ICANN|GAC
Governmental Advisory Committee

ICANN72
VIRTUAL ANNUAL GENERAL

MINUTES OF MEETING
ICANN72 Virtual Annual General Meeting, 25-28 October 2021

1.   **MEETING ATTENDANCE & MEMBERSHIP**

64 GAC Members and 8 Observers attended the meeting remotely.

GAC membership currently stands at 179 Member States and Territories, and 38 Observer Organizations. A list of ICANN72 GAC meeting Member and Observer attendees is provided in Attachment 1.

The ICANN72 GAC Communiqué is published on the GAC website at: https://gac.icann.org/contentMigrated/icann72-gac-communique

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/icann72-virtual-meeting-agenda .

Full transcripts for each session are to be made available from the ICANN72 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 ICANN72 meeting. She explained the logistics for the meeting week and allowed GAC Support staff to explain technical information about meeting resources on the GAC website and use of the Zoom Room interpretation capabilities.

The GAC Chair reviewed specific aspects of the meeting week agenda. She noted the plan to again 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 ICANN71. She reviewed ongoing and upcoming GNSO policy development processes in which GAC Members have interests – particularly providing general summaries of the current status of a number of GAC priority issues including:
  ● RDS/WHOIS and Data Protection (GNSO EPDP follow-up;)
  ● DNS Abuse Mitigation;
  ● IGO - Rights Protection Mechanisms; and
  ● Subsequent Rounds of New gTLDs

The GAC Chair confirmed that those priorities would be expected to continue for the foreseeable future.

The GAC Chair reported on a number of notable community interaction initiatives that GAC members have been involved in since the ICANN71 meeting. She noted the continued involvement of the GAC leadership in the SO-AC Roundtable effort facilitated by ICANN org staff where the various community co-chairs discuss matters of common community interest. She reported that topics of recent SO-AC roundtables have included:
  ● Implementation of Work Stream 2 Accountability recommendations by ICANN org and community groups (considering collective efforts by SOs and ACs);
  ● Community Prioritization and Planning; and
  ● Return to In-Person and Hybrid Public Meetings

The GAC Chair also reported on recent interactions GAC members have had with ICANN Board members in the context of the Board-GAC Interaction Group (BGIG) – which has proven to be an effective venue for discussions to ensure effective Board and GAC collaboration and communication. She noted that most recently the BGIG has discussed matters related to the ICANN71 Communiqué (e.g., IGO Advice and Issues of Importance to the GAC) and how to achieve more clarity regarding ongoing and future Board-GAC consultations (e.g., development of a flow chart diagram describing the process in detail). GAC members were reminded that all GAC representatives are welcome to join the BGIG mailing list.

The GAC Chair also provided a "big picture" overview of recent GAC onboarding and engagement efforts. She noted changing GAC demographics - over 100 new GAC delegates have joined the GAC since November 2019 (the last in-person GAC meeting held during ICANN66 in Montreal, Canada) and that the GAC delegate count has rebounded to a pre-pandemic peak participant count of 462. She noted that these changes were prompting a continued GAC Leadership emphasis on engagement resources – including working with GAC Support staff to improve onboarding and engagement with new GAC representatives. She also noted plans for an expansion of the ICANN Learn curriculum for governments. She also mentioned the expectation that future ICANN public meetings were likely to be held in a "hybrid (i.e., in-person and virtual) format and that this evolution was prompting the GAC to evolve its pre-meeting briefing approach to assure content intended to provide a level-playing field of knowledge for all attendees. She asked GAC attendees to share their feedback on the effectiveness of those most recent efforts.

The GAC Chair reminded attendees that the 2021 GAC Chair election balloting period would end at 23:59 on 26 October and that winning candidates would be announced during the GAC Wrap-Up session at the end of the week.

2. PUBLIC POLICY AND SUBSTANTIVE ISSUES

2.1. IGO Protection Matters

The GAC reviewed background on IGO Protection Matters, and discussed:
    i. Developments from the EPDP-IGO and its initial report, including a GAC comment;
    ii. Discussions with the Board concerning a moratorium on certain IGO-related domain name registrations in New gTLDs, and
    iii. Proposed mechanism/process for the maintenance of the GAC IGO list.

Regarding (i), the GAC submitted a comment focused on points on which the Working Group was unable to reach consensus (and affirming support for two areas of agreement: the definition of an IGO, and waiver of "mutual jurisdiction"), reiterating relevant GAC Advice to the Board from previous Communiqués. In particular, that in the GAC's opinion, appeals should be through arbitration only, and if registrants are permitted to appeal at court, they should not also be able to commence arbitration if unsuccessful. Additionally, if arbitration is not the exclusive means of resolving appeals from a curative rights protection mechanism (in this context, the UDRP and/or URS): arbitration should at least be the default option, with the registrant permitted to opt out within a limited time period.

Regarding (ii), following exchanges with the ICANN Board during the Board/GAC Consultation Process on IGOs, the GAC submitted a response to ICANN Board Clarifying Questions on the ICANN71 GAC Communiqué advice on IGO matters. Current focus of discussions between the Board is the current moratorium on the registration of IGO acronyms which the GAC is asking to remain in place until the EPDP IGO work has concluded.

Finally, regarding (iii), GAC Support Staff, tasked by GAC Leadership, worked on a high level process to maintain the GAC IGO list. The process includes the addition/removal of IGOs (including a warning of the potential repercussions of removal) to ensure completeness and accuracy of the GAC IGO list created in 2012, with the assistance of IGOs and ICANN org.

Action Point:
● **GAC Leadership and Topic Leads** to review the proposed IGO list maintenance process and provide additional feedback and granularity prior to sharing with GAC membership for review and input.

2.2. DNS Abuse Mitigation

GAC Topic leads and GAC PSWG leaders recalled previous GAC statements that have shaped the Committee's understanding and **definition of DNS Abuse**[1]. In light of these statements, they discussed how DNS Abuse constitutes a threat to consumer and internet users, and particularly to their trust in the DNS, as well as a threat to the DNS and its infrastructure. They also highlighted the importance of mitigating DNS Abuse for the GAC given how DNS Abuse fuels cybercrime, which is currently surging.

In light of ICANN's role in this area discussed during the sessions, this policy matter was recognized as a priority for the GAC and many ICANN stakeholders who together asses that **current ICANN contracts do**

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[1] What is DNS Abuse? Security Threats such as Phishing, Malware, Botnets (GAC Beijing Safeguard Advice) and as "intentionally deceptive, conniving, or unsolicited activities that actively make use of the DNS and/or the procedures used to register domain names" (CCT Review definition quoted in the GAC Statement on DNS Abuse, 18 Sep. 2019)

not provide sufficiently clear and enforceable obligations to mitigate threats to the DNS and its infrastructures, as evidenced in various community discussions, ICANN Contractual Compliance statements, ICANN Board correspondence[2] and GAC Inputs in Reviews (CCT, RDS-WHOIS2, SSR2) and in GNSO PDPs (New gTLD Subsequent Procedures).

As part of the GAC's discussion of strengthening ICANN contracts and their enforcement, a GAC Member presented the case of domain name registrants behavior, referred to as **Registrar Hopping**, which enables them to evade suspension of their abusive domain names and to hide their identity from registrars, by continuously transferring their registrations from one registrar to another.

Several **recent ICANN community developments** were discussed as underscoring the need for increased attention to DNS Abuse matters, improved ICANN contracts, and follow-up on ICANN Board actions. These included:
- The conclusion of ICANN's **audit of Registrars' compliance with their DNS Abuse obligations** and highlighting that 111 of the 126 audited registrars required follow-up for deficiencies. While expressing appreciation for the effort of all parties involved and noting the remedial actions taken, GAC presenters deemed these results as underscoring the importance of compliance audits.
- Noting the recent ICANN Board action (22 July 2021) on the 63 **final recommendations of the SSR2 Review Team** (25 January 2021), presenters invited the GAC to closely monitor future follow-up developments. In particular, an apparent conflict was referenced between the Board's response to Rec. 8.1 which states "*The Board notes that ICANN org negotiates in the broader interest of ICANN, including the public interest*" and its response to Rec. 9.4 in which the Board indicates it "*cannot approve the part of the recommendation that contemplates "measures that would require changes to the contracts".*
- Publication of the Final Report of the DNS Security Facilitation Initiative Technical Study Group (15 October 2021) was acknowledged and recognized as needing more time for appropriate review given the technical nature of its contents.
- Several participants highlighted the DNS Abuse Panel discussion held as part of an ICANN Board workshop prior to the ICANN72 meeting[3].

In conclusion, and while reviewing key GAC Communiqués statements on DNS Abuse since ICANN68, GAC topic leads recalled and reiterated the recognition of voluntary initiatives and best practices adopted by many Registries and Registrars who are generally concerned about their reputation and the health of the Internet. However, in light of findings of the CCT Review Team that most DNS Abuse is concentrated in very few outlier contracted parties, they recalled the need for strong contract provisions across the board, which carry consequences for those who do not abide by their responsibility.

2.3. Subsequent Rounds of New gTLDs

GAC topic leads presented recent developments relative to Subsequent Rounds of New gTLDs, notably in regards to the ICANN Board approval of the Operational Design Phase (ODP) relative to the SubPro Final Report. ICANN org provided a briefing to GAC members on the scope, timing and framework of the upcoming ODP, during which GAC membership input may be provided during community consultation phases.
GAC Topic Leads reviewed topics of importance to the GAC as identified in the GAC collective comment submitted in June 2021, and invited GAC members to identify any areas which may benefit from GAC

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[2] in particular with the Business Constituency in 2020/2019, see ICANN Correspondence Page on 12 Feb. 2020.
[3] See "Meetings and Sessions", 22 October 2021 at https://www.icann.org/dnsabuse

advice to the ICANN Board. Noting the timeline of the ODP launch and duration, GAC Topic Leads encouraged GAC membership potential intersessional consideration of GAC advice in preparation for ICANN73.

Action Point:
- GAC Membership encouraged to share potential topics and language for GAC advice intersessionally prior to ICANN73 for potential incorporation in the ICANN73 communique as appropriate.

2.4. WHOIS and Data Protection

Members of the GAC Small Group on EPDP/GDPR reminded GAC Members of the impotence of this subject matter to the GAC in view of the **GAC Principles Regarding gTLD WHOIS Services** (28 March 2007) as recalled in the GAC Abu Dhabi Communiqué (1 November 2017), which they argued are still relevant.

Looking back at the conclusion of all phases of the Expedited Policy Development Process (EPDP) on gTLD Registration Data, the session highlighted **ongoing concerns with problematic policy outcomes**, as laid out in the GAC Minority Statement on EPDP Phase 2 (24 August 2020) recommending a System for Standardized Access/Disclosure (SSAD), and in the GAC Minority Statement on EPDP Phase 2A (10 September 2021) regarding the distinction of registration data from legal vs. natural persons.

GAC topic leads also discussed an overall and continuing **concern with the absence of a timeline for the delivery of a new regime of gTLD registration data services** that comply with applicable laws and effectively address the public policy issues laid out in the GAC Principles.

GAC Members were encouraged to follow-up on the expected delivery by ICANN org of an **Operational Design Assessment of the EPDP Phase 2 SSAD policy recommendations**, and their ensuing consideration by the ICANN Board, in particular as it relates to financial sustainability and evolution of an SSAD towards centralization and automation. In the meantime, GAC Members were invited to consider the recent **SAC118** publication in which ICANN's Security and Stability Advisory Committee (SSAC) recommended that the GNSO and ICANN org "*focus their attention on **building and operating an effective differentiated access system***" that must come into operation soon; be reliable, predictable and consistent; provide results that are of benefits to requesters; and provide responses to legitimate requests quickly and at acceptable costs.

A representative of the GAC in the recently launched GNSO Scoping Team on **Accuracy of Registration Data** reported on the anticipated range of work and timeline of this effort, which is expected to recommend a scope for potential new GNSO policy development on this issue by August 2022.

3. GAC WORKING GROUPS

3.1. 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 Review 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.

3.2. GAC Operating Principles Evolution Working Group (GOPEWG)

The GOPE WG Chair updated GAC Membership on recent developments from the WG and presented the GOPE WG Preliminary Analysis Document on the GAC Operating Principles. This preliminary analysis was prepared by GAC Support in collaboration with the GOPE WG Chair, and submitted for input first to GOPE WG Members, followed by GAC membership in preparation for the plenary session.

The purpose of the preliminary analysis document is to identify GAC operating principles which may need minor changes, require further discussion or remain unchanged, serving as a prioritization exercise for GOPE WG discussions. GAC Support Staff presented the Preliminary Analysis of GAC Operating Principles Document as well as the Draft GOPE WG Work Plan, noting that the GOPE WG discussions are planning to resume after ICANN72.

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.

Action Point:
- **GAC Support** to schedule a GOPE WG Meeting after ICANN72 for WG members to have further discussions on the GAC's working methods and on the draft Work Plan review the draft Work Plan.

3.3. GAC Human Rights and International Law Working Group (HRILWG)

The Working Group updated the GAC on recent developments regarding the GAC perspective proposal document relative to the [Work Stream 2 Final Report](#) Recommendation 1.1 on the definition of diversity.

The HRILWG in collaboration with the USRWG and UNESCO, developed a preliminary draft based on discussions following UNESCO's Internet Universality Indicators framework.
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 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.

Action Points:
- **GAC HRILWG Co-Chairs** to edit the draft GAC perspective document to reflect the additional elements of diversity discussed.
- **GAC HRILWG** to share the document with the GAC for review and input.

3.4. 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.

Action Point:
- **GAC USRWG** to share its updated work plan for GAC review and endorsement.

4. CROSS COMMUNITY ENGAGEMENT

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

The GAC met with members of the GNSO Council and followed-up on its ICANN71 discussions. Regarding **EPDP Phase 2A,** GAC members asked GNSO Council input on the status of the GNSO Council vote on final recommendations. The GNSO Chair noted the GNSO Council received the final report, which includes minority statements, and highlighted the importance of the final report to be considered along with the minority statements since they reflect nuances and variation on the content of recommendations and conclusions. Said minority statements do not highlight a malfunction of the policy development process, but a natural bi-product of the process. The GNSO Chair noted the GNSO Council is aware of some concerns relative to recommendations in the final report and that those concerns will be taken into consideration during the GNSO Council vote [The GNSO Council adopted the recommendations for ICANN Board consideration on 27 October]. Additionally, the GNSO Council will review future developments relevant to EPDP Phase 2A in order to determine whether further work is required. GAC Members noted that recommendations included in the EPDP Phase 2A Final Report are a small step in the right direction.

On **accuracy of registration data,** the GAC Chair noted that this continues to be a priority to the GAC and that the GAC looks forward to this topic being addressed by the Accuracy Scoping Team. The GNSO Council Vice-Chair briefed the GAC on activities from the recently launched Accuracy Scoping Team, whose work is designed around four tasks/assignments including: looking at what current data accuracy requirements are, and how they can be enforced; defining data accuracy or agreeing on some working definitions of data accuracy; looking at how to measure the level of accuracy. The GNSO Council Vice-Chair highlighted that the Accuracy Scoping Team's tasks are limited since this is not a Policy Development Process but a precursor to data accuracy activities. GAC members noted that the GAC looks forward to the work ahead and that the four assignments provide room for reflection on a number of accuracy issues.

Relative to **DNS Abuse**, the GAC Chair highlighted this is a long standing issue of interest to the GAC and that the GAC is interested in advancing community discussions, driving progress and convergence of views prior to the launch of new gTLDs. Further, the GAC looks forward to agreeing on how to handle community wide discussions on DNS Abuse mitigation (a PDP, CCWG etc). While understanding DNS Abuse is important to GAC and other parts of the community, the GNSO Council Vice-Chair noted that the GNSO Council has a substantial workload and carefully considers new efforts. Currently, DNS Abuse Mitigation is in exploratory stages within the GNSO, recognizing there is no common understanding of what DNS Abuse means and what additional specific gaps need to be filled. The GNSO Chair and GNSO Vice-Chair noted that while this item is currently an aside item in the GNSO Council portfolio, the GNSO Council is advancing in information gathering efforts. A timeline on how to address DNS Abuse Mitigation is not yet set.

On the **EPDP on Specific Curative Rights Protections for IGOs,** the GAC Chair reviewed areas outlined in the GAC collective comment on the EPDP IGO Initial Report, followed by an overview of the GAC responses to the ICANN Board clarifying questions on IGO protections on ICANN71 GAC Advice. The GNSO Council Chair highlighted that the GAC collective comment will be reviewed by the PDP Working Group, and that the GNSO Council appreciated the GAC's interest and participation in items relative to IGO Protections. Ultimately the GNSO Council aims to find an optimal solution.

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

The GAC met with the ALAC on matters of joint interest such as the relationship between ICANN and governments, DNS Abuse, and public interest processes. For each topic, members of each Advisory Committee introduced the topic for discussion and exchanged on what can be accomplished jointly.

The GAC and ALAC Chairs opened the meeting and welcomed Joanna Kulesza, the newly appointed ALAC Liaison to the GAC, and thanked the former liaison Yrjö Lansipuro for his work and dedication.

Regarding the ICANN and governments topic, the GAC raised the question on the role of both committees in ICANN and whether their role should be expanded in the policy-making process related to geopolitical issues. Additionally, the question was raised on how the GAC could improve inclusiveness and allow for diverse views from end-users that can be reflected in ICANN's policy making.
In response, ALAC attendees reported that the ALAC provided three (3) focal points in answer to the ICANN Board's question to the community related to 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 to ICANN's mission. The focal points mentioned the possibility for face-to-face regional At-Large Structures (ALSes) and individual members interactions with governments, the need for policy briefs to help ALSes interact with stakeholders, and potentially establishing an ICANN Academic Outreach Program if necessary.
Additionally, the point was raised that both advisory committees are largely similar, considering the needs of individuals from different perspectives and that the bottom-up processes applied by the ALAC complement those applied by the governments to ensure that cyberspace remains safe, free and open.

On the DNS Abuse matter, ALAC and GAC attendees expressed the importance of distinguishing the role of the Contracted Party House (CPH) and ICANN regarding this issue, and pointed out that some issues fall outside of ICANN's remit and contractual responsibility. Both parties agreed on continuing this discussion within a small group of volunteers, with the aim of initiating a draft joint paper to ensure that, in its negotiations, ICANN is informed of those stakeholder groups concerned about the public interest prior to a new round of New gTLDs. In light of the precedent of the 2009 Law Enforcement Recommendations endorsed by the GAC and which successfully influenced the negotiation of the 2013 Registrar Accreditation Agreement, it is envisioned that such as white paper could identify targeted recommendations of concrete and enforceable contract provisions regarding the mitigation of DNS Abuse.

In relation to the topic of public interest, the GAC and ALAC decided to discuss this topic in light of the plenary session initially scheduled on this issue. The GAC introduced the issue over a set of questions relative to whether the latest policy development processes have reflected the public interest in their outcomes, whether there would be structural challenges to furthering the public interest within the ICANN policy development process, and where both committees could strengthen their cooperation to strategically promote public interest positions within ICANN.
ALAC attendees reported that public interest was discussed but not taken into consideration within some recent GNSO policy development processes, except for Subsequent Procedures PDP, to some extent with the Public Interest Commitments (PICs) element, and that there is a need to incorporate public interest during the evaluation and not once the recommendations have been developed.

Action Point:
- **GAC and ALAC interested volunteers** to work together to consider possible targeted recommendations of concrete and enforceable contract provisions regarding the mitigation of DNS Abuse to inform future negotiations between ICANN and contracted parties.

4.3. Meeting with the ICANN Board

The GAC Chair welcomed Board members to the traditional public meeting session with the GAC. She reviewed the topics that had been identified for discussion, noting that she would introduce each topic, allowing for interactions by Board members, and follow-up by GAC representatives for further discussions or clarifications.

The Board Chair thanked the GAC for conducting this meeting with the Board. He noted that the meeting offers a good opportunity for the two groups to listen to each other and to see how - together - they can progress the work of ICANN through good advice and understanding of that advice. He noted the Board would have individuals prepared to initiate responses to any GAC comments or questions and looked forward to an open discussion.

Board Question to the GAC:

The GAC Chair reminded attendees of the prompt that the Board had asked of the community to consider in the lead up to ICANN72 -

> *"[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 to ICANN's mission."*

The GAC Chair shared the GAC's feedback to the Board regarding this prompt for input. She first noted the view of GAC Members that ICANN should continue to constantly engage openly and constructively with the GAC and all its members and observers. She noted that GAC Members believe that ICANN should maintain a constructive relationship with the GAC, showing that GAC deliberations and output are duly considered. It was explained that this will encourage governments to take part in the GAC and further ICANN community discussions.

The GAC Chair reported that GAC Members have noted that some current interaction formats with the Board can be somewhat formal and that these exchanges can be not conducive to substantive and interactive dialogue. Instead, they can draw the GAC and Board into protracted discussions which, arguably, are not always helpful. The recent exchanges regarding CCT Review recommendations were noted in this regard. It was suggested that more informal and substantive dialogue is an avenue to further explore, especially when physical meetings are again possible.

The Board Chair expressed the Board's appreciation for the close relationship that has been developing between the Board and the committee. He expressed surprise that governments felt that some of the meeting formats between the two groups were still experienced as formal as he finds during those meetings that everything is welcome, and the attendees really engage on the human as well as content level. He noted that the Board and GAC have made much progress over the years and is looking forward to finding new opportunities to make it even better.

The ICANN CEO noted that ICANN org has offered and will continue to offer to do briefings directly to GAC members about subjects where committee members can hear the views of ICANN org and other ICANN communities on particular issues. He suggested that such interactions could further strengthen the relationship between the GAC and ICANN org and the Board and offer GAC members more context around some of the topics and issues that are discussed among the community - particularly such topics as DNS abuse and IGO protections. He noted that dialogue and different viewpoints is the strength of the multi-stakeholder model and expressed his appreciation to GAC Members for their involvement in these matters noting that the committee is an important element of the multi-stakeholder development process. He also referenced the regular CEO report that is published on the GAC website as a good resource of information and reporting for government representatives. He encouraged session attendees to access it. He also thanked individual GAC members for helping to coordinate ICANN org contacts with governments around the world. He noted that ICANN org always tries to make sure that GAC members know information about what the organization does and who it talks to.

The GAC Chair noted that 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, inter alia, into the IGF, and to maintain constructive relations with other participants like WIPO, ITU, etc. It was further noted that by continuing to play a constructive role in such fora, ICANN will be better placed to 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 Mission and Bylaws. A GAC question was posed, "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 ITU CWG WSIS and at the UN CSTD for the UNGA discussions on the WSIS mandate in 2025?

In response, Mandy Carver, ICANN Senior Vice President, Government and Intergovernmental Organization Engagement, noted that ICANN org invests considerable time and resources into the Internet Governance ecosystem – for example, ICANN is an active supporter of the global IGF, participating in the MAG and financially supporting the Secretariat, the scribing of the MAG and public consultation sessions and also supports and participated in the pre-IGF parliamentarian track. She shared that for the "hybrid first" IGF 2021, ICANN will have a virtual presence hosting an Open Forum as well as panel sessions and a booth as well as participating in a high-level roundtable and other sessions. She noted that ICANN strives to maintain constructive relations with all the various governmental and IGO players in the ecosystem.

Regarding other IGO engagement efforts it was noted that ICANN has already been tracking the processes involved in the multiple ITU conferences planned in the coming 12 months (e.g., WTPF, WTSA, WTDC, and the ITU plenipotentiary) and others in the UN and elsewhere. Mandy Carver noted that ICANN has prioritized resources for tracking resolutions and monitoring development of positions with the potential to impact ICANN. GAC Members were invited to view the Government Engagement Publications page on ICANN org for recent reports on and analysis by the GE team. It was also noted that the GE team provides regular bi-monthly reports to the GAC about ICANN outreach and engagement activities.

The GAC Chair noted the view of some GAC Members that, recently, states have been actively introducing national regulations on issues related to the Internet, and such regulations (for example, GDPR) also affect the activities of ICANN. Some GAC Members suggest that ICANN should establish

working procedures and tools for cooperation between ICANN org and Government(s) to review, evaluate and implement relevant requirements of national regulations. The Chair noted that by playing a constructive role in such fora, ICANN will be better placed to 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 Mission and Bylaws. ICANN org was asked if it envisions a strategy going forward for interaction with governments on national levels regarding specific laws or regulations?

ICANN org staff explained that ICANN welcomes discussions with governments about proposals for legislation and has, where appropriate, worked directly with national governments to answer questions and pointed out opportunities for possible review and evaluation of the potential impacts. It was noted that, increasingly, requests for interaction come from the governments themselves through a comment period or direct discussion request to ICANN. It was noted that ICANN welcomes these discussion opportunities and has, in several instances, been able to have such exchanges either with the governments directly or with the affected stakeholders about potential mitigation in cases of potential impact. It was noted that ICANN org does envision interaction, where appropriate, with governments on a national level regarding specific laws or regulations.

The ICANN CEO also noted that ICANN is often invited by governments around the world, both informally or formally, to share views and opinions from a technical perspective on different pieces of legislation because the Internet and the technical identifiers of the world are part of the organization's technical expertise. He noted a previous proposal to conduct a 90-minute session at all ICANN meetings for a more constructive dialogue with the entire community, including the GAC, to explain more broadly what ICANN does, how it does it and some of the issues and challenges it sees.

Mandy Carver added that ICANN org is absolutely committed, individually and collectively, to dialogue with countries and governments, noting that much of the current work is done through providing neutral technical information on how the Internet, the DNS and technical identifiers operate. She explained that when a request is received or when members of the community or ICANN regional teams observe a public dialogue going on about a relevant matter, there is an internal evaluation to see whether that proposed legislation, regulation, initiative or activity has potential impact on the technical underpinnings of the Internet. The goal of ICANN government engagement, she explained, is to understand the concerns that governments are trying to address so that information can be provided. She further encouraged GAC members to reach out individually with concerns and ideas.

The European Commission agreed that it is very important to have a good interaction among members inside the GAC, with the ICANN Board and ICANN org and with the other parts of the ICANN community in both remote formats and at face-to-face meetings. It was noted that it is important for governments to engage broadly in ICANN activities, in the policy development process and with other groups and to play that part in the multi-stakeholder dialogue. The value of discussing various legislative proposals among the community was noted and examples of recent informational sessions (e.g., conducted by the EC) and cross community public meeting sessions (at ICANN71) were identified. It was expressed that further information sharing about legislative proposals from governments at various stages could be useful in the future.

The Russian Federation noted that at many times in different international forums it has expressed concerns for the lack of a system for the global regulation of the Internet and harmonized national regulations. It was noted that further productive work by ICANN, including efforts regarding the creation

of interaction mechanisms and procedures that would allow systematic and routine work to be organized among national legislatures and to identify requirements that have to do with ICANN would be welcomed.

The Caribbean Telecommunications Union extended its thanks to the ICANN Board Chair for participating in its general conference in October. The event was noted as a positive example of an opportunity taken that could be replicated in the future where multiple governments and representatives got together for ICANN to clarify its mandate and work.

The United States observed that when policy makers assess legislative proposals that touch or concern the global DNS, it is very helpful to be able to educate oneself on the practical impacts from the results of those proposals. It was noted that technical assessments that identify the potential impacts on the DNS of legislative proposals in a very practical and approachable way can be used to provide useful tools for policy makers and other government representatives to help inform or determine positions on legislation.

The GAC Chair shared the GAC view that ICANN org should further support the active participation of all governments in the GAC, through dedicated training sessions and support actions. It was clarified by GAC members that the goal was not to specifically "educate" governments but rather to ensure that government representatives understand the way that ICANN functions, which is quite complex to the uninitiated. It was acknowledged that it is important for ICANN to provide informational debriefs and webinars, at various times, so that government representatives have a clear understanding about how the ICANN org functions and where in the process certain topics or issues find themselves at any given time.

The GAC Chair also shared the GAC view that ICANN org should maintain and encourage multilingual interactions in ICANN meetings. While GAC members acknowledged that ICANN matters are essentially conducted in English, it was emphasized that the committee needs to encourage effective interaction in different languages. It was acknowledged that efforts would be needed to evolve the GAC culture so that if anyone wants to speak in French, Spanish, Arabic, they should not hesitate to do so.

GAC Questions to the Board

As with the GAC comments and questions related to the ICANN Board prompt regarding government support, the GAC Chair explained that she would be reading out a number of GAC questions related to Board consideration of the final report of the second Security, Stability, and Resiliency (SSR2) Review Team.

SSR2 Recommendation 9.4

The GAC Chair asked, is it the position of the 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 DNS? If so, can the Board please elaborate why ICANN negotiation strategy cannot be so informed? And if not, might the Board consider clarifying its response to the SSR2 9.4 to note that it does not object to ICANN compliance making the requested reports in order to better inform ICANN's future contract negotiations?

Board member Danko Jevtovic explained that the ICANN contractual compliance function ensures that obligations developed by the community are incorporated into ICANN's agreements with the contracted parties, and are enforced. He noted that the compliance function produces monthly reports on the volume and disposition of these complaints. He explained that the Board received the SSR2 Review Team reports and analyzed them and shared the view that the compliance function has the tools it needs to enforce the obligations as they currently exist.

He noted that If new obligations arise as a result of policy development or contractual negotiations, then the compliance function will do everything it can to ensure that those obligations are clear and enforceable, and that it has the tools necessary to enforce them. Recognizing that the obligations are coming from policies developed from ICANN's bottom-up multistakeholder model, he noted that it is not the role of a review team or the Board to create those policies. It is the community's role.

SSR2 Recommendations 4.2, 7.4, 9.3, and Recommendation Groups 12, 13, 14, and 15

Secondly, Noting the need expressed by the Board for further analysis and consultation, and to the extent that GAC members may wish to follow or contribute to specific security and/or DNS Abuse topics addressed in the report, the GAC Chair asked,

- 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 safety issues?

- Could the Board share a timeline for the engagement with the SSR2 Shepherds and eventual wider consultation of the ICANN community?

In response, Board Member Avri Doria explained that the four proposed questions all fall in the category of pending issues, which the Board has committed to addressing once the ICANN org has had a chance to conduct further research into the questions. She noted that the org has already been interfacing with the SSR2 implementation shepherds and community representatives as necessary. She explained that once the org has gathered all the needed information together, it will bring it back to the Board for further discussions. She noted that If there is a need for further consultations on any of those issues, they would happen either through the Board/GAC Interaction Group (BGIG) or through other communications, for example - directly with the GAC Chair.

It was noted that the organization has a very strong risk management process and department that works very closely with the Board Risk Committee in its oversight role. Board member Lito Ibarrra, Chair of the Board's Risk Committee, explained that the ICANN org and the Board have been following a targeted risk management model for more than eight years. He noted that regarding cyber security and information security, the org is following the NIST Framework and, as part of that effort, has developed a team of risk management liaisons throughout all org departments who follow those standards.

SSR2 Recommendation 9.1

By way of background information, the GAC Chair noted there seems to be a discrepancy in the perception in some of the issues related to the SSR2 Final Report. She observed that in relation to compliance with the DNS abuse contractual terms and related enforcement (e.g., Recommendation 9.1), the Board appears to consider in its reaction to the SSR2 that the recommendation is fully enforced while the final report recommendation suggests that this is not a case. She asked, how does the Board intend to reconcile these contradictory outcomes?

Board Member Danko Jevtovic explained that the SSR2 review started in 2017 and only ended this year after almost five years, including 2800 hours of volunteer time and more than 6,000 hours of support staff time. He noted that many things changed in the work of ICANN during the course of the review effort and that the perception of lack of enforcement may be based on the mistaken understanding of what the contractual obligations require. In addition to that, he reported that the ICANN compliance function conducted two audits of registries and registrars, assessing their complaints with those DNS security threats regulations. He noted that reports regarding complaints enforcement are regularly posted on the ICANN complaints web page.

Adjournment

The GAC Chair noted that there was, unfortunately, no time for GAC questions regarding subsequent procedures for new gTLDs, but that further opportunities will be available to ask questions on that topic at a future time.

Recognizing that the meeting time had run long, meeting attendees shared their mutual thanks for the engagement and discussion and the meeting was adjourned.

A transcript of the entire GAC-Board exchange is appended to the GAC Communique for the ICANN72 Virtual Annual General Meeting.

4.4. Meeting with the Universal Acceptance Steering Group (UASG)

The UASG met with the GAC on matters relating to promoting Universal Acceptance and Internationalized Domain Names (UA IDNs) readiness by encouraging respective governments to adopt Universal Acceptance practices and sought feedback on how to enhance collaboration with the GAC.

The GAC welcomed this initiative and future collaboration with the UASG and UNESCO as international organizations stakeholders, and reminded participants about the GAC UA IDNs Working Group to follow the efforts of the GAC, ICANN and the Universal Acceptance Steering Group on issues involving the topics of importance to governments.

5. INTERNAL GAC MATTERS

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

<u>2021 GAC Vice-Chairs Election Results</u>

The GAC Chair announced that the 2021 GAC Vice Chair election voting period concluded on 26 October 2021. She explained that the requirements of [GAC Operating Principle 32 and 35](#) were satisfied, as a total of 77 ballots ("more than 1/3 of the GAC Members") were submitted. There were no ties that would prohibit identifying the candidates with the five highest vote counts, thus further balloting was not needed.

Based on the votes cast, the elected 2022 GAC Vice-Chairs for the term starting after ICANN73 (March 2022) and ending at the close of ICANN76 (March 2023) will be:
- Pär Brumark (Niue)
- Francis Olivier Cubahiro (Burundi)
- Shi Young Chang (Republic of Korea)
- Jaideep Kumar Mishra (India)
- Ola Bergström (Sweden)

Final voting results will be posted on the 2021 GAC Vice Chair Election page - https://gac.icann.org/activity/gac-2021-vice-chair-elections. To effect a smooth leadership transition, the Vice-Chair elects will be invited to future GAC Chair-Vice-Chair (C-VC) meetings up to and including ICANN73.

<u>Upcoming Committee Issues, Topics and Activities</u>

The GAC Chair also reviewed a number of potential substantive follow-up matters that will take committee attention in the next several months. Those topics included:
- Subsequent Rounds of New gTLDs
  - ODP (Operational Design Phase)
  - Potential GAC Advice
- Continued GAC Engagement in GNSO RDS/WHOIS EPDP Matters
- Data Accuracy
- DNS Abuse Mitigation
- GNSO IDN EPDP (and UA-IDN WG Chair vacancy)
- GCC Application - Potential Follow-Up with ICANN Board
- VPICs (Voluntary Public Interest Commitments)
- Board IGO Consultation Process
- Potential ALAC Follow-up on various topics
- GOPE Work Plan and Follow-Up

GAC members were encouraged to regularly consult the new GAC Action/Decision Radar tool for regular monthly updates.

Additionally, the GAC was advised of a number of potential committee activities in the coming months, including:

- Potential GAC Introductory Webinars -
  - GNSO Consensus Playbook ~ December
  - Internationalized Domain Names ~ January
  - SSR2 - February

- Topics for ICANN73 ~ due late December 2021
- GAC 2022 Prep Call - January/February time frame
- ICANN73 GAC Agenda Setting Call ~ mid January 2022
- ICANN73 - Scheduled for 5-10 March 2022

# # #

Attachment 1 - ICANN72 Virtual Annual General Meeting - GAC ATTENDEES LIST

GAC Members (64) participating remotely		
Argentina	Iran	Spain
Armenia	Italy	Sweden
Australia	Jamaica	Switzerland
Austria	Japan	Chinese Taipei
Bangladesh	Republic of Korea	Thailand
Bosnia and Herzegovina	Luxembourg	Trinidad and Tobago
Brunei Darussalam	North Macedonia	Turkey
Burundi	Madagascar	United Arab Emirates
Canada	Malaysia	United Kingdom
Cayman Islands	Mali	United States of America
China	Mexico	Uruguay
Congo, Republic of	Morocco	Zimbabwe
Cook Islands	Myanmar	
Croatia	Nepal	
Denmark	Netherlands	
Dominican Republic	Niger	
Egypt	Nigeria	
Eswatini	Niue	
European Commission	Norway	
Finland	Peru	
France	Portugal	
Georgia	Russian Federation	
Germany	Saint Kitts and Nevis	
Holy See - Vatican City State	São Tomé and Príncipe	
Hong Kong, China	Serbia	
India	Singapore	

GAC Observers (8) participating remotely	
Regional Technical Commission of Telecommunications - COMTELCA	Universal Postal Union (UPU)
Caribbean Telecommunications Union (CTU)	World Intellectual Property Organization (WIPO)
Organisation of American States (OAS)	World Bank
United Nation Education Scientific and Cultural Organization (UNESCO)	World Broadcasting Union (WBU)

Attachment 2 - ICANN72 Action Points Compilation

#	Subject Matter	Action Point
1	IGO Protection Matters	GAC Leadership and Topic Leads to review the proposed IGO list maintenance process and provide additional feedback and granularity prior to sharing with GAC membership for review and input.
2	Subsequent Rounds of New gTLDs	GAC Membership encouraged to share potential topics and language for GAC advice intersessionally prior to ICANN73 for potential incorporation in the ICANN73 communique as appropriate.
3	GOPEWG	GAC Support to schedule a GOPE WG Meeting after ICANN72 for WG members to review the draft Work Plan and begin discussing GAC Operating Principles.
4	HRILWG	GAC HRILWG Co-Chairs to edit the draft GAC perspective document to reflect the additional elements of diversity discussed.
5	HRILWG	GAC HRILWG to share the document with the GAC for review and input.
6	USRWG	GAC USRWG to share its updated work plan for GAC review and endorsement.
7	DNS Abuse	GAC and ALAC interested volunteers to work together to consider possible targeted recommendations of concrete and enforceable contract provisions regarding the mitigation of DNS Abuse to inform future negotiations between ICANN and contracted parties.