



Governmental Advisory Committee
Secretariat

16 June 2003

EXECUTIVE MINUTES

ICANN Governmental Advisory Committee meeting
Rio de Janeiro, 23-25 March 2003

Chairman: Mr. Sharil Tarmizi, Malaysia.

List of participants attached (Annex 1)

1. Welcome

The chair welcomed new members attending for the first time: Trinidad and Tobago and Greece.

2. Confirmation of the election of Chair and Vice-Chairs

The previous GAC Secretariat (Australia) confirmed the election in December 2002 of:

Chair:	Mr. Mohamed Sharil Tarmizi (Malaysia)
Vice Chairs:	Ms Lena Carlsson (Sweden)
	Mr. Michael Katundu (Kenya)
	Ms Scartezini (Brazil).

The terms of the new GAC officers begin at the present meeting.

3. Agenda

The agenda for the meeting was adopted (Sweden proposed Canada seconded).

4. Matters arising from Shanghai meeting:

- Adoption of the minutes

The minutes of the previous meeting were adopted. (Sweden proposed, Netherlands, Japan, Norway seconded)

5. Report from the Secretariat

Christopher Wilkinson, GAC Secretariat, gave an oral report. The transfer of the Secretariat from Australia to the European Commission, is now complete. He thanked Australia for providing the Secretariat for the previous 4 years and for cooperation during the transition. The GAC web-site had been transferred and was operational at <http://www.gac.icann.org>

The GAC files and archives had also been transferred to the Secretariat in Brussels.

The main effort of the Secretariat during the first three months had been concentrated on preparing the GAC meeting in Rio, in cooperation with the Brazilian hosts.

Much of GAC's work is now conducted on-line. The Secretariat expressed appreciation for all those who had participated in the recent teleconference calls. The Chair and Vice-Chairs also consulted regularly and had conversations with the ICANN Board.

Contacts had also been taken to encourage new GAC members and to re-activate existing membership.

Policy work had been coordinated by the secretariat under the supervision of Chairs and Vice-Chairs – for example, preparing the working groups and the ITU ccTLD workshop. The Secretariat had also attended the ICANN Board and RIPE meetings in Amsterdam.

The Secretariat coordinates relations between ICANN and GAC Members and other governments about the registration of reserved .info country names with the Afiliat Registry.

The Secretariat provides the GAC liaison with the ICANN Nominating Committee. The Secretariat's view was that resources in the Secretariat's office in Brussels were adequate for the time being, but that additional resources would be necessary in the near future. The Secretariat would move to new premises in Brussels soon.

Over the coming months, the priorities would be:

- Organization of the next two GAC meetings in Montreal, Canada and Carthage, Tunisia.
- Implementation of work programme through working groups and action items already agreed.

- Upgrading the secretariat's electronic infrastructure
e.g. document management system for restricted access.
Working groups will also need email lists.

A written report from the Secretariat would be circulated in due course.

The European Commission reminded other GAC members that they were encouraged to contribute to Secretariat resources, for example by seconding staff to the Secretariat.

The Chair thanked the Commission for providing Secretariat resources, noting that the issue of future resources needs to be discussed.

In response to a question from the Netherlands, Christopher Wilkinson confirmed that the current human resource provision of the secretariat comprised the Head of Secretariat (himself), two professional staff (one joined very recently), a webmaster, and a stagiaire (intern). An additional one or two staff members expected to join in the coming months.

In response to a question from the Chair, he confirmed that future resource requirements would depend on how far the Secretariat will be required to support the working groups. If working groups prove to be quite self sufficient, it will be adequate merely to inform the Secretariat of their activities, but if Working Group Convenors want the Secretariat to get involved in research, preparation of meetings etc., one or two extra staff will be necessary.

6. Report on Regional session

Vanda Scartezini, Vice-Chair, reported on the regional session that had taken place the previous day, and which was essentially an Americas outreach exercise. The approach had been to bring together existing GAC members with new comers, so that they could help each other to understand GAC activities and identify the implications for the region and individual countries. The session had concluded that template presentations about the GAC should be prepared to facilitate outreach, and that contacts should be established with other fora (to identify relevant experts dealing with Internet related issues). The establishment of "buddy lists" would also be useful (whereby existing GAC members would provide advice and assistance to new or potential GAC members), as would encouraging triangular agreements between Governments, local Internet communities and ICANN to provide local Governments with an explicit role.

Mexico offered to send an email on ideas from the workshop to all GAC members. The Chair thanked Brazil and Mexico for organising the workshop, in which he had participated, and he noted that high level of interest among participants in being able to benefit from GAC outreach activities. While stressing that this was primarily a matter for individual GAC members to pursue on a regional basis, he agreed that the Secretariat could prepare common templates and documentation. He also noted the difficulties trying to identify Government officials responsible for DNS issues, especially in developing countries where an explicit decision about departmental

responsibility may not yet have been made. A key task of GAC outreach activities therefore should be to facilitate an informed decision about such matters.

Sweden noted that the equivalent of a “buddy system” was being developed in the European Union to bring together existing and new EU Member States. The Netherlands offered to provide more information upon request. The US noted that the CITEL now had a group on Internet, and suggested that maybe Mexico could establish contacts with CITEL. Mexico indicated it was ready to do so. Trinidad and Tobago welcomed the proposal to have a “buddy system”. Trinidad and Tobago could both take advantage of this and share their experience with other Caribbean countries.

7. Meeting with ICANN Board and CEO

- ICANN President and CEO; ICANN Chairman

Stuart Lynn, outgoing ICANN President and CEO expressed appreciation for the useful advice provided by the GAC in the past, and reported on a number of current issues: staffing and budget, domain names, .org redelegation, security, reform, WIPO recommendations, new TLDs, IDNs, and planned future ICANN meetings¹. Stuart Lynn also confirmed the appointment of his successor – Paul Twomey of Australia, and former GAC Chair. Paul Twomey would take office after the Rio meeting

He confirmed the ICANN budget for next year would be in balance for the first time, and that staff numbers would increase significantly during the next 12 months.

In terms of total share of the domain name market, gTLDs now accounted for 61.6% (down from 67.8% in 2002) and ccTLDs accounted for 38.4% (up from 32.2%). The total number of names registered was up from 49 million to approximately 52 million.

On ICANN Reform, he expected that the Nominating Committee, chaired by Linda Wilson should have appointed 8 board members before June 2003. Minor bylaw corrections had been made. Work was still underway forming a ccNSO, and discussions were continuing with the Regional Internet Registries. Mr. Lynn confirmed that the next ICANN meeting would take place in Montreal in June, followed by Tunisia later this year. The 2004 “early” meeting would take place somewhere in Europe, followed by Asia-Pacific and then South Africa.

- Chair, Security and Stability Advisory Committee

Steve Crocker, Chair of the Security and Stability Advisory Committee, gave a report. He recalled that the SSAC had been in existence for one year². The key tasks of the SSAC were to develop a security framework, communicate with a variety of groups, gather and articulate requirements, make threat assessment and risk analysis, report periodically to the ICANN Board, and make policy recommendations. Membership comprised registries, root managers, address registries, registrars, security experts, all participating on a voluntary basis. The SSAC had recently posted a report on “procedures for handling requests by ccTLD managers for nameserver changes”, and

¹ The presentation of Stuart Lynn is posted to the GAC web-pages..

² The presentation of Steve Crocker is posted to the GAC web-pages..

identified Ipv6 transition assessment as an issue that needs looking at. In response to a question, Mr. Crocker also confirmed that the SSAC had not been focussed on routing structures so far and that issues such as “Anycast” deployment on root name servers was primarily an issue for the root server committee. Mr. Cerf, ICANN Chairman, confirmed that Anycast would allow the root server system to become more robust and distributed, but did raise security issues e.g. spoofing.

Netherlands asked if the Committee had given attention to the failure of Internet operators that happened recently in Europe. Mr. Crocker confirmed that business risks were also part of risk assessment to be carried out. SSAC has to look at business aspects of risk, and not just as technical issues, but that it was not clear what to do about them other than recognize their importance.

Australia asked what contacts SSAC have had with major security companies. Mr. Crocker confirmed there had been no formal consultation but that committee membership was broad – each has his/her own contacts with such bodies.

France asked what level of data privacy would be optimal to meet, at the same time, security requirements. Mr. Steve Crocker considered there should be a balance between accurate information for contacts and the degree of privacy afforded to the registrants.

In response to a question from the Chair about next steps, Mr. Crocker confirmed that the SSAC did not have a view themselves on this question, and noted that many of the issues went beyond purely technical questions of security. The Chair noted that the GAC was setting up working groups, including groups on WHOIS and security, and would advise ICANN about the Convenors when they had been chosen.

In response to a question from Hong Kong (SAR) about the Internet’s current level of security, Mr. Crocker noted that the Internet tends towards stability rather than instability and that it was hard to imagine that the Internet will come apart for any single reason. That said, denial of service attacks are on the increase. Mr. Cerf noted that the Internet operates on the basis that there are hundreds of thousands of people monitoring it on a daily basis. They spot problems quickly and cooperate. The Internet is robust not just because of technical parameters but also because of the high level of human cooperation taking place between actors.

- ICANN Vice-Chair and Chair of the Evolution and Reform Committee

Alejandro Pisanty, Chair of the Evolution and Reform Committee (ERC) reported on reform activities to date. He noted that the GNSO already operates under the new system, that the ccNSO assistance group had been formed and had already made recommendations. The ccTLD “scope” issue was particularly significant – what should be considered “local” and what should be considered “global” for ccTLD policy making? He also noted good progress regarding discussions with the Regional Internet Registries (RIRs). The Nominating Committee was also now operational.

The Chair recalled he was participating to the work of the ERC in his personal capacity, as was Michael Katundu, Vice-Chair.

The European Commission stressed that ccTLD policy was also very important for governments, and asked how they would be involved in the ccNSO Assistance Group process. Alejandro Pisanty agreed that the role of the GAC was important. The ERC had not pushed the Assistance Group to make by-law proposals yet, in order for other interested parties, including the GAC, to make input to the process before proposals were finalised. He invited the GAC to indicate the timeframe they would need to be able to make such input.

Sweden congratulated the ERC on its work so far, but noted, along with France, that the Assistance Group recommendations included a provision whereby the ICANN Board should accept ccNSO recommendation unless two thirds of the Board were against. Sweden noted that this was inconsistent with the provisions made for GAC advice. The European Commission stressed the need for the GAC to be made aware of such problems as early as possible in the process, and invited Board members present to comment. Kenya also expressed a desire for GAC involvement.

Alejandro Pisanty provided background to the recommendation, and while accepting there may be a degree of asymmetry with GAC provisions, pointed out they were only recommendations at this stage. He hoped that discussions could be completed in time for adoption of new by-laws at the Montreal meeting. Hans Kraaijenbrink, ICANN Board member, agreed that the GAC should make input to the process. Alejandro Pisanty agreed to convey GAC views to the Assistance Group.

On the legal and regulatory aspects of ccTLDs, Mr. Cerf raised the point of the necessity to achieve a sufficient level of public/private partnership at national level. On a more general view on the current Reform process he stressed the three main principles that have prevailed so far for the development of Internet: cooperation-collaboration-coordination.

8. GAC 2003-2004 Work Programme and priorities.

8.1 ICANN-GAC liaisons – designation of initial liaisons to ICANN entities

The Chair first developed his vision of an effective distribution of work among members which should enhance the work of the GAC.

He then referred to the information circulated by the GAC Secretariat on the profiles of liaison functions, and the list of nominations received. Teleconference discussions in the interim had suggested a degree of consensus but no decisions had been made, and nominations could still be made for the 9 liaison functions. Some GAC members had also felt that the liaisons should either participate in or have close connections with the relevant working groups.

During discussion, it was agreed that the primary function of the liaison should be to act as a channel of information between the GAC and the entity concerned. The term of "ambassador" was evoked and participants insisted on the necessity of establishing a sufficient level of clarity for the roles and of confidence between parties.

Thus, the Liaison should follow the work of the entity involved and report back to the GAC on a regular basis. The Liaison should also be able to provide information on GAC activities and agreed policies. However, Liaisons themselves should not take positions on any issue unless a clear GAC position has already been established, and must not take part in any decision making process that might bind the GAC.

In terms of the commitment required by Liaisons in terms of time and resources, the Chair pointed out that this will depend to a large extent on the supporting organisation or committee involved and the activities they pursue. It was also agreed that Liaisons should normally be Accredited Representatives or exceptionally an Adviser.

The Chair then asked GAC members to reflect further on the issue of nominations for liaison positions with a view to taking decisions later in the meeting (see item 11 below).

8.2 GAC Working Groups: creation, membership, convenors, initial meetings.

The Chair reminded that the Secretariat had prepared background papers which had been circulated in January. The intention was that groups should decide for themselves who their Convenor should be, and how to proceed. In some cases, the GAC may decide that it is desirable for the Convenor to be the GAC liaison for the same subject, but this was open to discussion.

The UK and the US informed the Committee that the names they had provided for working groups were of the GAC representatives themselves, and were intended to indicate an intention to provide a participant – not necessarily the Accredited Representative themselves.

During discussion, it was agreed that an early indication of the proposed activities of each working group would be useful in order for the GAC as a whole to mandate the work. These proposed activities should come from the working group members themselves, and regular updates on progress should ideally be provided to each GAC meeting. The Chair expressed the hope that at least two of the working groups would be able to present initial work programmes, expected deliverables and timelines before the Montreal meeting, and at least two more at the Tunisia meeting. The Secretariat would of course provide assistance as required, but Secretariat resources were extremely limited and the Chair hoped that working groups would generally provide for their own secretariat function.

The Chair invited members to reflect further on nominations and encouraged developing countries in particular to consider their participation, prior to further discussion under item 11 of the agenda.

8.3 ccTLD Registry matters

- ICANN ccTLD Assistance Group recommendations

The Chair noted the request from the Chair of the ERC earlier in the meeting for GAC input on this matter, and invited comments. During discussion participants stressed that the draft Bylaws are not yet available. Therefore it was agreed that the GAC did need to take a formal position on the recommendations proposed by the Assistance Group, and that the proposed GAC working group on ccTLD matters should be asked to look at the recommendations as a matter of urgency. Any output would then be submitted to the GAC for review and discussion.

Sweden noted that it was still unclear which ccTLDs would finally agree to join the ccNSO, and that for some governments it was difficult to intervene in the process. In Sweden for example, the government had no direct role in the ccTLD Registry and participation would be up to them. France stressed that any GAC input on the recommendations should be timely, before any final decision by the Board. South Africa said that working groups should be able to receive input from other Members, in particular from developing countries. This was agreed.

The GAC also noted that representatives of the ccTLD community had presented a number of questions to the GAC with a view to discussion under item 10.4 of the agenda.

- Report on ITU ccTLD workshop

The Chair invited the ITU to report on the workshop organised by the ITU on ccTLD matters in Geneva on 3-4 March 2003. During discussion it was agreed that the workshop had been a useful opportunity for ITU delegates and representatives of the ccTLD community, ICANN and the GAC to exchange views and have a thorough exchange of information on matters of common interest.

8.4 ICANN quarterly report to the US Department of Commerce

The United States provided background to the above report which had been submitted by ICANN in accordance with the provisions of the Memorandum of Understanding it had with the Department of Commerce (DoC). The report has been posted on the ICANN web site. It identified progress towards the agreed US government objective of transferring DNS management functions to the private sector. The DoC was currently reviewing the report submitted to determine progress to date and ways in which further progress can be made. The DoC encouraged other GAC members to also provide ICANN with feedback on and reactions to the report.

9. Co-operation with international organisations

- Presentations by the ITU and WIPO

The Chair reminded GAC members that a request had been made to the IGO GAC members at the Shanghai meeting to provide background on their organisations' roles

and functions. The ITU and the WIPO had kindly agreed to respond to this request at the Rio meeting. The ITU and WIPO representatives subsequently made detailed presentations respectively³.

- Presentation of WIPO II recommendations

The WIPO representative made a presentation of the background and current state of play of the WIPO recommendations on certain intellectual property issues related to Internet Domain Names. This work had been carried out following a request from GAC members in June 2000 for WIPO to address certain issues not covered in the first WIPO report on Domain Names. These included:

- personal names
- International Non-proprietary Names (INNs) for Pharmaceutical Substances, recommended by the World Health Organisation in order to protect patient safety world-wide
- names of international intergovernmental organisations (such as the United Nations)
- geographical indications, indications of source or geographical terms
- tradenames

Full details of the process are available at <http://wipo2.wipo.int/process2/>. The Member States of WIPO adopted two decisions in respect of the Report of the Second WIPO Process and requested that the decisions be transmitted to the Board of ICANN. These decisions, among other provisions, constitute recommendations that the Uniform Domain Name Dispute Resolution Policy (UDRP) be amended to permit complaints to be filed in respect of the abusive registration, as domain names, of (i) the names and acronyms of international intergovernmental organisations (IGOs), and (ii) country names. During February 2003, WIPO transmitted these two recommendations by letter to ICANN.

WIPO noted that Member States supported the first recommendations (on IGOs) with the exception of the United States of America, which dissociated itself from the decision. The second decision (on short and long names of States) was supported by all Members States of WIPO, with the exception of Australia, Canada and the United States, which dissociated themselves from the decision. Japan also expressed reservations. The US had circulated a policy paper to GAC members explaining its position on the two recommendations.

During discussion, the majority of GAC members felt that the WIPO II recommendations should now be adopted and implemented by ICANN. The US however, felt that certain issues still remained unresolved and suggested that further debate was necessary. France was of the view that if further discussion were needed in the context of the GAC, it should not seek to revise the WIPO recommendations, only to find the best way of implementing them.

³ Presentations from ITU and WIPO are posted to the GAC web-pages..

The European Commission stressed that the GAC needs to be seen to be reacting to the ICANN request for advice and to be effective in dealing with such matters. The Chair agreed, but noted that some GAC members indicated that they have had insufficient opportunity to consult with IP colleagues. There was general support for further GAC discussions on this issue, but a majority opinion that they should be on the basis that they would not be to revise WIPO recommendations but to find ways to implement them.

Sweden suggested that a joint working group between GAC and ICANN/GNSO could examine the practical aspects of implementing these recommendations and report to ICANN and GAC. The Secretariat recalled that in the case of the .info TLD, a working group had been set up between ICANN and GAC to develop the present regime for registering reserved country names.

Concluding, the Chair stressed the need for GAC delegates to ensure that they have effective contacts with WIPO and ITU delegates in their own countries to enable GAC discussions to be properly informed.

- WSIS/UN-ICT: Status of discussions on Internet governance

The Chair reported that he had been present at both the recent WSIS and the UN-ICT meetings in Geneva. He reiterated his request that GAC members have close contacts with their colleagues in such UN fora regarding these matters. His impression was that discussions in both fora had resulted in a better understanding of ICANN and the GAC. Denmark noted that a new WSIS text was expected, but expressed concern over the previous draft, which cast doubt on future existence of ICANN. France felt that discussion of these processes in the GAC was inappropriate, not least because WSIS is a UN process dealing with Internet governance, whereas the GAC is only involved in matters related to the technical management of DNS.

The Chair concluded by noting that this was another area where GAC members needed to ensure that their colleagues in other fora dealing with DNS-related issues were aware of GAC discussions. He also informed GAC that he had been invited to participate in the UN-ICT forum, and asked the GAC for views on how he should respond. Brazil, Australia, Germany, Spain and the US felt that participation would be useful to ensure an appropriate level of understanding of the GAC's role and its activities, and to ensure the GAC was informed about related activities in the UN forum. France had no strong views on the invitation, but felt that the GAC Chair should participate on a personal basis and not as a formal GAC representative.

The Chair concluded by accepting to participate as an expert observer in those meetings most directly related to GAC interests.

10. Meetings with Internet Operator and User communities

10.1 - Meeting with the Root Server Operator Community

Representatives of the root server community attended the GAC to provide background information on their activities. Participants were Ms Susanne Wolf (RSSAC) and MM Lars-Johan Liman, John Crain (ICANN), Rob Blockzijl and Axel Pawlik (RIPE), Bill Manning (ISI), Scott Hollenbeck and Roger Cochetti (Verisign).

Mr. Liman, manager of the root server placed in Stockholm, Sweden, made a presentation that can be found⁴ at <http://www.root-servers.org/presentations/>.

Mr. Liman explained that the root server system was a directory-type service underpinning the DNS and providing information only on IP addresses for Top Level Domains. It did not route traffic and was analogous to consulting the directory service before making a telephone call. Not all traffic goes through a single root server, and no single organisation controls the whole system. The content of the data base was determined by US Department of Commerce and IANA. The root server community did not interfere with the content of database, or make policy decisions on who runs TLDs, what systems they should use, or how they are connected to the Internet. He stressed that diversity among root server operators is their strength – e.g. type of organisations, professional experiences, hardware, and software.

The community has recently started to explore the possibility of forming a common body to enhance communication with third parties. He confirmed that root server operators are sensitive to security concerns and stressed that all systems were regularly checked, and procedures updated by fully professional staff. Recent developments in Anycast deployment (a way to replicate identical copies of root servers) was expected to further minimise the threat of distributed denial of service attacks.

During discussion, the root server operators present were asked to comment on what an appropriate role for governments should be, in their opinion. Mr. Liman commented that ideally the technical management of the root server system, as a global asset for the Internet community, should be independent of governments. He did recognise however, the legitimate interest of governments in the operation of the system. The main function for governments, in his opinion, was to decide who should provide the authoritative data used by the root server community. At the moment, the consensus appeared to be that IANA should be that source. The main concern of the root server community however was that there is consensus, not who that consensus is about.

Concluding, the root server community offered to provide further information and briefing as required by the GAC and to participate in any meetings as necessary. The Chair noted that a GAC working group had been proposed on root server security and that the offer to provide information was appreciated.

⁴ Presentation of Lars-Johan Liman is posted to the GAC web-pages..

10.2 - Meeting with the Regional Internet Registry Community

Representatives of the Regional Internet Registry (RIR) Community made a presentation on their organisations background and role in Internet addressing⁵ and presented GAC with a detailed communiqué.

(Full information at <http://www.aso.icann.org/rirs/>.)

Participants were MM Raul Echeberria, Harmut Glaser, Oscar Messano, Oscar Valdez (LACNIC), Ray Plzak and Bill Manning (ARIN), Rob Blokzijl and Axel Pawlik (RIPE), Paul Wilson (APNIC).

Ray Plzak gave the presentation: There are currently four RIRs that manage Ipv4 and Ipv6 address space allocation, globally. They are not-for-profit organisations whose members are mainly ISPs and other Internet community stakeholders. These organisations were responsible for funding the Address Supporting Organisation without contributions from ICANN. The RIR's procedures are fully transparent and documented for public scrutiny. A new RIR was being formed specifically for Africa (AFRINIC).

The RIRs also invited GAC's comments on their communiqué in due course.

Canada asked about the exhaustion of Ipv4. Ray Plzak replied that to evaluate precisely the rate of consumption is not an easy task. Reallocation of existing address would be too complex and there are legal issues linked to allocation of existing legacy space. Paul Wilson confirmed there are national IP registries in some countries in Asia mainly for cultural and linguistic reasons. They perform under certain rules which prevent them to adopt mandatory practices as regards local ISPs. However, they have no monopoly in their countries, where APNIC may operate as well.

Raul Echeberria (LACNIC) expressed the RIR's concern over the WSIS drafts, which suggested sovereign rights for countries over IP address space, on the basis that this seemed to indicate a lack of understanding about the issues. The RIRs asked the GAC to ensure that such issues were properly understood and to correct the erroneous views of some governments on these matters.

The Chair thanked the RIRs for their observations, but noted that the GAC was an advisory body dealing with ICANN and DNS related issues. That said, the need for information dissemination and awareness raising was a task of the GAC, although the positions taken by governments in the WSIS context was beyond GAC's control.

10.3 – Meeting with the GNSO Council

The chair of the GNSO Council, Bruce Tonkin, together with other GNSO members, made a presentation on the recent developments as regards gTLDs and the GNSO.

⁵ Presentation of Ray Plzak is posted to the GAC web-pages..

The GNSO comprises six constituencies⁶, with 3 members each from the different geographic regions. The GNSO sought to provide a balance between generic domain name providers and users. Individual constituency representatives also made presentations. Mr. Newman for the Registries outlines the different policy approaches undertaken by the sponsored and un-sponsored registries.

Consumer protection aspects were put forward by Ken Stubbs, representing the registrars, Philip Sheppard for the commercial users and Eung Hwi Chun for the non commercial users. Users issues were raised for policies of transfer for domain names with legal and financial difficulties.

During discussion, it was confirmed that safeguards were in place to deal with situations where a registrar goes out of business. In such cases, another registrar would normally take over the business. Alternatively, a registry can transfer a name at no cost to another registrar.

Marylin Cade and Tony Homes for the ISP constituency insisted that it was necessary to achieve mutually acceptable process within ICANN which is the primary venue for the development of DNS. The GNSO representatives encouraged all governments to consider ICANN as the primary global venue for Internet naming and numbering.

10.4 - Meeting with ccTLD community representatives.

GAC held an open session with representatives of the ccTLD community. The session was followed that evening by another open and informal session between GAC members and representatives of the ccTLD community.

Elisabeth Porteneuve (AFNIC) presented a number of questions to guide the discussions. The list of questions can be found at:

http://www.wwtld.org/meetings/Rio/gac_issues.html.

The Chair noted that the questions, only received shortly before the GAC meeting, raised a wide range of complex issues that would need careful discussion before GAC could reply. Nevertheless, the questions were useful in highlighting the concerns of the ccTLD community and in improving the GAC's understanding of the key issues. The Chair also pointed out that the GAC members, while all having a direct interest in ccTLD matters, deployed different policies at national levels to respond to the different levels of Internet development in their countries and variations in other parameters. A single set of concise answers was therefore likely to be impossible. Paul Kane, Chair of CENTR, noted that the questions were not designed to elicit specific answers today, but to stimulate thought long after meeting. He emphasised that relatively few matters need to be handled at international level. Peter Dengate Thrush, (ccTLD .nz) outlined the draft policy process for the CCNSO called "PDP" (policy development process). He considered that progress was being made in the right direction regarding binding policies, which are supposed to be put forward only by the CCNSO.

⁶ . gTLD registries, registrars, ISP and connectivity providers, commercial and business users, non-commercial users, IPR interests

UK considered that the set of questions are valuable points. They are presented from a ccTLD point of view and could be addressed through a variety of angles. The level of "subsidiarity" where decisions are taken should be taken into consideration.

The main message from the ccTLDs was to express support for ICANN's key objectives, the role of the GAC, and to stress the important potential role of ccNSO. Many ccTLDs use local policy development forums to recognise local cultural and political/legal requirements. Such issues were best handled at local level, and very few ccTLD issues needed to be handled at the global level. The ccTLD community were currently working on definitions and parameters of what this global aspect should be. The ccTLD community wanted to work with GAC on this. The ccTLD community noted that a key element of the local Internet community was always the government and government representatives, sometimes participating on the boards of ccTLDs.

The US confirmed that ccTLD issues were a key priority for the GAC work programme for 2003, and the proposed working group was one of the best subscribed so far. This confirmed that governments shared the ccTLD community's concerns and priorities. There was also a need to respect diversity in the policies that we develop together.

The Chair noted the comments of the ccTLD community and agreed that further dialogue was necessary to improve mutual understanding. Several GAC members provided comments on the questions submitted by the ccTLDs, and the ccTLDs welcomed the GAC proposal to have a working group on ccTLD issues. The ccTLD representatives informed the GAC that they were confident agreement on the ccNSO was now close. They also stressed that it was now clear the ccNSO will not just be an advisory body, but will have a strong role in policy making. European ccTLD representatives present noted the dialogue that had taken place at regional level with the Internet Informal Group, and looked forward to continued discussions with this forum.

The Chair hoped for improved communications once the working group was set up. He requested that if regional workshops are being organised, please inform GAC Secretariat and relevant GAC members. Canada thanked the Assistance Group for taking productive steps, and stressed the need for local policy making and global co-ordination. The ccNSO would be an important step in this process.

10.5 – Meeting with At Large Advisory Committee

Vittorio Bertola, Chair of the At-large Advisory Committee (ALAC) gave a presentation on the Committee's mandate and activities⁷. Full information is available at <http://alac.icann.org>.

The Committee had been established by the new ICANN Bylaws with a mission to give individual users a specific voice in the ICANN process. The Committee has

⁷ Presentation of Vittorio Bertola is posted to the GAC web-pages..

appointed five voting delegates to the Nominating Committee, and will have one non-voting Liaison to the ICANN Board. Non-voting liaisons to other Supporting Organisations would also be appointed. In return, the ALAC expect to have a Liaison from the GAC and hopefully from other Advisory Committees and Supporting Organisations. Regional At-large Organisations will be formed over coming months and will have to enter into an MoU with ICANN to be accredited.

11. GAC Organisation, working methods and resources - continued.

The Chair reminded GAC members about discussions earlier in the agenda, and thanked those who had made additional nominations in the interim. An up-dated list of nominees was circulated. The Chair stressed that liaison roles would require significant commitment on the part of those nominated. They should participate in periodic teleconference calls with the relevant ICANN entities and provide regular reports at GAC meetings. Periodic written reports prior to GAC meetings would also be desirable. The term of each Liaison would be for one year (3 ICANN/GAC meetings) with the exception of the Chair, *ex officio*.

Germany considered that a Liaison is acting on a personal basis and should be replaced by another person if leaving the GAC.

Following discussion, a list of GAC Liaisons to nine ICANN entities was confirmed (See attachment 2) as well as a provisional list members of the six GAC working groups (See attachment 3⁸) The provisional GAC Liaison to the Nominating Committee would continue to be assured by the Secretariat. A final decision on whether to nominate a liaison to the Nominating Committee would be deferred to a later GAC meeting.

With a view to facilitating communications among the Working Group members, and to allow other GAC members to monitor developments, the Secretariat would also set up a members-only web-sites.

With regard to ***GAC outreach, membership and regional aspects***, the Chair deferred the point to the discussion of the Communiqué that would address the matter on the basis of a working paper to be presented by Mexico and Brazil.

12. Recent Developments in Member Countries

The Chair opened a *tour de table* for those members who wished to intervene:

1. **Canada** confirmed that the Canadian ccTLD CIRA would be hosting the next ICANN meeting in Montreal. Canada also took the opportunity to congratulate Brazil on the high standard of organisation for the Rio meeting.
2. **Trinidad and Tobago** was attending the GAC for the first time, and confirmed that it was starting to develop a national policy approach for Internet/DNS matters. The current ccTLD manager was from academia but has indicated that he is willing to transfer management functions to a more appropriate body. The

⁸. Subsequent up-dates have been included by the Secretariat.

government viewed this as a good opportunity to identify and implement best practice for a new registry organisation.

3. **Japan** confirmed that its local ccTLD would be offering an IDN service in April, after a slight delay for operational reasons.
4. **South Africa** confirmed that it had completed the passage of legislation and adopted a new act related to the local ccTLD. Following recent difficulties with the local operator, there was now much better co-operation, and a new board was being appointed in the near future.
5. **Hong Kong (SAR)** noted that a re-delegation process had started two years ago to transfer the ccTLD management from a university to a new company. The first election of a board was planned soon. The ccTLD had started to offer new IDN names last month.
6. **Switzerland** confirmed that the registry .ch had been formally recognised in law of the Federal Council that had entered into force in January 2002. 500,000 names were now registered under its ccTLD.
7. **Portugal** noted that its current registration policy, introduced 2 years ago, had significantly reduced disputes. Ipv6 names should be introduced soon.
8. **Chile** mentioned that a new representative in GAC had been nominated. A new office is being set up to better cover Internet international issues.
9. **Singapore** confirmed that it had filed a trademark application in 1999 for .sg as a defensive measure, but after an exchange of letters with ICANN, had now reassessed the situation and the application had been withdrawn on 14 March.
10. **Korea** advised the GAC that a new Communications act was due to be passed in June or July, and would cover domain names and related issues. More generally, ADSL connections were increasingly being replaced by VDSL.
11. The distinct economy of **Taiwan** provided information on the “Apricot” meeting in February, which had been very successful. An IP Video summit had also been held in Taipei.
12. **Peru** had completed a report involving all stakeholders and the local ccTLD. The main conclusion was that government is a key member of the local Internet community but did not need to take a stronger role in ccTLD management. The report had been submitted to the ITU ccTLD workshop in March.
13. **Australia** confirmed that the local ccTLD manager AUDA has been assessing new second level domains proposals. The process was now nearly complete. The provisional conclusions were that there were no technical barriers to using new second level domains, but there were a number of policy considerations. Consensus appears to be that open second level domains would be better than closed ones. NOIE

had also published a guide for small business registering domain names, which was available on: <http://www.noie.gov.au>

14. **Greece** attending for the first time, advised the GAC that a new law covering domain name issues had been adopted on 31 December, which described the rights and responsibilities of all involved players. Security and integrity of networks was a key issue as was increasing Internet penetration.

15. The **United States** provided information on the National Strategy to Secure Cyberspace. A task force on ipv6 had also been set up, initially to look at deployment in government networks but also eventually to consider the private sector.

16. **Kenya** noted that its local ccTLD has been going through a re-delegation process that started in 2001 and was completed last December. The local ccTLD .ke was now under the administration of KENIC. Kenya expressed appreciation for the advice received from the GAC that had helped guide the process.

17. The **European Commission** advised the GAC on the current state of play regarding the new ccTLD for .eu. The process for selecting a registry operator was now well advanced and EU Member States were currently being consulted.

18. **Denmark** confirmed that its local ccTLD intended to start offering IDN Danish characters in September.

19. **France** advised the GAC that it was in the process of adopting new legislation to promote trust in the digital economy. This intended to further the development of ecommerce in France and to reaffirm the status of the local ccTLD as a public resource. France reminded the GAC that the “.tf” re-delegation request was still unresolved by ICANN/IANA after three years.

20. **Belgium** confirmed that its ccTLD had tried to increase reliability and robustness of system by introducing seven secondary servers by seven different IP providers. Complete back up and fully automated registration process had been achieved. Code of conduct for registrars introduced. 250,000 names registered. Hope to introduce IDN as fast as possible. The registry was also negotiating with the government on data escrow.

21. **The Netherlands** confirmed that the local ccTLD had liberalised its registration process – now open to individuals not just business users, no geographic requirements, and introduced dispute resolution procedure via WIPO. Expect 1 million names registered this year. The communication act was likely to be updated later this year to allow for some government supervision in broad terms.

22. **Norway** was trying to regulate their relationship with their ccTLD to make matters clearer for the market and provide a framework for registry policy. Very light regulation was intended, including an extra-judicial Dispute resolution mechanism. IDNs were being considered for the Norwegian and Lapland languages. The local ccTLD was currently operated by a university but would soon transfer to an independent company.

23. **Spain** had adopted a new regulation on ecommerce in July last year that included provisions applying to the local ccTLD registry. A new plan for domain names drafted by the government was due to be published this week. In the next month, a new registration policy should be adopted. In January a twin root server had been installed in Spain using the Anycast system.

24. **Sweden** confirmed that a government committee on electronic communication was reviewing the GAC principles to see how they might be implemented. Results were expected by the end of June, followed by a public consultation process. Sweden also planned to introduce IDNs in the near future. The Swedish National Post and Telecom Agency had also launched trials to evaluate the extent to which the Internet in Sweden can operate independently of the Internet abroad. A short summary in English is in the report at <<http://www.pts.se/dokument/getFile.asp?FileID=3591>>.

25. **Brazil** thanked the Brasil Internet Committee (.br) for hosting the Rio event and for the good organisation. The local ccTLD board included representatives from five ministries and there was full civil participation in the local Internet community. Prices for domain names had been kept low, and revenue had been used for addressing problems of digital inclusion. Brazil had also co-ordinated a working group of developing countries on the Information Society. The Brazilian ccTLD was ranked 9th world-wide which was very good for a developing country.

The Chair thanked the Delegations for their contributions and information to the GAC.

13. Top-Level domain policy issues

13.1 - Implementation of WIPO II recommendations by ICANN

See point 9 above.

13.2 – ICANN request for advice on trademarks in ISO 3166-1 alpha-2 codes

WIPO provided background on the ICANN request for advice on trademarks in ISO 3166-1 alpha-2 codes. WIPO referred to the letter of February 10, 2003 from Mr. Touton, General Counsel for ICANN, to the GAC Chair requesting GAC advice, and noted that WIPO had provided a background paper on the subject, outlining the advantages and disadvantages of providing trademark protection for ccTLD codes.

Singapore confirmed that it had made a trademark application as a defensive measure to protect its ccTLD code but after reflection had since withdrawn the application. During discussion, it was recalled that the GAC principles for the delegation and administration of ccTLDs stated that “*no intellectual or other property rights should inhere in the ccTLD itself, nor accrue to the delegee as a result of delegation or to any entity as a result of the management, administration or marketing of a ccTLD.*” There was general agreement that this principle should be maintained.

In conclusion, the Chair acknowledged that in the last resort, the implementation of trademark law was a matter for national jurisdictions. WIPO and *a fortiori* GAC were not in a position to determine the outcome.

13.3 - Creation of new gTLD s –ICANN report on current action plan

Stuart Lynn made a presentation outlining the background and current state of play concerning the above matter. The ICANN Board had decided in its Amsterdam meeting in December to proceed with a 3-part action plan. This involved the launch of an evaluation of last years “new” gTLDs, the seeking of GNSO advice regarding the top level namespace, and a requirement for the ICANN President to develop a “Request for Proposals” (RFP) for Board approval. The intention was to introduce a few new sponsored gTLDs. On 25 March 2003 ICANN had posted a staff paper on methodology and evaluation criteria. There would be a public comment period, followed by a draft RFP in about 6 weeks. A report was also now available on the evaluation of existing new gTLDs, and the degree to which they complied with their charters. The general conclusion is that they do.

During discussion, Spain noted that the issue of new gTLDs raised matters of public interest, and stressed the value of any new gTLDs to have identifiers with international meaning and acceptability. The UK would favour a system based on the demand from the community and which show transparency, professionalism and independence in the evaluation process. Hong Kong (SAR) wondered if there was any neutral mechanism to evaluate how to charge the registry and what could be its relevant obligations.

Mr Lynn pointed to a possible trend for the back-end operators of TLD Registries to emerge as global service providers in their own right. In this event, it would be possible to separate consideration of the merits of creating particular TLDs and the question of their technical viability because the operational aspects could be fully out-sourced, whereas in the past the viability of the back-end operation had been an integral part of the appraisal.

The Chair noted the recently circulated study by Syracuse University on additions to the domain name space, and asked for ICANN’s comments. Mr Lynn felt that the issues were complicated and the views of most commentators were mixed. In his view, the study did not say what would be achieved by opening up the market in that way. More entities would have to protect their trademarks, for example. As search engines are still imperfect, so domain names would remain the key identifiers for the foreseeable future.

14. Internationalised domain names

Masanobu Katho, ICANN Director and Chair of the ICANN IDN Committee made a presentation on recent developments in Internationalised Domain Names, noting that this issue was important for governments but that ICANN’s role was very limited⁹. The Committee had recently published a document entitled “Standards for ICANN Authorization of Internationalized Domain Name Registrations in Registries with

⁹ Presentation of Manushubo Katoh San is posted to the GAC web-pages..

Agreements” which proposed that ICANN require registries intending to implement IDNs to agree to four mandatory points, while encouraging them to adhere to two others. This document had been posted at: <http://www.icann.org/riodejaneiro/idn-topic.htm>.

During discussion, it was clarified that any mandatory ICANN requirements would, at the moment, only apply to gTLDs, and ccTLDs that had a contract with ICANN. Languages tables have to be established. This position was supported by Hong Kong (SAR) who would like to see a series of criteria to be validated in due course. Nevertheless, the IDN Committee hoped that all ccTLDs would adhere to them. The implementation of IDNs was now very close, although some work was still required to complete the necessary character tables for some languages.

The ITU also made a presentation on ITU resolution 133 on IDNs. The ITU expressed some concerns over IDN deployment, and would be organising or taking part in several regional workshops in the coming months. The Chair asked ITU to keep the GAC informed about the results of these activities via the GAC mailing list.

15. Other Business

On the .INFO process, the Secretariat gave an update of the current reservation system. A reminder will be circulated to members in due course. In the event of new gTLDs a similar process might have to be put in place, in the light of the WIPO II decisions on the protection of country names.

16. GAC Communiqué

The GAC Communiqué for the Rio de Janeiro meeting was discussed and adopted. The Communiqué contains the report on Outreach and recommendations for follow up. The specific GAC Advice to ICANN refers to the WIPO II recommendations and to trademarks in ISO 3166-1 country codes.

The Communiqué is attached, Annex 4, and has been published at:

<http://www.gac.icann.org>

Attachments:

1. List of Participants
2. GAC Liaisons to ICANN entities.
3. GAC Working Groups and Convenors
4. Rio de Janeiro Communiqué, 25 March 2003.

<http://www.gac.icann.org/meetings/mtg15/CommuniqueRioDeJaneiro.htm>

Attachment 1 – List of Participants

Rio de Janeiro GAC/ICANN Meeting – March 2003 List of Participants

Name	Country
1. Tom Dale	Australia
2. Paul Szyndler	Australia
3. Rogério Santanna	Brasil
4. Antenor Correa	Brasil
5. Cristiano Berbert	Brasil
6. Rodrigo Medeiros	Brasil
7. Jose Alexandre Bicalho	Brasil
8. Vanda Scartezini	Brasil
9. Jan Vannieuwenhuysse	Belgium
10. Bernd Langeheine	EU Commission
11. William Dee	EU Commission
12. George Papapavlou	EU Commission
13. Audri Mukhopadhyay	Canada
14. Lisa Jacobson	Canada
15. Gonzalo Navarro	Chile
16. Sidse Aegidius	Denmark
17. Susanne Viuf	Denmark
18. Jean-Christophe Chouvet	France
19. Hélène Lebedeff	France
20. Michael Leibrandt	Germany
21. Susanne Mädlich	Germany
22. Panagiotis Paspiliopoulos	Greece
23. Alan C. K. Wong	Hong Kong SAR
24. Vida K.Y. Wai	Hong Kong SAR
25. Aoki Eiji	Japan
26. Yamaji, Eisaku	Japan
27. Kato , Hiroshi	Japan
28. Michael K. Katundu	Kenya
29. Hyun-Joon Kwon	Korea
30. Sharil Tarmizi	Malaysia
31. Razif Ramli	Malaysia
32. Harme Mohamed	Malaysia
33. Luis Pablo Hinojosa	Mexico
34. Thomas de Hann	Netherlands
35. Annebeth B. Lange	Norway
36. Kari Anne Lang-Ree	Norway
37. Maria Ochoa La Torre	Peru
38. Marek Rusin	Poland
39. Pedro Veiga	Portugal
40. Eugenie Staicut	Romania
41. Ong Tong San	Singapore
42. Envir Fraser	South Africa
43. Shumani Manwadu	South Africa
44. Marcia Wilson	South Africa
45. Gema Campillos Gonzalez	Spain
46. Angel Garcia Castillejo	Spain
47. Lena Carlsson	Sweden
48. Peder Cristvall	Sweden
49. Fredrik Sand	Sweden

50. Anders Rafting	Sweden
51. François Maurer	Switzerland
52. Robert Shaw	ITU
53. Christian Wichard	WIPO
54. Ching-Fu Kuo	Distinct economy of Taiwan
55. Andrew Yang	Distinct economy of Taiwan
56. Quinten Questel	Trinidad & Tobago
57. Martin Boyle	UK
58. Robin R. Layton	USA
59. Cathy Handley	USA
60. Cristina Pauzé	USA
61. Christopher Wilkinson	GAC Secretariat
62. Richard Delmas	GAC Secretariat

Attachment 2: GAC Liaisons to ICANN entities.

Ref: GAC/D-015/03



**Governmental Advisory Committee
Secretariat**

24 March 2003

SUBJECT: GAC - ICANN LIAISONS

1. **ICANN Board** - GAC Chair
 2. **Generic Names Supporting Organisation (GNSO)**
Audri Mukhopadhyay, Canada (Accr.Rep.)
 3. **ccTLD Names Supporting Organisation**
Gema Campillos, Spain (Accr.Rep.)
 4. **Root Server Advisory Committee RSSAC**
Thomas de Haan, Netherlands (Accr. Rep.)
 5. **Security and Stability Advisory Committee**
Tom Dale, Australia (Accr. Rep.)
 6. **Addressing Supporting Organisation (ASO)**
Robert Shaw, ITU (Accr. Rep.)
 7. **Technical Advisory Committee (TAC)**
Richard Hill, ITU (Adviser)
 8. **At Large Advisory Committee (ALAC)**
Carlos Valdez, Peru (Accr. Rep.)
 9. **Nominating Committee**
Provisional liaison: GAC Secretariat
-

Attachment 3

SUBJECT: GAC - WORKING GROUPS AND CONVENORS

1. Generic Top Level Domains (gTLDs)

Convneor: Gema Campillos, Spain

2. International Domain Names (IDN)

Convenor: (TBC)

3. Whois

Convenor: Robin Layton, US

4. Country Code Top Level Domains (ccTLDs)

Convenor: Pablo Hinojosa, Mexico

5. Root Server Operation and DNS Security

Convenor: (TBC)

6. Internet Protocol Version 6 (IPv6)

Convenor: Eiji Aoki, Japan
