

GAC MEETINGS

Meeting 10: Montevideo - 7-8 September 2001

GAC X: Montevideo 7 and 8 September 2001

EXECUTIVE MINUTES

ATTENDANCE

CHAIR: Dr Paul Twomey

SECRETARIAT: Ms Donna Austin (Australia)

Mr Jeferson Fued Nacif (Brazil)

Member	Representative	Adviser
Argentina	Mr Gustavo Fazzari	
Australia	Ms Michelle Scott	
Belgium	Mr Jan Vannieuwenhuysse	
Brazil	Ms Vanda Scartezini	Mr Jose Alexandre Bicalho
Canada	Mr Len St Aubin	Mr Drew Olsen
China	Mr Chen Yin	Ms. Ann Marie Plubell
Colombia	Mr Francisco Florez	
Denmark	Ms Heidi Bech Jensen	Ms Susanne Viuf
France	Ms Isabelle Lafontaine	
Germany	Mr. Michael Leibrandt	Ms. Susanne Maedrich
Italy	Mr. Stefano Trumpy	
Japan	Ms Kaori Ito	
Malaysia	Mr Sharil Tarmizi	Mr AhmadRazif Ramli

Netherlands	Mr Klaas Bouma	
Niue	Mr Gerald McClurg	
Peru	Ms. María Ochoa	Mr Alejandro Riveros
Portugal	Mr Pedro Veiga	
Singapore	Ms Boon Yuen Ng	Mr David Alfred
Spain	Ms Gema Campillos González	
Sweden	Ms. Lena Carlsson	Ms. Charlotte Ingvar-Nilsson
Switzerland	Mr François Maurer	
Taiwan	Dr. Kai-Sheng Kao	Dr. Ching-Fu Kuo
United Kingdom	Mr Adrian Pinder	
United States of America	Ms Karen Rose	Ms Amy Page
Uruguay	Dr. Héctor Nilo Pérez	Mr Juan Piaggio
European Union	Mr Christopher Wilkinson	Mr Richard Delmas
International Telecommunication Union	Dr. Ben Petrazzini	
Organization for Economic Cooperation and Development	Mr Stuart Hamilton	
World Intellectual Property Organisation	Mr. David Muls	

OBSERVERS

Member	Observer (s)
Brazil	Mr. Manuel Lousada
Peru	Mr. Martin Moscoso

Taiwan	Mr. Shih-Hsiung Hwang
Uruguay	Ms Olga Vasquez

APOLOGIES

Member	Representative	Adviser
Bulgaria	Mr Peter Rendov	
Finland	Ms Laura Vilkkonen	
Hong Kong, China	Mr Alan Wong	Mr Victor Lam
Ireland	Mr Roger O'Connor	
Luxembourg	Ms Isabelle Marinov	
New Zealand	Dr Frank March	
Norway	Ms Annebeth Lange	Mr Jens Koch

1. WELCOME

The Chair welcomed the GAC members to the meeting.

In Stockholm, the members' moved amendments to the GAC Operating Principles concerning the Vice Chairs. These amendments were ratified.

2. ELECTION OF VICE CHAIRS

The Chair outlined the election process undertaken which resulted in the election of the inaugural Vice Chairs. Those being:

- Len St Aubin, Canada
- Sharil Tarmizi, Malaysia
- Christopher Wilkinson, European Commission

The Chair congratulated the members on their election and thanked them for their contributions so far. The Chair thanked WIPO, the ITU and the Secretariat for their assistance in facilitating the election process. He also formally thanked all members from their strong participation so far and encouraged further participation from all members.

3. .INFO AND COUNTRY NAMES

Discussion regarding .INFO and country names was wide-ranging, extending over three sessions throughout the meeting. AFILIAS and ICANN staff were invited to provide input on the second day.

The Chair provided background to this item noting that he had received a communication from ICANN about the pre-registration of country names in the .INFO testbed. He suggested the use of the ISO 3166-1 list as a guide for the reservation of country and distinct-economy names in .INFO.

The discussion raised a number of important points:

- There is support the idea that .INFO has very special information
- Any request should be couched that we are trying to limit precedence and international legal norms
- Failure to act also has consequences
- Language should be English and official language roman character set and other character sets as they become available in .INFO
- Consensus to state at level of country and distinct economy and not move beyond this level at this time, but flag as an issue ISO 3166-2
- ISO 3166-1 is the appropriate list

The Chair advised that along with David Muls (WIPO) he had had discussions with Afiliias and ICANN staff on the .INFO issue. There is provision under their contract for the Board to reserve 5000 names

It was noted that the issue of geographical and geopolitical names is very complex and the subject of ongoing international discussion. Without prejudice to any future discussions, general policy or international rules in this area, and considering the very special nature of .info, and problems that have become apparent with the registration of such names in the sunrise period, the GAC agreed that interim *ad hoc* measures should be taken by ICANN and the Registries to prevent avoidable conflicts in .info. The GAC agreed that the use of names of countries and distinct economies as recognised in

international fora as second level domains in the .info TLD should be at the discretion of the respective governments and public authorities.

The GAC recommended that the names of countries and distinct economies, particularly those contained in the ISO 3166-1 standard, as applied by ICANN in identifying ccTLDs, should be reserved by the .info Registry, (or if registered in the Sunrise Period challenged by the Registry and, if successful, then reserved) in Latin characters in their official language(s) and in English and assigned to the corresponding governments and public authorities, at their request, for use. These names in other IDN character sets should be reserved in the same way as soon as they become available.

The GAC also draws the attention of ICANN and the Registries to the fact that a large number of other names, including administrative sub-divisions of countries and distinct economies as recognised in international fora , may give rise to contested registrations. Accordingly the GAC recommends that Registrars and eventual Registrants should be made aware of this.

There is an issue about the reservation and subsequent assigning of the name, but this is something that will need to be addressed later. At this stage the important issue is the reservation.

The Chair suggested that the GAC should request the reservation of geographic terms as per the ISO 3166-1 list, without prejudice to the WIPO report and not wishing to set precedent on legal frameworks or incur public policy implications. Assignment will be considered inter-sessionally.

3. OUTREACH

The GAC identified that progressing outreach activities is a high priority for the GAC. Representatives discussed the outreach activities that had been undertaken since Stockholm. The GAC discussed the development of a work program to encourage greater participation in GAC meetings which includes current members playing a more pro-active role in raising awareness of the ICANN and the GAC in their respective regions. The GAC has developed an Outreach document to assist with these activities. The GAC discussed the outreach documents that have been produced and were circulated by the Secretariat for consideration. A program for progressing outreach in various fora was considered.

Representatives advised of outreach activities undertaken since Stockholm.

The representative from Germany advised that Outreach activities have been started with regard to Eastern Europe countries. Other outreach activities will be put in place in the framework of international fora taking in the digital divide, especially the GP Dot Force and the UNICT Task Force. The representative from Germany also advised that there would be a Dot Force meeting in New York City in the near future.

The representative from the UK advised that he would be presenting a paper at the Commonwealth Telecommunications Committee meeting in Mauritius.

The representative from Brazil advised that outreach activities had been undertaken at a recent ECOSOC meeting at which representatives from 28 developing countries were in attendance.

The representative from Australia advised that an outreach document was being circulated at an upcoming APEC Telecommunications Working Group meeting in Singapore.

The representative from Taiwan advised that in July 2001 ICANN CEO Dr. Stuart Lynn was invited by TWNIC to Taiwan. During his short stay in Taipei, Mr. Lynn visited TWNIC, the Directorate General of Telecommunications, Academia Sinica (the highest research institute of Taiwan), and state-owned telecom operator Chuang-Hwa Telecom. In addition, TWNIC hosted a workshop on 'ICANN and the Internet Development' for Mr. Lynn's visit. Mr. Lynn has done an introductory presentation on ICANN in that workshop. The second presenter for the workshop was At Large Study Committee member professor Ching-Yi Liu and the third one was TWNIC's legal council Ms. Grace Lei. Their topics were 'ICANN At Large Membership and the Governance of ICANN' as well as 'A Comparative Study on TWDRP and UDRP.' GAC issues were also covered in that workshop. The last session of the workshop was a panel discussion moderated by Yam Digital's VP, Mr. Kuo-Wei Wu. About 200 attended the workshop.

TWNIC hosted an APTLD outreach seminar in August 26, 2001 in Taipei. People from the Internet communities of Taiwan, China, Japanese, South Korea, Australia, and New Zealand attend this one-day seminar. This free-of-charge seminar covers topics on the updates of ICANN/GAC, APNIC, ccTLD, as well as APTLD.

In the coming October TWNIC will host a technical seminar on DNS security to promote DNS-related technology. Policy issues related to ICANN will also be covered.

The representative from the US advised that bilateral activities are continuous. Information, GAC Principles and information about ICANN and GAC, has been provided to the US Aid Office for use as part of their visitor's program. Information has also been provided to posts and other countries.

The representative from WIPO advised that WIPO would be meeting on 19-21 September to discuss IP and e-commerce of which two sessions will be on gTLDs. Member states will be present.

5. OPEN SESSION WITH ICANN CEO/PRESIDENT AND BOARD MEMBERS

The Chair welcomed Dr Lynn and other members. He noted that there was interest among the group in hearing his views on what he considers to be the role of GAC in the ICANN process. There was also interest in updates on ccTLD agreements. He advised that a topic of considerable discussion for the GAC was the geographical names issue in .INFO.

Dr Lynn thanked Dr Twomey and the GAC members. He said it was a pleasure to address the GAC and thanked those members who had travelled and assured the group that the advice GAC provides is a very important aspect for ICANN.

Outstanding issues

Dr Lynn identified a number of issues which he considered outstanding in terms of previous communiqués from GAC to the Board. He asked that if there were any more could people please let him know.

Models for tri and bilateral agreements

Dr Lynn acknowledged and owed heritage to the GAC principles and hence their considerable effect on agreements. In relation to bilaterals, there will be MOUs developed maintaining the status quo. He noted that no single agreement will meet every situation, but it will provide a point for departure. A discussion paper was issued outlining their own understanding and reasoning behind agreements and he sought comments on this. Dr Lynn advised that .au was the first embodiment of these agreements noting that IANA issued a redelegation report which will be considered by the Board on Monday. Signing of the agreement will be done at that time. ICANN is working on an agreement with Canada which will be an MOU reflecting redelegation to CIRA which is being worked on. He advised that discussions with Japan and others are taking place. Dr Lynn advised that from a government perspective, they need to come forward to ICANN with regard to a triangular agreement. He felt that feedback on the various models would be helpful and this would lead to improving IANA services.

ccTLDs

Dr Lynn advised that good progress was being made with the ccTLDs. Thanks to Theresa and Louis it is hoped that they will now be able to handle five agreements a month.

IDN

Dr Lynn advised that the working group of Board members chaired by Katoh San had working very hard to identify the scope of the problems and issues regarding IDN. A significant recommendation of the report is that there should be the formation of a Steering Committee including representation from Supporting Organisations and expertise to address public policy issues as well as technical issues. Policy should not be held up on technical outcomes. There were three main issues identified by the working group which required further investigation: trademark and cybersquatting, competitive market access, whois in an IDN environment and maintaining stability/interoperability. The Committee will be looking at a framework for testbed environments. The Steering Committee is intended to be a broadly based group including GAC representation. This cross-representation indicates report being very inclusive and GAC thoughts would be greatly appreciated.

TLDs

Dr Lynn advised that approval of the .museum agreement will be sought by the Board on Monday. Enabling approval for .aero is conditional approval has been given with a seven day cool off period. There are some outstanding issues with .co-op but should be able to move forward subsequent to this meeting. Pioneers will be watched with interest. .name has been approved while a revised business plan has been sought from .pro prior to approval before the next meeting.

Geographic names

Dr Lynn advised that it was important to hear from GAC in a definitive way on this issue.

Evaluation of new gTLD

Dr Lynn advised that the Board requested that a task force be established to evaluate the new gTLDs. He stressed that this was process only at this time. The task force took longer than usual to establish due to the summer breaks. He noted that it is an international task force and good progress is being made and it will report on status at the open forum.

ALSC report

Dr Lynn noted that the ALSC was scheduled to meet with the GAC and that GAC feedback will be invaluable. The Committee has worked extra hard to gain consensus on this issue, balancing off the various interests involved. He will let the ALSC report on the recommendations to GAC, but requested feedback and assessment from GAC on the

recommendations. He noted that the ccTLDs and business community had helped to sharpen thoughts on which way to go on the issue. Dr Lynn noted that this report is vitally important to ICANN, its structure, inter-relationships, ccSOs and DNSO restructure. Interaction will be on the table. Again, he commented that GAC thoughts will be most welcome.

Budget and staffing

Dr Lynn advised that the appointment of Mary Hewitt as the Director of Communications has led to his working extensively with the press. He noted his surprise at the feedback he received from all parts of the world as a result of a presentation he did on C-SPAN

He advised that they had been conscious of recruiting non-US people in an effort to be more cross-cultural representative, but this was slowing down their recruitment rate. He noted that two of their recent recruits, Theresa Swinehart and Herbert Vitzhum were considered in this category, however he could not make any guarantees about future recruits.

Dr Lynn advised that the audit was still in progress but this should be consistent with the budget. Fundraising with the ccTLDs has encountered a difference between pledges of \$1.3m and total received of \$890,000. This issue of falling short of the target is something that will need to be worked on.

Dr Lynn then said he was happy to take questions, but asked if there was anything Katoh San would like to say about the IDNs report.

Katoh San responded that there was not much to add, but emphasises the importance of the IDN. The report on facts found in IDN will be tabled tomorrow. The Steering Committee is to be established through an open process but must work quickly as businesses are already dealing with the issue.

The Chair asked Mr Vint Cerf if he would like to make any comments.

Mr Cerf thanked the Chair for arranging the meeting and noted that interaction between the Board and GAC is vital, as is GAC's input to policy development. He stated that he didn't have much to add but he did make the point that the nature of the Internet is still a complex and delicate beast and as such policy can be difficult particularly across different countries. Business is something of an enigma and there is nothing to say they will survive. He considered that larger issues to face governments lie well beyond the scope of ICANN and that government issues associated with IP, tax and cybercrime lie outside the forum for the Internet system. He suggested that the GAC should avoid putting too much burden on ICANN and fashion new fora or venture to other fora to address other issues.

The Chair applauded Mr Cerf's comments and then opened up the session for questions.

The representative from Sweden thanked Dr Lynn for his presentation and asked, in relation to ccTLDs and root servers. Governments are to contact ICANN, but what if negotiations are between the ccTLD and ICANN, will there be a communication to government.

Dr Lynn advised that governments will be kept informed.

The representative from Sweden asked if the completion of root server agreements will be done in the summer?

Dr Lynn advised that there were problems identified at the IETF meeting in London. The issue needs to be worked through and will be a high priority over the next few months.

The representative from Niue sought clarification on ICANN's policy in relation to dealing with managers involved in redelegation.

Dr Lynn responded that where redelegation is pending, ICANN will not enter into an agreement with the manager.

The Chair requested, in relation to the .INFO situation, that the GAC would appreciate facilitation of discussions with Afiliat.

Dr Lynn advised that Louis was the person to do this.

The Chair asked, in relation to gTLDs, would there be discussion around the end game? The Chair noted that there appears to have been no discussion to date about where the Internet is connecting with the established economy. Further that the question of the introduction of the 7 new gTLDs was being considered, but the question of the end game should also be factored in.

Dr Lynn thanked the Chair for his very thoughtful comments and said that this issue may come through as part of the new gTLD Committee discussions.

Mr Cerf noted his personal opinion that the question of trademarks and profit conflict with the TLD. Businesses of registries and registrars exist in the economy subject to the same forces of any other business. He considered that there are some limits to the number of TLDs which could be operated. New TLDs create risks to business operators and a risk in that registries may fail. Failure should not hurt the registrant as there will be one to operate in lieu of those that have failed. Mr Cerf considered that the general utility of TLDs as an index is not particularly useful. The Google search engine could be used more like the yellow pages. He noted that Yahoo had manually constructed subject pages, and considered that as new technologies evolve the DNS will become less important for finding things on the net.

The Chair said that there was an expectation that ICANN would play a policy role and this is why governments have supported this process. He acknowledged that this was an area where established policy clashed with policy suited to the new economy citing other examples as Internet and gambling, Internet and financial services. He asked what is the philosophy approach to the intersection of the old and new and considers that this is an issue which requires discussion.

The Vice Chair from the EU thanked Dr Lynn and Mr Cerf for their reports and remarks. He advised that the GAC would be discussing WHOIS and the reservation question. He said there was basic agreement on the purpose and scope of WHOIS, but he just wanted to flag the issue.

The representative from Italy noted the logic in the DNS, but question if it was possible to set up some form or order now or is it too late. He reflected that ccTLDs adopting first level gTLDs causes confusion and he felt that the next gTLDs should include evolution of new ccTLDs.

Mr Cerf replied that alternative names with Internet places already exists, as an example, Microsoft rather than using a domain name just uses a string, AOL uses keywords. He said there was a proliferation of new ways to associate names in the DNS. In the end game there will be a number of differing efforts and care should be taken not to ensure that we have not missed the forest for the trees.

Dr Lynn said that the matter is to be discussed but not necessarily the system deployed. Mr Cerf's point needs to be thought through remembering that the DNS is not a subject thing, it is a system which makes it easier than using a numbering system. Systems run on top of the DNS can relieve of the burden for what it was not originally designed. He is very optimistic about the possibilities but it may take time to sort out and converge.

The representative from the US noted that the US has funded an ongoing study by the National University of Science which initially included engagement with ICANN. She asked if this engagement is continuing.

Mr Cerf said that they are not a member of the Committee but it is likely that they will be asked to review the work as part of the work.

Dr Lynn advised that he had met with the panel and will participate in October.

The representative from the Netherlands noted that the protection of WHOIS data was important for individuals and he would like ICANN to address this issue in the context of the differing laws regarding protection.

The representative from the UK reflected on the philosophy of ICANN, its framework/boundaries and logic to alternative roots. He asked whether there had been any response to Dr Lynn's paper on alternative roots and how will this be taken forward.

Dr Lynn advised that the comments stretched across the spectrum and an IC3P document had been posted to the web drawing together those comments.

Mr Cerf noted that the DNS has the unique ability to replace addresses. It is vital that this uniqueness is preserved. Two different users get different answers and resources. The Board has endorsed IC3P as current fact which relies upon a unique style root system.

The Chair submitted as an observation the jurisdictional emphasis of developments whereby lawyers, engineers and economists each bring different perspectives. As the problems are analysed from different views there will be differing conclusions. ICANN could lose in the broader scheme of things.

The representative from Japan asked about the status of the letter prepared by the CEO, and also sought the Board's view on IPv6.

Dr Lynn advised that the present CEO was not in a position to prepare a letter per say. He asked that the representative look at the documents on the web which act as an agreement and consider that individual situations will result in adaptations. He stated that explaining the style root link to RCP3 notes why the unique root is so important.

Mr Cerf advised that the Ipv6 is a strong component to move to this space and for security reasons as there are many things that may happen. He noted that there have been many debates about the move from IPv4 to IPv6. He believes that the move will come from outside to the middle. He reflected on the applications of devices, mobile phones, set top boxes being used by millions to billions expecting usage of Ipv4 to be around 60% by 2006. He noted that Japan has been pushing Ipv6 and wants the ASO and the PSO to move on this issue this year to identify policy matters. He considered that 6 must inter-work with 4. He noted that Microsoft was looking to put IPV6 into its software and he expects that 2002 will be the first year which IPV6 will venture into the market.

The Chair thanked Dr Lynn and Mr Cerf for their time.

Mr Ken Folker noted that there was a continual message be delivered, that technical is beginning to look toward public policy. There is a move to look at the public interest and the delicate balance to do the job expected.

The Chair said he appreciated the boundary limits.

7. UPDATE FROM WORKING GROUPS

The Vice Chair from Malaysia made a presentation to the group in light of the recommendations of the Board's Working Group on IDNs.

The GAC welcomed the Report of the Internationalized Domain Names Internal Working Group of the ICANN Board of Directors, particularly the Working Group's recognition

of the importance of the three key policy areas identified by the GAC in its Melbourne communiqué on this issue. Those being:

- the essential importance of interoperability of the present and future Internet;
- the prevention of cybersquatting and resolution of disputes in the IDNs environments should be addressed by appropriate means and processes such as an appropriate dispute resolution policy and implementation of sunrise periods; and
- the application of competition and market access, consumer protection and intellectual property principles.

Discussion led to GAC support for the establishment of a steering committee, with representation from the GAC, to oversee further work on this issue. The group also strongly supported the recommendation to form panels of volunteer experts from different countries and distinct economies in a diversity of fields as this would facilitate taking into account various cultures.

7. UPDATE ON CCTLD ISSUES

The GAC discussed developments in individual ccTLD's such as .au, .ca and .nl.

14. DATES FOR NEXT MEETING

The Chair spoke about his proposal to convene the GAC Meeting in Marina del Rey over three days instead of two, leaving one day aside for the working groups to progress their work. The group agreed to meet three times annually, in accordance with changes made by the ICANN Board. It was also agreed that the meeting dates for the next meeting will be co-ordinated inter-sessionally.

9. OPEN SESSION WITH CCTLD

The Chair welcomed the members from the ccTLD Constituency and handed proceedings over to Patricio Poblete. Pilar Luque provided translation into Spanish.

Mr Poblete advised that most of their meeting had been allocated to discussions about the creation of ccSO and advised that they had reached agreement on the principles of such an organisation. They had agreed to develop policies in the ICANN framework with regional policies to be determined by regional organisations. Global policies will be developed between the regional and global community. He advised that they had met with members of ICANN staff and the Board, ICPs, IBCs and the ALSC and will be meeting with the ASO and PSO soon. He advised that there had been opposition to the principles encountered. He advised that they had candidates presenting for election to the ICANN Board. Mr Poblete closed by saying that they had made a lot of progress during their meeting

but there was still a lot to do. They will be working towards outcomes in Marina del Rey.

The Chair thanked Mr Poblete and asked if there were any questions from the GAC. He noted that the GAC will be watching their discussions with interest and appreciates that this is an ongoing process. He would appreciate advise on inter-sessional meetings.

The representative from Spain asked if there had been any discussions about the two models of contracts released by ICANN.

Mr Poblete advised that they had had not time to consider this at their meeting. They would need more time to consider the contracts more carefully.

10. EVALUATION OF NEW gTLDs

Andrew Charlton, Senior Counsel, Regulatory Affairs, SITA addressed the meeting on the proposed use of two letter codes in the .aero domain. Rosa Delgado, Director, Internet Industry Relations, SITA was also present. The content of the presentation was duly noted by GAC members and was followed by a question and answer session.

The GAC welcomed the creation of the ICANN Board New TLD Evaluation Process Planning Task Force on the evaluation of the new gTLDs and received a report from the representative of the UK in the GAC.

The GAC confirmed the importance of public policy considerations in the selection and implementation of new gTLDs, and asked its representative to continue to participate in the work of the group and maintain liaison with other GAC members.

5. WIPO

David Muls from WIPO made a presentation on the Final Report of the Second WIPO Internet Domain Name Process.

5. PRESENTATION FROM MR CARL BILDT ON THE WORK OF THE AT LARGE STUDY COMMITTEE

Mr Bildt made a presentation to the GAC about the Report of the At Large Study Committee which was followed by questions from the GAC.

The GAC welcomed the draft report of the At-Large Membership Committee and called for interested parties to respond to the report.

13. WHOIS

Paul Kane, Chair of the DNSO WHOIS Committee made a presentation to the GAC about the outcome of the survey conducted on WHOIS.

16. COMMUNIQUÉ

Communiqué was developed.

NEXT MEETING To be advised.

MEETING CLOSED 11.05PM. 8 September 2001