

# NOTES OF GAC-BOARD POST-COMMUNIQUE CLARIFYING CALL 28 NOVEMBER 2108

## Present

**GAC:** Manal Ismail, GAC Chair, Thiago Jardim (GAC Vice Chair, Brazil), Ashley Heineman (United States), Luisa Paez (Canada), Taylor Bentley (Canada), Charlotte Simões (Portugal), Deolindo Costa (São Tomé and Príncipe), Finn Petersen (Denmark), Georgios Tselentis (European Commission), Holger Sperlich (Germany), Jorge Canção (Switzerland), Karel Douglas (Trinidad and Tobago), Kavouss Arasteh (Iran), Nadir Ahmed (Sudan), Paul Blaker (United Kingdom), Brian Beckham (WIPO)

**Board:** Cherine Chalaby (Chair), Avri Doria, Becky Burr, Leon Sanchez, Maarten Botterman, Chris Disspain, Ron da Silva, Danko Jevtovic, Harald Alvestrand, Lito Ibarra, Nigel Roberts, Sarah Deutsch, Tripti Sinha

**ICANN Org:** Göran Marby, John Jeffrey, David Olive , Cyrus Namazi, Christine Willett, Theresa Swinehart, Erika Randall, Laurent Ferrali, Jared Irwin, Vinciane Koenigsfeld, Wendy Profit, Michelle Bright, Lisa Saulino, Christopher Beare, Tarik Kamel

**GAC Support:** Robert Hoggarth, Fabien Betremieux, Gulden Tepe, Tom Dale

**Apologies:** Olga Cavalli (Argentina), Souroumpo Kammiri (Niger)

## Agenda

The call was structured around “Board Clarifying Questions and Updates”, circulated to the GAC on 27 November 2018. These are in italics below.

### **2-CHARACTER CODES AT THE SECOND LEVEL**

*In addition to responding to the three questions regarding two-characters at the second level, does the GAC also expect the ICANN Board to respond to the questions in the GAC memo from ICANN 63 entitled “Agenda Item 6: Concerns regarding the release of 2-character country codes at the second level under gTLDs”?*

### Discussion

The GAC Chair and several members indicated that while the GAC does expect a response from the Board to the concerns cited in the memorandum, it did not necessarily expect a separate reply – believing that responding to the

GAC advice in the Barcelona Communiqué would hopefully mandate going through the points raised in the memorandum. It was noted that the memorandum was prepared by one GAC member and supported by several members, but does not represent a consensus GAC position.

The ICANN CEO clarified that the ICANN org was developing a direct response to the memorandum and that was likely to be produced after the first of the year. Board members clarified that the Board would be responding to the GAC Communiqué advice pursuant to the established process for that dialogue and that a response to the GAC advice would not be possible before the Board Workshop to be held on 25-27 January 2019.

One GAC member stressed that the Board should pay particular attention to the need for ICANN Org to engage directly with governments on this matter.

## **IGO PROTECTIONS**

*In light of the fact that the GNSO has decided to not vote on the final report for the PDP on IGO-INGO Access to Curative Rights Protection Mechanisms, the Board is awaiting a GNSO Council decision on the way forward for the PDP. The Board stands ready to facilitate a substantive, solutions-oriented discussion, when invited to do so by the GNSO and the GAC.*

### Discussion

Board members stated that the GNSO Council understands and will consider the GAC's request for a facilitated discussion. GAC members noted that a response is awaited to the letter of 21 October 2018 from the GAC Chair to the GNSO Council Chair on this matter.

## **FOLLOW-UP TO GAC-ALAC JOINT STATEMENT ON ENABLING INCLUSIVE, INFORMED & MEANINGFUL PARTICIPATION AT ICANN**

*In view of the financial and staff resources that will be needed in order to provide the level and extent of services as were offered for the IANA stewardship transition process, can the GAC clarify what it means by requesting these services for "all other relevant issues"?*

### Discussion

GAC members indicated that greater support in terms of executive summaries and plain English explanations is being sought for all services that are typically subject to a public comment process, for example PDPs. In terms of what the GAC means by "all other relevant issues", GAC members clarified that this refers

to other important documents or background material needed to fully understand the topic under discussion. It was noted that the major costs of the IANA stewardship transition were legal advice, which is not relevant to this advice.

It was agreed that this issue will be followed up through a written GAC-Board exchange.

## **DOT.AMAZON**

Recent developments on the dot.Amazon issue were noted by some GAC members, but the issue was not substantively discussed.