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ICANN79 - GAC Joint Meeting with the ICANN Board

Tuesday, 5 March 2024

Board - GAC Preliminary Meeting Agenda

Meeting scheduled for Tuesday 5 March at 19:00 UTC
(15:00 local San Juan time)

1. Introductions
2. Review of GAC Topics/Questions (shared in advance of meeting)
3. AOB
4. Closing

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GAC - Board Meeting - GAC Topics - Overview

1. GNSO Statements of Interest
2. Urgent Requests for Registration Data
3. Next Round of New gTLDs
   a. Applications for top level names that are culturally sensitive to countries/governments
   b. Applicant Support Program
   c. Costs and Benefits of a Next Round of the New gTLD Program
4. Name Collision Analysis Project Study

5. *Additional Topics: GAC Issues of Importance* - remaining from the BGIG call on 20 February 2024 (time permitting)
   a. DNS Abuse (discussion of Board's response to GAC ICANN78 Issue of Importance)
   b. Emergency Assistance Program for Continued Internet Access (discussion of Board's response to GAC ICANN78 Issue of Importance)

Topic 1. GNSO Statements of Interest

Q1. In view of recent concerns that the GAC has expressed to the Board regarding GNSO operating procedures that permit participants to refrain from disclosing the individuals or entities that they represent at ICANN, the GAC asks the Board to consider what actions may be taken to ensure that all of ICANN's constituent bodies, including the GNSO, are expected to require such disclosures in policy development and operational activities.

Topic 2. Urgent Requests for Registration Data

Q2. The GAC welcomes the Board's views on expected next steps for reaching an appropriate timeline for responses to urgent requests under the new Consensus Policy.

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Topic 3. Next Round of New gTLDs

a.   Applications for top level names that are culturally sensitive to countries/governments

Q3. How does ICANN plan to handle applications for new gTLDs in the next round with regard to the protection of terms with national, cultural, geographic and religious significance? Consistent with the GAC Principles Regarding New gTLDs (March 2007), particularly principle 2.1 b), will there be any specific measures in place (beyond those recommended in the Final Report on the new gTLD Subsequent Procedures Policy Development Process) to ensure these gTLDs do not infringe upon the sovereignty and cultural identity of the countries with which they are associated?

b.   Applicant Support Program

Q4. How will the Board ensure that the Applicant Support Program is sufficiently funded and resourced so that it is globally inclusive and representative, ensuring that underserved regions are prioritized as part of the program?

Topic 3. Next Round of New gTLDs

c. Cost and Benefits of a Next Round of the New gTLD Program

Q5. GAC Members have reviewed the "*Overview of Analyses Related to Costs and Benefits of a Next Round of the New gTLD Program*" produced by ICANN and included in the ICANN Board Scorecard for the GAC ICANN78 Communiqué (21 January) for which the GAC thanks the Board. Upon review, however, the GAC notes that the materials and content do not appear to satisfy the GAC's request for an objective and independent analysis of the costs and benefits of a new gTLD Next Round. Such an analysis should, in the GAC's view, include an attempt to quantify all significant advantages and disadvantages from a global perspective.

As presented, the "overview" report seems to be an assessment of individual matters (e.g. an assessment of competition and consumer choice issues) and some considerations about DNS abuse. No quantification of advantages/disadvantages appear to have been sought, nor a listing of them. Moreover, all inputs to the present document have been prepared by ICANN stakeholders or the ICANN org itself, all of whom in one way or another have a stake in the previous gTLD round or the next round of gTLDs and therefore cannot be considered as either objective or independent.

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Topic 4. Name Collision Analysis Project Study

Q6: In light of this public consultation, and following past GAC advice on this issue; we would like to know if the Board would support the adoption of a Framework in which, ahead of a Next Round, the issue can be dealt with?

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5. Additional Topics (GAC Issues of Importance) remaining from the BGIG call on 20 February 2024

    a.   DNS Abuse (discussion of Board's response to GAC ICANN78 Issue of Importance)

    b.   Emergency Assistance Program for Continued Internet Access (discussion of Board's response to GAC ICANN78 Issue of Importance)

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5.a. DNS Abuse

GAC Issue of Importance Text	ICANN Board Comment
During ICANN78, the GAC welcomed updates on advancements in DNS Abuse measurement, examples of DNS Abuse mitigation solutions, and an update from the ccNSO DNS Abuse Standing Committee. The GAC urges the Contracted Parties to adopt the DNS Abuse amendments so that baseline obligations for gTLD registries and registrars regarding DNS Abuse are established in ICANN's contracts. The GAC also urges ICANN org to provide the community with the ability to monitor the implementation of the amendments. At the same time, the GAC notes with disappointment that suggestions made in its submission to the public consultation on the contract amendments were not reflected in the final amendments or Advisory. The GAC underlines the importance of taking GAC input into account in future work. In particular, the GAC reiterates the importance of considering proactive monitoring and transparency of reporting. The GAC also recalls the practical need to recognize the inevitable evolution of DNS Abuse, including how it is defined in the amendments, as well as abuse report handling, tackling systemic abuse and additional reporting and data collection requirements. Once the amendments are adopted, the GAC intends to engage with the community in discussions on policy efforts around the above mentioned topics as well as other key themes linked to effective implementation of the amendments, such as clarification of key terms from the amendments (i.e., "reasonable", "actionable", "prompt"), and further actions to mitigate DNS Abuse, such as capacity building efforts. Finally, the GAC recognizes that the accuracy of domain name registration data as it pertains to DNS Abuse remains an ongoing topic of great interest to be pursued.	• The Board appreciates the feedback the Governmental Advisory Committee (GAC) provided through its comments to the Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations (Amendments). These comments, generally supportive of the Amendments and the accompanying Advisory, were thoroughly reviewed and considered by ICANN. • The GAC's comments expressed concerns that there were not clear consequences for failure to comply with the proposed new requirements. • The Board would like to point out that the new requirements which will take effect on 5 April 20224, will not constitute a stand-alone document; rather, they will be incorporated into the Registrar Accreditation Agreement (RAA) and the Registry Agreement (RA). As explained in the Public Comments Summary Report (report), both the RAA and the RA expressly include the specific consequences for non-compliance with *any* of the requirements in those agreements. The report listed these consequences along with the section of the RAA and RA that corresponds to each consequence. Therefore, noncompliance with the new requirements will trigger the same consequences that are currently applied to noncompliance with any existing requirements and that includes the suspension, termination, or non-renewal of the contracted party's agreement with ICANN. ICANN Contractual Compliance has an established and published process through which ICANN enforces *all* requirements in the RAA, the RA, and Consensus Policies, and applies such consequences. In addition, the Board would like to point out that, in response to the GAC's comments, the report also indicated the possibility to include in the Advisory a link to the relevant provisions in the RAA and RA that contain such consequences as well as to ICANN Contractual Compliance's established process for added clarity. • The Board agrees that subsequent work in the DNS Abuse realm could include multiple areas of discussion for the community. This could include consideration of enhanced reporting requirements and data collection, defining "systemic abuse", and identifying mechanisms to address systemic abuse, which may be appropriate to address through a potential PDP. The Board also recognizes that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, and that it has been a longstanding topic of discussion within the community. The Board would like to reiterate that the Amendments were narrowly targeted to allow for a quicker enhancement of the existing requirements by requiring reasonable action to specifically stop or disrupt DNS Abuse. • With respect to ICANN's enforcement of the new requirements, which were approved by the Board on 21 January 2024 and will take effect on 5 April 2024,, the Board would like to point out that ICANN Contractual Compliance has a dedicated page for Contractual Compliance reporting on the enforcement of obligations, including abuse-related requirements. ICANN Contractual Compliance will collect metrics and data with respect to the enforcement of the new obligations, enhance its reporting page and regularly publish such data and metrics.

5. b.   Emergency Assistance Program for Continued Internet Access

GAC Issue of Importance Text	ICANN Board Comment
While the GAC acknowledges the information previously shared by the Board, the GAC reiterates its interest in having further details on criteria, dates and updates related to the Emergency Assistance Program for Continued Internet Access.	- The Board appreciates the GAC's continued interest in the ICANN Emergency Assistance Program for Continued Internet Access. - Last year, ICANN org solicited Expressions of Interest from eligible organizations focused on supporting Internet access and recovery for local populations during natural disasters and man-made emergencies. - ICANN has signed master service agreements with two qualifying organizations that stand ready to support Internet accessibility when operators or other relevant actors might otherwise not have the resources to do so: - NetHope is a consortium of leading global nonprofits working across geographies and missions to solve some of the world's greatest development, humanitarian, and conservation challenges. - Télécoms Sans Frontières (TSF), founded in 1998, is the world's first nongovernmental organization focusing on emergency response technologies. - ICANN org is currently engaged in negotiations with another third party, and if an agreement is reached, an official announcement will follow. - Criteria for participating organizations include: - Being classified either as a not-for-profit, 501(c)(3) or equivalent for non-US organizations, or an Intergovernmental Organization; - Organization must have a demonstrated ability to use contributions in a method that is consistent with ICANN's mission, and; - Demonstrated experience implementing successful projects to provide Internet accessibility in emergencies in multiple regions around the globe. - Additional details about the selection criteria are available on the program page. - Moving forward, ICANN org could (1) proactively seek out and/or (2) consider project proposals from the qualifying organizations, as and when emergencies arise where ICANN could provide support. ICANN org will determine if ICANN's contribution to the proposed relief project is appropriate in the specific instance. - We are proud of this opportunity to support people around the world where access to the Internet is jeopardized by unexpected events. The latest information and updates can be found on the program's dedicated page.

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Thank you!

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