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ICANN76 GAC Meeting with GNSO Council

15 March 2023

ICANN | GAC
Governmental Advisory Committee



Agenda

- 1. Introduction**
- 2. Subsequent Rounds of New gTLDs**
 - a. GNSO Guidance Process on Applicant Support
 - b. Operational Design Assessment (ODA)
 - c. GAC/GNSO facilitated dialogue on Closed Generics
- 3. DNS Abuse Mitigation**
- 4. WHOIS Disclosure System**
- 5. Accuracy of Registration Data**
- 6. IGO Protections**
- 7. Any other business**
 - a. GAC Communiqué issues of importance to the GAC and GNSO Council response
 - b. Transparency in GNSO PDP regarding the companies and organizations being represented - role and current limitations of the SOI system

2. Subsequent Rounds of New gTLDs

GNSO Guidance Process (GGP) Applicant Support

- What key indicators of success have emerged so far as part of the GNSO guidance process on applicant support?



2. Subsequent Rounds of New gTLDs

SubPro Operational Design Assessment (ODA)

- What is your current state of thinking regarding the intention of the Board to adopt some SubPro recommendations during ICANN 76, while deferring a small set of important ones to a later stage?
- The GAC has taken note with interest of the Board’s planned approach to handle the outputs from the GNSO on SubPro. We have especially taken note of the issues the Board is identifying as “pending” and subject to further dialogue with the GNSO Council.
- In this regard, we would like to draw your attention to the GAC input to the Board consultation on the final recommendations of SubPro, which was filed on June 1st 2021. This GAC input includes GAC positions regarding many of the issues now identified as pending by the Board, inter alia:
 - i. RVC/PICs
 - ii. Applicant support
 - iii. GAC Consensus Advice and GAC Early Warnings
 - iv. Community Applications
 - v. Auctions
- The GAC would welcome being included in such forthcoming dialogues.



2. Subsequent Rounds of New gTLDs

GAC/GNSO facilitated dialogue on closed generics;

- Should an agreement be reached and a PDP be considered, can GNSO processes accommodate delivering a PDP in a limited amount of time (i.e. prior to the next round of gTLD releases)? If so, given the varying viewpoints on the topic, how would GAC and ALAC be included in such a PDP in order to ensure that the communities allow them equivalent say as in the facilitated dialogue?



3. DNS Abuse Mitigation

- Can the GNSO Council share its views as to whether it considers the topic of domain name abuse mitigation to fall within the designated scope of permissible policy development efforts within ICANN's mandate under the bylaws ?
- What does the GNSO Council think would be required to set the stage for a successful delivery of effective policy recommendations that address the harms caused by DNS Abuse?



4. WHOIS Disclosure System

- In the Kuala Lumpur Communiqué, the GAC noted the proposed WHOIS Disclosure System is a useful first step which would facilitate the collection of useful data, to possibly shed light on usage rates, timelines for response, and percentages of requests granted or denied.
- Given the importance of gathering such data to inform building a more comprehensive system, how can participation of all registrars be achieved ?
- Should policy development be considered, can GNSO processes accommodate a truly expedited very narrowly focused policy development process ? If that is the case what would such expedited delivery of policy recommendation require to be successful?



5. Accuracy of Registration Data

Background:

- In the Kuala Lumpur Communiqué, the GAC *“having actively contributed to the work of the Registration Data Accuracy Scoping Team,”* reiterated *“the importance of addressing efficiently and in a timely manner the issue of accuracy and reliability of domain name registration data”*. The GAC also took *“good note of the recommendations of the Interim Report on Assignments #1 and #2 and encourages the Scoping Team to continue its work while ICANN awaits feedback from the relevant data protection authorities regarding its legal basis for processing data for the purposes of measuring accuracy”*
- The GAC is aware of the GNSO Council resolution of 17 november 2022 which paused the work of the Registration Data Accuracy Scoping Team, possibly for up to six months, and stated: *“As part of its review of the formation and instructions to the Scoping Team, the Council will consider next steps for finding new leadership for this effort”*

Question:

- What is the status of the search for a new Chair of the Registration Data Accuracy Scoping Team ?

6. IGO Protections

- The Board recently received a Staff summary of public comments on the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs) which stated that “[w]hile some commentators expressed support...a few commentators [notably the BC/ICA] noted specific concerns, including with the potential consequence for registrants should IGOs [not be required to] submit to a [court] jurisdiction.” For purposes of any dialogue with the Board, is the Council aware that:
 - a) that the Recommendations specifically state that a complaint “must also include a notice informing the respondent...of its right to challenge a UDRP [or URS] decision...by filing a claim in court”?
 - b) the BC/ICA participated in the EPDP and the Recommendations received a Full Consensus designation?
- Noting that there was Full Consensus for each of the 5 Recommendations of the EPDP on Specific Curative Rights Protections for International Governmental Organizations (IGOs), and assuming a Board vote to move ahead, how can the GAC support timely implementation of these Recommendations?

7. Any Other Business

- **GAC Communiqué issues of importance to the GAC and GNSO Council response**
 - The GAC would welcome an even more interactive exchange with the GNSO Council. Hence, any additional reactions from GNSO to the GAC Communiqué beyond the “advice section” would be welcome. Such reactions can be in writing but also may take the form of an intersessional dialogue if the matter warrants it.
- **Transparency in GNSO PDP regarding the companies and organizations being represented**
 - role and current limitations of the SOI system