



How BEST to participate?

- Zoom Dial-in numbers: <https://icann.zoom.us/zoomconference>
- Languages Available: English, Français, Español, 中文, العربية, Русский, Português
- Zoom Interpretation (see “interpretation” logo in the Zoom Room banner)
- Congress Rental Network Mobile App Download: <https://urlgeni.us/ICANN-GAC>
 - Token: ICANN-GAC

If you want your COMMENTS/QUESTIONS in the chat pod to be read out:

- Start your sentence with <QUESTION> and end it with <QUESTION>
- Start your sentence with <COMMENT> and end it with <COMMENT>
- Participation How-To Guide: <https://70.schedule.icann.org/participation-tools>



Review our Expected Standards of Behavior when participating in ICANN Meetings.

Go to:

<http://go.icann.org/expected-standards>

Review the ICANN Community Anti-Harassment Policy when participating in ICANN Meetings.

Go to:

<http://go.icann.org/anti-harassment>



Do you have a question or concern for the ICANN Ombudsman?

Email ombudsman@icann.org to set up a meeting.



ICANN70 - GAC Preparation for Meeting with the ICANN Board

Monday, 22 March 2021

Session Goals (GAC Chair)

- Background to GAC Members regarding Board-GAC interaction at ICANN Public Meetings
- Review and Confirm or Revise GAC Topics, Questions and Statements To ICANN Board

Background (GAC Chair)

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 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

Meeting scheduled for Tuesday 23 March at 1800 UTC

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
- Implementation of Work Stream 2 Accountability Recommendations; and
- GAC Onboarding and Engagement

C. AOB

D. Closing/Next Steps

Topics For GAC Questions/Statement to the Board

- New gTLD Subsequent Procedures (5 questions)
- Registration Data/WHOIS (7)
- DNS Abuse Mitigation (3)
- Implementation of Work Stream 2 Accountability Recommendations (1); and
- GAC Onboarding and Engagement (info statement)

A total of 16 Questions have been shared with the Board

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 are concerned that the implementation guidance suggests GAC consensus advice on new gTLDs adopted after the launch will need to be forwarded to the SPIRT, **to the exclusion of GAC Advice** or without prior discussion between the GAC and the ICANN Board. **GAC Members are also concerned about equitable participation by GAC participants in the SPIRT.**

1. **Does the ICANN Board foresee an interaction between the ICANN Board/ICANN Org and the GAC before or in parallel to its consultation with the SPIRT on GAC Consensus Advice?**

Added Text suggested by Kavouss - GAC is of strong views that the only entity to which such advice are sent is the ICANN Board and in no way wishes that GAC Advice be subject to judgement of any other entities such as Spirit

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.

2. What are the ICANN Board's thoughts on next steps for DNS Abuse Mitigation, on triggering the holistic effort mentioned within the SubPro PDP WG Final Report, vis-a-vis the GAC positions not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the CCT-RT relative to DNS Abuse mitigation, and more specifically on this item being addressed before the next round of new gTLDs begins? merge with 5

New gTLD Subsequent Procedures (Questions)

3. Continuing Subsequent Procedures

The GAC recalls its previous advice on the need for an objective and independent analysis of costs and benefits to be finalized before the next round on new gTLDs as per the Helsinki Communique, where the GAC Advised the Board that prior to a future round of new gTLDs, “*an objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round*” and was recalled in the Montreal Communique where the GAC Advised the Board “*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’.*”

3. At the ICANN69 Public Forum the Board stated that this work has started. Could the ICANN Board inform the GAC of the status of this work? **WRITING**

New gTLD Subsequent Procedures (Questions)

4. The GAC flags the GNSO Council Resolution to adopt the SubPro PDP WG Final Report that includes this mention:

“ Recognizing that nearly a decade has passed since the opening of the 2012 round of new gTLDs, the GNSO Council requests that the ICANN Board consider and direct the implementation of the Outputs adopted by the GNSO Council without waiting for any other proposed or ongoing policy work unspecific to New gTLD Subsequent Procedures to conclude, while acknowledging the importance of such work.”

The GAC understands that this language may directly address aspects of the Montreal Communique relative to CCT RT Implementations, especially relative to DNS Abuse mitigation, which were asked to be implemented prior to the next round of new gTLDs:

“The review identified a number of issues that should be addressed, in areas such as the necessity and availability of data, including on costs and benefits, the effectiveness of safeguards, the promotion of consumer trust, the mitigation of DNS abuse and improved geographic representation of applicants.”

4. Can the Board react to this resolution in light of the GAC Montreal Communique?

Writing

New gTLD Subsequent Procedures (Questions)

5. 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.

5. Specifically, we would like to ask the Board whether they could kindly update the GAC on their ongoing consideration of this advice, and, in particular, the 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. Merge with Q2

DNS Abuse Mitigation (Questions)

1. The SSR2 report highlights the lack of substantive progress made on mitigating DNS abuse. The GAC finds that most of the Recommendations contained in the report - if effectively implemented - would help reinforcing the security, stability and resilience of the DNS.

6. What is the view of the Board on the conclusions of the SSR2 report on DNS abuse?

MERGE with 8

7. Would the Board consider taking short-term measures, in particular based on contractual enforcement, to address well-identified issues, in parallel to launching a longer-term policy process? ?

2. 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).

8. What is the view of the Board on these recommendations, which seem to be in line with standard cybersecurity practices, and on the possibility to swiftly implement them?

MERGE with 6

Registration Data/WHOIS (Questions)

1. 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.

9. How is the Board going to ensure a swift implementation of the SSAD? Keep

Registration Data/WHOIS (Questions)

2. EPDP Phase 2a discusses issues of major relevance for a functioning WHOIS system. For example, data suggests that only around 11.5% of domains may belong to natural persons who are subject to GDPR, while contact data from 57.3% of all domains was redacted.^[1]

10. Is the ICANN Board in support of a more transparent WHOIS system where non-personal data would be publicly available? In Writing

3. The progress achieved in EPDP Phase 2a is due to be assessed by the end of March. There are ongoing discussions to eventually prolong this period to the end of May.

11. Should the work not be prolonged, what are the Board's intentions with regard to the issues currently addressed under Phase 2a? In Writing

12. Would there be consideration of other procedural options to ensure that these issues of importance to the public interest would be properly addressed? In Writing

^[1] *WHOIS Contact Data Availability and Registrant Classification Study*, 25 January 2021

Registration Data/WHOIS (Questions)

4. The ICANN Board was informed in a [GNSO letter](#) (29 January 2021) of the GNSO's position that the intent of EPDP Phase 1 Recommendation 7 is to modify the Thick Whois Transition Policy. The GAC is concerned about the precedent set by permitting reversal of approved consensus policy and about the overall impact of the GNSO resolution.

13. What is the Board's reaction to the GNSO position? How it will be ensured that the public policy objectives pursued by the Thick Whois policy and EPDP will be achieved?

In Writing

5. Accessibility and accuracy of WHOIS is of primordial importance for DNS abuse mitigation. WHOIS has been a key investigative tool for law enforcement and their cybersecurity partners in generating investigative leads, attributing crime and identifying victims of cybercrime.

14. What is the perspective of the Board on improving the accuracy of gTLD registration data? Merge with 15

15. Beyond the scoping exercise on accuracy, does the Board envisage short terms measures, e.g. in terms of contractual enforcement, to help improve the accuracy of registration data? Merge with 14

Other GAC Topics of Interest

1. Implementation of Cross-Community Working Group on Enhancing ICANN Accountability Work Stream 2 Recommendations

The GAC is moving forward to assess and implement a total of 38 WS-2 recommendations applicable to current GAC operations. Implementation of over 40% of those recommendations are already underway or have been completed.

16. GAC Members are interested to hear about the progress ICANN org is making to address those recommendations that have been assigned to it directly or where ICANN-wide coordination is needed to proceed with implementation.

2. GAC Onboarding and Engagement

During these virtual pandemic times, the GAC Leadership is highly attuned to GAC member participation and engagement. GAC attendance has increased at ICANN virtual public meetings to pre-pandemic levels, and renewed emphasis is being placed on adopting new methods to help onboard new GAC participants - ~75 new participants have joined the GAC since the last in-person GAC meeting in Montreal, Canada.

Jorge suggestion to put questions in this section “IV” in writing

Closing/Next Steps

