ICANN
POLICY FORUM
65

MARRAKECH
24–27 June 2019

GAC Preparation For Meeting with ICANN Board

25 June 2019

Governmental Advisory Committee

ICANN65 GAC Plenary Meeting - Agenda Item 7.2

Session Goals

- Background to GAC Members regarding Board-GAC interaction at ICANN Public Meetings

- Review and Confirm GAC Topics, Questions and Statements To ICANN Board

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Background

1. Board-GAC Meetings are an important and regular feature of ICANN Public Meetings

2. Back when GAC meetings were "closed" the Board-GAC meeting was one of the few meetings that the public could witness

3. Even after most GAC sessions have become public, the sessions have remained important regular interaction points to maintain useful GAC connections with the Board and to provide a venue to highlight and emphasize areas that are likely to be in the upcoming GAC Communiqué

4. In recent years, the meeting preparations have achieved more structure. A formal exchange of questions have become expected so that preparations can be made for the meeting dialogue.

Board-GAC Preliminary Meeting Agenda

- Welcome and Opening Remarks
- Dialogue on GAC Topics/Questions/Statements shared with the Board
- AOB

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GAC Questions to the Board (5 Current Topics)

Proposed and circulated draft GAC Topics, Questions and Statements for the Board at ICANN65 currently include 5 topic areas, plus an additional topic raised on 24 June:

- **Evolving ICANN's Multistakeholder Model**

- **IGO Protections**

- **Domain Registration and Data Protection Matters - GDPR/EPDP**

- **GAC Capacity Building Sustainability Efforts**.

- **.AMAZON**

- **Two-Character Country Codes as Second Level Domains**

ICANN65 GAC Questions to the Board (5 Topics)

1. **Topic: Evolving ICANN's Multistakeholder Model**

   GAC Comments submitted on 13 June 2019 -
   https://mm.icann.org/pipermail/comments-evolving-multistakeholder-model-25apr19/attachments/20190613/3cbd8b93/GACPublicComment-EvolvingICANNsMultistakeholderModelFINAL13June2019-0001.pdf

2. Topic: IGO Protections *(likely to be impacted by latest Marrakech Board letter)*

The GAC would welcome the Board's confirmation as to its available options regarding the recent decision of the GNSO Council to accept recommendations set forth in the Final Report of the GNSO IGO/INGO Access to Curative Rights Protection Mechanisms PDP WG. It is the GAC's understanding that should the ICANN Board accept the GNSO policy recommendations, it would necessarily be rejecting Consensus GAC Advice and would need to enter into a dialogue with the GAC to find a mutually acceptable solution, per ICANN Bylaws Section 12.2(a)(x). Conversely, should the ICANN Board not adopt the GNSO policy recommendation, consistent with long-standing GAC Advice, it would need to engage in discussions with the GNSO per ICANN Bylaws Annex A, Section 9.

3. Topic: Domain Registration and Data Protection Matters - GDPR/EPDP

What are the Board's intended plans and status to date on engaging with the European Data Protection Board (EDPB) as it pertains to the Unified Access Model (UAM) technical model and, specifically, getting an understanding if the EDPB sees this model as shifting the legal liability away from contracted parties who provide access to non-public gTLD registration data?

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4. **Topic: GAC Capacity Building Sustainability Efforts**.

Across ICANN, there are developing and ongoing capacity building initiatives. Allocation of resources for these purposes need to be transparent and efforts streamlined to ensure all communities make better use of ICANN resources. A new joint GAC-ALAC initiative on capacity building is contributing to this principle.

The Board has shown support for the GAC's capacity building initiative (a series of pilot workshops) which began back in January 2017. As an outcome, a Capacity Building Evaluation Report has been produced and shared among the GAC membership. Post-workshop surveys highlighted the demand for more capacity building for the GAC which resulted in the recent GAC request (and Board approval) for support through the Additional Budget Request (ABR) process for financial year 2019/2020. The GAC is grateful for the Board's acknowledgement of and support of these efforts. Assurance of a continued funding allocation for such important initiatives need to be confirmed so that the GAC does not have to apply for ABR each year (unless that is the process).

5. Topic: .AMAZON

"What are the reasons why the Board considered that the Applicant's April 17, 2019 proposal for the delegation of the .Amazon strings, which would be operated as closed-brand TLDs depriving the Amazon communities they are associated with from participating in their governance and use, is consistent with GAC advice and the underlying public policy principles determined by the GAC, including:

(a) as reiterated in the GAC Chair's March 15, 2018 letter to the ICANN Board, and

(b) as recorded in the transcript of the ICANN63 GAC session on the .Amazon applications, which the GAC transmitted to the Board, through the March 15, 2018 letter, as part of its response to the October 29, 2017 Board request for information "regarding the GAC's advice that the Amazon applications should not proceed?"

6.   Topic: Two-Character Country Codes as Second Level Domains
(presented to GAC as potential Communiqué language on 24 June in Marrakech)

The GAC remains concerned that GAC advice on the procedure for the release of country codes at the second level under new gTLDs was not taken into consideration as intended and advises that meaningful steps are taken to ensure this does not happen in the future.

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