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GAC Meeting with ICANN Board

Tuesday, 20 October 2020 7:00 UTC

Session Lead - GAC Chair, Manal Ismail

Board-GAC Preliminary Meeting Agenda

A. Introductions

B. Discussion of Specific GAC Priority Areas (including specific GAC questions – shared in advance of meeting):

- New gTLD Subsequent Procedures
- Registration Data/WHOIS
- ATRT3 Final Report Suggestions Impacting the Board and the GAC; and
- ICANN Operational Design Phase Proposal

C. Board Topic:

“Enhancing the effectiveness of the Multistakeholder Model: key issues and opportunities for acceleration.”

D. Closing



Topics For GAC Questions/Statement to the Board

- New gTLD Subsequent Procedures
- Registration Data/WHOIS; and
- ATRT3 Final Report Suggestions Impacting the Board and the GAC
- ICANN Operational Design Phase Proposal



New gTLD Subsequent Procedures (Prep/Background)

As part of its meeting prep communication with the Board, the GAC provided background text highlighting that the GAC had provided input on a number of specific topics in the Draft Final Report including;

- *A predictability framework and some concerns about the added value of the proposed “SPIRT” structure;*
- *Registry Voluntary Commitments/ Public Interest Commitments (PICs) enforceability and concerns regarding absence of policy recommendations on DNS Abuse Mitigation in the Final Report;*
- *Applicant Support Matters;*
- *Closed Generics and reiteration that exclusive registry access serving a public interest goal;*
- *The value of GAC Consensus Advice and GAC Early Warnings;*
- *The value of Objections to protect certain names and abbreviations;*
- *The importance of clarifying and improving Dispute Resolution Procedures after Delegation;*
- *Community Applications, and improvement to the Community Priority Evaluation (CPE) process and guidelines;*
- *Auctions – Mechanisms of Last Resort/Private Resolution of Contention sets to disincentivize potential gaming scenarios in the application resolution process.*

New gTLD Subsequent Procedures (Question(s))

Topic: Public Interest Commitments (PICs) in New gTLD Contracts

- In a recent correspondence to the New gTLD Subsequent Procedures PDP WG, the ICANN Board expressed concerns about ICANN's ability to "*enter and enforce any content-related issue regarding PICs or Registry Voluntary Commitments*" due to limitations of ICANN's mission in the Bylaws. Could the Board further explain these concerns?

Topic: Follow-Up on GAC Montreal CCT Review Advice

- As another point of interest to the GAC, the GAC reminds the Board of its Montreal advice not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as "prerequisites" or as "high priority". The GAC has been in touch with the GNSO to discuss some of these concerns (e.g., regarding DNS Abuse) and continues to closely monitor implementation of the CCT-RT review. Can the Board share any current views at this time regarding the implementation of CCT-RT Review recommendations?

Registration Data/WHOIS (Background)

- As part of its meeting prep communication with the Board, the GAC provided background text highlighting the GAC's recent contributions to the work leading to the Final Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process (Final Report).
- The GAC also noted its recent Minority Statement regarding the Final Report and subsequent follow-up including a letter from ICANN org.

Registration Data/WHOIS (Questions)

- The GNSO Council resolved to forward to the ICANN Board several **policy recommendations that did not achieve consensus in the EPDP team**. How does the Board weigh the lack of consensus on certain recommendations in its consideration of whether adoption of such recommendations would be in the interest of the ICANN Community?
- What are the possible **outcomes of a cost-benefit analysis of the EPDP Phase 2 Policy recommendations**, as suggested by the GNSO in connection with the consultation it requested with the ICANN Board? How does the Board view the potential funding of the SSAD? Can the funding of the SSAD be done by ICANN?
- Should such a cost-benefit analysis be conducted, would it be conducted **before or after the ICANN Board formally considers the policy recommendations** ?
- Should an **Operational Design Phase** be considered for the EPDP Phase 2 policy recommendation, what impact would it have on the timeline to deliver a Standardized System for Access and Disclosure ?
- Now that EPDP Phase 2 policy development has completed, are there any remaining obstacles to resume implementation of the Privacy/Proxy Services Accreditation policy recommendations ?

ATRT3 Final Report Suggestions

- As part of its meeting prep communication with the Board, the GAC noted that ATRT3 Final Report Suggestions Impacting the Board and the GAC were briefly discussed during a recent Board GAC Interaction Group (BGIG) meeting.
- During the BGIG meeting, a number of Board and GAC Members recognized the valuable relationship that has been forged between the Board and the GAC and the importance of sharing recent improvements with the rest of the community as well as exploring additional ways to improve the effectiveness and efficiency of collaborative exchanges between the two entities.

ICANN Operational Design Phase Proposal (Questions)

The ICANN CEO recently circulated to SO-AC leaders a proposal for a new Operational Design Phase relating to the implementation of approved gTLD policies.

Some initial GAC reactions to and questions regarding this proposal include:

- This proposal would seem to call for an expansion (in certain cases) of the ICANN policy development life cycle.
- The GAC is concerned that operational/implementation considerations should be a fundamental part of the PDP effort.
- The GAC's initial concern is the potential impact on community resources. Are community resources ample enough to address an additional phase (or parallel effort) in the ICANN policy development life cycle? Is there a real need and added-value of such a mechanism, especially with the envisaged Design Feedback Group?

Board Topic - Enhancing the Effectiveness of the Multistakeholder Model

- Board Overview of Topic and why it was raised for discussions at ICANN69
- Recent GAC Views (expressed in GAC Comments of 4 August 2020 (<https://mm.icann.org/pipermail/comments-multistakeholder-model-next-steps-04jun20/attachments/20200804/26d5d406/GACCommentsonMSMNextSteps4AugustFINAL-0001.pdf>):
 - a. The GAC was pleased to provide comments on the June 2020 paper entitled Enhancing the Effectiveness of ICANN’s Multistakeholder Model – Next Steps (hereinafter “the Next Steps Paper”).
 - b. The GAC appreciates how the Next Steps Paper thoroughly identifies existing work efforts that are consistent with the MSM evolution. It is appropriate to recognize that relevant parts of the community will continue to engage in their current work efforts “which holistically lend themselves to addressing each of the priorities.”
 - c. The GAC agrees with the ICANN Board assessment that by limiting immediate “next steps” to three priority work areas and leveraging existing work efforts, a necessary workload balance can be achieved that will result in incremental evolutionary enhancements and improved efficiencies to the MSM, which will benefit everyone’s future work.

- d. The GAC agrees that the actions proposed in the Next Steps Paper should not unduly burden the community and could have a materially positive impact on evolving the MSM.

- e. The GAC supports the three Priority Work Areas identified in the Next Steps Paper as:
 - i. Prioritization of Work and Efficient Use of Resources
 - ii. Precision in Scoping the Work
 - iii. Consensus, Representation, and Inclusivity

- f. The GAC has independently embarked on developing its own implementation of those Work Stream 2 Accountability recommendations and ATRT3 Final Report suggestions that impact its operations.



Closing - Thank You