

# ICANN | GAC

## Governmental Advisory Committee

ICANN72 Virtual Annual General Meeting, 1 November 2021

### **GAC Communiqué – ICANN72 Virtual Annual General Meeting<sup>1</sup>**

*The GAC ICANN72 Communiqué was drafted and agreed remotely during the ICANN72 Virtual Annual General Meeting. The Communiqué was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC Members and Observers to consider it before publication, bearing in mind the special circumstances of a virtual meeting. No objections were raised during the agreed timeframe before publication.*

## **I. Introduction**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met via remote participation, from 25 to 28 October 2021.

Per ICANN Board resolution<sup>2</sup> on 15 July 2021, in response to the public health emergency of international concern posed by the global outbreak of COVID-19, ICANN72 was transitioned from an in-person meeting in Seattle, United States of America, to a remote participation-only ICANN meeting.

Sixty-two (62) GAC Members and seven (7) Observers attended the meeting.

The GAC meeting was conducted as part of the ICANN72 Virtual Annual General Meeting. All GAC plenary and working group sessions were conducted as open meetings.

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<sup>1</sup> To access previous GAC Advice, whether on the same or other topics, past GAC communiqués are available at: <https://gac.icann.org/>

<sup>2</sup> See Resolutions 2021.07.15.01 – 2021.07.15.06 at <https://www.icann.org/resources/board-material/resolutions-2021-07-15-en>

## II. Inter-Constituency Activities and Community Engagement<sup>3</sup>

### Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed:

- ICANN Work with Governments and International Governmental Organizations on Geopolitical Issues
- Recommendations of the Second Security, Stability, and Resiliency Review Team (SSR2) regarding DNS Abuse

Board responses to GAC questions and statements presented during the meeting are available in the transcript of the GAC/ICANN Board meeting accompanying this document.

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

The GAC met with members of the ALAC and discussed:

- ICANN and Governments
- DNS Abuse
- Public Interest in ICANN Processes

The GAC extends its thanks to the outgoing ALAC liaison to the GAC, Mr. Yrjö Länsipuro, for his valuable support and contribution to the relations between both Advisory Committees during his tenure.

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

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

- EPDP Phase 2A
- Registration Data Accuracy
- DNS Abuse
- EPDP on Specific Curative Rights Protections for IGOs

### Meeting with the Universal Acceptance Steering Group (UASG)

The GAC received a briefing from the UASG and discussed:

- Universal Acceptance (UA) Strategy and the need for enhanced collaboration
- GAC-UASG Collaboration

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<sup>3</sup> Parties interested in the outcome of these meetings are invited to consider the material and recordings available on the ICANN72 schedule website at: <https://72.schedule.icann.org/> as well as in the ICANN72 GAC Meeting Minutes to be made available at: <https://gac.icann.org/>

## Cross Community Discussions

GAC Members participated in relevant cross-community sessions scheduled as part of ICANN72, including a Community Plenary Session on Designing Hybrid ICANN Public Meetings to Equalize In-Person & Remote Participation.

### III. Internal Matters

#### 1. GAC Membership

There are currently 179 GAC Member States and Territories and 38 Observer Organizations.

#### 2. GAC Elections

The GAC elected as Vice-Chairs for the term starting after ICANN73 (March 2022) and ending at the close of ICANN76 (March 2023):

- Pär Brumark (Niue)
- Francis Olivier Cubahiro (Burundi)
- Shi Young Chang (Republic of Korea)
- Jaideep Kumar Mishra (India)
- Ola Bergström (Sweden)

The requirements of GAC Operating Principles 32 and 35 (GAC Vice-Chair elections) were satisfied, as a total of 77 ballots (more than 1/3 of the GAC Members) were submitted. There were no ties requiring further in-person paper balloting.

#### 3. GAC Working Groups

- **GAC Public Safety Working Group (PSWG)**

The GAC PSWG continued its work to combat DNS Abuse and promote effective access to domain name registration data. The PSWG emphasized its continued focus on DNS Abuse, leading a session on this topic for the GAC and discussing possible steps forward, which include assessing how contract provisions may be improved to respond to DNS Abuse with an eye to sharing such assessments with ICANN to inform its contract negotiations. The PSWG also participated in a panel focusing on the ccNSO's role with respect to DNS Abuse. In the lead up to ICANN72, the PSWG also participated along with GAC colleagues, in an At-Large Advisory Committee open policy session to discuss the impact of DNS Abuse and utilizing all possible tools to help mitigate some of the damages caused by DNS Abuse.

The PSWG led a session on domain name registration data to update the GAC on recent developments including the conclusion of the Phase 2A Final Report of the Temporary Specification for gTLD Registration Data and the GAC's related Minority Statement. The PSWG is contributing to the scoping effort on accuracy of domain name registration data in support of the GAC's representatives in the Scoping Team. Members of the PSWG also continue to represent the GAC in the Implementation Review Team for Phase 1 of the EPDP.

During ICANN72, the PSWG held discussions with: ICANN org, including representatives of the Office of the Chief Technology Officer, the Security Stability Resiliency team, and Contractual Compliance; the At Large Advisory Committee (ALAC); the Security and Stability Advisory Committee (SSAC); and the Registry and Registrar Stakeholder Groups (RySG, RrSG), and the Commercial Stakeholder Group (CSG) of the GNSO.

- **GAC Underserved Regions Working Group (USRWG)**

The USRWG presented its work plan to the GAC with the aim to prioritize the strategic goals that should be executed by 2023.

The WG will share the edited work plan with the GAC for review and input, following amendments relative to the WG's participation in GNSO Policy Development Processes. Subsequently, the WG will seek GAC endorsement of its work plan within the month following the ICANN72 Meeting.

- **GAC Operating Principles Evolution Working Group (GOPE WG)**

The GAC was briefed on recent activities carried out by the GOPE WG including its work plan and a preliminary analysis of GAC Operating Principles, aimed at prioritizing WG efforts to review the Operating Principles. GAC Members noted the need for further discussion on the GAC's working methods and to outline which principles require changes or edits, as well as whether there is a need for new principles, prior to finalizing the GOPE WG work plan, and prior to proceeding with amendments to the Operating Principles. GOPE WG Members will meet intersessionally and share relevant developments with GAC Membership prior to ICANN73.

- **GAC Human Rights and International Law Working Group (HRILWG)**

The Working Group updated the GAC on recent developments regarding the GAC perspective proposal document on Work Stream 2 Final Report Recommendation 1.1, on the definition of diversity.

The purpose of the proposed document is to provide a GAC perspective on each of the seven (7) elements of diversity identified in the report. In addition, elements on cultural diversity and diversity in attendance were included due to their potential relevance, in first instance, to the GAC and subsequently to ICANN.

The GAC welcomed the preliminary draft of the perspective document for review, and confirmed that once the document is finalized, the GAC will discuss intersessionally how to measure and implement all relevant aspects of diversity.

## IV. Issues of Importance to the GAC

### 1. DNS Abuse

The GAC recognizes the work on DNS Abuse that has taken place within the ICANN Community since ICANN71, including the Contracted Parties' publication of a trusted notifier framework. The GAC follows developments in the area of voluntary measures with interest; an example being the work of the DNS Abuse Institute. The GAC notes positive steps taken in the monthly publication of compliance reporting, and developments shared during the Contracted Parties Community Outreach Session that indicate progress is being made to provide reporting of abuse, broken down by registrar.

The GAC also notes the work being undertaken to give access to DAAR domain registrar information and supports this as another step to help understand the DNS abuse landscape. The GAC hopes this would enable a more productive anti-abuse dialogue within the community, and may inform efforts within the community or refined contractual improvements to enable a reduction of the harms caused by DNS abuse.

Relatedly, the GAC highlights the need for improved contract requirements to address the issue of DNS Abuse more effectively. In this regard, ICANN's role under the Bylaws includes duly taking into account the public policy concerns of governments and public authorities and acting for the benefit of the public. The Bylaws also authorize ICANN to negotiate agreements, including Public Interest Commitments, in service of its Mission. Hence, ICANN is particularly well placed to negotiate improvements to existing contracts to more effectively curb DNS Abuse, as informed by the GAC and other stakeholders advocating in the public interest. The GAC looks forward to a definitive timeline for such an initiative.

The GAC also wants to emphasize the importance the GAC places in the work of ICANN compliance not least in ensuring registrars and registries comply with the undertaking they give when registering a name. In this respect the GAC supports timely action and progress being made on the relevant recommendations made in the SSR2 Review Team Final Report.

However, the GAC notes that the Board rejects a number of Recommendations (e.g. under recommendations groups 14 and 15) that aim to provide ICANN org and the ICANN contractual compliance team with appropriate tools to better deal with policy breaches. The GAC considers that addressing DNS abuse is in line with ICANN's mission to ensure the security, stability and resilience of DNS, in the public interest. Also, the GAC notes that the ICANN Board has pointed to certain limitations and ambiguities in the standard Registry and Registrar contracts with regard to DNS Abuse<sup>4</sup>. The GAC would therefore encourage the Board to consider and inform about available means to hold contractual parties accountable in cases of insufficient measures to prevent and mitigate DNS Abuse under current contracts, considering the public interest as provided for in the

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<sup>4</sup> See February 12, 2020 Letter Botterman to Selli at:

<https://www.icann.org/en/system/files/correspondence/botterman-to-selli-12feb20-en.pdf>

Bylaws.

The GAC acknowledges the procedural bases for the Board’s rejection of certain recommendations in the SSR2 Review Team Final Report. However, the GAC also notes 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. In the GAC’s view, the substance of these recommendations could be the subject of further exchange in conversations during the Board GAC Interaction Group.

In this context, the GAC would welcome the Board to:

- i. Provide further information on how ICANN effectively monitors compliance with and improvements of, contractual provisions with the purpose of tackling DNS abuse, taking into account Recommendations 14 and 15, and
- ii. Explore ways and means to better make use of current contractual provisions in order to incentivize and enforce responsible measures to prevent and combat DNS Abuse.

The GAC acknowledged the issue of “Registrar Hopping”, a practice in which registrants seek to avoid contract-based consequences for DNS Abuse by transferring their domain names to a different registrar in response to reports of abuse.

## 2. Accuracy of Registration Data

The GAC reiterates that maintaining accurate domain name registration data is an important element in the prevention and mitigation of DNS abuse. Also, the GAC notes its view expressed in its ICANN71 Communiqué that the scope of work on accuracy should not limit itself to compliance with the GDPR but include the accuracy of all domain name registration data.

In this context, the GAC welcomes the effective start of the accuracy scoping exercise launched by the GNSO. The GAC supports all four assignments, namely, i) enforcement and reporting, ii) measurement of accuracy, iii) effectiveness and iv) impact and improvements, for scoping the work on accuracy<sup>5</sup>.

The GAC considers that assignments iii) and iv) are particularly important for the purpose of assessing possible improvements of accuracy of registration data. The GAC 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<sup>6</sup>. The GAC stresses the importance of delivering on all four tasks in a timely and effective manner.

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<sup>5</sup> For a complete description of the tasks assigned by the GNSO to the Accuracy Scoping Team, see <https://community.icann.org/display/AST/2.+Council+Instructions+to+Scoping+Team>

<sup>6</sup> This is also in line with the findings of the SSR2 final report (Recommendation 9.2) at <https://www.icann.org/en/system/files/files/ssr2-review-team-final-report-25jan21-en.pdf>

### 3. Subsequent Rounds of New gTLDs

The GAC discussed Subsequent Rounds of New gTLDs, following the ICANN Board approval of an Operational Design Phase (ODP) relative to policy recommendations in the Final Report of the GNSO Policy Development Process Working Group (PDP WG) on Subsequent Procedures for New gTLDs. The GAC intends to maintain open communication channels with ICANN org throughout the ODP, providing input as appropriate during community consultation phases, in particular contributing to the analysis regarding public interest.

The GAC recalls its invitation to the ICANN Board to consider the GAC collective input submitted in June 2021<sup>7</sup> on the final outputs of this PDP WG for ICANN Board consideration. The GAC draws ICANN org's attention to this GAC input, and intends to invite ICANN org to attend future GAC sessions for further discussions on this issue of importance to the GAC.

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<sup>7</sup> GAC collective input to SubPro PDP WG Final Outputs for ICANN Board Consideration (1 June 2021): <https://gac.icann.org/reports/public/gac-comment-final-subpro-final-outputs-for-icann-board-consideration.pdf>

## V. GAC Consensus Advice to ICANN Board

The following items of advice from the GAC to the Board have been reached on the basis of consensus as defined in the ICANN Bylaws<sup>8</sup>:

### 1. Board Scorecard on SSR2 Review Final Report

#### a. The GAC advises the Board to:

- i. Undertake as a matter of priority the follow-up actions needed to support the swift implementation of the Board's scorecard on the Final SSR2 Review Team Report, and to inform the GAC accordingly, including about the corresponding timeline.

#### RATIONALE

This advice aims to support the effective follow-up action on the Board's tasks set in the Board Scorecard on the Final SSR2 Review Team Final Report. Noting the need expressed by the Board for further analysis and consultation<sup>9</sup>, and given the importance of the SSR2 recommendations to address cybersecurity and DNS Abuse, the GAC encourages the Board to proceed with the necessary action plan in a timely manner. The Board Scorecard identifies which action the Board expects from which entity (ICANN org, SSR2 Review Team Implementation Shepherds, and others), which is a very useful starting tool. The Board is expected to prioritize the different actions in the scorecard and accompany the proposed follow-up action plan by a clear timeline. This would help ICANN's constitutive bodies to actively deliver on the Board Scorecard, while allowing issues prioritization and appropriate mobilization of the ICANN community.

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<sup>8</sup> Bylaws section.12.2.(a)(x) The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the Board determines to take an action that is not consistent with Governmental Advisory Committee advice, it shall so inform the Governmental Advisory Committee and state the reasons why it decided not to follow that advice. Any Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection ("GAC Consensus Advice"), may only be rejected by a vote of no less than 60% of the Board, and the Governmental Advisory Committee and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. The Governmental Advisory Committee will state whether any advice it gives to the Board is GAC Consensus Advice

<sup>9</sup> For several recommendations, the Board: (a) requires cost-benefit analysis as a prerequisite for the Board to take informed decisions, (b) directs ICANN org to "seek clarity from the SSR2 Implementation Shepherds" and/or to "evaluate" parts or whole recommendations for action in a "coordinated way, including through ICANN org's program dedicated to DNS security threats mitigation", and (c) notes that the outcome of the engagement with the SSR2 Implementation Shepherds will inform the Board's decision on next steps, which may include wider community consultation.



**b. The GAC advises the Board to:**

- i. Provide further information on the diverging interpretation by the Board and SSR2 Review Team of the level of implementation of certain recommendations.

**RATIONALE**

The GAC believes that additional information would be helpful for the GAC to gain a deeper understanding of the diverging interpretations. This advice would allow ICANN and the ICANN community to gain a shared understanding of the issues effectively requiring further action.

## VI. Follow-up on Previous Advice

The following items reflect matters related to previous consensus advice provided to the Board.

### 1. Domain Name Registration Directory Service and Data Protection

In response to the GAC Montreal Communiqué, the Board accepted the GAC's advice to:

*“Instruct the ICANN organization to ensure that the current system that requires ‘reasonable access’ to non-public domain name registration is operating effectively.*

*This should include:*

- educating key stakeholder groups, including governments, that there is a process to request non-public data;*
- actively making available a standard request form that can be used by stakeholders to request access based upon the current consensus policy; and*
- actively making available links to registrar and registry information and points of contact on this topic.”*

The GAC would welcome the Board providing an update on these three efforts. In particular, the GAC observes that information on how to make a request for non-public data does not appear to be prominently located or easy to find on ICANN's website. The GAC also recognizes that the contracted parties have developed guidance on the Minimum Required Information for Whois Data Requests and notes that relevant stakeholders would also benefit from the prominent display of this information in the relevant section of ICANN's website.

### 2. EPDP Phase 1 Policy Implementation

The GAC notes its previous advice within the ICANN66 Montréal Communiqué and the follow-up on previous advice in the ICANN70 and 71 Communiqués with regard to Phase 1 of the EPDP on gTLD Registration Data and the request for *“a detailed work plan identifying an updated realistic schedule to complete its work.”* The GAC highlights with *“continued concern that the Phase 1 Implementation Review Team (IRT) lacks a current published implementation timeline.”*

## VII. Next Meeting

The GAC is scheduled to meet next during the ICANN73 Community Forum on 5-10 March 2022.

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ICANN72 | Virtual Annual General Meeting - Joint Meeting: ICANN Board and GAC  
Wednesday, October 27, 2021 - 9:00 to 10:00 PDT

**GULTEN TEPE:** Good morning, good afternoon, and good evening. Welcome to the ICANN72 GAC meeting with the ICANN Board 27th of October at 1600 UTC.

Recognizing that these are public sessions and other members of the ICANN community may be in attendance the GAC leadership and support 1600 UTC. Recognizing that these are public sessions and other members of the ICANN community may be in attendance the GAC leadership and support staff encourage all of you who are GAC representatives to type your name and affiliation in the participation chat box to keep accurate attendance records.

If you would like to ask a question or make a comment, please type it in the chat. The feature is located at the bottom of your Zoom window by starting and ending your sentence with a question or comment as indicated in the chat. Interpretation for GAC sessions include all 6 UN language and Portuguese. Participants can select the language they wish to speak or listen

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to by clicking on the interpretation icon located on the Zoom tool bar.

If you wish to speak, please raise your hand. Once the session facilitator calls upon you, please unmute yourself and take the floor. Remember to state your name and the language you will speak if you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you're speaking.

Finally this session, like all other ICANN activities is governed by the ICANN Expected Standards of Behaviour. In case of a disruption during the session, our technical support team will mute all participants.

With that, I would like to leave the floor to GAC Chair, Manal Ismail.

Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and good morning, good afternoon, and good evening everyone. Welcome to the Board GAC bilateral. I would like to start by welcoming all Board

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members in the GAC Zoom room, and as always, we very much appreciate and value our exchanges with the Board.

We have one hour scheduled for this session, and a full agenda, one question from the Board and quite a few from the GAC, but before getting started, I would like to ask if there are any opening remarks from the Board's side, Maarten?

MAARTEN BOTTERMAN:

Thank you, Manal, and thank you GAC members for having us and meeting with us. Which is one of our, I would say by now, regular exchanges, either in what we call it, the Board GAC interaction group, aiming at optimizing our process of deliberations, our questions after the ICANN meetings where you meet to make sure we understand your questions well, so we call that a clarifying question call, and of course this interaction during the ICANN meeting itself.

So this is a good opportunity to really listen to each other and see how together we can progress ICANN by good advice and understanding of that and acting to our best ability. Looking very much forward to going over the questions we exchanged in preparation of this call. On the Board side, we will have people prepared to initiate a response, but we foresee a more open discussion. Looking forward to the discussion.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten. So without any further ado, let's move to the following slide and get started with the session.

So as mentioned, the agenda comprises two parts. First is the Board Chair question to the GAC in relation to ICANN work with governments on geopolitical issues, and the second part will be our discussion of GAC topics and questions which also fall under two themes, first the DNS abuse and recommendations of the second security stability and resiliency review team, and the second team is the subsequent rounds of new gTLDs.

If we go to the following slide, please. And this is the Board question to the community, in fact not only the GAC, and the question reads: Please provide input comments on how ICANN could efficiently identify and work more closely with governments globally, as well as educate, train, and interact when it comes to geopolitical issues relating relating to ICANN's mission.

So sharing this question with GAC colleagues, we received feedback compiled on the following two slides. So if we can go to the following slide, please.

So I will read through the first five points displayed on the screen and pause to allow for feedback or remarks or answers because

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we have a mix of stated views and questions. And of course I will pause also for follow-up from interested GAC colleagues.

So first feedback: ICANN should continue to constantly engage openly and constructively with the GAC and all its members and observers. Second, ICANN should maintain constructive relationship with the GAC, showing that the GAC deliberations and output duly considered. This will encourage governments to take part in the GAC and further ICANN community discussions.

Third point, some GAC members note that some current interaction formats with the Board can be somewhat formal. These exchanges are not very conducive to substantive and interactive dialogue. Instead, they can draw the GAC and Board into protracted discussions which, arguably not always helpful on the CCT recommendations, perhaps the need for more informal and substantive dialogue is an avenue to further explore, especially when physical meetings are again possible.

And ICANN forms part of a wider Internet governance landscape, consequently ICANN has an interest in investing time and resources into a well functioning Internet governance ecosystem, into the IGF and to maintain constructive relations with players like WIPO, ITU, et cetera. Does ICANN org envision prioritizing its resources in any particular part of the ecosystem, for example at the ITU plenipotentiary in October 2022 or in the preparations at

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ITU, CWG, WSIS, and at the UN CSTD for the UNGA discussions on the WSIS mandate in 2025. And I will stop here for comments or reactions from the Board

MAARTEN BOTTERMAN: Thank you very much for this reaction, in a way, the question which is well appreciated. [indiscernible] surprised to see the formats are still experienced as formal. Because yes, we have a formal scheme of meetings, but I find during those meetings that everything is welcome, and we really engage on the human as well as content level. So if that needs to be further improved and if there are real issues with that -- fortunately, we even have now a system for that. We used to [indiscernible] see how this could be optimized, and rest assured, we're always open to improvement of what we consider an important relationship. I think we have made much progress over the years and look forward to always finding new opportunities to make it even better.

So for us it's also of interest, of course, we understand from GAC and GAC members how much the position is truly embedded in the broader positions also in governments and that you can help us and give us guidance in this process of engagement even beyond the ICANN ecosystem [indiscernible] and we really feel blessed by having this relationship with you and with more of the



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[indiscernible] other countries having signed up to interact and care about what happens within ICANN.

Now, so open to further improvements. Now, on your question 5, the interaction with the broader Internet governance landscape, basically that is something we don't do but oversee, it's the org that executes on that, and it's having an active program as you have seen in the ci report, et cetera. Maybe best if Göran answers.

GÖRAN MARBY:

Thank you very much for the ID, or the [indistinct] I was thinking about the opening constructively, we have offered and will continue to offer to do briefings directly to the GAC members about subjects where you can hear the ICANN org views and the broader community's views on particular issues, and maybe that could help and again, I stand here and offer you the ability for us to do that. We have discussed it a couple of times. And I think that would strengthen the relationship between the GAC and ICANN org and the Board and give the ability for GAC members to have more of a context around some of the questions that are discussed. Especially when it comes to DNS abuse, IGO protections, et cetera, et cetera. And it also will give an opportunity for individual GAC members [indiscernible] directly questions to people who sometimes are writers of the paper that becomes the ICANN positions.

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We always want to maintain constructive relationship, but I don't think the European Commission thinks that the ICANN as an institute if we always do what the GAC says, then it's going to be positive. The dialogue and different viewpoints is the strength of the multi-stakeholder model where the GAC has a very important part, and I appreciate them and thank you for your participation in this, knowing the special role of the GAC as representatives of governments and also as part of this model. The GAC is an important part of the multi-stakeholder development process.

Maarten referenced the CEO report which we have been marketing a lot this week, not everyone has known about it, I think it was page 65 in this particular one, there are a lot of those actions we actually do when it comes to relationships with governments and otherwise, also based on the charter we discussed with the GAC I think about three years ago what ICANN actually do when it comes to conversations with the GAC.

I also want to take, [indiscernible] I would like to thank all the individual GAC members that we often work with when we do contract with governments around the world. We always try to make sure the GAC member knows about the information and what we do and who do we talk to. We often [indiscernible] very good support from individual GAC members in that process, so without naming anyone, I want to say thank you connected to that.

MANDY CARVER:

Thank you, Göran. I would like to second everything Göran has said. The CEO report exceedingly content rich, and you should know we actually try and constrain it to a volume that is digestible given the amount there. I would like to second the comments that we're always happy to come talk to the GAC. We welcome the interaction and the important relationship there. And in fact we do have my function, the government engagement team has regular monthly calls with the GAC leadership as well.

To go to the specific items raised in number 5, we agree with you, yes. We do have an interest in investing time and resources in the ecosystem, and just briefly to touch on this, because again, there is a fair bit there and there will be information also in the regular GAC engagement report that we file.

ICANN is supporting, as always, the global IGF. We have been an active supporter of the secretariat since really since the beginning and an active participant. In as many of you know, the IGF this year has a hybrid first model, and we will be active from a virtual standpoint. There will be an open forum, panel. Göran and others will be on panels on meaningful connectivity, speaking to universal acceptance, IDN, et cetera.

The second part of the question about the broader ecosystem and IGO engagement, yes, we're also active in that space. We

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have been tracking the processes involved in a number of the ITU conferences and as all of you well aware, the disruption of COVID that a number of large IGO events which would have been spread out over several years will be compressed into a very short period of time, so all of us will be a busy 12 months but we are actively watching and participating in the CCWG -- sorry, for those not immersed, these are the world telecom policy forum, the world telecom standards association, the world telecom development conference, and the preparatory work around the [indistinct] plenipotentiary, and we're actively monitoring and engaging in UN activity elsewhere such as the dialogues taking place in the open ended Working Group, the UN, committees to the UN General Assembly, et cetera.

So yes, we welcome conversation and dialogue with the members of the GAC as well -- and I'm being corrected, it's the world [indiscernible] assembly.

GÖRAN MARBY:

May I end this by making a request that comes up by [indiscernible] it would be very interesting if the individual GAC members who are having [indiscernible] it might have an effect on ICANN's ability to make policy or people's ability to connect to the Internet to actually come to the GAC and through the GAC help us discuss the proposals and legislations, there are several legislations in several different countries, most famously in the

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European Commission that actually discussed from the individual GAC members, so that might be an enhancement also in the relationship with the GAC and the rest of the ICANN community. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran, Mandy, and Maarten. And thank you Mandy for the update and Göran for the proposal and for the link you shared in the chat regarding the president and CEO Corner. And Maarten to your point, I also agree that our interaction is enhancing, and we have the BGIG in place and we have our post communique calls as well.

If I just can comment, maybe what triggered this sensation of formality, and I have to say I have had the privilege of participating from both sides, the Board and the GAC, so maybe I see commonality here at both sides that we need to avoid back and forth questions. This is something I heard at both sides. So maybe this is the thing we need to work on words, together of course.

MAARTEN BOTTERMAN: If you allow me, Olivier, I agree, and obviously when I say let's seek opportunity for improvement, I mean that, and I think there always are. But with you -- the spirit is such that we want it. And what I also miss is indeed in terms of informality, there was

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nothing nicer than at the end of a Board GAC meeting to step off the podium, walk through the room and speak with a couple of people. It's these things. Now we shut down the Zoom and we're back home immediately so I appreciate both sentiments, but I'm serious, let's see how we can further improve that.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten (audio interference) someone needs to mute, please. Olivier, please. You have the floor.

EUROPEAN COMMISSION: Thank you very much, Manal. Good morning good morning, good afternoon, and good evening to all, I wanted to respond to a few points, and I think it was an invitation from Göran to respond. On the legislative proposals the government might have in the making and the idea to come to ICANN to discuss with the community, I think this is a very good idea, and I would like to remind that -- we have done our best to do it, for example, with these two proposals, we came, organized an info session with colleagues from ICANN org, presented both the [indiscernible] and a plenary at the last ICANN meeting, but of course we are happy to come back at different stages of the legislative process, and I'm sure there are many governments who would be happy to do the same.

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I would agree very much with Maarten, and it's going to be at the -- next plenary, we very much miss the physical meetings and I hope the next year we will have the opportunity to discuss in-person, a very important component of the ICANN meetings. But for us speaking about the engagement of governments, I think it's very important to have a good interaction. First of all among ourselves inside the GAC, good interactions with you, the Board, and with the other communities and I think we try to do that even in this remote format.

And that I think is the key to then have governments to engage more broadly into ICANN activity, in the policy development process and with other groups and really play that part in the multi-stakeholder dialogue. Finally, one point, wanted to say thank you to the GAC supporting team, so for ICANN org, doing a great job helping us at every stage during the meeting but also in the preparation of the meeting. So thanks to them. Thanks a lot.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier. Sorry, Maarten.

GÖRAN MARBY: I would like to thank the European Commission for coming. I think that what we're hearing from the community is that the GAC should arrange it so also maybe other GAC members will be aware of potential legislative solutions, and I think that was the point.

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Well, aware and very thankful for the opportunity to the community to answer questions about the in S2 -- and we have the opportunity we at ICANN don't think [indiscernible] would be a good idea.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran, and thank you everyone. I cannot agree more on missing the informal mingling as Maarten mentioned, Olivier, and also Jorge in the chat, and I echo what Olivier said about the amazing GAC support staff team that we have, so thanks to org and everyone for that.

We have six minutes remaining for this part of our discussion. So if I may ask, we go to the following slide and we have four remaining points. The first reads: Recently states have been actively introducing national regulations on issues related to the Internet and such regulation, for example, GDPR also affect the activities of ICANN. ICANN should establish working procedures and tools for cooperation between ICANN org and governments to review, evaluate, and implement relevant requirements of national regulations. Question is: Would ICANN org envision a strategy going forward for interaction with governments on national level regarding specific laws or regulations?

Point 7 also suggesting that ICANN continue playing a constructive role in such fora, ICANN will be better placed to



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understand international and regional debates, the interests and needs at stake, and contribute its fair share to potential approaches to address relevant geopolitical issues consistent with its missions and bylaws. And I have to say, other fora here, such fora here was within the wider Internet governance ecosystem.

Point 8 is ICANN should further support the active participation of all governments and the GAC through dedicated trainings and support actions. And finally, ICANN should maintain and encourage multi-lingual interactions in ICANN meetings. Stopping for any remarks, answers from the Board side or follow up from GAC colleagues.

MAARTEN BOTTERMAN: Yes, of course, thank you for this, and again, I think the first question is best answered by the organization who is executing on the engagement strategy and we're merely overseeing it but nevertheless, Göran would have in a place to give an answer on that. And on questions 8 and 9, it's like do you feel we don't do enough or not enough is done? And do you feel more languages than we currently already do should be encouraged because in a way the -- the multi-link interaction has increased over this period [indiscernible], so trying to understand that better. And Göran, maybe you can also explain where we are with the engagement strategy.

GÖRAN MARBY:

Thank you very much, and first of all, I would like to thank the GAC and the members of the GAC representing your governments. About the [indistinct] IDs when it comes to this, don't take it anything else but a good discussion but shows we have to work on how we inform the GAC. And one of the more under parts of the community because if I can like a broken record for those who are so old that they actually remember what a record is, we do produce a lot of information for the transparency of our interaction with governments around the world and if you look at some of the questions, you will see detailed information in the ICANN CEO report or the special report, activity report, we send to the GAC. And to get a little bit broader, we have the charter of our interaction with governments, what we talk about with governments.

As an example, in the [indiscernible] we don't have an opinion about legislation, per se. What we do is that we tell the technical consequences of the legislation. And we are often invited by governments around the world, both informally or formally to give opinions about how we looked at from a technical perspective on different pieces of legislation because the Internet, the technical identifier of the world is something that is sort of in a box when it comes how the technical capabilities actually do work, and that is the ICANN expertise, and we try to do that in a [indiscernible] way.

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And one thing we have proposed is a 90-minute session at all ICANN meetings for a more constructive dialogue with the community including the GAC of what we do, how we do and [indiscernible] some of the [indiscernible] we see. So I welcome this discussion. We do -- before I leave, we do participate in many different forums in the UN setting, IGO settings, regional and local parliaments and work together with community members who help us and talk to us and give insight about what happens. All of that you can find in the different reports. Mandy.

MANDY CARVER:

Thank you, Göran, and again, I would like to second what Maarten and Göran have said. We are absolutely committed to dialogue with the countries. And in this instance -- and I want to say of course most of this is not done in any way like a lobbying, we are providing neutral technical information on how things operate. So the goal is when we get a request or when we see a process or when members of the community or our regional teams see a public dialogue going on about something, there is an internal evaluation to see whether that proposed legislation or a resolution, initiative, et cetera, in an IGO or regional governmental body has potential impact on the technical underpinnings of the Internet.

So our goal as government engagement, we want to understand the concern that governments are trying to address so that we

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can help with that. But we also want to be able to alert the parties involved if there is an unintended consequence to the way the legislation or the regulations being worded. And so we have been able in a number of instances, either through public processes or direct requests for feedback and discussion to ICANN from those bodies.

So yes, we are active in those spaces. And we also, as Göran has said, we encourage GAC members to reach out to us with concerns, ideas, and what you see going on

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten, Göran, and Mandy.

[overlapping speakers]

MANAL ISMAIL, GAC CHAIR: Sorry, Maarten, are you... I can hear you.

MAARTEN BOTTERMAN: Okay. I didn't hear the latest words from Mandy. Was it me or Mandy?

MANAL ISMAIL, GAC CHAIR: I think it's at your end.

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MAARTEN BOTTERMAN: Okay. Thank you. Then at least Mandy completed her statement. So thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten, Mandy, and Göran. And I was saying that it's not lack of things that are pointed out here but rather things that are working well and ICANN is encouraged to do more. And I have three hands up I would like afterwards that we with GAC questions, but I will give the floor to Iran first. Kavouss, please.

IRAN: Thank you Manal and distinguished Board members for the participation. These questions are questions of those people who raise that. I may not share some of them or all of them. The question if ICANN should maintain multiple -- yes, ICANN doing all the best, you have all multi-lingual, six UN languages and Portuguese. What else can you do? Is there anything -- to raise the question. So [indiscernible] support the question. I'm sorry ICANN does not have any entitlement to [indiscernible] this is only for governments, and I am surprised that people like Nigel who was [indiscernible] spoke UK 2010 put this -- you can't put anything [indiscernible] unless you go to the government and then on the very sensitive issue of shared governance, there is not one single view in the plenary conference for an entirely different

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views and divergence of views and so on, so forth, so I don't understand that question either. -- there you can put something, I don't know what extent taken into account but [indiscernible] ICANN cannot make any contribution at all, even it cannot speak any meeting at all, it is exclusively for governments, so I don't understand this question.

And now for the process, I think I will leave it Switzerland and others -- and I will expect they provide information whether satisfied or not but something at the beginning of this issue there was something you said that ICANN trained and educated government. I strongly opposed to that. ICANN is not in a position to educate the governments nor to train the governments nor independent entities, advice, and they don't need any training or any instruction or any education from the ICANN. I don't understand the position that ICANN could train the government and educate the government. I don't know who put that, [indiscernible] very sorry, something I don't agree with

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss.

MAARTEN BOTTERMAN: Thank you, and I hear you, particularly on the training and education part. I think it [indiscernible] the best formulation and in no means do we think we know better or whatever. It was just

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well understood that sometimes it would have helped if governments would have been better informed about what we do and how we do it and how these things came together and informing them is one thing. The other thing that we're obviously committed to is helping GAC members to be up to speed as much as possible recognizing how quickly the turnover is. So it's -- I agree with you that the wording should have been chosen better. But the intent is pure, it's to make sure that what we do and how it may be impacted is made clear in our communications, so thank you for that remark.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten. And Kavouss, thank you very much. I would have appreciated if the comments were communicated earlier. We have been discussing these points for months now, first on the GAC mailing list and then yesterday during the prep session -- I mean the day before yesterday. So it would have helped more if they were communicated earlier and actually taken into consideration in what we shared with the Board.

I see a queue forming. I'm in your hands. We're risking the GAC questions, but if you feel the need to comment, I will give the floor now to the Caribbean telecommunication union, Nigel, please.

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**NIGEL CASSMIRE:** Thank you very much, Manal, I will be very quick. Just in terms of this point about keeping governments better informed, I'm just taking the opportunity to thank ICANN on behalf of the governments of the Caribbean telecommunications union, about 10 or 12 of which are GAC members, in terms of the [indiscernible] successfully to our general conference of ministers meeting last month, and we had high representation from ICANN at that meeting, no less than the ICANN Chair himself. So that is an opportunity taken where multiple governments and representatives got together for ICANN to clarify its mandate and work, and I think opportunities like that can be taken advantage of going forward. Thank you.

**MANAL ISMAIL, GAC CHAIR:** Thank you very much, Nigel. And Maarten, if you will allow me, maybe we can hear all the comments and then to use the time efficiently --

**MAARTEN BOTTERMAN:** -- I just wanted to hear my appreciation for having been there they Caribbean ministers conference and I also learned from the interaction. It was very good to see the interaction. So I thank you for providing the opportunity as well. And yes, it felt to me as well like we were coming together in a joint understanding. So thank you. Sorry, Manal, but it was really good to be there.



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MANAL ISMAIL, GAC CHAIR: Thank you are Maarten. I have US, then European Commission and then Russia.

SUSAN CHALMERS: Thank you, Chair. And very briefly, training or education matters aside, when policy makers in our field assess legislative proposals that touch, concern the global DNS, it is very helpful to be able to educate oneself on the practical impact from the results of those proposals and just wanted to follow up on the comments offered by Göran and Mandy in saying that perhaps more of a good thing would be helpful. Assessments or technical assessments that really boil down the potential impacts on the DNS of legislative proposals in a very practical and approachable way, I think are a great tool for policy makers and for us to share with other interagency colleagues, for example, to help determine or positions on legislation. So that's it. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. European Commission, please.

EUROPEAN COMMISSION: I will speak in French. Wanted to respond to my colleague from Iran. To clarify perhaps the points 8 and 9. And to say that as Manal said, it was more so an encouragement for ICANN to pursue the different actions in the areas mentioned. As far as point 8, the

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idea is not to educate, in fact we don't have that specific word in 8. So the goal not to educate the governments but rather ensure that government representatives understand the way that ICANN functions, which is quite complex. I think we can say that, so it's very important for ICANN to do debriefs, webinars, to inform at different times so that government representatives do understands clearly how ICANN functions.

Now, as far as the other point, I speak in French because we have it, and it is an excellent thing, we have the tools in order to speak in the different languages. But the fact is that we essentially speak in English in the discussions at ICANN. So the point I would like to make is that we do need to encourage effective interaction in different languages. And in order to do so we need to have the means, and we have them, but we also perhaps need to evolve in the culture. If someone wants to speak in French, Spanish, Arabic, they should not hesitate to do so, to speak in his or her own language. So that was the point we wanted to communicate with point 9. Thank you

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier.

RUSSIAN FEDERATION: I will speak Russian. I would like to make a brief comment regarding our item about the interaction between ICANN and the

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governments regarding the topics of national regulations. I would like to underscore that the Russian Federation has at many times different international forums expressed concerns for the lack of system for the global regulation of the Internet and harmonized national regulations. At this time we do not have this system in place. Legislature that concerns the topic of Internet is not harmonized in different countries and it's being developed separately by each country, but this is our reality, and that is what we have to deal with.

The Russian Federation welcomes the gr service installation in ICANN, and we hope for the further productive work under the proposal to create this mechanism and interaction procedures. We mean developing procedures that would allow to organize the systematic and routine work to organize national legislature and identifies requirements that have to do with ICANN. Thank you, that is all I wanted to say

MANAL ISMAIL, GAC CHAIR: Thank you very much, Russia. And thanks everyone for the interaction. I would like to move on, but I have to ask first if there are any comments from the Board side, or shall we move on?

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MAARTEN BOTTERMAN: I think on the last subject that the gentleman from Russia brought, maybe Göran you can -- well, in a way, thank you for -- we have heard you. Let's move on.

MANAL ISMAIL, GAC CHAIR: Perfect. Slightly more than ten minutes and we have five questions, maybe two minutes or so for each question. We can skip this one and go to the following slide. And this is a question on SSR-2. Is it the position of Board that ICANN's compliance team cannot be asked to simply inform the community what tools they are missing from contracts to better address security threats, which if negotiated for in future contracts might otherwise benefit ICANN in its mission to ensure the security and stability of the abuse. If so, can the Board please elaborate why ICANN negotiation strategy cannot be informed? And if not, might the Board consider clarifying its response to the SSR29.4 to note that it does not object to ICANN compliance making the requested reports in order to better inform ICANN's future contract negotiations.

MAARTEN BOTTERMAN: Thank you for the question. Danko, would you be willing to take this on?

DANKO JEVTOVIC:

Sure. Hello, my name is Danko Jevtovic, I am chairing the [indistinct] and I would like to thank the GAC for allowing with the Board as keeping the [indistinct] as the highest priority. So the tyke contractual compliance ensures the [indiscernible] developed by the community -- these policies and the other obligations are incorporated into ICANN's agreement with the contracted parties, and it is the role of the [indiscernible] to enforce them, DNS abuse, complaints based on section 3.18 of the registry agreement, specifically registrar agreement specification 11.3b of the registrar agreement and compliance reports monthly on the volume and disposition of these complaints.

So while we of course received the SSR 2 review team reports and analyzed them, our point is that compliance has the tools it needs to enforce the obligations as they currently exist. If new obligations arise as a result of policy development or contractual negotiations, compliance will do everything it can to ensure that those obligations are clear and enforceable, and it has the tools necessary to enforce them.

But let me try to summarize this less formally. The obligations are coming from policies developed from our bottom-up multi-stakeholder model. GNSO is the PDP manager for [indiscernible] policies. Obligations also from contracts that are [indiscernible] for voluntary contract negotiation between ICANN org and

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contracted parties and of course from side ICANN org includes compliance. But the compliance department executing on these written obligations, they are doing how? The community specifying what? So we can't ask the compliance about the tools for how without telling them first what needs to be accomplished. That is why we have policies, and it's not the role of a review team or the Board to create those policies. It's the community's role. And why in this short explanation is our common mission, and it's in the bylaws. Any questions?

MANAL ISMAIL, GAC CHAIR: Thank you very much, Danko, I see no hand up. So maybe we can go to the following question.

And again, skipping over the background, the question reads: Noting the note expressed by the Board for further analysis and consultation and to the extent at that GAC members may wish to follow or contribute to specific security and/or DNS abuse topics addressed in the report

What are the processes and means through which the Board will facilitate to enable these actions? Might the Board clarify how the GAC, and the ICANN will be informed of ongoing work and developments regarding these recommendations? Might the Board clarify what opportunities will be available for the GAC to contribute to these discussions which relate to important Public

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Safety issues? And finally, could the Board share a timeline for the engagement with the SSR2 shepherds and eventual wider consultation of the ICANN community?

MAARTEN BOTTERMAN: Thank you for the question. Avri.

AVRI DORIA: Hello to everybody. So these all fall in the category of pending issues, which the Board has basically committed to taking up once the organization, the org has had a chance to basically further research into the questions. So the org is currently working on that, is basically gathering the questions, gathering the answers. The org will be interfacing with the SSR2 implementation shepherds, has already been doing that and the community representatives as necessary. So if there is a question that involves clarification of a GAC point, I would expect that the org will be communicating with them.

And then at that point once the org has gathered it all together, it will bring it back to the Board. The Board will discuss it. If there is a need for further consultations on any of those issues, those things will happen, and they would happen either through the interaction group, you know, through the communications through Manal as a liaison to the Board and a Chair of the GAC and such.

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So at this point, though, the focus of the work is on the org's hands. 4, 2, a little different, it was one of the recommendations, rejected because it couldn't be fulfilled in full. The organization has very strong risk management process and department. It works very closely with the Board risk committee in its oversight role, and perhaps one of my other Board colleagues who is more involved with the risk committee might want to say a word or two, but I leave that to you, Maarten. Thanks.

MAARTEN BOTTERMAN: Maybe a little bit on how we deal with risk assessment. Lito, as chairman of the Board risk committee, would you like to tell a little bit about that?

LITO IBARRA: Yes. Okay. I was already typing my answer because I thought microphone wasn't working. Okay. Yes, I'm Lito Ibarra, Chair of the Board risk committee, and I would like to tell that you for several years, more than eight, we have been following target risk management model that was based on one percent by KPMG to ICANN, and we have been following that as a risk management model to follow. That is in the risk management overall. Regarding cyber security and information security, we are following the NIST Framework for some years too, and in both cases as risk management overall and cyber security, we are



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developing -- we have been developing an organizational culture along the way.

So we have many ambassadors, security ambassadors, we call them, and already risk management liaisons throughout all of our departments. So that is why we have been following these standards, international standards, and that is the reason we kind of rejected recommendation for 2, even though we fully agree with the principle behind it, which is we need to take care of risk, and we do it as I have explained. Thank you.

MAARTEN BOTTERMAN: Thanks. So I hope that helps, Manal.

MANAL ISMAIL, GAC CHAIR: Indeed. Thank you very much, Maarten and Lito, and Avri, of course. And while I read through the following question on the following slide, and I think this is the last question we will be able to address today. I would also like to bring to everyone's attention Göran's comments in the chat and his kind offer to come in person and report to the GAC on activities with IGOs.

I am obliged here read the background for context: There seems to be discrepancy in the perception in some of the issues related to the SSR2 report in relation to compliance with the DNS abuse contractual terms and enforcement of those recommendation

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9.1, the Board appears to consider in its reaction to the SSR2 that the recommendation is fully enforced while the -- recommendation suggests that this is not a case. How does the Board intend to reconcile these contradictory outcomes?

MAARTEN BOTTERMAN: Danko, maybe you can explain.

DANKO JEVTOVIC: Thank you, Maarten -- apparent discrepancy. I would like to thank the SSR2 team for the effort, but the review started in 2017 and ended this year, almost five years, 2800 hours of volunteer time and the support time more than 6,000 hours. So it was a long review and a lot of things have changed during this review in the work of the ICANN.

So as noted above in my previous response, ICANN enforces cases concerning DNS abuse threats as in the registry and registrar agreement through addressing complaints but [indiscernible] audits and for prompt monitoring [indiscernible] compliance does not enforce obligations that do not exist in agreements. The perception of lack of enforcement may be based on the mistaken understanding of what the contractual obligations require, and there was a significant discussion inside the community in previous years about it.

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In addition to that, compliance conducted two audits of registries and registrars, assessing their complaints with those DNS security threats regulations. Reports posted on the ICANN complaints web page and complaints enforces those as well, engaging with contracted parties. [indiscernible] aware of outside complaints. Back to you or Manal.

MAARTEN BOTTERMAN: Thanks for that, Manal. Hope this helps. Yes, time flies, indeed.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten and -- and apologies to GAC colleagues on not being able to raise questions under SubPro. We will have other opportunities and we have had excellent representation during this meeting. And again, anything in conclusion, Maarten?

MAARTEN BOTTERMAN: Again, thank you for the opportunity. And I think this marks not limited by formalism as by time, this time again. Really appreciate the interaction. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much Maarten and to all the Board members who joined us today and all GAC colleagues for their active engagement and all community members who joined us in the

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GAC Zoom room, I saw 380-something so seems to be a popular session. It is now time for a 30-minute break, and there is the plenary session on designing hybrid ICANN public meetings afterwards. You are all encouraged to attend and participate. And please be back in the GAC Zoom room at 12:30 Seattle time.

**[ END OF TRANSCRIPT ]**