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ICANN70 - GAC Meeting with the ICANN Board

Tuesday, 23 March 2021

Board-GAC 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
 - DNS Abuse Mitigation
- C. Closing/Next Steps

Topics For GAC Questions/Statements to the Board

- New gTLD Subsequent Procedures
- Registration Data/WHOIS
- DNS Abuse Mitigation

The questions for today's session discussion have been pared down substantially from those shared with the Board earlier this month.



New gTLD Subsequent Procedures (Questions)

1. Clarity and Predictability of Application Process

GAC Members retain some reservations on functioning of the Standing Predictability Implementation Review Team (SPIRT), specifically regarding Implementation Guidance 2.3:

“Once the SPIRT has been formed, the ICANN Board/ICANN org should engage in dialogue with the SPIRT to determine the process required to consider future GAC Consensus Advice on new gTLDs where such GAC Consensus Advice could potentially have an impact on any applications or the program in general”

GAC members expect that the Bylaws’ treatment of GAC Advice to the Board will be preserved. Implementation guidance section 2.3 could be interpreted to suggest that GAC consensus advice on new gTLDs adopted after the launch will need to be forwarded to the SPIRT, without prior discussion between the GAC and the ICANN Board, which would undermine the Bylaws’ treatment of GAC Advice. Furthermore, GAC members note the importance of the opportunity for equitable and equal participation on the SPIRT by all interested ICANN communities.

Question #1 - Does the ICANN Board foresee an interaction between the ICANN Board/ICANN Org and the GAC in parallel to its consultation with the SPIRT on relevant GAC Consensus Advice?

New gTLD Subsequent Procedures (Questions)

2. Public Interest Commitments (PICs) or Registry Voluntary Commitments (RVCs)

GAC members continue to harbor serious concerns – as per previous GAC positions on the lack of policy recommendations on DNS Abuse Mitigation within the SubPro PDP WG Final Report. Enforceability for PICs/RVCs remains an open question since this is not addressed within the SubPro PDP WG Final Report. In light of GAC Advice in the GAC Montreal Communiqué and its rationale, in particular:

"It is particularly important that a new round of gTLDs should not be launched until after the successful implementation of those recommendations that were identified by the Review Team as necessary prior to any subsequent rounds of new gTLDs. It has been suggested that although some of the recommendations are for the Board to implement, other recommendations are for other parts of the community to implement. It would be helpful for the Board to monitor progress on all of the recommendations and support other parts of the community to implement the recommendations that are addressed to them."

The GAC recognizes that a number of the Recommendations may have been taken forward in the work of the Organization, the Board or the Community. We would note that ICANN 70 would be an appropriate juncture for such a discussion (and update) in light of the adoption, by the GNSO on the Report on Subsequent Procedures.

Question #2 - What are the ICANN Board's thoughts on next steps for DNS Abuse Mitigation, particularly on triggering the holistic effort mentioned within the SubPro PDP WG Final Report?

More broadly, in relation to DNS abuse and other related issues, we would specifically like to ask the Board whether they could kindly update the GAC on their ongoing consideration and implementation of the GAC advice (Montreal, ICANN66) on the CCT-RT Recommendations marked as "prerequisite" or "high priority"; namely 1, 5, 7, 9, 11, 12, 14, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

DNS Abuse Mitigation (Question)

3. The SSR2 report highlights the lack of substantive progress made on mitigating DNS abuse. Many of the Recommendations contained in the report - if effectively implemented - may well help in reinforcing the security, stability and resilience of the DNS.

The SSR2 report calls amongst others for improved risk management (Recommendation 4), improved business continuity and disaster recovery (Recommendation 7), enhanced monitoring and compliance (Recommendation 9), increased transparency and accountability of abuse complaint reporting (Recommendation 13).

Question #3 - What is the view of the Board on the conclusions of the SSR2 report on DNS abuse generally, and particularly on the possibility to swiftly implement Recommendations 4, 7, 9 and 13 which seem to be in line with standard cybersecurity practices?

Registration Data/WHOIS (Questions)

4. The GAC reiterates its position (expressed in the [GAC Minority Statement on the EPDP Phase 2 Final Report](#)) that:

“WHOIS data is used for a number of legitimate activities including: assisting law enforcement authorities in investigations; assisting businesses in combatting fraud and the misuse of intellectual property, safeguarding the interests of the public; and contributing to user confidence in the Internet as a reliable means of information and communication”.

The community has been discussing the WHOIS policy reform for several years. There is a need to conclude the process and establish a functioning SSAD without delay, for the reasons set out above.

Question #4 - How is the Board going to ensure a swift implementation of the SSAD?



Registration Data/WHOIS (Questions)

5. Accessibility and accuracy of domain name registration data is crucially important for DNS abuse mitigation. This data has been a key investigative tool for law enforcement and their cybersecurity partners in generating investigative leads, attributing crime and identifying victims of cybercrime.

Question #5 - Does the Board envisage short terms measures, e.g. in terms of contractual enforcement, to help improve the accuracy of domain name registration data?

Closing/Next Steps

