
MINUTES OF MEETING

ICANN76 Community Forum, 11-16 March 2023

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1. MEETING ATTENDANCE & MEMBERSHIP

71 GAC Members and 6 Observers attended the meeting.

GAC membership currently stands at 181 Member States and Territories, and 38 Observer Organizations. A list of ICANN76 GAC meeting Member and Observer attendees is provided in Attachment 1 - ICANN76 Hybrid Community Forum - GAC ATTENDEES LIST.

The ICANN76 GAC Communiqué is published on the GAC website at:
<https://gac.icann.org/contentMigrated/icann76-cancun-communicue>.

Presentations used by speakers during the meeting and supporting briefings prepared for the GAC can be accessed from the GAC website: <https://gac.icann.org/agendas/icann76-hybrid-meeting-agenda>.

Full transcripts for each meeting session are to be made available from the ICANN76 Public Meeting website, via the relevant agenda items on the GAC's website agenda page listed above.

1.1. Opening Plenary Session

GAC Chair Manal Ismail, welcomed GAC participants to ICANN76. She noted the productive Capacity Development Workshop held for GAC participants the previous day and reviewed the GAC meeting agenda for the week – including committee and community events and sessions. She particularly noted that GAC plenary sessions were planned to focus on GAC priority topics and would include discussions on future rounds of new gTLDs, WHOIS and data protection and DNS Abuse mitigation.

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

A representative from the government of Mexico welcomed the delegates and all attendees (both in-person and remote) who then subsequently introduced themselves in the committee's traditional tour de table ceremony.

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

The GAC Chair also offered attendees an update on recent meetings of the chairs of the ICANN Supporting Organizations and Advisory Committees, of which she has been a part. She noted that the group had recently discussed the intention of the ICANN Board to announce a time frame for launch of the next round of new gTLDs as a milestone target for community focus and attention. In the context of further community discussions, government feedback on that timetable and related developments was expected to be a key part of further dialogue in this area.

The GAC Chair reported that although a meeting of the Board-GAC Interaction Group (BGIG) could not be held prior to ICANN76, that the Board was expected to soon share a scorecard document providing Board reactions to the GAC issues of importance identified in the GAC ICANN75 Communiqué.

The GAC Chair thanked GAC Members for active contributions to the committee’s work since ICANN75. She noted that 20 new participants had joined the committee since the beginning of 2023 and there were a total of 30 new participants joining the GAC since the ICANN75 meeting in Kuala Lumpur, Malaysia. She noted that contributions from GAC Members and Observer organizations resulted in the GAC sharing its views in a total of 7 public comment proceedings since ICANN75 and that the GAC had, as well, engaged in a wide range of correspondence with various parties during that time period. She identified GAC web site resources where attendees could reference and track those activities.

2. PUBLIC POLICY AND SUBSTANTIVE ISSUES

2.1. Subsequent Rounds of New gTLDs

GAC members discussed recent developments relative to Subsequent Rounds of New gTLDs, notably on the results of the Operational Design Assessment (ODA) delivered to the ICANN Board, updates on the facilitated dialogue on closed generic gTLDs and the GNSO Guidance Process (GGP) on Applicant Support.

GAC members received an update from ICANN org on the ODA and upcoming next steps from the ICANN Board. The GAC noted the upcoming ICANN Board vote on most of the recommendations from the New gTLD Subsequent Procedures Policy Development Process at ICANN76, with the view to initiating policy implementation required to prepare for subsequent rounds of new gTLDs. The GAC welcomed continued consideration by the ICANN Board on the issues marked by the Board as open/unresolved before a vote. Said issues align with the topics GAC Members identified as priority topics, and include the topics of registry voluntary commitments/public interest commitments, GAC advice and early warnings, auctions of last resort and private auctions, community applications, closed generics and applicant support. These topics continue to be a priority for the GAC and as such the GAC recalled its previous input on these matters¹, and underscored its willingness to engage with the Board and the rest of the community in their resolution.

GAC Topic Leads provided an update regarding work conducted intersessionally by GAC members taking part in the facilitated dialogue on Closed Generics with members of the GNSO Council and At-Large. GAC Topic Leads reminded GAC members that the facilitated dialogue’s purpose is to attempt to develop a framework on closed generic gTLDs for upcoming rounds of new gTLDs in keeping with the GAC Beijing Advice whereby “exclusive registry access should serve a public interest goal”. Initial outputs from the facilitated dialogue group were presented and GAC Topic Leads underscored the importance of GAC membership input on initial outputs and throughout the process to ensure GAC views can be included in elements of a potential framework for closed generics. GAC members acknowledged the importance of this work and eagerness to receive final outputs and a framework to review. Some GAC members noted that the GAC’s input on a potential framework for defining criteria and rules for closed generics gTLD applications should not be limited by the parameters in ICANN’s Framing Paper for the facilitated dialogue, in particular stating that prohibiting closed generic gTLDs altogether may remain a possible option if no satisfactory approach is to be found.

The GAC representative on the GGP for Applicant Support provided an update on recent developments from the GGP. GAC members reaffirmed continued interest in increasing representation of underserved regions in future rounds of New gTLDs via Applicant Support. The GAC reiterated its support to reduce or eliminate ongoing ICANN registry fees to expand financial support. GAC members noted their interest and willingness

¹ GAC Comment on GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration, 1 June 2021: <https://gac.icann.org/publications/public/gac-comment-subpro-final-outputs-1june21.pdf>

to continue to engage in the GGP on Applicant Support with the aim of fostering gTLD applications from a diverse array of applicants from all regions, which could, inter alia, include regional and local authorities, and that every effort be made to increase the number of applications from underrepresented regions. The GAC further reiterated the importance of extending the scope of the program beyond only economies classified by the UN as least developed and also considering the “middle applicant” and struggling regions as referenced in the SubPro final report. Finally, the GAC stressed the importance of raising awareness of the Applicant Support Program, including providing applicants with comprehensive information and ample time to prepare to submit to the applicant support program.

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

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

EPDP Phase 1, initiated in August 2018, has produced a **Draft Registration Data Consensus Policy** which would eventually become contractually enforceable when adopted. This was subject to a public comment proceeding which concluded in early 2023 with the publication of a summary report by ICANN org². In the GAC Comments³ (Nov. 2022) submitted as part of this process, several public policy concerns were raised, including in relation to the definition and proposed timeline to respond to urgent requests, the collection and publication of reseller information, and the collection and publication of registration information related to legal entities. Among other concerns, the GAC noted that there currently is a lack of clear standards in terms of enforcement and implementation of the proposed consensus policy, which may lead to a lack of legal certainty and prevent a harmonized application across all gTLDs. Additionally, because the recommendations of EPDP Phase 1 were originally intended to be implemented in concert with those of the subsequent Phase 2 and Phase 2A, the current proposal would implement a partial system which creates a policy gap. GAC Topic Leads on this matter have noted a number of concerns raised in other community comments and will monitor closely how it is taken into account by ICANN.

The subsequent Phase 2 of the EPDP delivered recommendations for a Standardized System for Access and Disclosure (SSAD) regarding which significant concerns were expressed by the GAC and other community groups. The ICANN Board eventually paused consideration of these recommendation and recently approved (27 Feb. 2023), as part of pilot program, the development of a simpler **WHOIS Disclosure System or Registration Data Request Service**, to be deployed by the end of 2023, for a period of 2 years, during which usage data is to be collected and analyzed to inform future consideration of a more permanent SSAD. This simpler system will act as a central portal for intake registration data disclosure request, at no cost to requestors, and will route requests to the relevant registrar automatically for appropriate consideration. In light of uncertainty as to the adoption of this system by registrars, and risks that it may not produce actionable usage data, further work is expected to take place in order to encourage comprehensive use of the system by both data requestors and registrars, and to possibly require registrars to do so.

² See <https://www.icann.org/en/public-comment/proceeding/registration-data-consensus-policy-for-gtlds-24-08-2022>

³ See <https://gac.icann.org/statement/public/gac-comments-registration-data-consensus-policy-21nov22.pdf>

One GAC Member recalled the ICANN70 GAC Advice⁴ (25 March 2021) to consider the GAC Minority Statement on EPDP Phase 2 and suggested that it was important to understand whether it had been taken into account or not. In response, GAC Topic Leads, active in the dedicated GAC Small Group on this matter, confirmed being following how GAC input is being taken into account and indicated they would report in due time to the GAC on these matters.

Regarding efforts in the GNSO to define the scope of future potential policy work in the area of **accuracy of registration data**, GAC Topic Leads recalled the assignments of GNSO Scoping Team⁵ assembled for this purpose. They also reviewed GAC input in each Communiqué since the ICANN72 towards encouraging progress and appropriate focus of this work. Most recently, following and Initial Report of the Scoping Team to the GNSO Council (6 September 2022), the GNSO Council determined (17 November 2022) to pause the work of this team and deferred consideration of initial recommendations (for which the GAC has expressed support in the Kuala Lumpur Communiqué), for a period of up to six months, due to perceived dependencies on ongoing negotiations between ICANN org and Contracted Parties regarding Data Protection Agreements, as well as work ICANN org’s ability to process registration data for purposes of measuring accuracy.

A GAC Member sought further clarification on whether the GNSO would, at the 6 months mark actually proceed with a survey and an audit of registrars as recommended, and whether a review of the Scoping Team’s formation would be conducted. These were identified as matters for further discussion with the GNSO

⁴ See section V.1. p.9 at <https://gac.icann.org/contentMigrated/icann70-gac-communique>

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

2.3. DNS Abuse Mitigation

The GAC plenary session on DNS Abuse featured presentations by the Internet & Jurisdiction Policy Network on “Abuses and the DNS” and by PSWG Members on Cybercrime trends. Following these presentations, the GAC reviewed relevant ongoing activities in the ICANN community and considered matters for inclusion in the Cancún Communiqué, which eventually discussed DNS Abuse as part of “Issues of Importance to the GAC”.

A discussion of “**Abuses and the DNS**” was presented by the Executive Director of the Internet & Jurisdiction Policy Network (I&JPN). The presentation reviewed characteristics of online abuse mitigation (diversity of abuse, transnational nature and complexity of the phenomenon, lack of appropriate tools and competencies), and all possible actions to disrupt abuse at the DNS level (locking a domain, putting a domain on hold, redirecting resolution of a domain name, transferring management of a domain to another registrar). These considerations led to questioning whether such instruments are adapted and effective, noting that protracted discussion of “DNS Abuse” at ICANN over several years have delivered mostly criticism, tensions and lingering frustration. In response to these challenges the Internet & Jurisdiction Policy Network proposed to reframe the issues and seek to determine “*When it is appropriate to act at the DNS level to address abuses online*” with an understanding of DNS Abuse (Malware, Botnets, Phishing, Pharming and Spam as a delivery tool) as separate from content-related abuse. The coordinated work of stakeholders in the I&JPN was reported to have contributed to the industry-led Framework to Address Abuse as well as the SAC115 report from ICANN’s Security and Stability Advisory Committee (SSAC) on an Interoperable Approach to Addressing Abuse Handling in the DNS. The DNS Abuse Institute and its NetBeacon abuse reporting tool were mentioned as a very concrete and operational outcome of the multi-year effort by stakeholders in the Internet & Jurisdiction Policy Network. Additionally, a Toolkit on DNS Level Action to Address Abuses was developed to assist DNS operators, notifiers of abuse and legislators. The Toolkit identifies types of abuses that may be addressed at the DNS level, their corresponding thresholds for action, as well as the sequence of interaction needed between notifiers, registrars and registries. The I&JPN reported now turning its attention to content-related abuse, towards finding thresholds and criteria for action at the DNS level, and potential mechanisms to reach relevant actors (site operator, registrant, hosting provider) and handle appropriate escalation among them.

Representatives from the GAC Public Safety Working Group (PSWG) presented **cybercrime trends** with a view to informing GAC members' deliberation on DNS Abuse mitigation. Based on data collected in the United Kingdom and the United States, and while all GAC Members were encouraged to share their own law enforcement data, presenters discussed:

- Continued upward trends and scale of complaints related to cybercrime (more than 800,000 complaints per year in both the UK and US) which law enforcement assess remain vastly under-reported;
- Phishing being involved in the vast majority of occurrences of cybercrime given its overwhelming use as the initial attack vector for a variety of crime and fraud (it was noted that in the UK, the top 5 targets for impersonation in phishing attacks are essential well known and trusted government entities);
- Emerging threats such as Malvertising, or malicious advertising, which uses online advertisement and relies on compromised domain names to spread malware.

PSWG presenters stressed that registrars or registries who take responsible swift anti-abuse action to address maliciously registered domains that are used in phishing (or emerging threats such as Malvertising), are

helping to address not only the most commonly-reported type of Internet crime (widely recognized as in scope of DNS Abuse as discussed within ICANN) but also all of the other categories that are enabled by it and may not in themselves be considered DNS Abuse (such as Ransomware attacks).

Several GAC Members recognized the usefulness and value of the presentations. One member called on the GAC Leadership to allocate more time during future meetings for more in-depth consideration of DNS Abuse mitigation, including presentation of cybercrime data and experience from a wider panel of countries, and discussion of concrete solutions regarding education of users, prevention of attacks by services providers, and relevant aspects of intergovernmental cooperation. Another GAC Member shared the expectation of certain governments that progress be made in the mitigation of cybercrime nationally through the involvement of their representatives in the GAC. GAC Members suggested that discussion should include the impact of domain name pricing practices on DNS Abuse and relevant measures thereof, or inquired about emerging challenges with cryptocurrency-linked domain names. A PSWG co-chair suggested that **such topics could be explored in future GAC meetings, including during future GAC Capacity Building workshops**. It was noted that a number of tools discussed during the session, as well as ongoing activity in the ICANN Community (including on the evolution of ICANN's Domain Abuse Activity Reporting, and the registrars' Abuse Contact Identifier tool) can all play a part in addressing cybercrime.

In addition to the **ongoing contract negotiations on DNS Abuse** which were discussed with the GNSO's Contracted Parties House (CPH) in a dedicated session (see [section 4.3](#)), co-chair of the PSWG noted ongoing issues regarding intermediaries between registrants and ICANN-accredited registrars known as **Resellers**. The importance of resellers for DNS Abuse mitigation stems from the recognition that effective mitigation of DNS Abuse requires the identification of the appropriate entity responsible for a domain name. It was highlighted that this issue was raised by the CCT Review Team which recommended that *"ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations"* (Recommendation 17) and was the subject of recommendations in Phase 1 of the EPDP on Registration Data. One GAC Member suggested that the GAC considers making it clear to the community that, consistent with GAC Advice in the Montréal Communiqué, more work is expected on CCT Review Recommendation 17 before the launch of future rounds of gTLDs.

One GAC Member stressed the need to consider preventative measures and incentives for the effective mitigation of DNS Abuse, and also recalled the importance of domain name registration data accuracy in this respect, hence suggesting that progress on related initiatives be pursued, as noted in numerous recent GAC Communiqués.

2.4. IGO Protections

The GAC Topic Lead for IGO Protections provided an overview of recent developments pertaining to IGO Protections and the status of the development of a process (notably relevant forms) to update the Proposed Mechanism to Update the IGO List for the Protection of Names and Acronyms for IGOs.

Since ICANN74, the GAC IGO Small Group continued its review of the process to update the IGO List, submitting it to GAC Membership for review, as well as to GAC leadership. The updated forms were submitted to GAC Membership for review prior to ICANN76. The process was presented to GAC Members, noting its key sections and that it covers how to add an IGO name/acronym to the List, how to remove an IGO name/acronym from the List (including recognition of consequences), and potentially how to modify an existing IGO name/acronym on the List. As part of this review and update, two forms were created, one to submit a request to add a name/acronym to the IGO list and one to request to remove a name/acronym from

the list. GAC Members were encouraged to review the process and forms and provide input for the GAC IGO Small Team's consideration with a view to approve this process and the related forms prior to ICANN77.

More broadly on the topic of IGO Protections, the GAC Topic Lead outlined that following the GNSO Council approval of the Final Report from the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs) in June 2022, the GAC submitted a comment in support of the Final Report recommendations in January 2023 as part of the public comment proceeding prior to a Board vote. The GAC Topic Lead recalled that the GAC issued GAC Advice on the topic of IGO curative rights protections on multiple occasions including: ICANN51 Los Angeles, ICANN53 Buenos Aires, ICANN56 Helsinki, ICANN57 Hyderabad, ICANN59 Johannesburg. Noting that recommendations in the Final Report contradict certain aspects of previous GAC Advice including that the UDRP should not be modified. IGOs reviewed GAC Advice to seek to update GAC Advice in light of the Recommendations of the EPDP Specific Curative Rights Protections Final Report to achieve alignment with said recommendations.

GAC members discussed proposed GAC advice language submitted by WIPO in collaboration with IGOs and other interested GAC members and largely agreed that GAC advice should be issued at ICANN76. GAC members agreed for this language to be added to the ICANN76 GAC Communique.

Action Point:

- **GAC members** are encouraged to provide input to the Proposed Mechanism to Update the IGO List for Protections of Names and Acronyms for IGOs and the forms to add/remove IGOs from said list.

3. GAC WORKING GROUPS

3.1. GAC Public Safety Working Group (PSWG)

The GAC Public Safety Working Group (PSWG) continued its work to advocate for improved measures to combat DNS Abuse and promote effective access to domain name registration data. The PSWG participated in the Capacity Building Workshop, supporting the orientation of new GAC members on the importance of WHOIS data and mitigating DNS Abuse.

The PSWG also led a session to update the GAC on DNS Abuse that included:

1. A presentation on U.K. and U.S. cybercrime statistics and how they relate to the DNS;
2. Updates on various initiatives from the community to support the mitigation of DNS Abuse;
3. A presentation by the Internet and Jurisdiction Policy Network detailing their suggested framework for when it is appropriate to act at the DNS level to address technical and website content related abuse; and
4. Discussion on how the PSWG could work with the GAC to forward pertinent work within the ICANN community.

The PSWG continued its active participation to support the GAC Small Group that focuses on domain name registration issues. The PSWG noted the importance of accurate registration data and the ability to identify the most relevant entity to disrupt and investigate DNS Abuse.

The PSWG also participated in the update to the GAC on domain name registration data issues. With regard to ICANN org's proposed design of a proof-of-concept WHOIS Disclosure System (soon to be renamed the "Registration Data Request Service"), the PSWG noted the response from ICANN org indicating that a lack of functionality to maintain the confidentiality of requests for Law Enforcement Agencies and highlights that this will likely lead to a reduced engagement from this significant user group of the system.

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

During ICANN76, the GAC endorsed the PSWG 2023-2024 work plan⁶ as reflected in the GAC Cancun Communiqué.

3.2. GAC Underserved Regions Working Group (USRWG)

The GAC conducted a Capacity Development Workshop (CDW) on topics of interest to GAC participants, based on the pre-workshop survey results, and discussed:

1. An introduction to ICANN, including the role of the GAC and the GNSO Policy Development Process (PDP), and
2. Priority topics for governments such as Domain Name System (DNS) abuse, subsequent rounds of new gTLDs, and WHOIS.

For each of the priority topics discussed the session ended with a regional focus (e.g. Latin America and the Caribbean - LAC) for the audience to share experiences and better understand how those issues could impact the region and which aspects should be taken into account for the future.

⁶ <https://gac.icann.org/work-plans/public/pswg-work-plan-2023-2024.pdf>

The CDW was an opportunity for GAC participants to learn the basics or increase their knowledge on aspects of ICANN's multi-stakeholder model. GAC participants also had the opportunity to learn about the background and perspectives of priority policy topics of interest to current government members at ICANN. A post ICANN76 workshop report will be published on the [GAC USRWG page](#).

For future CDW activities leading up to ICANN77, the GAC Underserved Regions Working Group (USRWG) in its capacity as focal point for such efforts, will work on intersessional activities focusing on DNS abuse.

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

Since ICANN75, the WG continued working on the implementation of some Work Stream 2 (WS2) Accountability recommendations, such as Recommendation 1 on diversity within the WS2 community coordination group (CCG), serving as a central point for the community to exchange and explore how to progress on implementing a number of the WS2 recommendations.

While awaiting for final community contributions on a number of recommendations within the CCG's scope, in January 2023, the GAC HRILWG submitted an Fiscal Year 2024 Additional Budget Request (ABR) on sign language interpretation at ICANN Meetings as a pilot project (ref. March 2022 [GAC perspective proposal document](#), page 2); and results will be shared in May 2023.

The WG will continue its work on implementing WS2 Recommendations and updating its work plan following the GOPE WG guidelines for GAC endorsement.

3.4. GAC Operating Principles Evolution Working Group (GOPE WG)

GOPE WG Co-Chairs provided an update on recent developments from the WG. Since ICANN75 WG has been reviewing the [Preliminary Analysis of GAC Operating Principles](#) to determine if any changes should be made to the categories assigned to each principle or comments. The preliminary analysis document has been updated to reflect input received by GOPE WG members and will be used as a basis to initiate discussions and prioritize the review of GAC Operating Principles. The WG is aiming to resume its meetings post ICANN76 and update GAC Membership of their intersessional work at ICANN77. GOPE WG Co-Chairs encouraged GAC Members to take part in upcoming discussions pertaining to the GAC Operating Principles.

4. CROSS COMMUNITY ENGAGEMENT

4.1. Meeting with the ICANN Board

ICANN Board Chair Tripti Sinha opened the joint session. The participants recognized outgoing Governmental Advisory Committee (GAC) Chair Manal Ismail with a standing ovation.

The ICANN Board asked the GAC about **agility, accountability, and transparency in policy development**, specifically the emerging role of GNSO Council small teams. The GAC Chair shared the GAC view that GNSO Council small teams are a useful exercise in limited circumstances for initial ICANN community discussions. However, GNSO Council small teams should not be viewed as a substitute for GNSO policy development. GNSO Council small teams should have a narrow scope, brief duration, and consider ICANN community input by inviting Advisory Committees and other Supporting Organizations to participate in their work. The GAC Chair encouraged more transparency in facilitated dialogues such as the ongoing closed generics effort.

The GAC Chair shared GAC questions and comments about a variety of priority topics for governments. The GAC Chair asked the ICANN Board about anticipated next steps for the 38 **pending recommendations from the New gTLD Subsequent Procedures (SubPro) Policy Development Process**. Specifically, the GAC is interested in how several issues may impact the overall implementation timeline:

- Registry Voluntary Commitments
- Applicant Support
- GAC Consensus Advice and GAC Early Warnings
- Community applications
- Auctions

ICANN Board member Avri Doria noted that the ICANN Board intends to work with the relevant ICANN community groups on the remaining work, including closed generics. GAC members welcomed GAC involvement in further discussions and encouraged the ICANN Board to take the input seriously. GAC participants asked if any GAC advice will be rejected. The Board clarified that there is currently nothing planned for rejection.

The GAC asked the ICANN Board about its view on the **ongoing negotiations with the Contracted Parties in the context of recommendations 14 and 15 from the Competition, Consumer Trust, and Consumer Choice Review**. The Board Chair noted that contract obligations give the ICANN Contractual Compliance function more enforcement tools. ICANN Board member Becky Burr stated that the negotiations are a first step in the process to enable more targeted policy development, which the ICANN Board expects. GAC participants asked if the ICANN Board expects the negotiations will end Domain Name System (DNS) abuse, which is a separate issue from reporting DNS abuse. The Board Chair stated that DNS abuse will never be eliminated, but it can be disrupted. Board members added that mitigating DNS abuse is a multifaceted effort and noted the establishment of the industry-led DNS Abuse Institute. GAC representatives sought assurances from the ICANN Board that there are no misunderstandings about GAC advice on related recommendations.

The GAC Chair stated that the GAC understands proposed contractual changes will be published for Public Comment. Moreover, the GAC encouraged the ICANN Board to consider conducting a listening session with the ICANN community about the negotiations. Burr explained that negotiations are going well. GAC participants asked what the ICANN Board will do with the feedback. Board members noted that the

Contracted Parties entered negotiations with a specific scope, and ICANN intends to honor that. If there are objections that undermine the legitimacy of the negotiations, then the ICANN Board will consider next steps.

The GAC Chair asked the ICANN Board to clarify its intent in the 27 February 2023 resolution approving the implementation of the **Registration Data Request System (RDRS), formerly the WHOIS Disclosure System**, which encouraged the GNSO Council to work with registries and ICANN-accredited registrars on comprehensive use except for law enforcement requests or requests otherwise required by applicable laws. Board members clarified that it was not the intention of the resolution to exclude law enforcement. Rather, the resolution aimed to acknowledge situations where law enforcement requests or applicable laws require registries and registrars to respond directly. GAC participants asked the ICANN Board to provide written verification of this clarification.

The GAC then discussed specific features planned for the RDRS. The GAC Chair noted that the GAC deems it important to properly log information about approval of requests, denial of requests (and reasons for denials); and the timing of responses. The GAC asked if the RDRS will have this level of additional logging functionality. The ICANN organization responded that it worked closely with the GNSO Council to identify features. GAC participants noted that denial of requests should be based on predetermined, non-discriminatory criteria and asked if the RDRS will be free of charge. Board members confirmed that the RDRS will be free and also noted that registrars will be required to conduct a balancing test to determine whether a request is justified and based on a legitimate interest. The RDRS will not make this decision.

Next, the GAC Chair asked about the **ICANN Emergency Assistance Program (EAP)**. The Board Chair explained that the ICANN organization developed the EAP with limited scope and is looking for partners positioned to help. GAC participants encouraged ICANN to work with the International Telecommunication Union on infrastructure matters and also encouraged ICANN to engage with other agencies that have more experience in emergency assistance. Noting that the EAP involves several functions within the ICANN organization and will look at unique situations, the GAC Chair commented that the GAC looks forward to working with the ICANN organization.

The GAC Chair raised the topic of support for **curative rights protections for intergovernmental organizations (IGOs)** and asked if the ICANN Board is aware that a complaint must include notice. Board members thanked the GAC and recalled the GAC advice on a permanent pre-registration notification system for IGO acronyms, noting that the GAC advice has been overtaken by events such as the recommendations from the Expedited Policy Development Process on Specific Curative Rights Protections for IGOs. Board members asked the GAC if this is still a position. The notification system has not been built yet, and the ICANN Board would like to initiate a brainstorming conversation with the GNSO. GAC participants commented on the positive signals of this current work and proposed dedicated conversations before ICANN77.

The GAC Chair thanked the ICANN Board and GAC and closed the joint session.

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

The Governmental Advisory Committee (GAC) and Generic Names Supporting Organization (GNSO) held a bilateral session to discuss issues of mutual interest. The main agenda focused on Subsequent Rounds of New gTLDs, DNS Abuse Mitigation, the Registration Data Request System (RDRS), Accuracy of Registration Data, and IGO Protections. The GAC and GNSO also discussed the possibility of the GNSO Council responding

to Issues of Importance identified in the GAC Communique in the future, as well as the role and limitations of GNSO Statements of Interest (SOI).

Regarding **Subsequent Rounds of New gTLDs**, the GAC and GNSO discussed the **GNSO Guidance Process (GGP) on Applicant Support**, where GAC members asked GNSO Council members to identify what key indicators of success emerged thus far in the GGP. The GNSO Council described some of the key indicators identified such as levels of awareness about the program among target populations and the ability of applicants to access pro-bono services. GAC members addressed next steps following the delivery of the **Operational Design Assessment** for the New gTLD Subsequent Procedures PDP and the anticipated Board action on recommendations from the New gTLD Subsequent Procedures Policy Development Process Working Group (SubPro). The GNSO Council noted that it is considering the use of a Council small team to triage recommendations that the Board places in “pending status”. GAC Members highlighted the GAC’s interest in taking part in upcoming discussions on GAC priority topics which align with recommendations the Board marked as “pending”. The GNSO Council noted that the small team’s focus is expected to be to clarify concerns expressed by the Board on said recommendations, using subject matter experts for each recommendation, and welcomed engagement with GAC members as appropriate.

On the topic of **Closed Generics**, GNSO Council members noted that the GNSO Council liaison to the facilitated dialogue is invested in assuring that the process is efficient and lined with broader timelines to open subsequent application rounds. The GNSO Council liaison to the group noted the aim for the group is to deliver a framework shortly, i.e. prior to ICANN77 for community review and that said framework may include elements for a subsequent policy development process to consider (i.e. policy elements), to facilitate the potential development of policy on closed generics. The upcoming framework is expected to include elements pertaining to the application phase, evaluation phase and a post delegation phase for closed generic gTLDs. GAC members expressed some concerns regarding potential elements to be included in the attempted framework under development by the GAC, GNSO and At-Large facilitated dialogue, notably on application criteria and process. GAC members underscored that such a framework should be fully developed, implemented and transparent and the challenging nature of such a result.

On **DNS Abuse Mitigation** the GNSO Council provided an update on its work and noted that it will continue to monitor negotiations for contractual amendments related to DNS Abuse and take into account other relevant inputs to determine whether tightly-scoped policy development efforts may be appropriate in the future.

Pertaining to the **WHOIS Disclosure System**, the GNSO Council provided an update on discussions about methods to encourage broad adoption of the Registration Data Request System (RDRS), which the GNSO Council understands is key to the success of the pilot. GAC members noted some concerns about the system for accuracy of registration data, and a potential lack of a function to facilitate a registrar’s ability to verify a requestor’s identity. This may impact the willingness to participate in this system or to allow for information disclosure.

On **Accuracy of Registration Data**, the GNSO Council provided an update on the currently paused Registration Data Accuracy Scoping Team. The GNSO conducted a survey among Scoping Team members, which will inform instructions to the Scoping Team for future work as well as the search for a new Chair when the scoping team reconvenes.

Furthermore, GAC members asked the GNSO Council for a future update on privacy proxy work since this is part of the overall equation. The GNSO Council confirmed this is on the Council’s radar, and that there are

dependencies being discussed with ICANN org, which the GNSO Council could report on once they are resolved.

Relative to **IGO Protections** GAC Members noted the interest for IGOs to maintain the current moratorium for curative protections for IGOs pending full implementation of the recommendations from the EPDP on Curative Rights Protections for IGOs. GAC members highlighted the importance of focusing on the implementation work for the EPDP's recommendations, at which point the moratorium could be lifted and this issue would be resolved.

Under any other business, GAC members welcomed the **GNSO Council's response and attention to GAC Communiqués'** issues of importance section, and thanked the GNSO Council for its attention to GAC Communiqué language. Furthermore, GAC members shared discussions held by GAC members on a proposed exception in the GNSO's Statement of Interest (SOI) policy to enable participants to refrain from disclosing identity of entities they represent in Working Groups. GAC members expressed concerns on this item underlining the importance of transparency in the GNSO Policy Development Process. GNSO Council members noted that this is an ongoing discussion within the GNSO and that there are pending legal and ethical issues for the GNSO to consider, but reassured the GAC that this is on the Council's radar.

The GAC and GNSO will continue to engage on issues of mutual interest following ICANN76.

4.3 Meeting with the Contracted Party House (CPH)

During ICANN76, the GAC met with representatives of the Contracted Parties who discussed ongoing contractual negotiations regarding DNS Abuse mitigation, the Abuse Contact Identifier tool (acidtool.com), and ongoing GNSO deliberations on the Statement of Interest (SOI) process.

The co-chairs of the CPH Negotiating Team provided an update on **ongoing negotiations with ICANN org regarding contract amendments to address DNS Abuse**. It was recalled that these negotiations were initiated by Contracted Parties in December 2022, following findings of the GNSO Small Team on DNS Abuse indicating that ICANN Compliance did not have the ability, based on the current wording of the contracts, to enforce certain DNS Abuse mitigation actions by registries and registrars. The objective of the negotiations, from a CPH perspective, is to set a floor of obligations for all registries and registrars, based on current best practices such as the industry-led DNS Abuse Framework, through targeted changes to both Registry Agreement and Registrar Accreditation Agreement. Contracted Parties indicated that choosing the contract amendment process to achieve these ends was dictated by speed (noting that this is significantly quicker than other processes, such as Policy Development Processes) and necessity because this is a "contractual matter". The negotiation process is expected to conclude before the end of 2023, with a public comment proceeding on proposed changes to the contracts planned prior to ICANN77 scheduled to be held in June 2023.

A GAC Member recalled that the topic of DNS Abuse is extremely important for the GAC, welcomed the reopening of the contracts, which it noted does not happen regularly, and sought to understand how Contracted Parties defines "success" of these negotiations. In response, CPH representatives pointed to reaching agreement with ICANN org, improving ICANN Compliance's ability to enforce obligations to take actions on DNS Abuse (as opposed to only accepting reports of abuse) and enable possible future steps to add details to the amendments being negotiated. The GAC Member suggested that for negotiations to be successful from a multi-stakeholder perspective, they should include preventative measures and incentives to adopt the best practices in the industry.

Registrar representatives presented the **Abuse Contact Identifier Tool (acidtool.com)** which aims to assist in identifying all relevant service providers related to a domain name in addition to the registrar, including the email service provider and the hosting services provider. Registrars recognize that such is not always easy to find. It was recalled that Registrars often can't take action related to content issues, because it is not the "closest to the content", and that hosting providers are the appropriate parties to take action in such cases. A GAC participant recommended, as discussed during the ICANN76 GAC Capacity Building Workshop, that information about resellers be included in the ACID Tool. The leader of this project for the Registrar Stakeholder Group welcomed and vowed to consider the recommendation.

Regarding the **Statement of Interest (SOI) process**, Contracted Parties representatives reminded the GAC that as part of GNSO Operating Procedures, participation in a Policy Development Process (PDP) requires disclosure by participants of their interests and the parties they represent. In the context of a review of these procedures, some GNSO stakeholders believe that there should be a possibility for clients of certain community representatives involved in PDPs to remain anonymous, including to preserve attorney-client confidentiality. Contracted Parties believe that everyone should disclose who they are representing, as is the usual practice of governmental policy processes. One GAC Member shared the view that engagement at ICANN should not be anonymous because, consistent with the ICANN Bylaws, transparency is important and all the more so to ensure trust and confidence of governments in the multi-stakeholder process. Several other GAC Members expressed support for increased transparency.

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

The GAC met with the ALAC regarding issues of common interest to governments and end-users and discussed topics relative to the 2017 ALAC and GAC joint statement on "Enabling Inclusive, Informed and Meaningful Participation at ICANN", the ICANN76 Plenary session on WSIS+20 and improving multi-stakeholder participation in Internet Governance, followed by DNS Abuse in the context of contemporary policy advancements.

On the **2017 ALAC and GAC joint statement** item, the ALAC re-introduced the topic noting that this statement was triggered by the difficulties people have with finding documents and getting up to speed on certain issues of interest. In response, ICANN developed an [Information and Transparency Initiative \(ITI\)](#) to improve ICANN's content governance and infrastructure. However, the system did not necessarily take into account basic changes such as: document titles, dates and reference numbers, author identification and intended recipients, or acronyms repository.

GAC Members agreed that ICANN documents have most of the time been difficult to understand and find. The question was raised on the usability of the system and encouraged any comments or remarks on the tool from experienced or new members to be taken into account for future discussions.

Regarding the plenary session on **WSIS+20 and improving multi-stakeholder participation in Internet Governance** ([ICANN76 GAC proposal](#)), the GAC introduced the topic noting that the WSIS+20 process stemmed from the WSIS Summit in 2003 and 2005, codifying the roles and responsibilities of different actors in the multi-stakeholder process leading to the UN Internet Governance Forum (IGF). ICANN is involved in the process due to its multi-stakeholder model among other instances of multi-stakeholder participation and engagement with a clear indication of responsibility and competencies of different organizations. The ALAC continued the discussion on how end-users can work with governments to formulate a long-term vision.

Finally, on the **DNS abuse** issue, the ALAC kicked-off the discussion introducing its preliminary work on looking at the CCT review and SSR2 approved recommendations related to DNS abuse, in light of the new round of gTLDs; noting that the implementation of some relevant consensus policies as well as the completion of related community work, needs to happen before the launch of the new gTLD program. The GAC welcomed the community efforts to tackle DNS abuse and reinforced the issue on contract negotiations, noting that the contracted parties came to ICANN to ask to negotiate parts of their contract to better take action against DNS abuse. The GAC is awaiting the outcome of those negotiations.

5. INTERNAL GAC MATTERS

5.1. GAC Wrap-Up Session

The GAC first used the Wrap-Up session to conclude its work on the GAC Communiqué. This effort culminated in the GAC Chair conducting the now-traditional full reading of the GAC Communiqué. Several final edits were identified during this effort.

The Wrap-Up session concluded with GAC Members sharing their appreciation, thanks and best wishes to GAC Chair Manal Ismail as she stepped down from her role as the longest-serving GAC Chair.

The GAC Chair reminded GAC Members that the next GAC meeting is scheduled for 11-15 June 2023 during the ICANN77 Policy Forum in Washington, D.C. Finally, she adjourned her last meeting as GAC Chair.

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Attachment 1 - ICANN76 Hybrid Community Forum - GAC ATTENDEES LIST

GAC Members (71)		
Argentina	Guatemala	Russian Federation
Armenia	Hong Kong, China	Rwanda
Australia	Holy See - Vatican City State	São Tomé and Príncipe
Austria	India	Saudi Arabia
Azerbaijan	Indonesia	Singapore
Belgium	Iran	Serbia
Bermuda	Italy	Spain
Bosnia and Herzegovina	Jamaica	Sweden
Brazil	Japan	Switzerland
Burundi	Kenya	Chinese Taipei
Canada	Lebanon	Timor-Leste
China	Luxembourg	Tonga
Chile	North Macedonia	Trinidad and Tobago
Colombia	Malaysia	Uganda
Congo, Democratic Republic of	Mexico	Ukraine
Cook Islands	Morocco	United Kingdom
Republic of Chad	Republic of the Union of Myanmar	United States of America
Côte d'Ivoire	Nauru, Republic of	Viet Nam
Croatia	Netherlands	Zimbabwe
Denmark	New Zealand	
Egypt	Nigeria	
Eswatini	Niue	
European Commission	Norway	
France	Pakistan	
Germany	Paraguay	
Grenada	Portugal	

GAC Observers (6)	
Caribbean Telecommunications Union (CTU)	World Intellectual Property Organization (WIPO)
League of Arab States	World Broadcasting Union
Universal Postal Union	
Regional Technical Commission of Telecommunications (COMTELCA)	

Attachment 2 - ICANN76 Action Points Compilation

#	Subject Matter	Action Point
1	IGO Protections	GAC members are encouraged to provide input to the Proposed Mechanism to Update the IGO List for Protections of Names and Acronyms for IGOs and the forms to add/remove IGOs from said list.