
MINUTES OF MEETING

ICANN70 Virtual Community Forum, 22-25 March 2021

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1. MEETING ATTENDANCE & MEMBERSHIP

Representatives from seventy-three (73) GAC Members and 5 Observer organizations attended the GAC ICANN70 virtual meeting remotely.

GAC membership currently stands at 179 Member States and Territories, and 38 Observer Organizations. A list of ICANN70 GAC meeting Member and Observer attendees is provided in [Attachment 1](#).

The ICANN70 GAC Communiqué is published on the GAC website at - <https://gac.icann.org/contentMigrated/icann70-gac-communicu>.

Presentations used by speakers during the meeting and supporting briefing prepared for the GAC can be accessed from the GAC website: <https://gac.icann.org/agendas/icann70-virtual-meeting-agenda>.

Full transcripts for each session are to be made available from the ICANN70 Public Meeting website, via the relevant agenda items on the GAC's website agenda page listed above.

1.1. Opening Plenary Session

The GAC Chair formally opened the GAC ICANN70 meeting. She explained the logistics for the meeting week and allowed GAC Support staff to explain technical information about meeting resources on the GAC web site and use of the Zoom Room interpretation capabilities. The GAC Chair reviewed specific aspects of the meeting week agenda - particularly noting the opportunities to participate in the ICANN cross community plenary session on voluntary commitments by registries, the ICANN public forum and the ICANN Board meeting at the end of the week. She noted the plan to offer daily 30-minute "catch-up" updates for GAC Members who may not be able to fully participate in the virtual meeting due to time zone challenges or other reasons.

The GAC Chair reviewed the GAC work efforts conducted intersessionally since ICANN69. She reviewed "wrapping-up", ongoing and upcoming GNSO policy development processes in which GAC Members have interests - including new gTLD Subsequent procedures PDP (wrapping-up), review of all rights protection mechanisms in all gTLDs (phase 1 wrapping-up), EPDP on gTLD registration data (EPDP Phase 2a)(ongoing), the IGO curative rights work track (ongoing), a transfer policy PDP (upcoming) and internationalized domain names – Track 2 (upcoming). The chair also noted that ccNSO policy efforts regarding ccPDP3 and ccPDP4 were ongoing and that webinar briefings were scheduled to be provided to the community on 15 April.

The GAC Chair confirmed the ongoing list of five GAC priority topics including:

- Subsequent Rounds of New gTLDs (3 sessions planned for ICANN70)
- RDS/WHOIS and Data Protection (EPDP)
- DNS Abuse Mitigation (2 sessions planned for ICANN70)
- IGO - Rights Protection Mechanisms (RPMs); and
- Implementation of Workstream 2 - Accountability Recommendations (WS-2)

She shared brief summaries of the status of each priority topic.

The GAC Chair also identified several operational priorities for the committee, including:

- Operational Design Phase (ODP)
- GAC Advice (recent BGIG discussions)
- GAC Action/Decision Radar; and
- ICANN Meetings Planning (CEO Roundtables' discussions)

The GAC Chair reviewed the GAC work efforts conducted intersessionally since ICANN69. She summarized the GAC's public comment participation (see <https://gac.icann.org/activity/gac-public-comment-opportunities>) and notable correspondence (see <https://gac.icann.org/advice/correspondence/>) since the last GAC public meeting.

She reported that since ICANN69, the GAC has been an active contributor to a number of ICANN community public forums and cross community efforts including comments regarding [GAC Input Regarding the ICANN Public Meeting Strategy](#) and the ICANN [Community Consultation on ICANN Public Meetings](#). The GAC also produced comments regarding the [Updated Operational Design Phase Proposal by ICANN org](#) and submitted comments on the ICANN org [Draft FY22-26 Operating and Financial Plan and Draft FY22 Operating Plan and Budget](#).

She also reported that since ICANN69, the GAC had also sent and received written correspondence regarding various matters of importance to GAC members including the Final Report of Phase 2 of the GNSO EPDP on gTLD Registration Data, the GNSO EPDP on the Temporary Specification for gTLD Registration Data, Phase 2, Priority 2, ICANN Board action on IGO protections at the second level of the DNS, and the GNSO gTLDs Subsequent Procedures PDP WG Final Report.

The GAC Chair reminded session attendees of the pilot Communiqué drafting process that members had agreed to employ for ICANN70. Noting that a decision to produce a reporting Communiqué or a more substantive document would likely develop organically over the course of the week, the Chair noted that GAC Members had been offered the opportunity to share any advice proposals for Communiqué language before the meeting and that the document review period after the meeting had been extended from 48 to 72 hours so that all GAC Members would have the opportunity to thoroughly review the Communiqué in their own time zone before publication.

2. PUBLIC POLICY AND SUBSTANTIVE ISSUES

2.1. Subsequent Rounds of New gTLDs

The GAC discussed Subsequent Rounds of New gTLDs, following the GNSO Council adoption of the Final Report of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP). GAC Vice-Chairs provided an overview to GAC members on priority topics to the GAC:

- Clarity and Predictability of Application Process
- Public Interest Commitment (PICs) and Global Public Interest
- Applicant Support and Participation of Underserved Regions
- Closed Generic TLDs
- GAC Early Warnings and GAC Advice
- Community Based Applications
- Auctions/Mechanisms of Last Resort

On predictability, some GAC members shared concerns relative to the creation and implementation of the Standing Predictability Implementation Review Team (SPIRT), notably on the added layer it may create regarding GAC consensus advice. GAC members agreed that further clarification on the implementation of the SPIRT should be encouraged, as well as on the role the GAC will play in it, especially in light of Implementation Guidance 2.3 suggesting direct dialogue between the SPIRT, ICANN org and the ICANN Board on GAC Consensus Advice, in which the GAC expects to be included as well. Some GAC members noted that GAC views on the SPIRT as shared in the GAC consensus comment on the SubPro PDP WG Final Report were not taken into account by the PDP WG. Furthermore, GAC members emphasized the importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities.

On Public Interest Commitments (PICs), GAC members observed that any future 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. Additional mandatory and voluntary PICs should remain possible in order to address emerging public policy concerns. GAC members noted that currently there are no policy recommendations on DNS Abuse Mitigation in the Final Report, which remains a high priority issue. Some GAC Members noted that DNS Abuse Mitigation issues must be addressed before a new round of new gTLDs and support language included in the At-Large minority statement on this matter.

Relative to the Applicant Support Program, GAC members observed the importance of fostering gTLD applications from a diverse array of applicants from all regions and that every effort be made to increase the number of applications from underrepresented regions. In this connection, GAC members also reiterated the GAC's support to proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support.

Regarding Closed Generic TLDs, GAC Members noted support for the proposed suspension of Closed Generic TLD applications until policy recommendations and/or a framework on the delegation of closed generics which serve a public interest are developed by consensus, as per the At-Large minority statement. GAC Members drew the attention of the Board and the community to the GAC consensus comment on the SubPro PDP Draft Final Report, which elaborates and adds substance to the Beijing GAC Advice on Closed Generic TLDs.

On GAC Early Warnings/GAC Advice, in regard to recommendation 30.6, some GAC Members proposed to recall the compromise language presented by the GAC, as it may not always be possible for an applicant to address a specific concern expressed in a GAC Early Warning. Regarding Recommendation 30.4, some GAC Members expressed their views that the Bylaws changes from 2016 did not introduce any modification to the section on GAC Advice which would require a change of the language included in Section 3.1 of the 2012 Applicant Guidebook which states that GAC Consensus Advice “will create a strong presumption for the ICANN Board that the application should not be approved”. In the opinion of said GAC Members this language was part of a delicate compromise during the 2012 round preparations and should therefore be maintained. Other GAC Members continued to note that the text in Recommendation 30.4 must be consistent with the ICANN Bylaws, and therefore supporting the removal of the aforementioned language.

Relative to Community Based Applications, some GAC Members expressed support for a GAC alignment to At-Large positions in the ALAC Minority Statement, especially relating to Community Priority Evaluations (CPE).

On Auctions/Mechanisms of Last Resort, some GAC Members supported the At-Large Minority Statement on disincentivizing auctions of last resort and that the use of a bona fide intent affirmation should supplement applications, not only those which fall into contention sets.

In addition, in light of the SubPro PDP Final Report, the GAC shares the concerns expressed by some parts of the community about the need to adequately assess the costs and benefits of any new round of New gTLDs and highlights the SSAC’s observation in its Comments on the GNSO New gTLD Subsequent Procedures Draft Final Report that the “*fundamental tension*” between “*challenges to security, stability, and resiliency of the DNS*”, on the one hand, and “*safeguards and other protective measures*,” on the other, has not been adequately addressed.

Action Points:

- **GAC Topic Leads on Subsequent Rounds of New gTLDs:** To review advice envisaged by At-Large for ICANN70, which could provide a basis for a GAC consensus comment in the forthcoming Public Comment proceeding
- **GAC Topic Leads on Subsequent Rounds of New gTLDs:** Consider a potential intersessional statement from the GAC to the ICANN Board (separately or jointly with the ALAC).
- **GAC Topic Leads on Subsequent Rounds of New gTLDs:** Consider potential GAC Consensus Advice to the ICANN Board before it votes on the SubPro PDP Final Report.

2.2. DNS Abuse Mitigation

During ICANN70, the GAC discussed several matters relevant to the mitigation of DNS Abuse, in two dedicated sessions as well as during the update on the activities of the Public Safety Working Group (PSWG). The GAC considered: the final recommendations of the Second Review of the Security, Stability and Resiliency of the DNS (SSR2 Review); experience of one GAC member with the impact of DNS Abuse and possible measures to address it; concrete steps the GAC can take to address DNS Abuse; and finally concerns with the DNS over HTTPS (DoH) technology.

Regarding the final recommendations of the SSR2 Review, Topic leads from the GAC's PSWG presented key recommendations of direct relevance to the mitigation of DNS Abuse, with the aim to prepare a GAC Comment in response to ICANN Board's ongoing consultation as part of its consideration of the recommendations. [[GAC Comments](#) were eventually filed on 8 April 2021]. The Chair and several members of the SSR2 Review Team, who form a team of implementation shepherds that will assist ICANN in implementation of the recommendations, joined the GAC's discussion. They stressed the care with which they drafted the recommendations to ensure that they were consistent with prior community work (including the CCT Review recommendations in particular) and that they provided specific guidance as to what successful implementation would look like for each recommendations. A GAC Member commended the work of the SSR2 Review team in terms of clarity and actionability, as well as coverage of short and longer term issues, and called on the full involvement of the ICANN Community in the collective implementation effort.

Regarding recent development and next steps in DNS Abuse mitigation, GAC discussion started with a presentation by a GAC Member of national phishing data and challenges in reporting DNS Abuse to relevant parties as well as securing adequate action in response to these reports. It was proposed that the GAC discusses measures to strengthen enforcement of existing contractual provisions, including through audits.

More generally, the co-Chairs of the GAC PSWG discussed a set of possible priorities to inform concrete proposals as discussed during ICANN69. These include:

- Focus on the impact of DNS Abuse (in light of disagreement on statistics related to volumes of abusive domains and data not always reflecting significant impact on victims)
- Prioritize action on types of DNS Abuse that are known to enable cybercrime
- Ensure timely action when abuse is detected, especially if it's systemic abuse (repeat bad actors)
- Tackle specific, clearly identified and known issues in responding to DNS Abuse
- Prioritize actions that address behavior of the core of DNS abuse (without burdening compliant actors)
- Foster better information sharing between parties
- Streamline and standardize Abuse Reporting to Registries, Registrars and other relevant parties
- Ensure Access to accurate gTLD Registration Data
- Education of end-users

Several possible concrete proposals were considered, in particular:

- The improvement of existing contracts in light of identified gaps between contract provisions and ICANN's stated challenges in their enforcement
- Seeking closure of discussion on DNS Abuse definition in light of a common foundational understanding of what comprises DNS Abuse

- Financial incentive programs to reward effective prevention and mitigation (consistent with recommendations of the CCT and SSR2 Review, and as has been discussed among Contracted Parties)
- Possible cross-community work to identify specific issues with certain levels of consensus and discuss available opportunities to address these, including via policy development if appropriate

Regarding DNS over HTTPS, a panel discussion proposed by members of the GAC PSWG discussed the emerging protocol which enables DNS resolution by encrypting queries through normal looking HTTPS web traffic, thus protecting and preventing unauthorized access and manipulation of DNS traffic. The panel discussed recent industry implementations and in particular the perspective of providers of web browser software, resolution services and a Regional Internet Registry (RIR). Some GAC Members requested further consideration of risks associated with this technology in particular as it relates to illegal activities and the ability for law enforcement to investigate these. Participants in the panel referred in this respect to usual avenues for due process. Other GAC Members recognized the complexity of the matter amid potential benefits in terms of security and privacy, but also challenges in terms of user experience and the fight against cybercrime by public authorities and other relevant actors.

Action Points:

- **GAC Public Safety Working Group** to propose a draft GAC Comment on the SSR2 Final Report
- **GAC Public Safety Working Group** intends to continue to follow-up on emerging technologies with an eye on the public interest

2.3. RDS/WHOIS and Data Protection

Representatives of the GAC in the EPDP Team provided status of efforts to bring WHOIS into compliance with Data Protection law since the adoption of ICANN's Temporary Specification and the related launch of the GNSO's Expedited Development Process (EPDP) on gTLD Registration Data. A discussion of the overall timeline of these efforts highlighted significant uncertainties as to when completion could be expected.

Regarding ongoing implementation of the policy recommendations adopted as part of Phase 1 of the EPDP, GAC Topic Leads reported on challenges related to the timeline for completion, and the impact of this work and recent developments on the implementation of the Privacy/Proxy Service Accreditation Policy (PPSAI) and Thick Whois policies.

Regarding the adoption by the GNSO Council of the Phase 2 policy recommendations, GAC Topics leads recalled the areas of consensus and non-consensus among stakeholders, as well as concerns expressed on the proposed Standardized System for Access/Disclosure (SSAD). They reported the expectation that the ICANN Board would launch an Operation Design Phase to inform its formal consideration of the GNSO recommendations [The ICANN Board [resolved](#) on 25 March 2021 to launch such a phase for an initial duration of 6 months].

Regarding the ongoing Phase 2A of the EPDP, GAC Topic Leads reported on the progress and challenges in agreeing on mandatory policy proposals to ensure distinction between legal and natural persons, as well as the feasibility of implementing uniform anonymized email addresses. Legal input from the EPDP Team's external counsel was expected to inform further deliberations [some of this [legal guidance](#) was delivered on 6 April 2021]. The GNSO Council on its part was to consider during ICANN70 a report from

the EPDP Team Chair on the possibility to achieve consensus in order to authorize continuation of the work. A GAC Member expressed support for the continuation of Phase 2A and proposed that the GAC conveys such a message through its interaction with the GNSO during ICANN70 (see section 4.2).

Regarding Accuracy of gTLD Registration Data, GAC Topics leads recalled the GAC's understanding of the importance of data accuracy in the context of data protection law, in particular in relation to the purpose for which the data is processed, as well as the ICANN Community's recognition, most recently in the SSR2 Review recommendations, of the importance of registration data accuracy for the security, stability and resiliency of the DNS. The launch of a GNSO scoping effort is now expected in light of the delivery by ICANN of an initial briefing on 26 February 2021. It was proposed that the GAC stress the need to enforce relevant contractual obligations in the short-term while further study as recommended by ICANN is properly scoped, in parallel to which a policy development process should be launched. This matter was discussed further with the GNSO during ICANN70 (see section 4.2).

One GAC Member expressed the need for more time to be allocated to GAC deliberations on these matters given their complexity and the need to consider a wider range of jurisdictions. A GAC representative on the EPDP team welcomed intersessional work to enable more GAC interactions on this subject matter, as necessary.

2.4. Rights Protection Mechanisms

The GAC reviewed Phase 1 Final Report on the Rights Protection Mechanisms (RPMs) PDP and discussed preparation for providing early input to inform the initiation of the upcoming Phase 2 RPMs PDP set to review the Uniform Domain Name Dispute Resolution Policy (UDRP). The GAC also discussed the economic consequences caused by online piracy, as reported by one GAC Member, and its proposal to begin discussions of measures to ensure the compliance of registries and registrars with the contracts with ICANN, including disclosure of registration data. The GAC discussed the potential need for further engagement with stakeholders to address the appropriate measures to deal with domain names for pirated websites and that a globally accessible extra judicial mechanism may be worth considering.

3. GAC WORKING GROUPS

3.1. GAC Public Safety Working Group (PSWG)

The GAC PSWG led three ICANN70 GAC sessions to provide an update on PSWG activities and discuss DNS Abuse mitigation, including a detailed review of the SSR2 recommendations, discussion of concrete next steps on DNS Abuse Mitigation and DNS over HTTPS (see section 2.2 above for related minutes and action points).

During the PSWG update to the GAC, PSWG Co-Chair reported on the working group's progress relative to the PSWG Work Plan 2020-2021. A detailed status report was provided as part of the GAC briefing material prior to the ICANN70 meeting.

During ICANN70, the PSWG also held discussions with: ICANN org including representatives of the Office of the Chief Technology Officer, the Security Stability Resiliency team, Global Domains & Strategy, and Contractual Compliance; the Security and Stability Advisory Committee (SSAC); the At Large Advisory Committee (ALAC); Registry and Registrar Stakeholder Groups (RySG, RrSG); and the Intellectual Property and Business Constituencies of the GNSO (IPC and BC). The PSWG noted in its outreach the focus on DNS Abuse and discussed possible steps forward which include assessing how contract provisions may improve responses to DNS Abuse.

3.2. Human Rights and International Law Working Group (HRILWG)

The HRILWG Co-Chairs updated the GAC on the working group's assessment and implementation work regarding Work Stream 2 (WS2) recommendations on Diversity and the Human Rights Core Value. Members of ICANN org WS2 Cross-Functional Project Team provided an update to the GAC on the Org's implementation planning, highlighting the priorities throughout FY21 and beyond.

Among the next steps relative to the recommendations implementation process, the HRILWG will be consulting with UNESCO to explore its "Universality Indicators for the Internet" issued in 2019 which measures how elements of diversity, disability, language, human rights, among others, are represented in the Internet environment in a given country. The HRILWG will continue reporting periodically to the GAC and its leadership through the GAC tracking tool.

The HRILWG co-chairs reiterated the call for GAC volunteers to participate in the WS2 implementation effort, whether by joining the HRILWG or contributing to the implementation of a different set of recommendations.

Action Points:

- **GAC Support Staff (Rob Hoggarth)** to support GAC HRILWG Co-Chairs to submit the HRIL WG Work Plan 2021 for endorsement by the GAC.
- **GAC HRILWG Co-Chairs** to appoint a liaison with the Cross Community Working Party on ICANN and Human Rights (CCWP-HR)
- **GAC HRILWG Co-Chairs** to cooperate with the UNESCO on Internet Universality Indicators used to evaluate the impact on diversity and human rights.

4. CROSS COMMUNITY ENGAGEMENT

4.1. Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed questions proposed by the GAC in advance of the meeting regarding:

- Subsequent Rounds of New gTLDs,
- DNS Abuse Mitigation and Recommendations from the Second Security, Stability and Resiliency of the DNS Review (SSR2),
- Registration Data/WHOIS.

In initial preparations for the meeting, the GAC had originally shared 16 questions with the Board. Noting that the GAC would not be able to effectively address all the questions in a one-hour meeting, a decision was made during the preparatory session for the meeting with the Board to group the issues as far as possible and to focus on only [five key questions](#) to discuss during the bilateral session. GAC Members discussed the potential for addressing the remaining questions at another time and the GAC Chair mentioned to Board members during the session the potential for possible GAC follow-up on the remaining questions. No commitment was made regarding that follow-up. In her closing remarks, the GAC Chair indicated that further consideration would be given to how the unasked GAC questions might be communicated.

Subsequent Rounds of New gTLDs

Clarity and Predictability of the New gTLD Application Process

Regarding Subsequent Rounds of New gTLDs, the GAC Chair addressed two topical questions. First, regarding clarity and predictability of the New gTLD application process, she noted that GAC Members retain some reservations on the Standing Predictability Implementation Review Team (SPIRT), specifically regarding Implementation Guidance 2.3:

“Once the SPIRT has been formed, the ICANN Board/ICANN org should engage in dialogue with the SPIRT to determine the process required to consider future GAC Consensus Advice on new gTLDs where such GAC Consensus Advice could potentially have an impact on any applications or the program in general.”

She explained that GAC members expect that the Bylaws’ treatment of GAC Advice to the Board will be preserved. Implementation guidance section 2.3 could be interpreted to suggest that GAC Consensus Advice on New gTLDs adopted after the launch of new round will need to be forwarded to the SPIRT, without prior discussion between the GAC and the ICANN Board, which would undermine the Bylaws’ treatment of GAC Advice. Furthermore, GAC members noted the importance of the opportunity for equitable and equal participation on the SPIRT by all interested ICANN community groups.

This background information led to the specific question, *“Does the ICANN Board foresee an interaction between the ICANN Board/ICANN Org and the GAC in parallel to its consultation with the SPIRT on relevant GAC Consensus Advice?”*

Board members explained that the SPIRT is conceived to be an additional tool or venue to discuss community concerns regarding New gTLD applications issues that may not rise to the level of GAC

Advice. It would essentially be viewed as a tool or venue in which to have discussions among a broader segment of stakeholders instead of just the Board. It was noted that the SPIRT is not being considered as diminishing the power of the ICANN Bylaws pertaining to GAC Consensus Advice. GAC members expressed concerns about the nature of any SPIRT dialogues, particularly with respect to consideration of GAC Advice or GAC concerns in general and the ability of GAC Members to participate in those discussions. Noting that the Board had not taken an official position yet on the SPIRT, Board members noted that it was inconceivable that the Board would take a path that leaves the GAC out of the room when the GAC is being discussed.

Public Interest Commitments (PICs) and Registry Voluntary Commitments (RVCs)

Secondly, with respect to New gTLDs matters, the GAC Chair identified the topic of Public Interest Commitments (PICs) and Voluntary Registry Commitments (RVCs). She explained that GAC members continue to harbor serious concerns – as per previous GAC positions, on the lack of policy recommendations on DNS Abuse Mitigation within the SubPro PDP WG Final Report. She noted that enforceability for PICs/RVCs remains an open question since this is not addressed within the SubPro PDP WG Final Report.

Regarding ICANN's ability to enforce contracts, Board members also explained that conditions regarding a second round are different from the first round and thus it will be necessary to examine what makes an RVC enforceable and with respect to DNS Abuse whether it would be possible to do contracts that are outside the ICANN mission. It was noted that there will need to be further legal analysis on this matter because ICANN must be careful not to contract out or to take on obligations that it cannot enforce. It was further explained that Board members envision having an objective way to enforce any of the commitments that registries make with respect to operating the registry and obviously want to be sure it is within ICANN's remit and the voluntary commitments are designed to be implementable within ICANN's mission.

Recommendations of the Competition, Consumer Choice and Consumer Trust Review (CCT)

In light of GAC Advice in the GAC Montreal Communiqué and its rationale, in particular:

"It is particularly important that a new round of gTLDs should not be launched until after the successful implementation of those recommendations that were identified by the Review Team as necessary prior to any subsequent rounds of new gTLDs. It has been suggested that although some of the recommendations are for the Board to implement, other recommendations are for other parts of the community to implement. It would be helpful for the Board to monitor progress on all of the recommendations and support other parts of the community to implement the recommendations that are addressed to them."

The GAC Chair noted the GAC's recognition that a number of the CCT Review recommendations may have been taken forward in the work of the Organization, the Board or the Community and that ICANN 70 would be an appropriate juncture for such a discussion (and update) in light of the adoption by the GNSO of the Final Report on Subsequent Procedures.

This introductory summary led to the question(s), "What are the ICANN Board's thoughts on next steps for DNS Abuse Mitigation, particularly on triggering the holistic effort mentioned within the SubPro PDP WG Final Report?" And, "more broadly, in relation to DNS abuse and other related issues, we would specifically like to ask the Board whether they could kindly update the GAC on their ongoing consideration and implementation of the GAC advice (Montreal, ICANN66) on the CCT-RT Recommendations marked as

"prerequisite" or "high priority"; namely 1, 5, 7, 9, 11, 12, 14, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35."

With respect to the CCT Review recommendations, the Board Chair confirmed that Board members do not believe they can make unilateral policy decisions, nor can the Board compel the GNSO to adopt certain CCT-RT recommendations. He noted appreciation to the GAC for providing clarification to the committee's initial Montreal advice. He noted agreement with the view that there should be a clear shared understanding of the roles and responsibilities of the Board and the Community.

With respect to the other CCT recommendations, Board members explained that there were a large number of them that were policy recommendations which had been referred to the GNSO since it has authority on policy development, which the Board does not have. Further, noting previous discussion in the Board/GAC Interaction Group (BGIG), GAC members were reminded that the notion of "completion" can be very difficult to pin down, that a lot of work is still needed to launch a new round of gTLD applications, and therefore there is time for continuing to work on those CCT recommendations.

It was explained that the Board has already taken steps on a number of the CCT recommendations, accepting six of them, including, Recommendation 1 (regarding data collection) and Recommendations 17 (collect data about and publicize the chain of parties responsible for gTLD domain name registrations), 21 (more detailed information on subject matter of complex complaints), 22 (determine best practices to secure sensitive health and financial information), and 31 (pro bono assistance program). The Board has subsequently accepted another 11 recommendations - moving them out of pending status, including a number of items on the GAC list.

Board members shared their understanding that ICANN org has completed implementation of Recommendation 17 and implementation is in progress for the other accepted recommendations. It was noted that the GAC has some concerns about whether additional policy development is needed to fully implement Recommendation 17, and that Board members indicated an understanding that the topic is under discussion between members of the GAC Public Safety Working Group and ICANN org. [Note: in preparation for ICANN70, this matter was discussed during a bilateral meeting between the PSWG and representatives of the ICANN org, who recalled that the ICANN Board adopted CCT Review Recommendation 17 with the caveat that current policy do not require publication of the reseller information and that Community Groups targeted by this recommendation could produce different policy outcomes. ICANN org representatives also indicated that given that the EPDP on gTLD Registration Data did not address this matter, achieving the objective of Rec. 17 (mandatory publication of the chain of parties involved in reselling domain names) would likely require new policy work.]

It was explained that the remaining recommendations highlighted by the GAC (numbers 9, 12, 16, 25, 27, 29, and 32-35) were passed to the GNSO for policy development. The Board has received the GNSO Council's recommendations on rights protections mechanisms and they expect to receive the SubPro recommendations shortly.

Board members noted that there are three CCT-RT recommendations that were identified by the GAC that do remain in pending status: Recommendation 5 (collection of secondary market data), and 14-15 (negotiating and amending ICANN's contracts relating to anti-abuse measures). It is understood that work is ongoing regarding Recommendation 5, including all of the data collection recommendations. With respect to number 14 and 15 in particular, Board members have asked ICANN org to facilitate community efforts to develop an accepted definition of DNS Abuse within ICANN's remit (see further discussion of this matter in the next subsection on DNS Abuse).

Board members explained that for those recommendations that require additional resourcing to implement, they will be subject to the prioritization and planning process that the Board is adopting and that the Board will be moving forward on how to organize resources to do that work. With respect to the GAC input from Montreal, Board members noted there is a “fair amount of way” to go on implementation of the subsequent procedures recommendations and Board members will be pursuing that deliberately and transparently and in full consultation with the GAC.

GAC Members stated that it would be very useful to have a common, shared tracking document or tool of all the CCT recommendations which fall under this prerequisite or high priority categories so that there could be a clear overview of who is dealing with what and to what extent every and each of the recommendations have been fulfilled, be it with ICANN org or with GNSO or other parts of the community. It was noted that this would help the community to assess to what extent the Montreal advice is being handled by the community as a whole. Board members agreed and said it would be appropriate to pass that request for a kind of comprehensive centralized documentation onto ICANN org.

Finally, Board members made a point to remind the GAC of the post Montreal correspondence between the GAC and the Board and ICANN org (see [Letter from the ICANN President & CEO to the GAC Chair regarding CCT Review and Subsequent Rounds of New gTLDs advice](#) on 16 December 2020, [GAC Response to ICANN Board Clarification Questions on the GAC Montréal Communiqué Advice](#) on 22 January 2020, and see [Board letter on GAC Response to ICANN Board Clarification Questions on the GAC Montreal Communiqué Advice](#) on 13 February 2020). Newer GAC members were advised by Board members to consult this correspondence as a reminder that the CCT RT recommendations were being handled by different responsible parties and that the GNSO had the responsibility to handle some in the context of its recent PDP and that the definition of DNS Abuse also belongs to the GNSO.

DNS Abuse Mitigation and Recommendations from the Second Security, Stability and Resiliency of the DNS Review

As part of the discussion on CCT Review Recommendations related to DNS Abuse, ICANN Board members noted that they are following the community's discussion on DNS Abuse very closely and working very hard through ICANN org (e.g., through the DAAR and a number of other efforts) to make sure that the community has the information it needs to understand the status and ongoing work of various streams of activity. Board members noted the recent effort by the GNSO Contracted Party House in the form of a paper identifying the status and the level of the abuse activity underway.

The GAC Chair offered some background on GAC concerns regarding DNS Abuse mitigation and explained in particular that GAC members believe the recent SSR2 report highlights the lack of substantive progress to date. The GAC expects that many of the recommendations contained in the report - if effectively implemented - may well help reinforce the security, stability and resilience of the DNS. The GAC Chair noted that the SSR2 Review Final Report calls for improved risk management (Recommendation 4), improved business continuity and disaster recovery (Recommendation 7), enhanced monitoring and compliance (Recommendation 9), and increased transparency and accountability of abuse complaint reporting (Recommendation 13).

This background led to the question, *“What is the view of the Board on the conclusions of the SSR2 report on DNS abuse generally, and particularly on the possibility to swiftly implement Recommendations 4, 7, 9 and 13 which seem to be in line with standard cybersecurity practices?”*

Board members shared their appreciation for the community effort that produced the SSR2 Final Report after some initial challenges in the Review process. Noting that the Report contained an extensive list of recommendations, Board members pointed to the currently open public comment period and welcomed GAC comments on the Report.

Board members shared the view that the SSR2 Review recommendations will help community discussions about the general issue of DNS Abuse. It was observed that some issues should be part of the ICANN community processes particularly when it comes to topics such as the definition of DNS Abuse. Board Members insisted that, per ICANN Bylaws and the respective roles of the Board and the community, this will require engagement with the GNSO regarding possible policy development and negotiations with Contracted Parties. Additionally, given the complexity of the legal issues involved with DNS Abuse matters, GAC Members were encouraged to consider reviewing their own local laws regarding speech and trademarks.

More generally, it was noted that certain developments have taken place in the ICANN ecosystem since the SSR2 Review was initiated (e.g., risk management improvements), that the recommendations will need to be prioritized given community workload, and that the Board will be considering the many opinions it is receiving from the community about the contents and quality of SSR2 Review Final Report.

Registration Data/WHOIS

Implementation of a Standardized System for Access/Disclosure (SSAD)

The GAC Chair reiterated the GAC position expressed in the [GAC Minority Statement](#) on the EPDP Phase 2 Final Report that:

“WHOIS data is used for a number of legitimate activities including: assisting law enforcement authorities in investigations; assisting businesses in combatting fraud and the misuse of intellectual property, safeguarding the interests of the public; and contributing to user confidence in the Internet as a reliable means of information and communication”.

She expressed the GAC view that the community has been discussing the WHOIS policy reform for several years and that there is a need to conclude the process and establish a functioning SSAD without delay. This background information led to the following question, *“How is the Board going to ensure a swift implementation of the SSAD?”*

Board Members offered some background on the impact of GDPR on the WHOIS system. It was noted that a system of the scope, size and complexity of the SSAD has never been built before and that much information would need to be collected and assessed in order to do so. It was observed, therefore, that in order for the Board to determine whether a policy recommendation is in the best interest of the community and ICANN, it will need additional information. Board Members are aware of some of the additional information that they will need, and they also plan to learn from community comments. They noted that the GNSO has asked for more information in order to understand the cost and benefits of this system.

As a result, Board members indicated that they will be asking ICANN org to initiate an Operational Design Phase (ODP) to collect the information needed to determine how to most effectively act on the GNSO

recommendations and eventually implement any accepted recommendations more quickly. Given the complexity of the matter and the novelty of the new ODP, it was noted this effort will likely take some time. Board members could not yet identify a specific time frame for completion of the ODP and noted the Board would rather come back with a prediction when enough progress is made.

In the meanwhile, mindful of GAC Advice and interest in improvements in access to registration data, Board members indicated that ICANN org has been in discussions with Contracted Parties regarding improvements that can be made regarding the Temporary Specification adopted by the ICANN Board prior to the launch of Phase 1 of the GNSO EPDP on gTLD Registration Data.

Accessibility and accuracy of domain name registration data

The GAC Chair reiterated the GAC view that accessibility and accuracy of domain name registration data is crucially important for DNS Abuse mitigation. This data has been a key investigative tool for law enforcement and their cybersecurity partners in generating investigative leads, attributing crime and identifying victims of cybercrime. Thus, it was asked, *“Does the Board envisage short term measures, e.g. in terms of contractual enforcement, to help improve the accuracy of domain name registration data?”*

Board members reported that the Board is regularly updated and briefed by ICANN compliance on their contractual enforcement, their operations and whether they have the tools needed to manage their responsibilities. The Board recalled that complaints data, including complaints about accuracy, is publicly reported. It was observed that following completion of registry audit, a registrar audit is currently underway and that all parties realize the importance of accuracy to the WHOIS databases. The Board recalled their view that registrant data comes from and is the responsibility of the registrants, not the contracted parties.

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

The GAC met with the GNSO Council and discussed a [set of questions](#) (19 March 2021) proposed by the GAC in advance of the meeting, covering recent developments related to the EPDP on gTLD Registration Data, upcoming work on registration data accuracy and DNS Abuse mitigation.

Regarding the GNSO’s adoption of recommendations of the EPDP Phase 2 Final Report that lacked consensus, the GNSO Council Vice Chair representing the Contracted Parties House indicated that while this was a difficult decision, GNSO rules and procedures allow the adoption of non-consensus recommendations and discourage itemizing recommendations presented as a package, which the Final Report did with respect to the proposed Standardized System for Access/Disclosure of Registration Data (SSAD). She noted however, in light of the input provided in stakeholders’ Minority Statements on the Final Report, the unprecedented request by the GNSO Council, as it forwarded its policy recommendations, for a consultation with the ICANN Board on the financial sustainability of the proposed SSAD.

Regarding Phase 2A of the EPDP on gTLD Registration to address the distinction between legal and natural persons, the GNSO Chair noted that data referenced by the GAC (per a recent Interisle study that only around 11.5% of domains may belong to natural persons who are subject to GDPR, while contact data from 57.3% of all domains is currently redacted) prevailed in the GNSO’s consideration of approving the launch of Phase 2A of the EPDP in October 2020. While a report of progress by the EPDP Team Chair was expected during ICANN70, he noted work making good progress, despite the uncertainty as to

whether the work would result in voluntary or mandatory recommendations for Contracted Parties to distinguish between data of legal and natural persons. The GNSO Chair further stated that voluntary recommendations would be welcomed as a first step, although a substantive matter not for the GNSO Council to decide, its role being limited to supporting progress of policy development. One of the GAC representatives on the EPDP Team stressed that while the voluntary practices of willing parties raise the bar in the public interest, the goal should be reaching mandatory requirements enforceable against those that do not comply. Ultimately, the GAC's objective was recalled as being that information not protected by the GDPR should be required to be published for the benefit of the public, law enforcement and consumer protection.

Regarding future policy work on the accuracy of gTLD registration data, the GNSO Council Vice Chair (Contracted Party House) indicated that the GNSO Council was starting to consider briefing documentation provided by ICANN to inform the GNSO scoping effort on the matter, which the GNSO Council Vice Chair (Contracted Party House) stated was a typical way for the GNSO to address complex matters, and which is expected to kick off within a month. In light of applicable GNSO procedural steps needed between conclusion of a scoping effort and initiation of a PDP, it was noted that it is too early to tell when actual policy development work could start. The GNSO Chair confirmed that the substance of this matter would next be discussed in an extraordinary meeting of the GNSO Council within a month [this [extraordinary GNSO Council meeting](#) was in fact held on 8 April 2020].

Regarding DNS Abuse mitigation, two topics were discussed: the SSR2 Review Team's Final Report and policy work. The GNSO Council reported still being deliberating on the SSR2 Review Team recommendations in light of positions of the various constituents in the GNSO [a [GNSO Comment](#) on the SSR2 Review Final Report was eventually released on 8 April 2021]. As it relates to the wider issue of DNS Abuse mitigation, the GNSO Council Vice Chair, representing the Non-Contracted Parties House, discussed the Council's recognition of the importance of the subject for the ICANN Community and recalled the SubPro PDP WG's refraining from making recommendation on this matter for only future New gTLDs. The GNSO Council Vice Chair stressed that further work requires appropriate scoping as well as developing a common understanding, in particular as it relates to the definition of DNS Abuse and its compatibility with ICANN's mission due to the fact that policy work could result in creating new contractual obligations, and indicated that the GNSO Council will be engaging with the Community on this matter. In response to a request by the GAC in terms of next steps and time frames, in light of the growing impatience of the Community as well as prior commitments of the previous GNSO Council leadership team, the GNSO Chair stated that the Council's goal, once it consults with Contracted Parties, is to come up with options consistent with the views of its constituents. While recognizing the long running discussion of the matter, and the need to come to concrete solutions, the GNSO Chair indicated that the Council can't commit to either delivering a Framework, or proposing the initiation of either a Cross Community Working Group or a GNSO Policy Development Process at this point. It is expected that this matter will be discussed in upcoming GNSO Council meetings.

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

The GAC met with members of the ALAC and discussed Phase 2A of the EPDP on gTLD Registration Data, Subsequent Rounds of New gTLDs, and views on the ICANN Board's Scorecard on the Third Accountability and Transparency Review Team (ATRT3).

Regarding Phase 2A of the EPDP on gTLD registration data to address the distinction of legal and natural person data and the feasibility of anonymized unique contacts, GAC members and ALAC members

discussed whether the EPDP Phase 2a will continue, and both agree to continue following the reporting on the progress of the EPDP Phase 2a after the GNSO Council Meeting. GAC members noted that the GAC fully supports the desire for requirements to stem from this PDP rather than aspirational goals. ALAC members noted a concern that time is running out and the ALAC's preference to avoid reconvening a new EDPD.

Regarding Subsequent Rounds of New gTLDs, GAC and ALAC members discussed the ALAC Statement on Subsequent Procedures for New gTLDs, noting that the ALAC is in the process of finalizing ALAC advice to the Board. The GAC is reviewing ALAC comments with a view of potentially supplementing them in future GAC positions and/or GAC Advice.

Regarding ICANN Board's Scorecard on the ATRT3, ALAC members presented an overview of the ATRT3 Final Recommendations. The GAC Chair noted that the GAC is actively involved in community assessment and feedback effort reporting on ATRT, but the main focus is parts relevant to the GAC, highlighting that the GAC has no organizational review but mainly relies on the ATRT Reviews.

5. INTERNAL GAC MATTERS

The GAC devoted scheduled wrap-up session time to conclude its drafting of the GAC ICANN70 Communique.

At the conclusion of that work, the GAC Chair asked GAC members to consider and provide suggestions for further improvements to the GAC meeting planning effort. It is anticipated that additional suggestions will be shared via email after the meeting.

5.1. GAC Operations (GAC Wrap-Up Session Discussion)

It was noted that the new GAC Leadership team (elected during ICANN69) would be assembling after the conclusion of the ICANN70 meeting. The new leadership team will be comprised of the following individuals:

- Manal Ismail (Egypt) (Chair)
- Jorge Cancio (Switzerland) (Vice-Chair)
- Jacques Rodrigue Guiguemde Ragnimpinda (Burkina Faso) (Vice-Chair)
- Pua Hunter (Cook Islands) (Vice-Chair)
- Pär Brumark (Niue) (Vice-Chair)

The GAC thanked its outgoing Vice-Chair, Ms. Luisa Paez (Canada) for her valuable support and contributions to the GAC during her two one-year terms.

GAC members were encouraged to review the slides prepared for the original wrap-up session to see the roster of current GAC volunteers - over 40 people - devoted to serving the GAC through their volunteer efforts.

The GAC Chair closed the meeting with a reminder of the opportunity to review the GAC Communique.

Attachment 1 - ICANN70 Virtual Community Forum - GAC ATTENDEES LIST

GAC Members (73) participating remotely		
Argentina	Hong Kong, China	Poland
Armenia	Hungary	Portugal
Australia	India	Russian Federation
Bangladesh	Indonesia	Rwanda
Belgium	Iran	Saint Kitts and Nevis
Bosnia and Herzegovina	Israel	Saint Vincent and the Grenadines
Botswana	Italy	São Tomé and Príncipe
Bulgaria	Jamaica	Senegal
Burkina Faso	Japan	Serbia
Burundi	Republic of Korea	Singapore
Canada	Lithuania	Spain
Chile	Luxembourg	Sweden
Congo, Republic of	Madagascar	Switzerland
Cook Islands	Malaysia	Chinese Taipei
Croatia	Mexico	Thailand
Czech Republic	Mongolia	Trinidad and Tobago
Denmark	Morocco	Tunisia
Egypt	Republic of the Union of Myanmar	United Arab Emirates
Eswatini	Nepal	United Kingdom
European Commission	Netherlands	United States of America
Finland	Niger	Zimbabwe
France	Nigeria	
Georgia	Niue	
Germany	Norway	
Grenada	Pakistan	
Holy See - Vatican City State	Peru	

GAC Observers (5) participating remotely	
Caribbean Telecommunications Union (CTU)	World Broadcasting Union
Council of Regional Organisations of the Pacific (CROP) ICT	World Intellectual Property Organization (WIPO)
Organization of American States (OAS)	

Attachment 2 - ICANN70 Action Points Compilation

#	Subject Matter	Action Point
1	Subsequent Rounds of New gTLDs	GAC Topic Leads to review advice envisaged by At-Large for ICANN70, which could provide a basis for a GAC consensus comment in the forthcoming Public Comment proceeding
2	Subsequent Rounds of New gTLDs	GAC Topic Leads to consider a potential intersessional statement from the GAC to the ICANN Board (separately or jointly with the ALAC)
3	Subsequent Rounds of New gTLDs	GAC Topic Leads to consider potential GAC Consensus Advice to the ICANN Board before it votes on the SubPro PDP Final Report.
4	DNS Abuse	GAC Public Safety Working Group to propose a draft GAC Comment on the SSR2 Final Report
5	DNS Abuse	GAC Public Safety Working Group intends to continue to follow-up on emerging technologies with an eye on the public interest
6	GAC HRIL WG	GAC support staff to support GAC HRIL WG Co-Chairs to submit the HRIL WG Work Plan 2021 for endorsement by the GAC
7	GAC HRIL WG	GAC HRILWG Co-Chairs to appoint a liaison with the Cross Community Working Party on ICANN and Human Rights (CCWP-HR)
8	GAC HRIL WG	GAC HRILWG Co-Chairs to cooperate with the UNESCO on Internet Universality Indicators used to evaluate the impact on diversity and human rights