

Board-GAC Interaction Group (BGIG) Call

21 October 2024 - 1300 UTC

Summary Notes

In the spirit of issue spotting and candid information exchange, these high-level staff summary notes are intended to reflect the general nature of the discussion during the BGIG meeting. Certain specific aspects of the meeting discussions are provided to enable understanding of the flow and context of the discussions.

Meeting Agenda

- Discussion of the ICANN80 GAC Kigali Communiqué Issues of Importance
 1. Transparency, GNSO Statements of Interest (SOIs) and Code of Ethics
 2. Registry Voluntary Commitments (RVCs) / Public Interest Commitments (PICs) in New gTLDs
 3. New gTLDs Subsequent Procedures Implementation Review Team (IRT)
 4. DNS Abuse
 5. DNSSEC
 6. Registration Data Request Service (RDRS)
 7. Registration Data Accuracy
 8. Support for the Privacy and Proxy Services Accreditation Implementation Review Team
- AOB
 - Urgent Requests Follow-up - GAC Response to Board Clarifying Question and Additional Considerations

Reference

- [ICANN80 GAC Kigali Communiqué](#) (17 June 2024)
- [ICANN Board Comments on Issues of Importance in the ICANN80 GAC Kigali Communiqué](#) (15 October 2024)
- [GAC Follow-Up on Urgent Requests - GAC Response to Board Clarifying Question and Additional Considerations](#) (15 October 2024)

I. Opening Remarks

Tripti Sinha (ICANN Board Chair) expressed appreciation for GAC participants joining this discussion of Issues of Importance to the GAC in the ICANN80 Communiqué, noting that the GAC's follow-up on Urgent Requests for disclosure of registration data would be also addressed during the call..

Nicolas Caballero (GAC Chair) welcomed all participants and stressed GAC Members' appreciation for the ICANN Board's prompt efforts to address the GAC Advice in the GAC Kigali Communiqué, as well as previous GAC Communiqués.

II. Discussion of the ICANN80 GAC Kigali Communiqué Issues of Importance

1. Transparency, GNSO Statements of Interest (SOIs) and Code of Ethics

Becky Burr (ICANN Board) recalled the publication of a draft Ethics Code related to transparency of participation in ICANN processes and Statements of Interests (see [ICANN Community Participant Code of Conduct on SOIs and General Ethics Policy](#) public comment proceeding open until 2 December 2024) which, she summarized, provides that participants in ICANN processes must disclose their interests and refrain to participate if they cannot commit to these disclosures, including for commercial or legal reasons. She called on the GAC to provide its input on this proposal.

Nigel Hickson (United Kingdom) welcomed this publication as excellent news, stressing its importance for trust in ICANN processes, and sharing that it will show ICANN is a forward thinking organization.

Jorge Cancio (Switzerland) commented that the Swiss Confederation welcomes very much the reactivity of the ICANN Board in response to GAC discussions of this matter, and stated that, at first sight, the proposal is headed in a very good direction. He noted that the GAC is currently looking into the draft framework of practices relating to SOIs with great interest, gathering input from its Members, and should be prepared to have more in-depth discussions during the upcoming ICANN81 meeting.

2. Registry Voluntary Commitments (RVCs) / Public Interest Commitments (PICs) in New gTLDs

Becky Burr indicated the ICANN Board's understanding that the GAC is seeking clarity on what rules will apply in the next rounds of New gTLDs for PICs and RVCs. She stressed that these will be published in the forthcoming New gTLD Applicant Guidebook, and will be as clear and as concrete as possible, noting that the Board and GAC are on the same page with respect to this objective. She reminded attendees that in light of its bylaws, ICANN is not in a position to enforce content restrictions and that the ICANN Board believes ICANN should not accept any voluntary commitments it can't enforce. The New gTLD Program Next Round Implementation Review Team (IRT) is currently engaged in more

in-depth discussion of these matters and is expected to continue doing so in the coming months. Its meetings are open to all.

3. New gTLDs Subsequent Procedures Implementation Review Team (IRT)

Regarding GAC concerns with financial barriers to entry for new applicants in the next round of New gTLDs, and particularly the high costs of the Registry Service Provider (RSP) technical evaluation, **Becky Burr** recalled that all components of the New gTLD Program are intended to be based on a principle of cost recovery and that costs of any elements depends on the number of participants. As it relates to RSP evaluation fees, she noted that the highest planned amount of \$92,000 could go down to \$68,500 if enough entities applied to become Registry Service Provider for New gTLDs. She reminded participants that in the previous round of New gTLDs, in 2012, RSPs had to be evaluated repeatedly for each New gTLD application for which they offered registry services. The goal of the new evaluation process, although she recognized has an new upfront cost, is to be more cost efficient for both RSPs and for New gTLD applicants given that RSPs will be evaluated once, in advance, and that this evaluation won't need to take place for every TLD application. She also stated that RSPs perform critical functions as it relates to the security and stability of the DNS and that therefore, their ability to operate and operate at scale, without endangering a TLD registry, needs to be carefully evaluated.

Nicolas Caballero asked what number of RSP applications would be needed to reduce the evaluation fee.

Becky Burr noted in response, as indicated in the Board comments on this Issue of Importance, that the maximum fee would be \$92,000, going down to \$77,000 if over 50 RSP applications are received, and down to \$68,500 if over 68 RSP applications are submitted.

Nigel Hickson commented that this approach is understandable and sought a confirmation that ICANN would not prevent a Registry Service Provider to offer discounted services to New gTLD Applicants who have qualified for the Applicant Support Program.

Becky Burr confirmed that there is nothing ICANN will do to prevent such offerings.

4. DNS Abuse

Becky Burr stressed that DNS Abuse is also an issue of importance to the ICANN Board, that it is part of ICANN's Strategic Plan, the ICANN CEO goals, and subject of a cross-functional program within ICANN org. She reported on concrete and direct results from the new DNS Abuse Amendments to the Registry Agreement and Registrar Accreditation Agreement now being in force and in effect, including: a formal contractual breach notice to one registry and one registrar for failure to comply with the new obligations; the suspension of over 2,600 malicious domain names and the disabling of 328 phishing

websites; the monthly compliance reporting broken up by type of DNS abuse; and the launch of an audit of Registry Operators' compliance with these new obligations.

She noted that the new amendments have already been valuable and have given ICANN Compliance tools it did not have before. That said, she stressed that it is important to give enough time for these amendments to deliver their impact, and that while ICANN Compliance provides some visibility, it does not have complete visibility on the impact of the Amendments. Thus, she advised that it will be important to look at other data like that provided by NetBeacon. She concluded by stating that the ICANN Board is very encouraged that ICANN Compliance is benefiting from these new tools and it is looking forward to continued enforcement and progress in the mitigation of DNS Abuse.

Nicolas Caballero welcomed these developments as good and positive news.

Gemma Carolillo (European Commission) thanked the ICANN Board for the overview of results to date, stressing that DNS Abuse is indeed a continuing issue of importance for the GAC, and that ICANN is the relevant place to discuss this matter.

She recognized ICANN Compliance's excellent job in addressing its areas of competence and for providing the related reporting. She also welcomed as educational the view that ICANN Compliance metrics can only provide a partial picture of impact given that it can only report on complaints it receives. Looking forward to ICANN81, she indicated that the GAC expects to engage with ICANN Compliance and SSAC on this matter, as well as continue exploring what further work is possible after the adoption of the amendments, consistent with the [GAC Comments](#) (17 July 2023). She expressed particular interest in any feedback received from Contracted Parties in terms of how useful and relevant the implementation guidance provided in the Advisory¹ has been, in particular as it relates to the notion of "actionable evidence".

Becky Burr shared that she had not yet received a lot of feedback from Contracted Parties on how the guidance is working out.

Jamie Hedlund (ICANN Compliance) confirmed that ICANN has not yet received direct or informal feedback on the guidance. He stated that in his understanding, Contracted Parties (CPs) are doing a lot of work to comply with the amendments, including work that goes beyond the new obligations. He noted that he expects to receive input to some extent during ICANN81. Regarding the Advisory, he stated that a lot of work went into it before the amendments were in place and that they have been helpful in providing CPs with information on how ICANN Compliance enforces the amendments.

¹ See [Advisory: Compliance With DNS Abuse Obligations in the Registrar Accreditation Agreement and the Registry Agreement](#) (published on 5 February 2024)

5. DNSSEC

Becky Burr confirmed the ICANN Board's agreement with the GAC on the importance of implementing DNSSEC and on "registrar choice"². She reported that ICANN has been working to promote the adoption of DNSSEC including through the KINDNS program (Knowledge-Sharing and Instantiating Norms for DNS and Naming Security), stressing that ICANN org sees DNSSEC as one component of DNS Security.

Nicolas Caballero stated that based on his experience in Paraguay, DNSSEC implementation works and that this can allow to deal effectively with certain security threats.

6. Registration Data Request Service (RDRS)

Becky Burr stated the ICANN Board follows closely the metrics being produced on the usage of the RDRS. She recognized the invaluable work done by the RDRS Standing Committee of the GNSO, including with the active participation of PSWG representatives. She explained that this Committee has been considering and is helping ICANN org deliver a continuous stream of enhancement of the system for the benefit of both requesters (including Law Enforcement requestors) and registrars. This is expected to continue for the remaining year of the pilot program, depending on feasibility, that is the assessment of effort required to deliver each enhancement.

She also stressed the importance of ensuring that both categories of users are aware of the RDRS, and referred to efforts ICANN org has made in this area, including linking the RDRS from its [ICANN Registration Data Lookup Tool](#) and publishing promotional material and an FAQ in 6 languages. During ICANN81, the ICANN Board expects to seek community input on the path forward, including whether enough data has been collected to decide on next steps, or whether to continue collecting more data.

Nigel Hickson indicated tracking the developments around RDRS and shared reactions of high levels of governments learning that registrar participation is voluntary, wondering what is being done about those registrars who have not yet joined the system and about the registrations that they manage and for which data disclosure may be important to requestors. While noting that registrar participation numbers have gone up, he wondered whether targets could be set to further increase their participation in the future.

² The GAC stated, as it relates to this Issue of Importance in the ICANN80 GAC Kigali Communiqué: "*The GAC understands the importance of choice regarding the implementation of DNSSEC for individual registrants and encourages all registrants to enable it, especially those who operate important or critical services [...]*"

Becky Burr shared that the ICANN Board is starting to consider this matter and wondering if the pilot program has provided enough information to enable starting policy development now, which could include making the system mandatory for registrars, or whether this needs to wait until the pilot program is over. She indicated that this is a top priority for the ICANN Board and this is why the Board will be engaging with the ICANN Community on these matters in Istanbul.

7. Registration Data Accuracy

Becky Burr indicated that the Board expects that publication for public comment of a draft Data Processing Specification (DPS) will facilitate the resumption of work on this complex issue. However, she noted that the DPS will not be a “magic bullet” and that access to data (for purposes of studying accuracy) remains constrained by data protection law in many jurisdictions worldwide. Noting ongoing conversation about the importance of registration data accuracy, she expressed the Board’s appreciation for the GAC’s participation in these discussions and hope that this will continue in the future. She proposed that, going forward, it would be helpful to have a collective understanding of what data elements are critical to accuracy and for what purpose.

8. Support for the Privacy and Proxy Services Accreditation Implementation Review Team

Becky Burr indicated that ICANN org is currently looking at the policy recommendation stemming from the Privacy/Proxy Services Accreditation Issues (PPSAI) PDP to determine what remains relevant today. She shared her personal belief that Privacy/Proxy service providers need to be incorporated into the RDRS tool. She hopes that ongoing analysis will provide some insight on this matter. She otherwise expressed appreciation for the GAC’s continued and very active involvement in community discussions of Privacy/Proxy services accreditation, noting it is helpful for all participants to understand the GAC’s perspective.

III. AOB: Urgent Requests Follow-up - GAC Response to Board Clarifying Question and Additional Considerations

Becky Burr shared the ICANN Board’s understanding that the GAC is anxious to make progress on policy for processing Urgent Requests. She indicated that the ICANN Board has accepted the GNSO’s recommendation to hold specific discussions on what progress can be made regarding Urgent Requests, absent a mechanism for authenticating law enforcement requests. The ICANN Board has asked for this meeting to be scheduled³. She recognized the importance of the work the PSWG is conducting towards finding an authentication mechanism, including in a workshop scheduled during ICANN81 in Istanbul. She noted that the availability of such a mechanism may be a gating factor for

³ This meeting occurred on Monday 4 November 2024.

new policy development, and that it remains to be determined whether policy development can proceed while work is ongoing on authentication mechanisms.

Gemma Carollo indicated looking forward to the trilateral meeting proposed by the GNSO. She recalled that the ICANN79 San Juan Communiqué Advice requested a timeline to conclude the work on Urgent Requests and that the proposed meeting has not taken place yet. In the meantime, she stressed that the GAC is putting in place all resources available to address the ICANN Board's concerns regarding authentication of LEA requests, which she noted the GAC shares. It is in this context that the PSWG has planned a workshop during ICANN81 to explore possibilities of how this could work with willing Contracted Parties. She proposed that the process forward should allow for discussion of the timeline for response to Urgent Request, a key policy question left unresolved, assuming that an authentication mechanism is in place.

She stressed that the best way for achieving this is to restart the EPDP Phase 1 Implementation Review Team, and that the GAC is looking forward to hearing the Board's views on this matter and to discuss with the GNSO.

IV. Closing Remarks

Becky Burr thanked all participants, noting that the call was very helpful.

Tripti Sinha thanked attendees for their engagement and an efficient discussion, which she noted covered many important topics. She reminded participants that the ICANN Board takes the GAC's advice very seriously, and will continue to follow-up on these matters, while noting that the GAC and ICANN Board are moving in a positive direction.

Zeina Bouharb (GAC Vice-Chair, Lebanon) expressed the GAC's appreciation for the ICANN Board's efforts and time, as well as Becky Burr for the information shared on this call.

Attendees:

GAC

Stefan Vouk, Austria
Maria Chiara Properzi, Belgium
David Bedard , Canada
Rida Tahir, Canada
WANG Lang, China
Cheng-Nan Chiang, Chinese Taipei
Ken-Ying Tseng, Chinese Taipei
Thiago Dal-Toe, Colombia
Peter Mujtaba, Commonwealth
Telecommunications Organisation
Mislav Hebel, Croatia
Zdravko Jukić, Croatia
Finn Petersen , Denmark
Manal Ismail, Egypt
Gemma Carolillo, European Commission
Martina Barbero , European Commission
Melina Stroungi, European Commission
Nico Caballero, GAC Chair, Paraguay
Mzia Gogilashvili, Georgia
Vincent Roberts, Grenada
Christopher Deen , Guyana
Mina Ogihara, Japan
Adriano Daddario, Italy
Tomonori Miyamoto, Japan
Zeina BOU HARB, Lebanon
Boubacar NDIAYE, Mali
Maaïke Veenstra, Netherlands
Babagana Digima, Nigeria
Ibiso Kingsley-George, Nigeria
Omonzokpia Giwa, Nigeria
Russell Woruba, Papua New Guinea
Viacheslav Erokhin, Russian Federation
Deolindo Costa, São Tomé and Príncipe
Sasa Kovacevic, Serbia
Jakub Kubaň , Slovakia
Ana Maldonado Cid, Spain
Cenejade Lont, Suriname

Wendy Palas, Suriname
Jorge Cancio, Switzerland
Shelley-Ann Clarke-Hinds , Trinidad and Tobago
Meltem Ergün, Türkiye
Nigel Hickson, United Kingdom
Owen Fletcher , United States
Laureen Kapin, United States
Tracy F. Hackshaw, Universal Postal Union
Beatriz Rodríguez, Uruguay

ICANN Board

Tripti Sinha
Alan Barrett
Maarten Botterman
Chris Buckridge
Becky Burr
Edmon Chung
Wes Hardaker
Danko Jevtović

ICANN Org

Amy Bivins
Leticia Castillo-Sojo
Andrew Chen
Jamie Hedlund
Lars Hoffman
Vinciane Koenigsfeld
Karen Lentz
Veni Markovski
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