**GAC/Board Clarification Call - 11 April 2018**

Summary Notes

**Reference documentation:**

* [ICANN61 San Juan GAC Communiqué](https://gac.icann.org/contentMigrated/icann61-gac-communique)
* [ICANN Board Advice Scorecard and Clarifying Questions - Draft version 2.0](https://gac.icann.org/file-asset/private/gac-icann61-san%20juan-communique-board-cqs-3.docx) (Private to GAC Members)

**Summary**

1. **Review of Scorecard and Clarifying Questions: IGO Reserved Acronyms**

The GAC and ICANN Board agree to proceed to clarifying the advice in writing, through an exchange of letter.

The GAC Chair shared a sense of confusion in the Board’s questions, in particular a possible conflation of adding and deleting from the list of IGOs for the sake of completion and accuracy, and releasing of domain names reflecting IGOs identifiers. Upcoming written exchanges on this matter are expected to clarify the matter.

1. **Review of Follow-up of Previous Advice Items: Applications for dot Amazon and related strings**

The GAC and ICANN Board had no further question or comment on this matter.

1. **Review of Follow-up of Previous Advice Items: 2-Character Country/Territory Codes at the 2nd Level**

Iran raised a number of concerns with the 2-character process, including a lack of engagement with concerned governments as well as unresolved substantive issues.

In response, the ICANN Board indicated that while the call was not aimed at resolving any substantive issues, GAC input was clear and did not need further clarification.

1. **Any other business: .persiangulf**

Consistent with the 15 March 2018 Board [resolution](https://www.icann.org/resources/board-material/resolutions-2018-03-15-en#2.b) on Further Consideration of the Gulf Cooperation Council Independent Review Process Final Declarations, the ICANN Board requested the GAC’s assistance in identifying countries that expressed concerns with the .persiangulf New gTLD Application in order to initiate a direct consultation process with concerned countries.

The GAC and ICANN Board agreed to collaborate via email on this matter, as appropriate, with the help of GAC Support Staff and Board Operations.

1. **Discussion of process for Board consideration of GAC Advice related to Whois Compliance with GDPR**

The ICANN Board and ICANN Organization discussed the uncertain nature of outcomes as it awaits for guidance from the Article 29 Working Party (Art. 29 WP) in relation to the proposed Interim Compliance Model. Three areas will be specifically assessed by ICANN when the guidance is available:

* Consistency between GAC Advice and Art. 29 WP guidance
* Ability to act upon DPA guidance
* Response to ICANN’s [request](https://www.icann.org/news/announcement-2018-03-28-en) for a moratorium on enforcement of the GDPR to allow more time for implementation of an appropriate compliance model

Regarding possible conflicts between GAC Advice and Art. 29 WP guidance, the GAC Chair highlighted the necessity to expedite the Bylaws-mandated consultation process before the entry into force of the GDPR on 25 May 2018 (should the ICANN Board decide to reject part of the GAC Advice). More specifically, United States suggested that such consultation be conducted remotely (and not face-to-face), in the interest of time.

Discussion of process and timeline of ICANN Board’s consideration of GAC Advice identified a number of steps required[[1]](#footnote-1) before the Board can decide on whether to adopt or reject GAC Advice:

* Considering ICANN Org advice,
* Conducting due diligence on advice received,
* Reaching out to other parts of the ICANN Community.

ICANN’s General Counsel stressed that the triggering of a consultation between ICANN Board and GAC is not time-bound. It is required prior to the ICANN Board taking action that is inconsistent with GAC Advice. Considering the GDPR enforcement timeline, the General Counsel indicated that this would have to occur prior to the ICANN Board approving a “temporary specification”, between now and 24 May 2018.

Reflecting on the uncertainty of Art. 29 WP feedback, the ICANN CEO indicated a potential need to “go back to the drawing board” or follow-up with clarifying questions. He also shared concerns with a potential fragmentation of Whois should Art. 29 WP not provide a moratorium on enforcement.

The GAC and ICANN Board anticipate meeting again, possibly in a conference call format, prior to the ICANN62 meeting in Panama. In the meantime, the GAC is looking forward to a substantive discussion of the matter with the ICANN Org, once Art. 29 WP guidance is available.

**Participants**

GAC - Canada, China, Egypt, India, Iran, Niue, Portugal, Switzerland, Trinidad and Tobago, Tunisia, United Kingdom, Uganda, USA, European Commission, INTERPOL, OECD

BOARD - Akinori Maemura, Avri Doria, Becky Burr, Cherine Chalaby, Chris Disspain, George Sadowsky, Göran Marby, Jonne Soininen, Kaveh Ranjbar, Leon Sanchez, Lito Ibarra, Lousewies van der Laan, Maarten Botterman, Ram Mohan, Ron da Silva

ICANN STAFF - Akram Atallah, Christine Willett, Christopher Bar, David Olive, Erika Randall, Jamie Hedlund, Jared Erwin, John Jeffrey, Lisa Saulino, Nigel Hickson, Susanna Bennett, Tarek Kamel, Theresa Swinehart, Wendy Profit

ICANN GAC SUPPORT STAFF - Fabien Betremieux, Julia Charvolen, Gulten Tepe

1. Board Members indicated, in response to questions by Iran, that these steps were not derived from the ICANN Bylaws but from conclusions of past Independent Review Processes (IRPs). [↑](#footnote-ref-1)