Board-GAC Interaction Group (BGIG) Call
20 February 2024 - 1500 UTC

Summary Notes

In the spirit of issue spotting and candid information exchange, these high-level staff summary notes are intended to reflect the general nature of the discussion during the BGIG meeting. Certain specific aspects of the meeting discussions are provided to enable understanding of the flow and context of the discussions.

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Meeting Agenda

- Welcome Remarks - Tripti Sinha
- Opening Remarks - Nicolas Caballero and Becky Burr
- Board scorecard response to GAC ICANN78 Communiqué Advice on Closed Generics
- Discussion of the ICANN78 GAC Communiqué Issues of Importance
- AOB
- Closing Remarks

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I. Opening Remarks

Tripti Sinha, ICANN Board Chair, welcomed members on the call, noting the importance of the discussion taking place between the Board and the GAC on issues of importance flagged at ICANN78. Tripti Sinha flagged that the ICANN78 GAC Communiqué includes ten items flagged as issues of importance which will be discussed during this meeting.

Nicolas Caballero, GAC Chair, thanked Tripti Sinha and the Board for the upcoming discussion, noting that due to the lengthy agenda it may be difficult to address all items.

Becky Burr, ICANN Board, thanked GAC members and agreed with the GAC Chair that the agenda for this meeting is lengthier than usual, and proposed to dive into the discussion immediately.

II. Discussion of the ICANN78 GAC Communiqué

1. *Board scorecard response to GAC ICANN78 Communiqué Advice on Closed Generics*

Becky Burr, ICANN Board, noted that the Board has considered the GAC Advice on closed generics and has determined that closed generic gTLD applications will not be permitted until such time as there is an approved methodology and criteria to evaluate whether or not a proposed closed domain is in the public interest.

Jorge Cancio, GAC Switzerland, thanked the Board for its consideration of the GAC's advice. An approved methodology and criteria, per Jorge Cancio, should be based on agreed upon policy developed by the ICANN community, and should be based on future community work following steps of the GAC/GNSO/ALAC facilitated dialogue on closed generics.

Becky Burr, ICANN Board, responded that no approved methodology or criteria could be developed or approved by the Board without input from the community - including the GAC - and reaffirmed that policy development on this matter will continue to be bottom up as part of the Multistakeholder Model that ICANN adheres to.

2. *Board dialogue on Issues of Importance to the GAC*

High Level Government Meeting (HLGM)

Becky Burr, ICANN Board, noted the Board's appreciation for the GAC's coordination with the Government of Rwanda to host the next HLGM in Kigali. Becky Burr noted that the Board recognizes the significance of this meeting, particularly as it precedes the ICANN80 Policy Forum, and the Board's commitment to engage in discussions that contribute to the success of both events. Becky Burr further noted that the Board also acknowledges the importance of finalizing the agenda for the HLGM, and looks forward to participating in constructive dialogues during the meeting. The Board is inviting all stakeholders, not only the GAC members, to reach out to their governments, and make sure they are aware of the HLGM and that they have received an invitation to participate.

Charles Gahungu, GAC Rwanda, expressed appreciation for the collaboration between the GAC, government officials and the Board in the planning of the upcoming HLGM and encouraged members to continue to facilitate registration and preparations for the meeting.

Future Rounds of New gTLDs - Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets in New gTLDs

Becky Burr, ICANN Board, noted the Board's recognition of the GAC's focus on the matter of auctions of last resort having received GAC advice on this topic and included this topic as an issue of importance. Becky Burr noted that auctions of last resort remain a high priority for the Board and the Board shares the GAC's concerns about the potential for gaming. As such, work is underway and the Board also looks forward to continuing the discussion once relevant expert information has been gathered and there is a Board understanding of what options could be available with regard to resolving contention sets.

Transparency and GNSO Statements of Interest (SOI)

Becky Burr, ICANN Board, expressed the Board's understanding that transparency is a fundamental and key commitment noted in the ICANN Bylaws and remains a critical issue for the Board. The Board urged all entities, as they continue to consider what ethical, accountable participation means within the ICANN processes, to continue to consider issues of transparency. The Board appreciates the GAC's interest in this issue and is interested in any further outcomes from the GAC's continued engagement on this issue.

The GAC Chair noted that the nuance included in the Board scorecard reflecting a "perceived" lack of transparency is not a perception but a real issue for the GAC, as expressed by GAC members in the recent GAC communiqués where strong concerns were voiced.

Becky Burr, ICANN Board, clarified that the language in the Board scorecard describes the process conducted by the GNSO, rather than the Board's views on this topic. Becky Burr further noted that the transparency issue is evident to the Board and the Board will continue to highlight the importance of transparency - including the ability to know whose interests participants are representing in any discussion as this is fundamental to ICANN discussions.

The GAC Chair reiterated the importance of this topic and the need to address this carefully since this item could potentially put the legitimacy of ICANN's multistakeholder model at risk, or in a difficult position.

Jorge Cancio, GAC Switzerland, noted that this topic is not confined to being a GNSO process only, since it impacts anyone participating in the Policy Development Process. As such, Jorge Cancio noted the importance of holding the highest level of standard applicable to everyone

since perception in issues of transparency can be an issue in itself. The aim is to avoid the perception that any process could be less transparent than they should be.

Future Rounds of New gTLDs - Latin Script Diacritics in New Generic Top Level Domains

Becky Burr, ICANN Board, noted the Board's understanding of the value to the community to have Latin script IDN top-level domains and their corresponding ASCII version (without diacritics), operated by the same entity. The Board is supportive of the community in developing a long-term solution through policy development processes for such strings that are found confusingly similar by the string similarity panel, but otherwise are perceived as equivalent to their intended language communities and applied-for by the same registry operator or applicant. Becky Burr further noted the Board's appreciation for the GAC's support for a multilingual Internet and the GAC's continued engagement on this issue to develop a long-term solution.

Future Rounds of New gTLDs - GAC Consensus Advice and Early Warnings on New gTLD Applications

Becky Burr, ICANN Board, expressed the Board's understanding of concerns raised by GAC members pertaining to the timeline for the Board's acceptance of the GNSO recommendation 30.4 on GAC Consensus Advice and Early Warnings to remove the "strong presumption" language from the future Applicant Guidebook (per the SubPro PDP WG Final Report). Becky Burr recalled language included in the Board scorecard from September, which noted that "Bylaws Section 12.2 (a) details all relevant procedures concerning GAC Consensus Advice and that this Bylaws Section, not language in a future Applicant Guidebook, determines how the Board engages with GAC Consensus Advice - regardless of whether it is issued with regard to the Next Round or any other issue." As such, the Board decision to adopt the recommendation was made with the understanding that the Bylaws set forth the requirements for the Board's consideration of GAC advice and cannot be overridden by language in the Applicant Guidebook. Becky Burr noted that the Board does not believe this decision diminishes the GAC's authority in any respect, but on the contrary is in the interest of preserving the GAC's authority and avoiding future disputes.

Kavouss Arasteh, GAC Iran, expressed agreement with the Board's explanation, noting that the language included in the Applicant Guidebook is intended to serve as a guide, and cannot override the ICANN Bylaws. Iran recognized this issue was a sensitive topic for the GAC, but noted his understanding that the Board will apply the ICANN Bylaws.

Future Rounds of New gTLDs - new gTLD Applicant Support Program

Becky Burr, ICANN Board, noted the Board's appreciation for the GAC's continued interest and participation in various applicant support processes, which remain a high priority for the Board. The Board understands that the GNSO Small Team+ and ICANN org plan to meet to exchange ideas under exploration for following the intent of Recommendation 17.2. The Board understands that one of the ideas under exploration in the community is the ALAC proposal for an ASP incubator, and it looks forward to hearing the outcomes of the org's exchange with the GNSO Small Team on this and other ideas. An overview of the communications plan was included in the implementation plan. Phase 1 launched in March 2023. This phase focused on creating awareness of Universal Acceptance and Internationalized Domain names to lay the foundation for the next round campaign (Phase 2), which will launch 18 months in advance of the planned opening of the application window. ICANN org will provide periodic updates as warranted.

Rosalind Kennybirch, GAC UK, thanked the Board for its continued engagement with the applicant support program, including working to link this program to wider initiatives undertaken on universal acceptance and IDNs.

Registration Data Request Service (RDRS)

Becky Burr noted the Board's appreciation for the GAC's encouragement to its members to inform their respective relevant communities of the RDRS launch. The Board agrees with the GAC that the widespread use of the RDRS from both registrars and requestors will help the service meet its intended purpose of gathering sufficient data to inform the ICANN Board's consideration of the policy recommendations related to the System for Standardized Access/Disclosure (SSAD). Becky Burr further noted that the Board has begun seeing numbers, having two reports on RDRS. Additionally, the GNSO Council converted its Small Team to a permanent/standing process on RDRS which signals that there is ongoing work. While it is intended to be a program of limited duration to develop information, the Board sees no reason to halt reasonable and beneficial iteration and process improvement. Becky Burr agreed with the GAC's determination of the issues raised by the prevalence of privacy and proxy registrations and noted that the Board would like to identify ways to mitigate this risk. The Board shares concerns expressed by the GAC and view this as an iterative process, looking forward to identifying voluntary solutions that provide a more satisfactory experience.

Urgent Requests for Disclosure of Registration Data

Becky Burr, ICANN Board, noted the Board's understanding of the sensitivities around emergency situations, and recognizes the difficulty of creating a single rule that is appropriate for each such case. Per the GAC's request, the Board has reviewed the policy requirement concerning the timeline to respond to Urgent Requests for disclosure of domain name registration data and has discussed it in several sessions. Becky Burr noted that in the ordinary course where law enforcement has a relationship with registrars, an "urgent request" system like the one proposed is unlikely to be used since it would be replaced by a telephone call from one party to another. Where there is no established relationship between a registrar and an LEA, the response timeline would be impacted by the registrar's obligation to ensure that they know who is seeking the requested data. She noted that this obligation is sometimes spelled out in applicable law but is always an important aspect of fair information processing principles. In such cases, the need to authenticate and verify the identity of the requester becomes a timeline impediment that needs to be addressed. Becky Burr flagged that the GAC communique noted some work around accreditation issues related to this topic, and asked the GAC to clarify its intentions and expectations during their bilateral in San Juan.

Gemma Carolillo, European Commission, conveyed thanks to the Board for the explanation and response to the GAC's issue of importance. Gemma Carolillo expressed encouragement in understanding the registration data policy is being adopted and announced the following day, independent from the topic of "urgent requests", while voicing a concern on the timeline for addressing the topic of "urgent requests'' since the work on the Implementation Review Team on this matter was halted in August 2023. Gemma Carolillo noted that resolution of the urgent request policy was not dependent on solving overall issues of accreditation which may be specific to some jurisdictions.

Becky Burr, ICANN Board, responding in her personal capacity, noted that in her view, resolution of the authentication issue is a necessary prerequisite to a satisfactory resolution of the urgent request problem. Becky Burr further noted that the Board agrees this is a critical issue and work needs to begin to resolve this issue, but that this may be directly tied to addressing the verification issues.

DNS Abuse

This topic is flagged for discussion at ICANN79 due to limited time on the call.

Emergency Assistance Program for Continued Internet Access

This topic is flagged for discussion at ICANN79 due to limited time on the call.

IV. Adjourn

Nicolas Caballero, GAC Chair, and Becky Burr, ICANN Board, agreed to address the two pending issues (DNS Abuse and Emergency Assistance Program for Continued Internet Access) during their regularly scheduled bilateral meeting at ICANN79 in San Juan.

Tripti Sinha, ICANN Board Chair, thanked GAC members on behalf of the Board for this dialogue and adjourned the meeting.

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Attendees:

GAC
Nicolas Caballero, GAC Chair
Francis Cubahiro, Burundi
Rida Tahir, Canada
Lang Wang, China
Thiago Dal-Toe, Colombia
Manal Ismail, Egypt
Christine Arida, Egypt
Gemma Carollillo, European Commission
Martina Barbero, European Commission
Jonas Roule, France
Mzia Gogilashvili, Georgia
Kavouss Arasteh, Iran
Zeina Bou Harb, Lebanon
Mohamad Afiq, Malaysia
Alisa Heaver, Netherlands
Ana Neves, Portugal
Charles Gahungu, Rwanda
Ana Maldonado, Spain
Ola Bergström, Sweden

Jorge Cancio, Switzerland
Cheng-Nan Chiang, Chinese Taipei
Ken-Ying Tseng, Chinese Taipei
Nigel Hickson, UK
Rosalind KennyBirch, UK
Owen Fletcher, USA
Laureen Kapin, PSWG Co-Chair
Brian Beckham, WIPO

ICANN Board
Tripti Sinha
Alan Barrett
Becky Burr
Chris Buckridge
Edmon Chung
Katrina Sataki
Maarten Botterman
Patricio Poblete
Sarah Deutsch
Wes Hardaker

ICANN Org
David Olive
Andrew Chen
Becky McGilley
Daniel Halloran
Eleeza Agopian
Erika Randall
Jared Erwin
Karen Lentz
Laurent Ferrali
Marika Konings
Sally Newell Cohen
Sean Freeark
Theresa Swinehart
Wendy Profit

ICANN GAC Support Staff

Robert Hoggarth

Fabien Betremieux

Benedetta Rossi

Gülten Tepe Öksüzoǧlu