **GAC Members** are expected to contribute to the drafting of a GAC Comment on the proposed contract amendment, as part of a process to be led by a drafting group composed of GAC volunteers identified during the ICANN77 GAC Capacity Development Workshop. The deadline for submission of the GAC Comment is set to 13 July 2023.

## 2.4. Emerging Technologies

The GAC Chair explained that in planning discussions conducted prior to ICANN77, several GAC Members had expressed a desire to identify, learn about and discuss topics involving new technologies that will influence or impact the DNS and the Internet in the future.

Initial topic suggestions included impacts of alternatives to the DNS root, blockchains and artificial intelligence. Session attendees discussed other potential topics and it was agreed that a smaller group of interested GAC member representatives would convene immediately after the meeting to discuss plans to provide programming content in this area during ICANN78 – perhaps as part of the committee’s capacity development efforts at the Hamburg meeting.

It was noted that GAC Communiqué language could be developed to address these intentions.

**Action Point:**

- **GAC Support** to convene and facilitate committee planning efforts to provide informative technology program content to GAC participants during ICANN78.

### **3. GAC WORKING GROUPS**

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

The GAC Public Safety Working Group (PSWG) continued its work to advocate for improved measures to combat DNS Abuse and promote lawful, effective access to domain name registration data.

The PSWG participated in the Capacity Development Workshop held just prior to ICANN77, helping to orient new GAC members to several topics including the importance of domain name registration data and current efforts to combat DNS Abuse.

The PSWG also participated in a session to brief the GAC on DNS Abuse Mitigation that included presentations about 1) the proposed DNS Abuse amendments to the Registry Agreement and Registrar Accreditation Agreement contracts; 2) EURid's (the Registry operating .EU) Abuse Prediction and Early Warning System to screen potential malicious registrations; 3) the USRWG Capacity Development Workshop; and 4) issues to consider for the GAC Public Comment on the contract amendments.

The PSWG continued its active participation to support the GAC Small Group that focuses on domain name registration issues including by participating in the update to the GAC on these issues. The presentation included an update on the Registration Data Request Service (RDRS). With regard to the RDRS, the PSWG thanked ICANN org for its efforts to support the ability to maintain the confidentiality of requests for Law Enforcement Agencies.

The PSWG also continued its outreach, holding discussions with a number of constituent groups within ICANN and public safety bodies.

#### **3.2. GAC Underserved Regions Working Group (USRWG)**

The GAC Underserved Regions Working Group (USRWG), in planning collaboration with the United States Government, held a Capacity Development Workshop (CDW) on DNS Abuse for GAC Members to understand and contribute to the public comment process regarding proposed amendments to the Registry Agreement and Registrar Accreditation Agreement.

Overall, the workshop aimed to:

1. Introduce and/or clarify the Public Comment process for GAC participants,
2. Ensure GAC participants were sufficiently familiar with the DNS Abuse issue (including contract amendments) to enable them to participate in the development of GAC input,
3. Develop and strengthen GAC participants' engagement and participation in GAC public comment activities.

The day covered most aspects of the public comment process (public comment proceedings and opportunities for the GAC, GAC experience sharing) and ended with language breakouts for GAC participants to brainstorm, in their native language, on the ICANN Public Comment process and DNS Abuse issues. One of the key outcomes of the workshop was that volunteers from a diversity of countries stepped forward to join a drafting group. This "small group" will develop an initial draft of a GAC Public Comment for wider GAC review, shortly after ICANN77.

The GAC USRWG capacity development effort will continue with subsequent workshops and webinars and a post-workshop survey will be conducted to tailor capacity development initiatives on topics of GAC interest.

## **4. CROSS COMMUNITY ENGAGEMENT**

### **4.1. Meeting with the ICANN Board**

GAC Chair Nicolas Caballero opened the bilateral session, beginning with a summary of several developments over the past few months. The GAC Chair noted that the meeting discussions today would address topics previously shared by the committee with the Board and would utilize potential draft GAC advice as a starting point for discussions about the next round of New gTLDs as well as other potential topics.

ICANN Board Chair Tripti Sinha introduced ICANN Board members in attendance, including ICANN Board Vice Chair Danko Jevtović, Avri Doria, Becky Burr, and Interim ICANN President and Chief Executive Officer (CEO) Sally Costerton.

The ICANN Board opened the discussion with Registry Voluntary Commitments (RVCs) and Public Interest Commitments (PICs). Proposed GAC advice on this topic would advise the ICANN Board to ensure that any future RVCs and 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. It was noted that the GAC could advise the Board that additional mandatory or voluntary PICs should remain possible in order to address emerging public policy concerns. From the ICANN Board's point of view, there was a commitment to the GAC that anything that would be inserted into new gTLD contracts would be enforceable.

GAC participant Nigel Hickson (United Kingdom) thanked the ICANN Board for the input and constructive responses and asked if the ICANN Board would consider a potential ICANN Bylaws amendment as an option for enforcement of RVCs and PICs. While the prevailing opinion of the ICANN Board is that these contractual items could be enforced through the current ICANN Bylaws, amendments should be on the table.

Next, the ICANN Board discussed the pending recommendations from the New gTLD SubPro Policy Development Process (PDP) Final Report, specifically, Recommendation 17.2 regarding expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process. While the ICANN Board is very receptive to applicant support, Board members explained that the SubPro recommendation was deemed too open-ended in its current form to be accepted, the issue has been delegated to the Implementation Review Team to determine how to best proceed with other forms of applicant support.

The GAC noted that it has provided examples of applicant support some members would like to see implemented, including reducing or eliminating application and registrar fees to applicant support recipients; ICANN Board members expressed the value of keeping open communication with the GAC and GNSO Council on this topic to continue improving applicant support for the next round of new gTLDs.

On the topic of auctions of last resort, the ICANN Board cautioned the GAC that while the current recommendations do not contain a prohibition on private auctions, they also do not enable them. It was explained that the ICANN Board cannot create such a policy and that, at the moment, there is not a complete answer to the GAC's proposed advice for consideration which advises the ICANN Board to ensure that

auctions of last resort not be used in potential contentions between commercial and noncommercial applications and to ban or strongly disincentivize private auctions.

Next, the GAC Chair shared two proposed pieces of advice for the ICANN Board:

1. To not accept Recommendation Guidance 30.2 regarding the timing of GAC Consensus Advice on future categories of TLDs, in 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.”

Future discussions between the ICANN Board and GAC were encouraged to better understand the viewpoints of both sides.

GAC participant Jorge Cancio (Switzerland) asked the ICANN Board if there are any issues that are “showstoppers”. The ICANN Board responded that there are no problematic issues at this time, but the future discussions on the above topics would be important.

GAC observer Nigel Cassimire (Caribbean Telecommunications Union) provided a “small country perspective on the Applicant Support matter”, and GAC participant Rosalind Kenny-Birch (United Kingdom) asked about ICANN’s financial commitment to the Applicant Support Program. The ICANN Board noted that it is inclined to do whatever can be done in a way that is sustainable, reasonable, and really supports applications that will be successful. The interim ICANN President and CEO committed to continue this dialogue with the GAC.

GAC participant Kavouss Arasteh (Iran) asked about which characteristics ICANN is going to consider when making determinations for access to Applicant Support. The ICANN Board responded that the determining factors can come from many different perspectives, including geographic location and languages spoken.

Responding to GAC Advice from ICANN76, the ICANN Board noted government concerns regarding privacy and proxy services and provided an update about the ICANN organization’s progress on the Registration Data Request System (RDRS). It was explained that while the pilot of the RDRS will not include the new approach to implement privacy and proxy accreditation services based on GAC advice, it will be the vehicle for this going forward and a priority for the ICANN Board.

GAC participant Lauren Kapin (United States) expressed appreciation for this update and noted that implementation will be an important focus for privacy and proxy services. While specifics for the approaches used for this task were not discussed, the ICANN Board noted that the goal is to make smaller creative changes in implementation to generate a large impact.

Finally, GAC observer Brian Beckham (World Intellectual Property Organization) asked for an update on the implementation of the Expedited PDP on Specific Curative Rights Protections for IGOs. The GAC was advised that an implementation plan is currently being developed and there will be updates for the GAC and ICANN community as soon as it is available.

GAC Chair Nico Caballero thanked the ICANN Board members and other attendees and closed the joint session.



## 4.2. Meeting with the Generic Names Supporting Organization (GNSO)

The Governmental Advisory Committee (GAC) and Generic Names Supporting Organization (GNSO) held a bilateral session to discuss issues of mutual interest. The main agenda focused on DNS Abuse Mitigation, the Registration Data Request System (RDRS) and the New gTLD Program Next Round. The GAC and GNSO also discussed the GNSO Council's response to the GAC to Issues of Importance identified in the ICANN76 Communique in the future.

On **DNS Abuse Mitigation** the GNSO Council flagged the open public comment proceeding on Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligation, encouraging GAC members to provide feedback so it can be considered before a vote. Eligible registries and registrars are expected to vote on these amendments between October and December 2023, facilitated by ICANN org. On next steps pertaining to DNS Abuse Mitigation, the GNSO Council noted that it will likely await results from the public comment proceeding. In the interim, alternative methods may be explored to continue discussions between the GNSO Council and other community groups on the possibility of targeted Policy Development Processes (PDPs), including on subjects such as phishing and malware.

The GNSO Council provided an update on the **Registration Data Request System (RDRS)**, currently under development by ICANN org. The Board 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. The GNSO Council noted that it looked into this item to determine whether policy enforcement should be carried out on participation; but seeing that, as this is a pilot project, it was currently decided to take this on as voluntary participation to encourage participation as much as possible through communication and explanations. ICANN org presented preliminary communication tools it will be using to pass on messages to the ICANN community while maintaining current channels open (such as requesting data directly to registrars).

PSWG members and GNSO Small Team members expressed appreciation for their mutual collaboration with ICANN org and the RDRS small group to resolve these issues and its encouragement by the progress made to develop and agree upon appropriate solutions.

On **the New gTLD Program Next Round**, the GAC and GNSO discussed draft language for potential GAC Advice to the ICANN Board on new gTLDs. On **predictability** on applications for new gTLDs and in particular on the SPIRT, the GNSO Council recognized the GAC's interest in being part of the SPIRT on an equal footing and that this aligns with language from the SubPro PDP WG Final Report which notes that it should be open to all interested parties. Participation may not ultimately be representative of the entire ICANN community since this will be a narrowly focused effort, but GAC members are invited to submit their interest in participating.

On **Registry Voluntary Commitments (RVCs)/Public Interest Commitments (PICs)**, the GNSO Council noted that there is alignment between the GAC and GNSO on this topic and this was flagged by the ICANN Board. The latter requested for the GNSO Council to provide a clarification statement that the PICs/RVCs are meant to be enforceable. The GNSO Council sees this as an understanding that the Board is planning to move forward with recommendations on RVCs/PICs while opening a community-wide discussion about enforceability.

Pertaining to **Applicant Support**, the GNSO Council noted alignment with the GAC's language about expanding financial support for underrepresented regions. The GNSO Council thanked the GAC for the

continued support of these efforts to make the applicant support program as meaningful as possible for as many applicants as possible, flagging that this is a shared value between the GAC and GNSO.

On the topic of **GAC Consensus Advice and GAC Early Warnings**, the GNSO Council noted that there is some indication that the Board will not be accepting some of the GNSO Council recommendations on this topic from the final report. The Board will initially reach out to the GAC to discuss this topic further, prior to including the GNSO Council to find workable solutions which are possible for all three parties.

Finally, on **Auctions of last resort**, the GNSO Council acknowledged the draft advice language submitted by the GAC noting that options of last resort should not be used in contentions between commercial and noncommercial applicants, and that auctions should either be banned or strongly discouraged. The GNSO Council is not directly aligned with the GAC on this topic, but will continue to review this item to think about how this would work in practice, i.e. how would a contention set be resolved.

On the topic of **Closed Generics**, GNSO Council members noted that the GAC, GNSO and At-Large facilitated group for closed generics submitted a draft framework for community review. This is an opportunity for various groups in the community to review the framework and submit their comments prior to the delivery of a final framework. Once the final framework is endorsed or approved by the community, policy work will be able to commence, probably in the form of an Expedited Policy Development Process (EPDP). In terms of timeline the GNSO Council noted that it is looking at a total of 96 weeks including the EPDP time, public comment and implementation phase.

On the **GNSO Guidance Process for Applicant Support**, the GNSO Council provided an update to the GAC noting that the GGP is nearing completion of its work and it is expected that an initial report will be delivered in the coming weeks.

On the **Implementation Review Team (IRT)**, the GNSO Chair noted that the work had only just begun and that preliminary timelines were being discussed by the IRT.

Under any other business, GAC members welcomed the **GNSO Council's response and attention to GAC Communiqués'** issues of importance section, and thanked the GNSO Council for its attention to GAC Communiqué language. The GAC and GNSO will continue to engage on issues of mutual interest following ICANN77.

### **4.3 Meeting with At-Large Advisory Committee (ALAC)**

The GAC met with the ALAC regarding issues of common interest to governments and end-users and discussed topics related to the new gTLD Program Next Round, the 2017 ALAC and GAC joint statement on "Enabling Inclusive, Informed and Meaningful Participation at ICANN", and Domain Name System (DNS) Abuse.

On the **new gTLD Program Next Round**, one of the GAC topic leads provided a summary of the program and status and commented that it was important to have a mechanism to enforce the Public Interest Commitments (PICs), that the community applications need to be handled in a more equitable way, and regarding auctions, the GAC is seeking clear guidance on what will be acceptable.

In response, the ALAC stated that the PICs need to be enforceable, but there is a need to agree on how they would be formulated as there is no specific mechanism as to how a Registry Voluntary Commitment (RVC) or PIC is proposed, evaluated or enforced.

With regard to the Applicant Support Program (ASP), the ALAC will review the GNSO Guidance Process (GPP) for Applicant Support Working Group report once released, but noted that the current amount of allocated funds may not be sufficient if there are a significant number of applicants and looks to the GAC for their views.

The ALAC closed the discussion stating that they agree with the GAC regarding how to approach the Closed Generics issue.

Regarding the the **2017 ALAC and GAC joint statement** on “Enabling Inclusive, Informed and Meaningful Participation at ICANN”, the ALAC noted that the Information Transparency Initiative (ITI) was a step forward but didn’t address all the issues raised in the statement. The ALAC informed the GAC that a few members met with Sally Newell Cohen, Senior Vice President of Global Communications and Language Services to discuss the joint statement and discussed the document management and executive summaries versus primers.

The GAC confirmed that it shares many of the ALAC’s views on the joint statement.

Lastly, on the **DNS Abuse** issue, the ALAC provided a summary of the DNS Abuse discussions making sure that the recommendations that have been approved are now implemented.

The GAC mentioned the recent GAC webinars on the issue and since the GAC issued advice a couple of years ago, there has been quite a bit of progress in reporting.

#### **4.4 Other Engagement**

GAC Members and a member of the GAC Leadership Team (Vice Chair Zeina Bou Harb - Lebanon) attended and participated (respectively) in the ceremony awarding the ICANN Community Excellence Award (CEA) on 14 June 2023. The GAC participated in the award selection process earlier this year prior to the award being presented to ICANN Community member Donna Austin.

## 5. INTERNAL GAC MATTERS

### 5.1. GAC Wrap-Up Session

The GAC devoted most of the wrap-up session time to completing the drafting of the ICANN77 GAC Communiqué.

In the time remaining after the conclusion of the Communiqué drafting, the GAC Support staff briefed attendees regarding the process and important dates associated with the GAC 2023 Vice Chair Elections. The 2023 election process for the five GAC Vice-Chair positions will be initiated shortly after the ICANN77 meeting with the start of the traditional nomination period. The nomination period will close on 6 September 2023. If needed, a voting/balloting process will be conducted from 2 October through 22 October 2023, ending during the ICANN78 public meeting where the election results will be announced.

GAC Support staff notified attendees of several volunteer opportunities in which GAC participants could serve the committee as elected members or appointees, including:

- GAC Vice Chairs (nomination period starting)
- Second IANA Naming Function Review (30 June)
- GNSO Internationalized Domain Names (IDN) Expedited Policy Development Process (EPDP) Phase 2
- Back-up to Customer Standing Committee (CSC) (31 July)

The GAC Chair, Nico Caballero, reminded committee members of the dates of the ICANN78 public meeting in Hamburg Germany (21-26 October 2023) and adjourned the meeting.

# # #

## Attachment 1 - ICANN77 Hybrid Policy Forum - GAC ATTENDEES LIST

GAC Members (74)		
Argentina	Holy See - Vatican City State	Qatar
Armenia	Hong Kong, China	Russian Federation
Austria	Hungary	Rwanda
Australia	India	Saint Kitts and Nevis
Azerbaijan	Indonesia	Saint Vincent and the Grenadines
Bangladesh	Iran	São Tomé and Príncipe
Belgium	Ireland	Kingdom of Saudi Arabia
Bermuda	Israel	Singapore
Bosnia and Herzegovina	Italy	Serbia
Brazil	Jamaica	Spain
Bulgaria	Japan	Sweden
Burundi	Kenya	Switzerland
Canada	Lebanon	Chinese Taipei
Chad	Malaysia	Thailand
China	Mauritania	Timor Leste
Colombia	Morocco	Trinidad and Tobago
Congo, Democratic Republic of	Mozambique	Türkiye
Congo, Republic of	Republic of the Union of Myanmar	Uganda
Croatia	Nepal	Ukraine
Czech Republic	Netherlands	United Arab Emirates
Denmark	Niger	United Kingdom
Egypt	Nigeria	United States of America
European Commission	Norway	Uruguay
France	Pakistan	Zimbabwe
Germany	Portugal	

<b>GAC Observers (8)</b>	
Regional Technical Commission of Telecommunications (COMTELCA)	Organisation Internationale de la Francophonie (OIF)
Commonwealth Telecommunications Organization (CTO)	Universal Postal Union (UPU)
Caribbean Telecommunications Union (CTU)	World Intellectual Property Organization (WIPO)
League of Arab States	World Bank

## Attachment 2 - ICANN77 Action Points Compilation

#	Subject Matter	Action Point
1	New gTLD Program Next Round	<b>GAC members</b> were encouraged to volunteer to serve as pen holders for a GAC collective comment on the Draft Framework on Closed Generic gTLDs.
2	New gTLD Program Next Round	<b>GAC members</b> to submit input to the Draft Framework on Closed Generic gTLDs by 15 July 2023.
3	DNS Abuse Mitigation	<b>GAC Members</b> are expected to contribute to the drafting of a GAC Comment on the proposed contract amendment, as part of a process to be led by a drafting group composed of GAC volunteers identified during the ICANN77 GAC Capacity Development Workshop. The deadline for submission of the GAC Comment is set to 13 July 2023.
4	Emerging Technologies	<b>GAC Support</b> to convene and facilitate committee planning efforts to provide informative technology program content to GAC participants during ICANN78.