

**GOVERNMENTAL ADVISORY COMMITTEE
SECRETARIAT**

EXECUTIVE MINUTES

GAC MEETING, LOS ANGELES

30 & 31 October 2007

1. GAC Membership and Observers

The following 40 members took part in the meeting:

Argentina, Brazil, Canada, Denmark, Egypt European Commission, Finland, France, Germany India, Iran, Italy, Latvia, Japan, Jordan, Kenya, Malaysia, Marshall Islands, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Senegal, Singapore, South Africa, South Korea, Sri Lanka, Sweden, Switzerland Taiwan, United Kingdom, United States of America (need to be completed)

The following observers were also present:

Organization Internationale de la Francophonie

The Chair welcomed GAC members to the plenary session of the 30th ICANN meeting. The Chair advised that during the inter-sessional period he wrote to African and Asian Ministers of communications or Ministers in charge of the Internet, explaining the GAC process, what GAC is dealing with, and inviting them to nominate people to join the GAC and attend GAC meetings. Approximately 50 letters were sent. The Chair also wrote to the Minister of Communications of the Russian Federation, inviting them to renew their participation in the GAC and received an informal indication that Russia is considering coming back observers. In addition, the Chair advised that in his capacity he also has invited Mr. Chunjiang Zhang of the Internet Policy and Resource Committee of Internet Society of China to attend the GAC meeting as an observer.

The member from the EC asked if the invitation to the Chinese Internet Society is considered exceptional or would all representatives of ISOC be extended the same invitation? The Chair advised that this is an exceptional invitation, and is a first step in getting representatives of China back at the GAC table.

2. Adoption of Agenda

The annotated agenda circulated by the Secretariat was adopted and in addition it was agreed that the member from Brazil could provide an update on a study conducted by CERT.BR on security issues mainly to combat spam.

3. Adoption of Executive Minutes—San Juan

The Chair advised that the executive minutes of the San Juan meeting had been circulated to the GAC list and asked if there were any amendments or suggestions.

No changes were made to the minutes as circulated and were endorsed by those at the meeting.

4. Report from Working Group 1—Interaction with GNSO Council

The GAC representative from the United States of America advised that during the GAC GNSO Council meeting on Sunday, the GNSO Council Chair, Avri Doria, had walked the GAC through a slide presentation of where the GNSO is on the issues of mutual interest. This was in addition to a lengthy presentation during the open forum on the proposals coming out of the GNSO for the implementation of new generic top-level domains.

In relation to the WHOIS issue, the GNSO Council is poised to vote tomorrow morning on three rather conflicting resolutions which the GNSO Chair spoke to the GAC about during the joint session. She also walked the GAC through domain tasting and again explained that she could not tell the GAC what the outcome might be as a vote by the GNSO Council was pending as to whether a policy development process will be initiated for domain tasting. She provided a brief overview of an issues report prepared by staff on how to develop a dispute resolution process for the names of intergovernmental organizations, the IGO report which is also pending a decision by the GNSO in terms of its acceptance of the issues report.

The GAC shared with the GNSO Council the results of its internal discussions about the draft GAC letter to ICANN with regard to their proposed procedure for dealing with conflicts between the RAA WHOIS obligations and national privacy law. The GAC has reached a point where it does not believe being able to arrive at a consensus position in view of the differences between our respective national legal structures and that it does not think at the end of the day that there can be a single policy, a one size fits all. In that context the GAC decided to draw from the interim advice that was contained in the San Juan communique that these situations would need to be dealt with on a case-by-case basis. This advice would be reflected in the GAC's LA communiqué and also communicated to the Chair of ICANN via a letter.

The representative from the USA suggested that it would be useful to have a briefing from ICANN staff on their experience of applying the policy, and also as ICANN moves into the introduction of more new gTLDs it would be useful to have a better understanding of how to manage jurisdictional conflicts.

The representative from Norway noted that during the workshop on new gTLDs, a list of reserved names was presented that contains certain names of organizations but not country names. He asked if other GAC members considered that country names should also be on a reserved list for new gTLDs. If they are not on the reserved names list, then it would be open for dispute resolution process, if someone wants to register a new gTLD with a country name. The representative from Denmark supported this proposal noting that it would be useful to communicate that paragraph 2.2 of the GAC gTLD principles on new gTLDs should apply for IDN gTLDs and gTLDs. The representative for Finland suggested that this could be reflected in the communiqué which was generally agreed.

The representative from the EC considered that it may be necessary to develop a mechanism inter-sessionally to enable GAC members to provide advice to the ICANN board on the recommendations of the GNSO. The representative noted that the recommendations document from the GNSO came out after the GAC principles and the GAC has not discussed this in any substantive way. The GNSO were quite keen on getting the GAC's reaction on whether their recommendations reflected its objectives in the GAC principles.

The ICANN staff GAC Liaison advised that the Board is expected to consider the final recommendations on 20 November and as such the GAC has until that time to provide comments. In the event that the Board adopts the recommendations, they will direct staff to go away and put together an implementation plan. During that process, there will be consultation with the community, and there will also be a draft implementation plan posted for comment before it's finalized by staff and presented to the board. This presents another opportunity for the GAC to provide comments.

The Chair reflected that nothing prevents individual GAC members from providing comments and encouraged those who do so to share these with other GAC members. Details about next steps in the process will be clarified and circulated to the GAC.

The GAC discussed the status of the GAC WHOIS principles recommendation that we wanted ICANN to undertake a study of the uses and abuses of WHOIS data. The GNSO Council will consider this request for a study; however it raises the question of whether the GAC needs to revisit the idea of a GAC letter for a study in the event that the GNSO Council votes not to proceed with the study.

The representative from Canada felt that the GAC should on principle send a letter asking for the study; however it would be foolish to do so if the GNSO decide to eliminate the WHOIS criteria entirely as there would be no point in going with the study.

The representative from the UK considered that there would still be merit in the study as understanding the issues associated with the collection and publishing of information about the ownership of domain names still needs to be done.

It was agreed that the GAC remind the Board in the communiqué that we had recommended that a better evidence base was required to underpin the whole discussion area around WHOIS. The GAC would like to be involved in or consulted over the terms of reference for such a study, the identification of the contractors to carry out the study, and who, perhaps, could contribute information that would help in carrying out that study.

5. Preparation for meeting with the ICANN Board

The Chair advised that he had informed the Chair of the ICANN Board that the GAC would raise issues of working methods; IDNs; and definition of accountability. In turn, the Board may wish to discuss the review process for the JPA and operational planning issues. Additional topic for discussion suggested included discussion on the signing of the root and the possible development of a secondary market for IPv4 addresses.

6. Number Resource Organisation—depletion of IPv4 and introduction of IPv6

The Chair welcomed the members of the NRO: Ray Plzak, Chairman this year of the executive council of the Number Resource Organization and the president and CEO of ARIN, the North American address registry. Raul Echeberria, who is the CEO of LACNIC; Axel Pawlik, the Managing Director of the RIPE NCC; and Paul Wilson, the Director General of APNIC and who next year will be the chair of the NRO E.C.

The GAC received a number of presentations (available on the GAC website) on the implications of the exhaustion of IPv4 and the implementation of IPv6. A wide range of issues were raised during the course of discussions, including the trends and take up rates of IPv6 and the distribution of IPv4 address space over the history of the Internet, existence or not of secondary markets, current model of governance or the policy development process utilized by the RIRs and the NRO, and request from the NRO for government engagement in this process.

Governments are an important stakeholder in promoting the uptake of IPv6 and more could be done within respective regions to assist in this regard. The NRO and ICANN are working on ways of looking at different things we could do in regards to this under-utilized address space. There are a number of different policy areas that have to be considered as far as what to do with this address space that's under-utilized. When it's reclaimed, what you do with it. Members of the GAC were encouraged to look at their inter-regional fora where there are ongoing discussions about what to do.

There was a brief discussion about the possibility of returning unused IP address space and then deploying it in developing countries. This was considered counter-productive. Lack of encouragement and apathy in finding means to provide the resources to get the proper equipment to deploy IPv6, would, in fact, setting the developing countries back as they have to do a catch-up to get from IPv4 to IPv6.

7. Meeting with ICANN Board

The GAC met with the ICANN Board and discussed a range of issues including GAC working methods; deployment of IDNs in CC space; accountability definition; IPv6, and DNSsec. The Chair of the ICANN Board also took the opportunity to introduce new Board members to the GAC: Jean-Jacques Subrenat; Harald Alvestrand; Wendy Seltzer and Dennis Jennings.

The Chair advised that the GAC will be moving toward prioritization of issues rather than having working groups with several issues on the agenda permanently the GAC will focus on issues. Only when discussion of an issue is sufficiently mature to produce a document, whether that would be a GAC principle or a formal advice to the board, then the GAC would create an ad hoc working group with the one objective to produce a document. The GAC would hope to get support from ICANN in terms of synthesis papers, like executive summaries on substantive issues. Timelines of submission of documents is important, because the documents are published very close to the meetings, and it's difficult to cope with that information load. The GAC would also benefit from translation of documents.

Paul Twomey advised that now is the appropriate time to feed it into the strategic planning process so it can be incorporated into the financial planning for the coming year. This issue of timing will not necessarily be solved by more ICANN staff because a lot of the work is actually done by other constituencies who are volunteers and meetings are a natural milestone to which they work.

The Chair provided an update on the work being undertaken by the GAC with regard to preparation of responses to the list of issues which the ccNSO Council and the GAC submitted to the attention of the board during the last meeting. The GAC has also had a useful exchange and discussion on the IDN ccTLD fast track deployment. GAC feels very strongly about the issue of deployment of IDNs in the CC space, as it has a very strong dimension of public policy.

The GAC member from Canada walked the Board members through a discussion paper developed on *Definitions of Accountability in the ICANN Environment*. This was in response to a specific request made by the Board to the GAC at the San Juan meeting. The paper should be considered as an input to the ongoing consultations on the "Accountability and Transparency Frameworks Principles". The Board welcomed the contribution and briefly discussed elements of the paper.

Paul Twomey advised GAC members of a new initiative being developed which will provide real-time statistical information on all series of transactions, and then will move not only to transactions but also to business project reporting for ICANN's operations. This information will be available through the ICANN website.

The Chair sought ICANN's support in updating the GAC Web site which has become outdated.

On the issue of DNSsec, Vint Cerf considered this to be an important element in improving the ability of the domain name system to resist some forms of abuse and noted that he is strongly in favor of moving ahead with DNSsec. He is also very pleased to note that at least four of the ccTLDs are already signing their zone files. His sense is that ICANN should be moving ahead to prepare our own ability to sign that system. With regard to IPv4 run out, Vint noted that it's almost inescapable that a secondary market would develop, and in fact, in some quarters, it's believed that it is already there. The consequences of that are twofold. First of all, it has a potential impact on the efficient operation of the routing system and the routing tables. When they get bigger, that's not necessarily a good thing. He is very strongly in favor of introducing IPv6 and noted that the principal blockade is Internet service providers who are not sure why they should turn this function on if no one is asking for it. The challenge is to explain to the users that they really do need to ask for IPv6 address space if they expect the ISPs to provide it. And that we need to educate them that if they fail to do that, that they may, themselves find themselves unable to expand their own operations for lack of addressing.

Paul Twomey advised that, with regard to DNSsec, at a staff level, ICANN has been dedicating resources specifically to build the software in the systems so that the signing of the zones that ICANN itself operates would be feasible if people called upon ICANN to do so. That work is not yet completed, but has certainly been underway, and stakeholders have been aware of that work being undertaken. The issue of who and how is a matter obviously of stakeholder discussion.

8. Presentation from George Sadowsky, Nominating Committee

George Sadowsky is the former Chair of the 2007 Nominating Committee, and is assisting the Chair in 2008. Mr. Sadowski provided an update on the results of the 2007 process. There was general discussion about the non-appointment of a GAC representative to the 2008 NomCom. The Chair advised that the GAC has had some preliminary discussions about a GAC appointment to the NomCom and there was a strong feeling that the presence of the GAC liaison to NomCom should be revisited during the review process of NomCom and the decision should be made whether presence of the GAC liaison is feasible. It is not possible for a single individual to provide a GAC perspective in this process as it prohibits that person from engaging in a dialogue with their colleagues around the GAC table.

9. Report from Working Group 2 & 4—IDNs in cc space

The representative from Egypt advised that the working group had a brainstorming session on possible answers to questions raised in the ccNSO/GAC joint issues report. The discussion mainly highlighted principles of consensus, such as equal rights of all territories in creating IDN ccTLDs in the language of their choice and the script of their choice by the number they see sufficient, only limited by technical restrictions. It was also agreed that a list should be mandated after it's agreed upon with all relevant stakeholders. And it was recommended that ICANN shouldn't get involved in the compilation of such list. Issues related to security and operational aspects were agreed to be better referred to relevant committees within ICANN. Additionally, it was agreed that GAC/ccTLD principles should guide GAC answers as we further discuss the issues report.

On the other hand, conversation also highlighted issues that would need further consideration, such as whether anyone can get acceptance of a script or are there restrictions to that, and whether multiple strings would be allowed for a territory using a single script.

During the same session, representative from Canada led a discussion on fast-track modalities where GAC members expressed opinions and concerns. A few members stressed the fact that choosing only one script to start with in the fast-track approach would not be feasible within their territories. On the same topics, the GAC met with the ccNSO Council, where the ccNSO Council shared the results of the survey that was sent to ccTLD operators on the IDN ccTLDs suggested fast-track approach. Representative from Canada then outlined the GAC's opinions and concerns regarding the suggested fast-track approach, and also outlined the basic principles that were agreed on regarding the joint issues paper.

The GNSO during a joint session also summarized their comments in response to the ccNSO/GAC issues report, and it was noted that both organizations, the ccNSO and the GNSO shared same opinions as GAC members on most of the discussed issues, which seemed to be very encouraging.

10. Report from Working Group 5—SSAC Briefing

The representative from Italy advised that the meeting between GAC Security and Stability Advisory group and ccNSO representatives was well attended. Steve Crocker provided a basic description on DNSsec including the security problem it solves, a basic review on how it works, and what software vendors, zone operators, I.P. and others need to do. Richard Lamb of IANA/ICANN, provided an update on the status of the implementation and testing of DNSsec for the zone managed by ICANN, the ARPA and INT. In conjunction with Steve Crocker's presentation, there was a discussion on signing the root and a review of the technical and political issues related to signing the root zone. There was a presentation by Nominet U.K. about their recent document on the theme of DNSsec. Representatives from Germany, Netherlands, Sweden and others provided their

perspective. Sweden is the one that in Europe that has already signed the root and adopted DNSsec. The discussion focused on evaluating the security aspects that are improved after adopting DNSsec. It was noted that this does not solve all the problem of security. There was discussion on the evolution of standards and the registries in particular mentioned the problem of the costs involved in adopting the DNSsec, and the advantages that are gained in security.

11. Report from Working Group 7—Reforms

The Chair advised that there was a meeting of Working Group 7 which addressed the issues of working methods, particularly, reform of the structure of the working groups of the GAC. It was recognized that the nature of the working groups has gradually changed since their creation, and they have become almost similar to the plenary meetings. It was agreed that it would be useful to try a new methodology. Namely, to create discussion forums or discussion groups on subjects of interest to the GAC. And only when the discussion is sufficiently mature or the GAC is requested to produce a written input, would we create an ad hoc working group which would be tasked to produce a document for submission to the board.

It was also noted that the inter-sessional work needs to be improved in the sense of active participation of the GAC members in order to prepare better the face-to-face meeting. It was also agreed that the GAC should clearly define the priorities and the time lines and better structure preparation for the face-to-face meetings and prepare documentation for the meeting at least two weeks prior to the meeting.

The important issue for the GAC remains lack of resources which does not allow the GAC to be sufficiently efficient. In that respect, it was advised that the GAC should seek further support from ICANN on secretarial support. It should seek more concise and understandable information on different substantive issues in the form of summaries of topics under discussion.

It was also noted that it would be desirable to have translation of the GAC meetings and main documents for discussion in other languages in order to improve ability of GAC members to participate in the discussions.

Finally, it was noted that considerable improvements are needed to the GAC Web site, and it was suggested that the GAC send a formal request for support to ICANN in this regard.

The member from Senegal spoke to an email she had circulated proposing a need to set up a minimal procedure to allow all Gac representatives to participate online and at the plenary. A task force with six or seven members of the GAC should be established who will really think about how GAC can work and how it can better prepare the meeting. The focus should be on the priority of governments, not on the priorities of ICANN, with a preference to match both if possible. From time to time, it may be necessary to go back

on some processes like WHOIS or new gTLDs or IDNs and think about what things are going on and what is the position of the GAC on this process.

Members from the Netherlands, Senegal, Sweden, Italy, U.K., New Zealand, U.S., European Commission, Egypt, Finland, Sri Lanka, Brazil, Poland, France expressed an interest in being part of the task force.

12. GAC Work Program for 2008

The Chair referred members to the GAC work program for 2008 that had been circulated on the GAC list during October. He noted that the work program was not carved in stone and the GAC can be flexible in approach and respond to any need which may appear, or disappear, during the year.

After discussion, the Chair proposed that GAC would not adopt a work program as a separate document, but include it in the communiqué. The IDNs in CC space would clearly be the absolute priority for the GAC in 2008. GAC intends to produce a written input to the PDP process by June, and it would participate in the working group on modalities of the fast track. The GAC would state that during the year, depending on resources and need, it would discuss the following issues: transition from IPv4 to IPv6; introduction of new gTLDs; protection of names and acronyms of IGO; domain name tasting; GAC reform, and so on. The text would clearly specify that these would be discussion items, and we would address them in function of availability of resources and time.

Following considerable discussion on issues for inclusion, timing, resources etc. it was agreed that the work program would be reflected in the communiqué to be developed later in the day.

13. Election of Vice Chairs

According to GAC operating principles, Vice Chairs are elected every year, and the time of the office starts with the first meeting of next year, meaning February. The current Vice Chairs are Maimouna Diop Diagne from Senegal, Frank March from New Zealand and Bill Graham from Canada. Ms. Diagne indicated her willingness to re-stand for election and was subsequently re-appointed as GAC Vice Chair. Mr. March and Mr. Graham declined.

Three nominations were put forward for the two remaining Vice Chair positions: Mr. Everton Lucero from Brazil, Mr. Bertrand de La Chapelle from France, and Ms. Manal Ismail from Egypt.

These nominations will be communicated to the GAC list and other nominations sought by the 31 December 2007. Elections will be undertaken during the New Delhi meeting in

India with the understanding that elected members would step in and start functioning immediately after elections.

14. Nomination of GAC members to ENAC

The Chair proposed the following candidates to the Emergency Numbers and Addresses Committee:

Ms. Suzanne Sene from United States to replace Mr. Bill Graham from Canada.

Mr. Sune Jin Christensen from Denmark to replace Mr. Stefano Trumpy from Italy.

Ms. Manal Ismail from Egypt to replace Ms. Maimouna Diop Diagne from Senegal.

Ms. Olga Cavalli from Argentina to replace Mr. Augusto Gadelha from Brazil.

Mr. Brenton Thomas from Australia to replace Mr. Pankaj Agrawala from India.

All candidates were accepted by the GAC.

15. Nomination of GAC Liaison to the NomCom

The nomination of the GAC liaison to the NomCom was postponed pending the review of NomCom. The GAC will review the question of the liaison with the GAC taking into account the roles and responsibilities of members to the GAC and their home administrations.

16. GAC input on accountability

The representative from Canada advised that he had incorporated comments he had received from GAC members during the discussion of his *Definitions of accountability in the ICANN Environment* document. The written comments were a clarification on the role of the ombudsman, and some very useful text concerning the need to keep some information confidential. The amendments were agreed by the GAC and will form an attachment to the GAC communiqué.