
GOVERNMENTAL ADVISORY COMMITTEE (GAC): MINUTES OF MEETING, San Juan, 10-15 March 2018

1. MEETING ATTENDANCE & MEMBERSHIP

Sixty GAC Members and eight GAC Observers attended the meeting.

The GAC welcomed Bangladesh, Bosnia & Herzegovina and Myanmar as new members.

GAC membership currently stands at 176 Members, and 36 Observers.

A list of attendees is at **Attachment 1**.

The GAC San Juan Communiqué is on the GAC website at:

<https://gac.icann.org/contentMigrated/icann61-gac-communicue>

Presentations used by speakers during the meeting and supporting briefing prepared for the GAC can be accessed, where available, from the [GAC website](#) under Meetings and Records/ICANN Meeting Agendas. Full transcripts for each session are available at the [ICANN 61 meeting website](#).

2. PUBLIC POLICY AND SUBSTANTIVE ISSUES SESSIONS

2a: WHOIS/GDPR

GAC members and the GAC's Public Safety Working Group (PSWG) participated actively in a wide range of multi-party discussions aimed at developing a model to ensure compliance with the European General Data Protection Regulation (GDPR), particularly with regard to WHOIS data. The key issues, which were reflected in the Communique, included access to WHOIS access for legitimate purposes such as law enforcement, rights protection and cybersecurity; the need for clarity on specific details; and the role of the GAC in any new arrangements.

At the face to face meeting between the GAC and the ICANN Board, the ICANN CEO suggested that active engagement by governments with relevant Data Protection Authorities to provide ICANN with specific assurance would be more helpful than advice to the ICANN Board at this stage. He stated that WHOIS will inevitably change from current arrangements and may change again when the RDS Review progresses.

Action Points

GAC and PSWG to continue to work with ICANN Org and relevant sections of the community on ensuring that public policy considerations are reflected in any compliance model.

GAC to follow up on its advice to the Board on this matter through the usual procedure.

2b: 2-letter country/territory codes at the second level

This remains an issue of concern to some, but not all, GAC members.

The GAC was briefed by ICANN Org (Global Domains Division) on existing measures to enable governments to access information on relevant applications and associated complaints procedures; and on possible enhancements to these measures to further assist

governments. Several GAC members sought a user-friendly space on the ICANN website that makes it clear what is happening with a particular code in the DNS market and how governments can communicate concerns.

Action Point

Further implementation work by ICANN Org to be reviewed by the GAC inter-sessionally and at the face to face meeting at ICANN 62; and feedback to be provided to ICANN Org if appropriate.

2c: Protection of IGO Names and Acronyms

The GAC reviewed developments with regard to protection of IGO names and acronyms. It decided to reiterate previous advice on preventative protection of IGO identifiers. This includes retaining interim protections, although the GAC agreed that the list of IGO names and acronyms on which such protections are based should be maintained so that it is as accurate and complete as possible.

The GAC also considered current interim protections for IGO acronyms at the second level¹. A proposal from the African Union Commission to revise these protections to enable IGOs to request that their own acronym be removed from the current reserved list was considered. The GAC agreed that there may be merit in such a measure and will consider the full implications further before deciding on any advice to the Board.

At the face to face meeting between the GAC and the ICANN Board, Board members noted that ICANN org continues to work on outcomes from the facilitated discussions held at the Copenhagen meeting; that the GAC may be asked to release Euclid University from the reserved list of acronyms; and that the PDP on IGO access to Curative Rights Protection Mechanisms has not yet reached consensus and next steps on this are not clear.

Action Point

GAC to give further consideration inter-sessionally to whether any changes should be made to current interim protections for IGO acronyms, in particular the IGO list previously provided by the GAC and how this can be updated.

2d: New gTLD Policies: Geographic Names

GAC members discussed geographic names at the top level in general session and also participated in a meeting of Work Track 5 (Geographic Names) of the New gTLD Subsequent Procedures PDP.

Some GAC members noted that discussions in Work Track 5 should take into account any material available or being produced outside the ICANN context relating to names with geographical significance, for example in WIPO. The possibility of a WIPO presentation to the GAC on this at ICANN 62 was welcomed, although it was noted that information also needs to go direct to Work Track 5.

¹ GAC [Toronto Communiqué](#) and the [IGO list](#) provided to the Board on 22 March 2013.

At the Work Track 5 meeting, the proposed timeline, including publishing a draft initial report by July 2018, was flagged as potentially challenging by some GAC members.

The GAC will work inter-sessionally on further analysis of the public policy aspects of this work and seek a coordinated GAC input to the Work Track before finalisation of any initial report.

The GAC Working Group on Geographic Names also met – see below.

Action Point

GAC Secretariat, in consultation with PDP support staff, to prepare a simplified document on key Work Track 5 discussion points and seek GAC members substantive input to this by the end of May 2018 for submission to the WT5 process.

2e: New gTLD Policies: General

The GAC reviewed the work and timelines of the New gTLD Subsequent Procedures PDP and met with one of the Co-Chairs.

The PDP is aware of existing GAC advice but would like more active GAC engagement with discussions of alternative future approaches. GAC members suggested that it would be helpful for the PDP to indicate to the GAC where specific developing issues have public policy implications and where they may diverge from GAC advice; use simplified language in its working documents, given the turnover of GAC members; and provide relevant supporting information.

Several specific suggestions were made concerning support for developing countries and community-based applications.

Action Point

GAC to provide continuing input to the PDP on these issues where appropriate.

2f: Application for dot.Amazon and related strings

The GAC received an update from Brazil, supported by Peru and Venezuela, regarding the proposal submitted by Amazon.com at ICANN 60.

Member governments of the Amazon Cooperation Treaty Organization (ACTO) have established a process for analysing the proposal through an urgent and comprehensive review, and this analysis is progressing. The GAC was informed that Amazon.com and Board members have made themselves available to assist if requested. This factual update was also provided to the ICANN Board at the face to face meeting with the GAC.

The GAC agreed to reply in writing to ICANN Board Resolutions 2017.10.29.02 and 2017.10.29.03, noting the above update and stating that it has no additional information to provide at this time. The letter to the Board is attached to the Communique and was also sent separately.

Action Point

GAC members to be provided with any updates considered appropriate by ACTO member states who are also GAC members.

2g: New gTLD Auction Proceeds

The GAC received an update on the work of the Cross Community Working Group on New gTLD Auction Proceeds from the CCWG Chair and Argentina.

Action Point

The GAC will continue to engage with the work of the CCWG as a Chartering Organisation.

3. CROSS-COMMUNITY ENGAGEMENT

3a: Meeting with ICANN Board

The GAC met with the ICANN Board and discussed the following issues:

- Timing of the Board's responses to GAC Communiques. See Meeting with BGRI at 6.b below.
- Next steps with the applications for dot Amazon and related strings: See 2.f above.
- 2-character country and territory codes at the second level. See 2.b above.
- IGO protections: See 2.c above.
- GDPR compliance: See 2.a above.

3b: Meeting with Generic Names Supporting Organisation (GNSO)

The GAC met with the Chair and members of the [GNSO Council](#). The key issues raised were:

- The reconvened PDP to consider protections for certain Red Cross Red Crescent Names. Progress was noted and welcomed.
- PDP on IGO Access to Curative Rights Protection Mechanisms. The Working Group meeting at ICANN 61 will have a "slightly different" format.
- A general update on all current PDPs.
- GAC-GNSO Consultation Group Implementation Plan. It was noted that this work has now been finalised.
- GNSO Liaison to the GAC. "Onboarding" of Julf Helsingius as GNSO Liaison to the GAC is proceeding, with France as the contact point in GAC leadership.
- The ICANN FY19 Draft Budget and Operating Plan. GNSO Council is concerned that support for policy development be maintained.
- GDPR compliance. The GNSO Council has not discussed the draft ICANN compliance model.
- The regular SO/AC Chairs meeting.

Action Points

None.

3c: Meeting with Country Code Name Supporting Organisation (ccNSO)

The GAC met with the Chair and other members of the ccNSO Council. The main issues raised were:

- Work Track 5 (Geographic Names) of the New gTLD Subsequent Procedures PDP.
- Frequently Asked Questions (FAQs) on ccTLD delegation, transfer and revocation. These are to help GAC members and are now finalised. A session at ICANN 62 to work through the FAQs was suggested by the ccNSO Chair.
- Agenda Committee. This is a new coordination mechanism between GAC and ccNSO leaderships to improve communications. Possible future topics for GAC-GNSO discussion could include country names, DNS abuse mitigation and use of country codes as second level domains.
- The ccNSO PDP on retirement of ccTLDs. An appeal was made for GAC participation, which is currently non-existent.
- The ccNSO framework for analysing and reporting to members on the ICANN Draft Budget and Operating Plan.

Action Point

GAC members to consider joining and engaging with the PDP on retirement to the extent possible.

3d: Meeting with At-Large Advisory Committee (ALAC)

The GAC met with ALAC leadership and members and discussed:

- Geographic names at the top level, in particular with regard to Work Track 5 (as noted above).
- GDPR compliance models. ALAC noted that they have had "spirited discussions" but no formal position.
- Cooperation on capacity-building in underserved regions.
- Follow-up on the joint GAC-ALAC statement on inclusive, informed and meaningful participation in ICANN.
- KSK rollover.

Action Point

None.

3e: Meeting with Non-Commercial Stakeholder Group (NCSG)

The GAC met with the NCSG, at their request, and had an exchange of views on:

- The work and values of the NCSG.
- Privacy safeguards for any GDPR compliance model.
- Rights protection mechanisms, including enabling non-commercial free expression.

Action Point

GAC members and the GAC Secretariat will continue to monitor NCSG community inputs relevant to public policy and facilitate interaction with GAC where appropriate.

3f: Meeting with Universal Acceptance Steering Group (UASG)

The GAC was briefed by the UASG and agreed to help to progress issues at the national level including universal acceptance by government online forms and introducing universal acceptance concepts and the UASG to government Chief Information Officers at the national, provincial and local levels and professional associations.

Action Point

GAC members to follow up at the national level as appropriate.

3g: Meeting with ICANN Multistakeholder and Strategic Initiatives (MSSI) staff

The GAC was briefed by MSSI staff on the current and projected situation with regard to the specific and organisational reviews required by the ICANN Bylaws. Community input, including from the GAC, with regard to draft operating standards for specific reviews was noted.

Action Point

GAC members, assisted by the GAC Secretariat, will make efforts to continue participating in development of operating standards for specific reviews through ongoing community discussion.

3h: GAC Participation in CCWGs and PDPs

GAC members again discussed possible ways to enable the most efficient and effective GAC participation in CCWGs and PDPs. Data prepared by the GAC Secretariat showed low rates of participation over the previous six months. The GAC Chair noted that issues of general overload and burnout had been discussed between SO/AC Chairs and the ICANN CEO, with agreement on a need for setting of work priorities.

Greater input from subject matter experts, coordinated with the GAC, was suggested as a model that has worked by PSWG involvement in the PDP on RDS,

Action Point

GAC Secretariat and staff to prepare a paper for GAC leadership on GAC on options discussed, including extending GAC guidelines on CCWG participation to other bodies eg PDPs.

4. ICANN ACCOUNTABILITY AND STRATEGIC OUTLOOK

4a: ICANN Empowered Community

The GAC did not discuss any Empowered Community issues at this meeting.

Action Point

GAC Secretariat to continue to monitor Empowered Community developments and advise the GAC Chair and members as appropriate.

4b: Cross Community Working Group on Enhancing ICANN Accountability

The GAC discussed the recommendations of the CCWG-Accountability WS2 Sub-Group on Jurisdiction with regard to OFAC² sanctions and choice of law in contracts. There was a range of views. Some members had concerns that the recommendations do not go far enough in addressing current and potential problems with ICANN being subject to US jurisdiction and will continue to urge further examination of this issue. Other members supported both the recommendations and the process followed by the Sub-Group.

Action Point

GAC members to continue to engage with the CCW-Accountability at the plenary level as it finalises its recommendations following a final public comment process in April/May and consideration of a final report at ICANN 62.

4c: ICANN Strategic Planning

GAC members participated in a community session to help ICANN in identifying priority trends that will inform ICANN strategic and operational planning and work prioritisation.

Action Point

None.

5. HIGH LEVEL GOVERNMENTAL MEETING (HLGM) 2018

The GAC was again briefed by the Spanish Government on arrangements for the next High Level Governmental Meeting to take place in Barcelona during ICANN63 in October 2018. This is a joint ICANN-GAC initiative.

Invitations to Ministers will be sent through existing GAC points of contact. GAC members were strongly encouraged to submit more specific proposals for the draft agenda and avoid set presentations.

Action Point:

GAC members and the GAC leadership to continue to work with Spain and ICANN on development of the HLGM agenda.

6. INTERNAL GAC MATTERS

6a: Elections

The GAC was informed by one of its Vice Chairs, Ms Milagros Castañon (Peru), that she is standing down from her role in the GAC and taking up another government appointment. The GAC agreed that it will hold an election for the vacant Vice Chair position before the next face to face meeting. Nominations will be called within one week of the ICANN 61

² [United States] Office of Foreign Assets Control

meeting, with a 3-week period for any GAC member to nominate. If there is more than one nomination the online voting procedure used in the previous elections will be used.

An election will be held for all Vice Chair positions at ICANN 63 in accordance with GAC Operating Procedures. A formal call for nominations will be made at ICANN 62.

6b: Board-GAC Review Implementation Working Group (BGRI)

The BGRI-WG and the GAC met, with several Board members in attendance, and:

- Noted proposed improved timelines for the Board responding to GAC Communiqués, including adoption of a “Scorecard” response by Week 8.
- Reviewed the operation of the new ICANN Action Request Register as it applies to GAC advice. It currently records that there are:
 - 14 items of advice pending ongoing community work
 - 12 pending ongoing implementation work
 - 3 which are still open: IGOs; Red Cross Red Crescent; and dot.RAM.
- Discussed proposed “onboarding” arrangements being developed by ICANN staff for helping new GAC members to better understand ICANN and GAC issues and procedures.

Action Point

The BGRI will continue its work inter-sessionally, and requests feedback from GAC members on issues raised in the session.

6c: Review of GAC Operating Principles

The GAC again considered options for reviewing its framework of Operating Principles in light of pressures for change arising from the ICANN Empowered Community, new responsibilities and the need for guidance for new members and organisational continuity. There were no firm views expressed on the most appropriate type of review.

Action Point

The leadership group and ICANN support staff will prepare a draft proposal for a holistic review of the Operating Principles and submit this for GAC consideration.

6d: Independent GAC Secretariat

The GAC Secretariat Donors Association informed the GAC that funding of the Secretariat at 1.0 FTE appears sufficient for services to be provided under the current contract until the end of 2018.

ACIG Pty Ltd (through Tom Dale) informed the GAC that, for commercial reasons, the company will not seek an extension of the contract beyond 31 January 2019. Depending on funding, and the agreement of the GAC Chair, ACIG will provide services until the end of the Barcelona meeting or until the formal end of the contract.

Action Point

The GAC leadership and interested GAC members, with the support of existing donors, will form a small task group to identify sustainable funding options to be operational after January 2019 and continue to explore possible ways in which funding from ICANN could be obtained.

ACIG Secretariat will review and report on other independently funded secretariat arrangements across the ICANN community.

6e: GAC Website

The GAC was briefed by ICANN GAC support and technical staff on the continuing development of the GAC website. Members were urged to log in to the site to be able to use its full capabilities.

Action Points

ICANN support and technical staff will continue to work on development of the website, taking into account continuing feedback from members.

6f: GAC Working Methods

The GAC leadership identified a number of possible measures to improve both its own working methods and those of the GAC, including lessons learned from the San Juan meeting. These will be discussed further with the GAC.

Action Points

GAC leadership to work with ICANN staff and GAC Secretariat to follow up on suggestions made and ensure a wider dialogue within the GAC.

6g: GAC-PSWG working arrangements

The GAC and PSW leaderships met and agreed on the need for close coordination between GAC and PSWG members on developing policy issues. It was noted that the GAC takes ultimate responsibility under the Bylaws for any advice, and that it is important for GAC members to engage at a national level with relevant PSWG interests, including law enforcement.

Action Point

GAC and PSWG to continue current coordination arrangements and review these continuously to improve engagement and communications.

6h: ICANN LEARN

The GAC welcomed a briefing from ICANN Org on inclusion of material for new GAC members in the self-paced online learning platform ICANN LEARN. It aims to provide the same baseline knowledge for all GAC members and encourage participation.

Action Point

ICANN Org will consult further with the GAC prior to launch of the relevant materials.

7. GAC WORKING GROUPS

GAC Working Groups reported to the GAC as follows.

The GAC Public Safety Working Group (PSWG):

Regarding WHOIS compliance with GDPR, the PSWG and GAC plenary discussed the public policy impacts of ICANN Org's proposed interim model. The PSWG reported that it had engaged with relevant stakeholders to identify practical solutions that provide for uninterrupted access to full WHOIS data consistent with appropriate data privacy safeguards.

In relation to the ongoing Privacy and Proxy Services Accreditation Implementation Review Team (PPSAI IRT), the PSWG reported its concern that prospective service providers are reluctant to agree to respond to emergency requests by law enforcement within 24 hours.

The PSWG explained the importance of public reporting on DNS Abuse through the Domain Abuse Activity Reporting (DAAR) initiative and welcomed the efforts of ICANN's Office of the CTO (OCTO) in spearheading this project. The ICANN CTO provided a briefing to the GAC on the DAAR. Upon completion of an independent analysis of 4 DAAR's methodology, the PSWG expects ICANN to regularly publish specific data identifying parties most associated with DNS Abuse.

GAC Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs: The working group met and reviewed the status of work being done in the New gTLD Subsequent Procedures PDP Work Track 5 on geographic names. The group provided an update about content of the terms of reference of Work Track 5, and the present analysis of the different categories of geographic names included in the New gTLD Applicant Guidebook and previous 2007 GNSO PDP.

The GAC Working Group on Under-Served Regions: Since ICANN60, the USRWG conducted two more regional Capacity Development Workshops - in Nepal in February and at the beginning of ICANN 61 in San Juan. The working group will continue to work with the Government Engagement (GE), the Global Stakeholder Engagement (GSE) and Public Responsibility Support (PRS) teams of ICANN Org to coordinate and facilitate the upcoming Capacity Development Workshops scheduled for Senegal in May 2018 and during ICANN 62 in Panama in June 2018. The USRWG will work with the PRS Team to develop a comprehensive online learning platform (ICANN Learn) for GAC members as part of the ongoing efforts and potential strengthening of the Onboarding Program for GAC members. As an outcome, the working group will work to evaluate the capacity development initiative. The working group welcomes joint efforts with other ICANN communities to address topics and specific issues that will be used to inform the GAC and members of those respective communities.

GAC Working Group on Human Rights and International Law: The working group received an update from the leadership of the Cross Community Working Group on Accountability regarding the further process for adopting the Framework of Interpretation (FoI) and considerations relating to the Human Rights Core Value expressed in the ICANN Bylaws. An information exchange on implementation efforts of the FoI was held with the Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights (CCWP-HR), ALAC representatives and other members of the community.

GAC Working Group on GAC's Participation in the NomCom: The working group concluded a drafting in session to revise its document "GAC Criteria for NomCom". The revised draft document has been circulated to the working group 5 members for comments and feedback. Once agreed, it will be circulated to the full GAC for comment and eventual endorsement before sending to the NomCom.

DOCUMENT ADMINISTRATION

Title	GAC Minutes San Juan March 2018
Distribution	GAC Members + Website publication in final
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ATTACHMENT 1 : GAC Attendees, San Juan,

GAC Members		
Argentina	India	St Kitts and Nevis
Australia	Israel	Senegal
Austria	Italy	Singapore
Azerbaijan		Spain
	Jamaica	Switzerland
Belgium	Japan	
Benin		Chinese Taipei
Bermuda	Kenya	Thailand
Brazil	Korea, Republic of	Trinidad and Tobago
		Tuvalu
Canada		
Cayman Islands	Madagascar	Uganda
Chad	Mali	Uruguay
China	Mexico	United Kingdom
Congo, Democratic Republic of	Morocco	United States
Cook Islands		
Cote d'Ivoire	Nauru	Venezuela
	Netherlands	
Denmark	New Zealand	Zimbabwe
Dominican Republic	Nigeria	
	Niue	
Egypt	Norway	
European Commission		
	Peru	
Finland	Portugal	
France		
	Romania	
Germany	Russian Federation	
Guyana	Rwanda	
GAC Observers		
Caribbean Telecommunications Union (CTU)	International Telecommunications Union (ITU)	Organisation Internationale de la Francophonie (OIF)
Economic Community of Central African States (ECCAS)	International Criminal Police Organisation (INTERPOL)	West Africa Telecommunications Regulators Assembly (WATRA)
Economic Community of West African States (ECOWAS)	World Intellectual Property Organisation (WIPO)	