



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.



ICANN72 GAC Opening Plenary

Monday, 25 October 2021

ICANN | GAC
Governmental Advisory Committee



Opening Plenary Agenda

1. Welcome and Introductions - Review Session Agenda
2. ICANN72 Week - GAC Block Schedule
3. GAC Work Review (Notable Developments Since ICANN71)
 - a. GAC Priority Topics Update
 - b. GAC/Community Interaction (SO-AC Chairs; BGIG)
 - c. GAC Vice Chair Election Balloting
 - d. Onboarding and Engagement - Big Picture
4. Review Communique Drafting Process
5. Meeting Logistics and Review of Technical Capabilities
6. GAC-GNSO Meeting Preparations (Today)
7. GAC-ALAC Meeting Preparations (Tuesday)
8. GAC-Board Meeting Preparations (Wednesday)



GAC ICANN72 Meeting (Block Schedule)

PDT (UTC-7)	Monday 25 October (Day 1)	Tuesday 26 October (Day 2)	Wednesday 27 October (Day 3)	Thursday 28 October (Day 4)	PDT (UTC-7)
7:30		GAC Daily Updates (30 mins) - 14:30 - 15:00 UTC/07:30 - 08:00 PDT			7:30
7:45					7:45
8:00					8:00
8:15					8:15
8:30		GAC Leadership Meetings (30 mins) - 15:15 - 15:45 UTC/ 08:15 - 08:45 PDT			8:30
8:45					8:45
9:00		5. GAC Meeting with the ALAC (60 mins)	10. GAC Meeting with the ICANN Board (60 mins)	11. GAC Communiqué (4/5) (60 mins) (if necessary)	9:00
9:15					9:15
9:30					9:30
9:45					9:45
10:00	Virtual Coffee / Fika	Break	Break	Break	10:00
10:15					10:15
10:30					10:30
10:45	GAC Leadership Meeting (60 mins) 17:30 - 18:30 UTC/ 10:30 - 11:30 PDT	6. GAC Working Group Updates a. GOPE WG (30 mins) b. HRILWG & WS2 (45 mins) c. USRWG Update (15 mins) (90 mins)	GNSO Transfer Policy PDP	Plenary Session Designing Hybrid ICANN Public Meetings (90 mins)	12. GAC Meeting with the Universal Acceptance Steering Group (45 mins)
11:00					11. GAC Communiqué (5/5) (45 mins) (if necessary)
11:15					11:15
11:30					11:30
11:45					11:45
12:00	Break	Break	Virtual Coffee / Fika	Break	12:00
12:15					12:15
12:30					12:30
12:45					12:45
13:00	1. Opening Plenary (incl. prep for meeting w/ ICANN Board, ALAC & GNSO) (90 mins)	GNSO CPH DNS Abuse	7. Discussions on Subsequent Procedures (45 mins)	GNSO Accuracy Scoping Team	11. GAC Communiqué (1/5) (90 mins)
13:15					13:15
13:30			8. GAC Communiqué Review (45 mins)		13. GAC Wrap-up (90 min)
13:45					13:45
14:00	Break	Break	Break	Virtual Coffee / Fika	14:00
14:15					14:15
14:30					14:30
14:45	2. Discussions on IGO Protections (45 mins)	ICANN Executive Q&A (90 mins)	11. GAC Communiqué (2/5) (90 mins)	ICANN Public Forum (90 mins)	14:45
15:00	3. DNS Abuse Mitigation (45 mins)				15:00
15:15					15:15
15:30					15:30
15:45					15:45
16:00	Break	Virtual Coffee / Fika	Break	Break	16:00
16:15					16:15
16:30					16:30
16:45	4. GAC Meeting with the GNSO (60 mins)	9. WHOIS and Data Protection (60 mins)	GNSO IDNs EPDP	11. GAC Communiqué (3/5) (60 mins)	Board Meeting (23rd AGM) 16:30-18:00
17:00					17:00
17:15					17:15
17:30					17:30
17:45					17:45
18:00					18:00
18:15					18:15
18:30					18:30
18:45					18:45
19:00					19:00
		GAC Plenary Sessions GAC Joint Sessions Community Sessions GAC Communiqué		Official times for ICANN72 09:00-17:30 (PDT, UTC-7)	

GAC Priority Topics at ICANN72

- RDS/WHOIS and Data Protection (EPDP)
- DNS Abuse Mitigation
- IGO - Rights Protection Mechanisms
- Subsequent Rounds of New gTLDs



ICANN72 Meeting - GAC Priority Topic Highlights

Subsequent Rounds of new gTLDs (SubPro)

Importance to GAC

- The GNSO SubPro effort is focused on determining the application rules for the next round of new gTLDs
- The outcome of this PDP WG will be the basis for policy/rules governing the next phase of gTLD expansion.
- Determining how and when ICANN conducts the next round of new gTLD applications is a fundamental and high priority for the GAC.

Recent Developments:

- GAC Members actively participated in the recent GNSO SubPro PDP process.
- ICANN Board approved Operational Design Phase (ODP) relative to the SubPro PDP WG Final Report.

ICANN72 Objectives:

- ICANN72 is an opportunity for the GAC to review materials and positions on subsequent rounds of new gTLDs to prepare for submission of potential GAC Advice to the ICANN Board regarding the next round of new gTLDs
- GAC Priority Sub-Topics include: *Clarity and Predictability of Application Process; Public Interest Commitments; DNS Abuse mitigation; GAC Early Warnings/GAC Advice; Closed Generic TLDs; Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets*
- Discuss input on key topics for potential GAC Advice to the ICANN Board relative to Subsequent Rounds of New gTLDs; and
- Review recent developments including the Operational Design Phase status and potential follow-up to the GAC Collective [comment](#) filed in June 2021.

ICANN72 Session: Tuesday, 26 October 19:30 UTC

ICANN72 Meeting - GAC Priority Topic Highlights

RDS/WHOIS and Data Protection

- Importance to the GAC

- Public domain registration data is indispensable for attributing content, services and crime
- WHOIS policies require the balancing of data protection and the protection of the public
- Efforts to date demonstrate challenges to adequately accommodate both imperatives
- The GAC adopted [GAC Principles Regarding gTLD WHOIS Services](#) (28 March 2007), which were recalled in the [GAC Abu Dhabi Communiqué](#) (1 Nov. 2017), noting that they “*continue to reflect the important public policy issues associated with WHOIS services*”

- Recent Developments

- Phase 2A of the EPDP on gTLD Registration Data concluded. The GAC submitted a [GAC Minority Statement](#) (10 September 2021) on the Final Report.
- The GAC [responded](#) (6 Oct. 2021) to ICANN Board Clarifying Questions regarding the ICANN70 GAC Advice (re: GAC Minority Statement on EPDP Phase 2 Final Report and related SSAD recommendations)
- A [survey](#) of GAC Members on Accreditation of government entities and their users to a potential future SSAD (as part of ICANN’s Operational Design Phase) was extended to 31 October.

- ICANN72 Objectives

- Consider public policy concerns related to GNSO recommendations to date (EPDP Phase 2 and 2A), as well as public interest impact of delay in implementation of EPDP Phase 1 recommendations and the continued suspension of the Privacy/Proxy Services Accreditation policy implementation.

- ICANN72 GAC Session: Tuesday 26 October 23:30 UTC

ICANN72 Meeting - GAC Priority Topic Highlights

DNS Abuse Mitigation

- Importance to the GAC

- Threat to consumers, Internet users (personal and commercial) and their trust in the DNS
- Security Threat to the security, stability and resiliency of the DNS and its Infrastructures
- The GAC, the GAC PSWG and many ICANN stakeholder groups prioritize curbing DNS Abuse, recognizing in particular that current ICANN contracts do not provide sufficiently clear and enforceable obligations to mitigate DNS Abuse and need to be improved

- Recent Developments

- ICANN [released](#) the results of its Audit of Registrars' Compliance with DNS Abuse Obligations (24 August 2021)
- The ICANN Board [took action](#) (22 July 2021) on the SSR2 Review Team's 63 Final Recommendations (25 Jan. 2021). An associated ICANN org [blog](#) summarized the types of actions taken

- ICANN72 Objectives

- Consider the ICANN Board's [Resolution](#) and [Scorecard](#) (22 July 2021) on the Recommendations of the Security Stability and Resiliency Review (SSR2)
- Consider the results of ICANN's Audit on Registrars' compliance with DNS Abuse obligations as reported in an [announcement](#) and [report](#) (24 August 2021).
- Consider developments following SSAC proposal for an [Interoperable Approach to Addressing Abuse Handling in the DNS](#) (19 March 2021)

- ICANN72 GAC Session: Monday 25 October 22:15 UTC

ICANN72 Meeting - GAC Priority Topic Highlights

IGO Protections

Importance to the GAC

- The protection of the names and acronyms of International Governmental Organizations (IGOs) against unauthorized use in the DNS emerged as an issue as part of the [Second WIPO Internet Domain Name Process](#) (2001).
- Over the following decade, several attempts were made to address WIPO's recommendations to include IGO identifiers in the UDRP.

Recent Developments

- GNSO EPDP-IGO delivered its Initial Report for Public Comment. GAC Submitted a [consensus comment](#) (24 Oct. 2021)
- GAC is seeking to resolve long-standing issues created by the divergence of policy recommendations provided to the ICANN Board by the GNSO and GAC Advice regarding protections afforded to IGOs (specifically under international/national laws)
- The GAC [advised](#) the ICANN Board to *“abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward”*.
- As a [response](#), the ICANN Board informed the GAC it would form a Board Caucus Group for the GNSO's PDP WG Recommendations 1, 2, 3, and 4. Subsequently, a Board-GAC Consultation process on IGO Protections was initiated, and is still underway.

ICANN72 Objectives

- Review recent developments from the EPDP Specific Curative Rights Protections for IGOs, including the publication of the Initial Report and GAC input to the EPDP; and
- Engage in discussions on the GAC-ICANN Board consultation on IGO protections.

[ICANN72 GAC Session:](#) Monday 25 October 21:30 UTC

GAC Community Interaction (SO-AC Chairs, BGIG, etc.)

- Community Leadership (SO-AC leaders) meet regularly before ICANN public meetings to review matters of cross-community impact
- Topics of recent SO-AC Chair Roundtables included:
 - Implementation of Work Stream 2 Accountability recommendations by ICANN org and community groups (considering collective efforts by SOs and ACs)
 - Community Prioritization and Planning
 - Return to In-Person and Hybrid Public Meetings



GAC Community Interaction (SO-AC Chairs, **BGIG**, etc.)

- The Board GAC Interaction Group (BGIG) includes a subset of Board Members and interested GAC Members.
- The BGIG has proven to be an effective venue for discussions to ensure effective Board and GAC collaboration and communication
- BGIG recently developed a streamlined approach for discussing Issues of Importance to the GAC
- More active consideration of additional “consultations (e.g., IGO advice and GCC early warnings)
- Most recently (5 October) the group has discussed:
 - ICANN71 GAC Communique - IGO Advice and Issues of Importance
 - Process clarity with respect to Board GAC consultations (flow chart development)
- BGIG Membership open to any interested GAC representative

Onboarding and Engagement - Big Picture

- Many new faces since ICANN66
 - Over 100 new GAC delegates since November 2019 (start of virtual meetings)
 - GAC delegate count has rebounded to pre-pandemic high of 462
- Continued emphasis on engagement resources – working with support staff to improve onboarding and engagement with new members and info to share with government colleagues.
- Planned expansion of ICANN Learn curriculum for governments
- Expecting future meetings will be “hybrid” formats
- Evolving pre-meeting briefings (e.g., Oral Briefings)

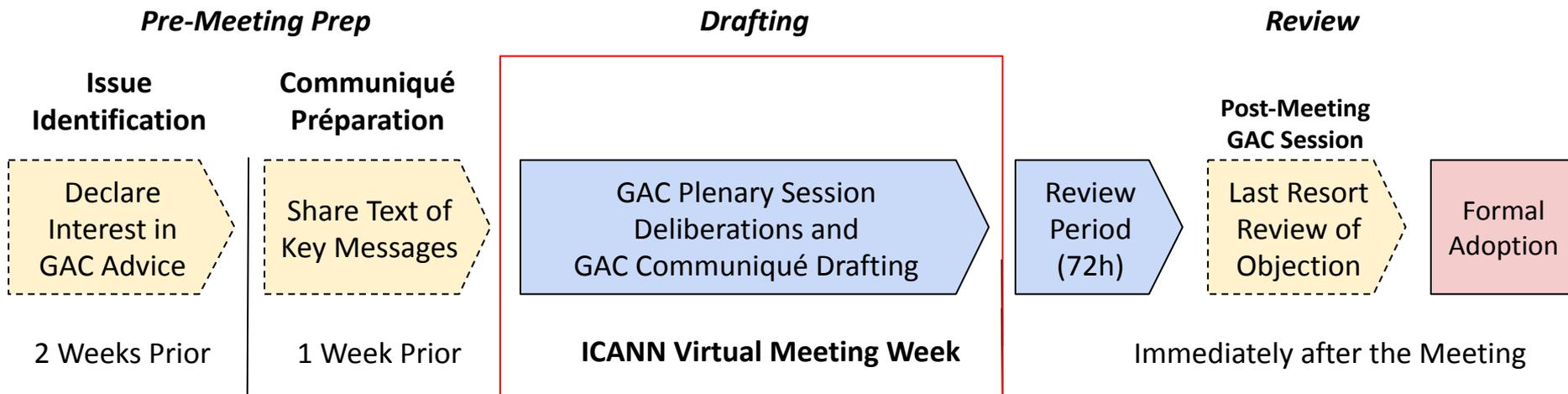


2021 GAC Vice Chair Election

- Balloting Period continues until 2359 UTC on Tuesday, 26 October
- New or updated ballots can be submitted until the deadline
- Results to be announced on Thursday, 28 October at GAC Wrap-Up session
- Elected Vice Chairs will begin one-year terms at conclusion of ICANN73; will begin being invited to C-VC Meetings after ICANN72 - to ensure smooth transition
- Election information on GAC website - <https://gac.icann.org/activity/gac-2021-vice-chair-elections>
- Thank you to nominees who are willing to serve; sharing of background information by all candidates has been greatly appreciated



GAC Communiqué Development



- The pre-ICANN meeting **Issue identification** and **Communiqué Préparation** phases remain **optional** and do **not preclude** such efforts during the meeting. They are intended to **facilitate discussions during Communiqué drafting** and are particularly desirable for issues that can be identified in advance of a meeting to give GAC members more time to consider them.
- The **Post-Meeting GAC Session** will only need to be held in exceptional cases when there is a formal objection.

ICANN72 Communiqué Collaborative Drafting

ICANN68 GAC Communiqué - Google Docs

File Edit View Insert Format Tools Add-ons Help Last edit was 4 minutes ago

100% Normal text Calibri 12

IV. Issues of Importance to the GAC

1. [INSERT Issue]

[INSERT Text]

2. [INSERT Issue]

[INSERT Text]

Propose your text here

Editing
Edit document directly

Suggesting
Edits become suggestions

Viewing
Read or print final document

1

2. Propose your text where appropriate

2

3. Identify Author (GAC Representation or Group of drafters)

3

4. Don't forget to hit "Reply" otherwise your edits will not be identified

4

Anonymous
6:09 PM Today

Add: "Propose your text here"

Identify your GAC Representation here

Reply Cancel

ICANN72 - GAC Meeting Logistics and Technical Capabilities

- Zoom Session Infrastructure and Protocols:
 - Before the session
 - Calendar Invites in advance (24-hour link info)
 - Session pages on GAC website for materials
 - During the session
 - “Renaming” yourself as a participant to indicate affiliation
 - Interpretation - 6 UN Languages
 - Use Zoom system; CRN app as back-up if necessary
 - Pick Language
 - Identify yourself and speak slowly for interpreters
 - After the session
 - Recordings and transcripts on GAC web site
- GAC Informal Sessions
 - Daily Updates



GAC - GNSO Meeting Preparations

- Agenda:
 - EPDP Phase 2A
 - Accuracy
 - DNS Abuse
 - EPDP-IGO Curative Protections
- Talking Points/Questions submitted to GNSO and GAC Members in preparation for the session
- Topic leads to present questions/talking points for discussion



GAC-GNSO Meeting Preparations - Questions and Talking Points

EPDP Phase 2A: Regarding EPDP Phase 2A, the GAC wishes to note the many minority statements filed and the fact that at least four expressed public policy concerns that the recommendations do not strike the right balance of protecting personal information and protecting internet users' safety and security. The GAC considers that this outcome merits a deeper reflection on the current Policy Development Process with a view to ensuring that it is better able to reflect the views of different ICANN constituents and the public interest – what are the GNSO Council's views on such a reflection exercise?

Accuracy:

- Continues to be a GAC priority topic; To be handled by the GNSO Accuracy Scoping Team
- First meeting held on 5 October 2021; GAC confirmed its representation (EC and US)
- GNSO Council appointed a Chair for the Scoping Team (Michael Palage)
- The GAC believes that all four tasks assigned by the GNSO Council are equally important
- The scope of work on accuracy should not limit itself to compliance with the GDPR and should include the accuracy of all domain name registration data - ICANN71 GAC Communiqué



GAC - GNSO Meeting Preparations

DNS Abuse:

- A long-standing topic of interest to the GAC
- GAC is closely following any relevant developments
- Pending question on how to handle (PDP, CCWG, ...)
- GAC's interest in advancing community discussions, driving progress and converging views prior the launch of new gTLDs
- GNSO thoughts on potential next steps

EPDP IGO Curative Protections:

- The GAC has provided input and Advice on this topic, notably with respect to the creation of a curative mechanism which respects IGO status under international law (in particular with respect to privileges and immunities), and looks forward to a positive resolution of the current EPDP.
- At the same time, as the public comment period on the EPDP Initial Report will have closed yesterday (24-Oct), it may be appropriate to revisit this topic at a later occasion.



GAC - ALAC Meeting Preparations

- Agenda:
 - ICANN and Governments
 - DNS Abuse and Beyond
 - Reflection on Public Interest Processes
- Participant engagement from both groups
- Topical questions for discussion



GAC - Board Meeting Preparations

- Agenda:
- Discussion of Board Chair Question to the GAC
- Discussion of Finalized GAC Topics/Questions



GAC - Board Meeting Preparations - Board Chair Question

“[Please] provide input/comments on how ICANN could efficiently identify and work more closely with Governments globally, as well as educate, train and interact when it comes to geopolitical issues relating to ICANN’s mission.”

Proposed Feedback to Board:

1. ICANN should continue to constantly engage openly and constructively with the GAC and all its members and observers. [CH]
2. ICANN should maintain a constructive relationship with the GAC, showing that the GAC deliberations and output are duly considered; this will encourage governments to take part in the GAC and further ICANN community discussions.[EC]
3. Some GAC Members note that some current interaction formats with the Board can be somewhat formal. These exchanges are not very conducive to substantive and interactive dialogue. Instead, they can draw the GAC and Board into protracted discussions which, arguably, are not always helpful (e.g. on the CCT-recommendations). [CH]
4. Perhaps the need for more informal and substantive dialogue is an avenue to further explore, especially when physical meetings are again possible.[CH]
5. ICANN forms part of a wider Internet Governance landscape. Consequently, ICANN has an interest in investing time and resources into a well-functioning Internet Governance ecosystem, inter alia, into the IGF, and to maintain constructive relations with players like WIPO, ITU, etc. [CH]
6. By (continuing to) playing a constructive role in such fora, ICANN will be better placed to understand international and regional debates, the interests and needs at stake, and contribute its fair share to potential approaches to address relevant “geopolitical” issues consistent with its Mission and Bylaws.[CH]
7. ICANN should further support the active participation of all governments in the GAC, through dedicated trainings and support actions. [EC]
8. ICANN should maintain and encourage multilingual interactions in ICANN meetings [EC]

A. DNS Abuse Mitigation/Board Action on SSR2 Recommendations

1. SSR2 Recommendation 9.4
2. SSR2 Recommendation 4.2, 7.4, 9.3, and Recommendation Groups 12, 13, 14, and 15
3. SSR2 Recommendation 9.1

B. Subsequent Rounds of New gTLDs (2 Questions)



GAC - Board Meeting Preparations - GAC Topics/Questions

1. SSR2 Recommendation 9.4

Background

SSR2 recommendation 9.4 states *"ICANN org should task the compliance function with publishing regular reports that enumerate tools they are missing that would help them support ICANN org as a whole to effectively use contractual levers to address security threats in the DNS, including measures that would require changes to the contracts."*

In rejecting this recommendation, the Board stated: *"the Board cannot approve the part of the recommendation that contemplates "measures that would require changes to the contracts" as such changes cannot be undertaken by either the Board or ICANN org unilaterally. As such, the Board rejects this recommendation given that it is not consistent with the role and authority of ICANN org's Contractual Compliance team."*

Question

Is it the position of the Board that ICANN's Compliance Team cannot be asked to simply inform the community what tools they are missing from contracts to better address security threats, which - if negotiated for in future contracts - might otherwise benefit ICANN in its mission to ensure the security and stability of the DNS?

- a. **If so, can the Board please elaborate why ICANN negotiation strategy cannot be so informed?**
- b. **If not, might the Board consider clarifying its response to SSR2 9.4 to note that it does not object to ICANN Compliance making the requested reports in order better inform ICANN's future contract negotiations?**

GAC - Board Meeting Preparations - GAC Topics/Questions

2. SSR2 Recommendation 4.2, 7.4, 9.3, and Recommendation Groups 12, 13, 14, and 15

Background

For several recommendations (as listed above), the Board either:

- Requires cost-benefit analysis, preventing the Board from taking informed decisions at this point
- Directs ICANN Org to "*seek clarity from the SSR2 Implementation Shepherds*" and/or to "*evaluate*" parts or whole recommendations for action in a "*coordinated way, including through ICANN org's program dedicated to DNS security threats mitigation.*"
- Notes that the outcome of the engagement with the SSR2 Implementation Shepherds will inform the Board's decision on next steps, which may include wider community consultation

Questions

Noting the need expressed by the Board for further analysis and consultation, and to the extent that GAC members may wish to follow or contribute to specific security and/or DNS Abuse topics addressed in the report,

- a. What are the processes and means through which the Board will facilitate to enable these actions?
- b. Might the Board clarify how the GAC and the ICANN will be informed of ongoing work and developments regarding these recommendations?
- c. Might the Board clarify what opportunities will be available for the GAC to contribute to these discussions which relate to important public safety issues?
- d. Could the Board share a timeline for the engagement with the SSR2 Shepherds and eventual wider consultation of the ICANN community?

GAC - Board Meeting Preparations - GAC Topics/Questions

3. SSR2 Recommendation 9.1

Background

There seems to be discrepancy in the perception in some of the issues raised in the SSR2 report. In relation to compliance with DNS abuse contractual terms and enforcement of those (recommendation 9.1), the Board appears to consider in its reaction to the SSR2 that the recommendation is fully enforced, while the SSR2 recommendation suggests that this is not the case.

Question

How does the Board intend to reconcile these contradictory outcomes?



GAC - Board Meeting Preparations - GAC Topics/Questions

B. Subsequent Rounds of New gTLDs:

1.

Question - Do Board Members have any **further relevant** information about the ODP they have just launched they would like to share? (see <https://www.icann.org/en/announcements/details/icann-board-resolves-on-odp-for-the-subsequent-procedures-final-report-outputs-14-9-2021-en>)

2.

Question - Do Board Members have any **feedback questions** regarding the GAC **collectively agreed consensus** comments on the GNSO SubPro PDP Final Outputs that the committee delivered in June? (see <https://gac.icann.org/contentMigrated/gac-response-to-icann-board-on-new-gtld-subsequent-procedures-policy-development-process-outputs> and [https://gac.icann.org/reports/public/GAC Comment \(FINAL\) - Subpro Final Outputs for ICANN Board Consideration.pdf?language_id=1](https://gac.icann.org/reports/public/GAC%20Comment%20(FINAL)%20-%20Subpro%20Final%20Outputs%20for%20ICANN%20Board%20Consideration.pdf?language_id=1))

