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ICANN70 | Virtual Community Forum – GAC ICANN70 Communique Drafting (2 of 5)  
Wednesday, March 24, 2021 – 14:30 to 16:00 EST

MANAL ISMAIL, GAC CHAIR: Welcome back, everyone, we are continuing with our communique drafting. And I see Fabien's hand up.

FABIEN BETREMIEUX: Yes, Manal, we have made who edits during the break that were requested. One from the US, a paragraph we have already read, to scroll back up.

GULTEN TEPE: Fabien, so sorry, could you please speak closer to the mic -- okay, much better.

FABIEN BETREMIEUX: Thank you for reminding me. We made two edits, one suggested by Jorge to the predictable paragraph and was suggested by the US before the break on the early warning, GAC advice paragraph. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien, so I assume this is the text in green, so on predictability, we added the sentence, furthermore, GAC members note the importance of the opportunity for equitable and equal participation

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on the SPIRT by all interested ICANN communities, and this is already taken from text that we shared before with the Board. And if we can scroll to the following edition, please. The sentence reads: However, others now consider that such language is not supported by the bylaws and -- supported bylaws and believe any further AGB should be consistent with the bylaws.

So I think there is no change in the meaning or editorial enhancements to the sentence. Any comments to any of the modified sentences? If not, then let's -- I think we were to start on community based applications, right? Yeah. So relative to community based applications, some GAC members expressed support for GAC alignment to the at-large positions in the ALAC minority statement especially relating to community priority evaluations.

Any comments on this paragraph, one sentence [indiscernible] clear I think? And Kavouss, assuming this is an old hand, it was there throughout the break, so just moving on to the following paragraph: Finally on auctions and mechanisms of last resort, some GAC members supported the at large minority statement on this vent incentivizing auctions of last resort and the use of bona fide intent affirmation should supplement applications not only those who fall into contention sets. Any objections? Okay.

Then GAC members discussed potential next steps for the GAC to consider, including review of advice envisaged by at large for ICANN 70

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which could provide a basis for GAC consensus comment in the forthcoming public comment proceeding, second, a potential inter-sessional statement from the GAC to the ICANN Board jointly or separately with the ALAC, and third, potential GAC consensus advice to the Board before the ICANN Board votes on the SubPro PDP Working Group final report.

Any comments? Okay. If not, then have we received any of the text we are expecting? I see Olivier's hand up.

EUROPEAN COMMISSION: (No audio) sorry, was double muted. Olivier Bringer. In the meeting with the Board yesterday we had an interest exchange on the CCT recommendations and the different steps that need to be taken into account before the new round of gTLDs, and there was this proposal that the different actions would be tracked so that we can -- not only us in the GAC but everyone knows in the community what are these different actions and where they stand. So I was wondering if we could not refer to it, to this tracking tool or tracking table. Maybe it's said elsewhere? Okay. Now, I see -- okay.

MANAL ISMAIL, GAC CHAIR: Yes, so Fabien, please, go ahead.

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FABIEN BETREMIEUX: We just scrolled down to the text that was proposed, I believe by the UK, in relation to the topic of [indiscernible] review, currently in the advice section, and we felt it would be relevant to your discussion, Olivier.

MANAL ISMAIL, GAC CHAIR: Thank you for flagging, Fabien, it looks like it's coming, is it okay, Olivier.

EUROPEAN COMMISSION: It's okay, if it's discussed in this section, okay.

MANAL ISMAIL, GAC CHAIR: Okay. And if there is nothing else to be discussed, maybe we can move to the consensus advice to ICANN Board on subsequent rounds. I assume we haven't received the text yet. So if we can control to CCT review and subsequent rounds of new gTLDs.

IRAN: Manal, my hand is up since several times, yes, kindly, allow me to go back to the sentence proposed by the United States to be consistent in the bylaw. Could you go back to that text?

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MANAL ISMAIL, GAC CHAIR: Your hand was up throughout the break, Kavouss so --

IRAN: Yeah, sorry, that was a new hand. The text that [indiscernible] mentioned should be in line with the bylaw. Could we know what it means? It means that the previous group, they want something not consistent with the bylaw, this the philosophical analysis. If one group mentioned the outcome should be consistent with bylaw and the other with something else, it could be interpreted that that group is considering having something not consistent with the bylaw, so I don't agree to add the text should be consistent with the bylaw. Because interpreted the first part they want to do something not consistent with the bylaw. Therefore, I don't agree to add consistent with the bylaw. This is a tricky point, and I disagree with that.

MANAL ISMAIL, GAC CHAIR: Thank, you Kavouss, and I take this as a proposal. Starting the first bylaw from and until the end of the sentence. So Susan, would this be okay? Please.

UNITED STATES: Thank you. Well, in light of the discussions we had about reflecting the diversity of views prior to our break and in the chat as raised by Jorge, and I agree, and I think supported by Fabien, if we do take this route,

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then I might suggest that we just limit the text on GAC early warnings and GAC advice to that text in regard to recommendation 30.6, and then just avoid text on recommendation 30.4 altogether, as one proposed way forward.

MANAL ISMAIL, GAC CHAIR: Thank you, Susan. So let's put it in square brackets for now. Do we have Jorge also in the room? So let's mark it for deletion and park it now until we have all views represented in the room before finalizing. Anyone else who would like to speak to this either for or against?

IRAN: I have no problem to delete the whole sentence up to --

MANAL ISMAIL, GAC CHAIR: I know, Kavouss, thank you.

IRAN: But I don't understand to harbor. What it means harboring, the language?

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MANAL ISMAIL, GAC CHAIR: The text is proposed for deletion, so let's see whether it's going to stay or not. And I see Finn agreeing with the US, and Jorge confirming this. So proposals being made, Jorge, to delete the text highlighted, if we can scroll up. Sorry, it is already on the screen. So the text highlighted which refers to 30.4, leaving only the recommendation 30.6. So if this is okay with everyone, no objections, then we can -- okay with everyone, no objections, then we can delete the text within the square brackets highlighted.

And Jorge, thank you for your flexibility. I'm not sure if you were in the room when Kavouss mentioned that if we stress one opinion that is consistent with ICANN bylaws, this undermines the other opinion which led to a straightforward suggestion by the US to delete this part for efficiency. So thank you, everyone, for the flexibility. Let's delete this part.

On GAC early warnings, GAC advice, I think we need to make it a small i -- [reading] in recommendation 30.6 some GAC members proposed to recall the compromise language presented by GAC as it may not always be possible for an applicant to address a specific concern expressed by GAC -- if we can scroll down to where we need to be, and this is under GAC advice to the Board -- on CCT review subsequent rounds of new gTLDs... pursuant to GAC advice issued in Montreal and subsequent discussions with ICANN Board, the latest on March 23 during ICANN 70, the GAC seeking coordinated approach on the implementation of the specified recommendations from the CCT review ahead of the potential

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launch of a new round of gTLDs. The GAC advises the Board that in light of the Board GAC discussions at ICANN 70 to kindly update the GAC on the ongoing consideration of advice and in particular the information marked ad prerequisite or high priority, namely 1, 5, 7, 9, 11, 12, 14, 15, 16, 17, 12, 22, 23, 25, 26, 27, 28, 29, and 30, -- in recognition of the attribution of some of the recommendations to the organization and the ICANN community in addition to the Board, the GAC would like to see a table that identifies the status of each recommendation in terms of who is taking it forward and when implementation or completion expected. Any comment on the advice part or shall I read the rationale as well? So let me read the rationale until people think it over. Nigel, please.

UNITED KINGDOM:

Nigel Hickson, UK GAC, I think the rationale is copy of the previous rationale on this advice and may need to be slightly updated, I put it in as a sort of placeholder. Just one comment if I may, obviously I fully expect this text can be improved by others' suggestions, and in particular I would defer to the language which the European Commission, Olivier mentioned in terms of a tracking tool rather than document. Tracking tool good; document not so good, which I proposed. So the SPIRT is, as we discussed with the Board yesterday, having a live document where we can go to recommendation 10, 11, who is implementing it, whether they are or aren't -- and yes, that is the notion of a tracking tool. Thank you very much.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, I'm just seeing if we're asking for one thing or two things. We have two bullets. Because I think ultimately we are asking for the tracking tool, right? I'm just checking if we can merge them --

UNITED KINGDOM: Sorry, yes, I think in effect asking for two things but defer to others' views on this because I think what the usefulness of the first paragraph is that although it is a repeat of previous advice, it's a timely repeat of advice, in that we now have the SubPro report, et cetera. So the GAC is asking the Board to update us on this. And the second one is saying a way of updating is using a tracking tool or document or whatever, so I think the two are slightly separate but obviously subject to other people's views. Thank you.

MANAL ISMAIL, GAC CHAIR: Jorge, please. Go ahead.

SWITZERLAND: Hello, everyone. I changed my device so I hope you can see and hear me. This is just a friendly comment, not even an amendment, to Nigel and to the UK's proposal which I think is timely and appropriate, is

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whether this would fit better under follow-up to GAC advice. Because in the end, what we are doing is following up on the Montreal advice, so perhaps this could be considered, but I defer to Nigel. And if that would be the case, I think that, a, one, so the first piece of the advice would really be a recalling of the Montreal advice and recalling also specifically the different recommendations we see as prerequisite or high priority. And the follow-up would be a little Roman 2 where we are calling for this tracking tool. So I leave it by that. I hope this is helpful, Nigel, and everyone.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge, and before giving the floor to Kavouss, allow me to ask Nigel if this is acceptable. So instead of bullet 1 and there would be a reference to the Montreal advice in order to make sure we're consistent, and then the new part is the tracking tool we agreed upon with the Board during the bilateral. Does this make sense to you, Nigel?

UNITED KINGDOM: Yes, thank you, Manal and Jorge. Nigel Hickson, UK GAC. Yes, again, as I said, I think it's the ideas that are important and it is the follow-up as I mentioned, and just shows my sort of inability to put things in the right place, so to speak, so yeah, it could work indeed there, as Jorge suggested. Thank you.

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MANAL ISMAIL, GAC CHAIR: Excellent. Thank you for confirmation, and thank you, Jaisha, US, also for agreeing. Kavouss, please.

IRAN: Thank you, Manal. I think, the first one. Let us read it carefully. We advise the Board that in light of the discussions at ICANN 70, we ask the Board to kindly update the GAC on the ongoing consideration -- do you hear me?

MANAL ISMAIL, GAC CHAIR: Sorry to interrupt you, I hear you loud and clear, Kavouss, just saying that the first bullet will be deleted. So just --

IRAN: Okay. Please delete that because that is really bothering me a lot. The second bullet is not a GAC advice, it's just something in the GAC statement or declaration or communication to the Board in recognition of attribution, so on, so forth, but the GAC would like to see a table. A table is not advice, we just request for a table, a table is not an advice. So I don't think that the paragraph, Roman 2 is an advice, it's a request to the Board to do something and we agree with that, please transfer that to the other part, it's not advice.

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And the rationale should be modified because of the deletion of the first paragraph and transfer to the second paragraph and elsewhere. The second paragraph not an advice, table not an advice that [indiscernible] of each recommendation. This is not advice. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. Any responses to this? I mean, we will be following up on the tracking tool anyway, so do we want to keep it in the advice section or move it elsewhere? I mean, in all cases we will be following up on the tracking tool, and it's in the minutes of the meeting which will be at that attached to the communique, we normally attach the transcripts. Jorge, please.

SWITZERLAND: Thank you, Manal, and I'm sorry if I didn't explain myself clearly enough before. If we move this entire piece to the follow-up advice section, I think it's a cleaner and I think that pursuant to GAC advice, blah, blah, blah, paragraph together with a little Romans 1 can be merged into one sentence where we just recall the Montreal advice, so where the reaction of the GAC is to recall the advice and a little Romans 2 would be the follow-up. So it would be let's say the operational part of the recalling and the follow-up saying by the way, that we recall this advice, which is timely and important, we would like to have this tracking tool.

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MANAL ISMAIL, GAC CHAIR: Thank you, Jorge. I have Nigel next. But just also to make sure when we refer to the Montreal advice, we probably need also to refer to the other correspondences with the Board. So I think in reference to the Montreal advice and further correspondences with the Board, we recall so and so. Because otherwise we will refer to the advice and they will refer to their response to the advice. Nigel, please.

UNITED KINGDOM: Thank you, Manal, not at all. Nigel Hickson. At the end of the day, this obviously has to satisfy all of us. This is consensus advice. But I think the importance of pointing to the tracking tool is that we have a situation where these recommendations, if you like, are all over the place now. Some of the recommendations as the Board updated us yesterday in a very coherent statement from Becky Burr, as you would expect from her, and she outlined that some of these recommendations are still bending some -- pending Board discussion. Some are with the organization, some felt better to be with the GNSO.

So this table or tracking tool that clearly articulates where the recommendations lie are important because clearly the next meeting, ICANN 71, 72 or whatever, it will become clearer what recommendations have been taken up and haven't been taken up. And there should be no surprise to parts of the community or ourselves or

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the org, in a year's time we say hang on a minute, what has happened to recommendation 22 or whatever? Because it needs to be done before the next round is started. So that's the usefulness of this tool. So although we are I think flexible on how this is produced. I think something is needed so we are all on the same page. Thank you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. I think we're all on the same page. So in light of the Montreal advice and the communications later and discussion with the Board, we will follow up on the tracking tool thing, right? So three things to refer to in that context. The Montreal advice, the correspondences with the Board afterwards, and the discussion with the Board during ICANN70. Am I getting this right? Jorge, please.

SWITZERLAND: Thank you, Manal. Yes, I think Fabien is trying to put it in writing. I also wanted to highlight what Taylor from Canada was saying in the chat, because it's very [indiscernible] really, the correspondence is to a certain extent, linked to a specific moment in time, which is January 2020, and Corona, COVID-19 notwithstanding, things have moved a lot and things that were not yet under the eyes of the Board because it was still in the making, is now being finalized, especially subsequent procedures. So I think that was evolved, statement, the Montreal advice still stands.

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But I think that Fabien is finding a good text, but we will need to perhaps look at this off list and come back with consolidated text to move to the follow-up section you feel, if that is acceptable to Nigel, of course.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. Yeah, I think we're almost there and if acceptable to Nigel, of course, we can fine tune it off record and bring it back in the following -- I see Kavouss and Fabien.

IRAN: Yes, it is not only acceptable to Nigel, should be acceptable to everybody. I don't believe any of these Roman 2 is the GAC advice. We could have something in follow-up action on the previous advice provided that we clearly formulate that further to our previous advice and take into account discussions with the Board during ICANN70, we do this and this and that would be something that is more not follow-up action.

With respect to the second one, is it a request for information, actually, it's not advice in the bylaw, terms, and, so on, so forth. If you take the situation, there are two channels, one from GNSO or others as recommendation a policy, the other is GAC advice, this is not GAC advice, this is information, this is some action.

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So I suggest that Roman 2 should go to the action [indiscernible] and Roman 1 to the follow-up action with some change. So I have difficulty to put them as GAC advice. And is not associated with advice -- if you can transfer them elsewhere, I don't have difficulty. The first to go to follow up action and the second for a normal communication or statement or declaration or whatever you tell important for GAC and put it there and they are asking for some action in recognition, so on, so forth, so not GAC advice, that should be deleted from GAC advice, and the rationale should be deleted.

MANAL ISMAIL, GAC CHAIR: Thank you Kavouss, I think it is already agreed that Roman 1 should go to follow up on previous advice, so this is agreed. We will see the final text and then see where we put the follow-up on the tracking tool, but -  
- Fabien, go ahead.

FABIEN BETREMIEUX: Thank you, Manal, I was going to ask whether it would be helpful to move the entire body of text to the following section and then remove the reference to advise the Board, remove the rationale and then await updated text, just a suggestion to clarify the content of the draft communique to help further discussion.

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MANAL ISMAIL, GAC CHAIR: Yes, please do. Please do. So we are moving this to the follow-up on previous GAC advice, accordingly we are deleting the rationale and reducing the text of it, and then we can have easier discussion.

IRAN: Excuse me, Roman 2 should be deleted [indiscernible] but not the GAC part. No advice there, it is not advice at all. We do not want to degrade the GAC advice, which has a very high level reputation. This is not an advice, this is a request for action, not advice. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Kavouss. And we also agreed to follow up on other [indiscernible] would the tracking tool be one we pose a question and follow up on, could be an option, but again, I am flexible. Let me know what best suits everyone and try to achieve consensus on a way forward here.

So now the whole section is moved to follow up on previous GAC advice, and the rationale is deleted. And we added pursuant to GAC advice issued in Montreal, ICANN 66, related correspondence with ICANN Board and subsequent discussions, the latest on the 23rd of March during ICANN70, the GAC -- I think we normally refer to the GAC in singular, but I will leave it to -- just to be consistent -- the GAC seeking a coordinated approach on the implementation of the specified recommendations from the CCT review ahead of the potential launch

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of a new round of gTLDs. We are deleting Roman 1, right? Sorry, Nigel, you have your hand up. Please go ahead.

UNITED KINGDOM:

Yes, sorry, Manal, I didn't want to interrupt, but with respect to views of Kavouss, which of course we have to pay respect to, what I would like to do as has been done on previous occasions, is to keep Roman 2 in square brackets for now, and perhaps we can come back to it when we have the rest of the follow-up advice or new GAC advice and see how it fits with other advice. Thank you very much.

MANAL ISMAIL, GAC CHAIR:

Thank you, Nigel. So yeah, let's keep it in square brackets. We know we need to come back to this text, so we will do this. But for now let's see what other parts warrant substantial discussion and we need to address. Have we received text from the US? And I think European Commission also were drafting text? Fabien, I see your hand up.

FABIEN BETREMIEUX:

Yes --

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MANAL ISMAIL, GAC CHAIR: Sorry, Kavouss, is this a new hand? Okay --

IRAN: If you put in square bracket, put it elsewhere under the normal communication or statement or declaration or important issue raised by GAC but not here, it is not advice, Nigel. Nigel, you are an experienced person, you have been working on the other side for many years as a deputy director, so I don't agree with that. We cannot --

MANAL ISMAIL, GAC CHAIR: In square brackets just to move on.

IRAN: Not here, elsewhere, to be transferred elsewhere, but not in advice. Sorry, Nigel, it is not advice.

MANAL ISMAIL, GAC CHAIR: We need to agree on elsewhere before we move the text. We will review the issue, but for now we're very late and running out of time and haven't attended to all the text we need to. We are parking the text for now and will revisit it again.

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IRAN: But I mentioned elsewhere, it is an important issue for the GAC. This is elsewhere. Why do you disagree with that, this is a proposal, please.

MANAL ISMAIL, GAC CHAIR: So you are proposing to move this to issues of importance to the GAC? I didn't understand that elsewhere means --

IRAN: Yes, means this one. Important issues for the GAC. Sorry, I apologize if was not clear.

MANAL ISMAIL, GAC CHAIR: But issues of importance to the GAC do not warrant follow-up -- I do want to move on, final comments, please, Jorge.

SWITZERLAND: Thank you, Manal, just quickly, perhaps it wasn't understood by our colleague, distinguished colleague from Iran, that we have moved already that language away from advice to follow up, so I think that is the right place to have it and to ensure that this consistency, because the two pieces are related, so I think it's best to leave it there. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Jorge, and thank you, Finn, for agreeing to move forward. So let's see what else do we need to have a first read on? Fabien, please.

FABIEN BETREMIEUX: So Manal, I believe we still have edits in the first issues of importance to the GAC, DNS abuse and rights [indiscernible] mechanism, we might want to be sure those are the text -- I believe there was an addition by Japan on the DNS abuse section, and as far as the rights protection mechanism, it might be edits we have not identified as finally discussed. Maybe we can go through those to confirm the text confirmed there.

MANAL ISMAIL, GAC CHAIR: Thank you. Thank you, Fabien for the help. So on DNS abuse, the text now reads: DNS abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of new gTLDs. The GAC also confirmed -- I'm not sure what also here refers to -- the GAC also confirmed in Japan's proposal the importance of taking measures to comply registries and registrars and privacy proxy providers with the provisions in the contracts with ICANN including audits, and the GAC urges the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS abuse. The GAC welcomes the recently launched DNS abuse institute and encouraged community efforts to cooperatively tackle DNS abuse in a holistic manner. Kavouss, please.

IRAN:

Manal, normally we don't refer to any country in the issue of communique, Japan, or Iran, so we have to delete confirmed in the Japan's proposal, and a more generic way, so the importance of taking measure, delete the Japanese proposal. Not opposing to Japan but it's normal tradition, something we have to mention. And then we have to read the sentence, okay, and the GAC urges the development -- I don't know whether we could urge, whether could urge, encourage, invite -- the necessity to quickly or to accelerate the development but not urge the development of proposed contract provisions, so we have to modify that slightly.

And the GAC welcomes the recently launched DNS abuse institute and encourages community efforts -- do we need that? In holistic manner - - that is my question, do we need that? If everybody agrees with the need that is holistic, I don't have a problem, but I think just talk more generally, but thank you very much Fabien for the first one and for the second, please consider whether we need to say we welcome the recently launched DNS abuse institute. What means abuse institute?

MANAL ISMAIL, GAC CHAIR:

Because there is a DNS abuse institute that was established. It doesn't belong to ICANN, but it is an effort elsewhere outside ICANN.

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IRAN: Institution or institute? [non-English word or phrase] in French institute has other meanings in English.

MANAL ISMAIL, GAC CHAIR: Kavouss, this is the name of the effort, the activity. They have a DNS abuse institute, they provide webinars and courses and sessions and so on.

IRAN: Put an inverted comma, DNS abuse institute, inverted comma. So it is more or less a French [non-English word or phrase], it's not English, it's DNS abuse institute. Institute has some other meaning, but no problem with inverted comma, and encourages the community -- not talking of community efforts, to cooperatively track DNS abuse. We don't need this last spot. Thank you.

MANAL ISMAIL, GAC CHAIR: So I'm not sure why not encourage community efforts to cooperatively tackle DNS abuse. I am in your hands but thank you, Fabien, for sharing the link to the DNS abuse institute in the chat. And also reading Nigel in the chat, suggesting to replace urging by support development of proposed contracts, so the GAC supports the development of proposed

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contract, instead of urges. Any comments? Is everyone okay with the proposed deletions? Olivier and then Nigel.

EUROPEAN COMMISSION: I agree with the spirit of this paragraph but I think we should review the wording of the part in blue. I think what we mean is that we expect ICANN and the registries and registrars to take action in terms of contractual enforcement, but the sentence to me is not clear. So maybe now or later have a little of rereading and language check to be sure that what we say is very clear. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Olivier. I am also -- I think confirm maybe is not the best word. And the word also, I'm not sure what was the first thing we confirmed. But I see Nigel and Lauren.

NIGEL CASSMIRE: -- since it has been established that the DNS abuse institute is a proper name. Otherwise, we would need marks around every other proper name in the communique.

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MANAL ISMAIL, GAC CHAIR: Thank you, Nigel. I hope this is not a big deal, Kavouss.

LAUREEN KAPIN: Just building on Olivier's words that the wording needs a little massaging, perhaps we could say the GAC also emphasized or highlighted. I agree confirmed is not perhaps the most precise word -- and then I would say the importance of taking measures to ensure that registries, et cetera, keep the rest, comply with provisions in the contracts with ICANN -- just those two, I think that would help the sentence flow and would more precise.

And as to the last phrase about encouraging community efforts to cooperatively tackle DNS abuse in a holistic manner, I think that was actually a very collaborative suggestion that was emphasized in our discussions with the GNSO and the Board that all parts of the community should try to work together on this issue, and so I would propose maintaining that language.

MANAL ISMAIL, GAC CHAIR: Thank you, Laureen. And I see also Jorge supporting Laureen and agreeing with Nigel earlier. So Fabien, a new hand?

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FABIEN BETREMIEUX: Yes, just for clarity, for your consideration, obviously, the first -- the start of the paragraph refers to the next round of new gTLDs as well as the sentence that referred to proposed contract provisions applicable to all gTLDs [reading] I wonder if the sentence added by Japan wouldn't be better placed before the last sentence to ensure that topics or maybe at the very end of the paragraph to ensure there is no mixing of the two topics. Just a reorganization for clarity for your consideration.

MANAL ISMAIL, GAC CHAIR: I think this is a good proposal, let's see it on the screen. I see the European Commission supporting and maintaining the current last sentence. So can we put the suggestion of Fabien on the screen so that we can finalize this part?

[reading] DNS abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of new gTLDs, the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS abuse. The GAC welcomes the recently launched DNS abuse institute and encourages community efforts to cooperatively tackle DNS abuse in a holistic manner. The GAC also emphasized the importance of taking measures to ensure that registries and registrars and privacy proxy providers comply with the provisions in the contracts with ICANN, including audits. Nigel, is this a new hand?

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NIGEL CASSMIRE: It's an old hand.

MANAL ISMAIL, GAC CHAIR: Okay. Chris, please.

CHRIS LEWIS-EVANS: Thank you, Manal. I agree with moving it and maybe we could just put the GAC welcomes recently launched DNS abuse institute sentence last because that is more of a finishing statement rather than the other part, I think that would make the flow much better. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Chris, for the enhancement, a good suggestion. So if nothing else on DNS abuse, Fabien, I think you mentioned rights, protection mechanisms, and this reads: The GAC reviewed phase 1 final report on the rights protection mechanisms, rpm's PDP and discussed preparation for providing early input to inform the initiation of the upcoming Phase 2, rpm's PDP set to review the UDRP, the GAC also acknowledged the economic consequences caused by online piracy and the necessity of taking measures to comply with the contracts with ICANN, including disclosure of registration data. Any comments? Okay. Seeing none, then any other substantial parts we need to read? I have

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Nigel and Fabien. Nigel, please, UK.

UNITED KINGDOM: I apologize, UK GAC. I just wonder in this paragraph, whether Brian Beckham is on the call. Yesterday he mentioned the utility of a white paper spelling out ahead of any GDPR, some of the facts and figures of what that has accomplished. And just seemed that might be a good idea but clearly it was [indiscernible], just flagging that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. I have Fabien, Olivier, and Brian, if you would like to speak to this also.

FABIEN BETREMIEUX: Just to highlight that we are not aware of additional substantive text to consider, awaiting contributions on various topics but I don't see any on the document, I will just mention that we have received the report of the human rights international law Working Group, that's just what I am aware of.

MANAL ISMAIL, GAC CHAIR: Thank you. Olivier, please.

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OLIVIER BRINGER:

So just to replay to Fabien, the parts on WHOIS, but I am not sure we will be able to send them in the next minutes, we will do our best. And then I had a comment on the section on DNS abuse and the section on new gTLDs where we speak about solving the question of DNS abuse before the next round. If you read the language, the section on DNS abuse, it is very clear we want the issue of DNS abuse to be solved before the next round, where in the section on new gTLDs, the wording much more cautious, and I would personally prefer we use the clear language we have in the section of DNS abuse also in the section on new gTLDs, I think it is the second paragraph on new gTLDs.

It says it is necessary to consider whether the implementation could be carried out before -- that is a bit convoluted, so wonder if we can put it more in line with the DNS abuse.

MANAL ISMAIL, GAC CHAIR:

So [reading] whether the implementation could be carried out before... so I see Kavouss' hand and Jorge's.

IRAN:

Manal, I am very sorry, people do not follow what we are saying. We cannot condition the next implementation of next round to action on the DNS abuse. It is putting an [indiscernible] to something an entire community is looking after. Could address the issue in a more soft language but not putting the implementation of one subject to

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resolution of the others. I cannot agree with that. In fact, I disagree with that totally -- please let me finish.

I cannot agree that the implementation of a next round conditioned to the completion of the action of DNS abuse. We heard from the ICANN Board and ICANN org that it takes considerable amount of time. We have heard and still we don't know what it means DNS abuse, that we need a definition, that we have to work together. So you can address your issue in a more softer language.

MANAL ISMAIL, GAC CHAIR: So any objection to deleting the highlighted part?

IRAN: I want to delete any condition for the next round of the next round for the abuse resolution. It takes time. We want to say that --

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Point well made, and meanwhile as Olivier also thinks about the deletion, let me give the floor to Jorge.

SWITZERLAND: Thank you, Manal. I was just reflecting on this conditionality, and I think we shouldn't fall back behind what we agreed in Montreal. We had a

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consensus advice there, and there was conditionality expressed there. We are seeing that at large in its minority statement which probably will be transformed to advice to the Board is taking up the same kind of conditionality, and also in the SSAC report 114, so there is a number of parts of the community who are supporting what we said in Montreal. So I don't think we should fall back behind that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. The only thing I think that also was posing a problem is when we referred to completely addressing the issue. I recall one thing they told us how can we completely address the issue if it is an ongoing thing? So I think maybe in the language we propose maybe we can make sure the issue is tackled, addressed, but refrain from using completely or other similar words.

I see Nigel in the chat agreeing with Jorge, I think this highlighted text is consistent with previous advice and does say consider whether, and Netherlands also supporting Jorge. Olivier, I am not sure if this is a new hand, and then Kavouss.

OLIVIER BRINGER: A new hand but I could have said in the chat. I fully support the point of Jorge and wanted to say exactly that. The point was made in Montreal, and we should stick to previous consensus advice. But of course, I am open to wording in line with previous wording of the GAC of course.

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Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Olivier. Just a second, Kavouss, while I catch up with the chat as well. So I see Susan also was supporting Jorge. Finn from Denmark, and Susan saying that we also support the point I said regarding related to completely addressing the [indiscernible] and Germany also supporting Jorge.

Thank you, Susan, and I think this is an important point of miscommunication between us and the Board. I think if you say you have to address the issue before the new round is different from completely address the issue before the new round. So this may be a point where we can have a common ground with the Board. Kavouss, please. Sorry to keep you waiting.

IRAN: Dear Chair, do not interpret them opposing the GAC. I am suggesting softer language. We should take this issue, the DNS abuse should be addressed preferably before the second round started. We put a qualifier, we do not want to oppose the entire community, because we are GAC, we should respect others because we expect that they are respecting us. So we should say should be addressed preferably before the implementation or carrying out or start of, so on, so forth, that is softened language I suggest.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. I don't disagree but this is [reading] not consistent actually with what we do before. Had this been year ago I think it would make perfect sense but now we have already conveyed this message [reading] not sure how we can address this now when I see support to maintaining the language.

IRAN: The politics of the world, the superpower mentioned that condition three years ago is not the same condition of today. We have to adapt ourselves to today's conditions, to the views of others. So what I said, that is a little bit softer language, need to be addressed, preferably before, so on, so forth, saying the same thing but not very strictly, don't implement the second round before addressing something you don't know how to address. We have no definition for the DNS abuse. You have heard what happened.

So the language I propose is not in contradiction with all the people you have lined up one after the other, Germany, Finland, I don't know, Denmark, Switzerland and so on, so forth, I agree with all of them, but in a softer language. That is all. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. So I think in all cases we need at least to be consistent within the same communique. I think we have two different languages within the communique as flagged by the [indiscernible] commission, Susan, please.

UNITED STATES: Thank you, Chair. And I would just like to note in terms of acknowledging and addressing the views of other parts of the community, we would also note that some parts of the community, the ALAC and SSAC, we understand have raised concerns about subsequent round proceeding absent certain items. So just wanted to flag that we have added some text to this extent down in the follow-up advice section, and perhaps we will address that once we resolve the current issue highlighted by the European Commission, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, US. So you are proposing we look at the text and this may give us a way forward for this text too? If this is the case, maybe we can scroll down to see the text proposed in follow-up to previous GAC advice? Let me read it -- in addition, in light of the final SubPro report, the GAC shares the concerns expressed by the community about whether there has been adequate assessment of the costs and benefits of any new round of new gTLDs and highlights the SSAC's observation in its comments on the GNSO new gTLDs subsequent procedures draft final report, that the fundamental tension between challenges to

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security, stability, and resiliency of the DNS on one hand and safeguards and other protective measures on the other has not been adequately addressed. Thank you, US. Any comments to the US proposed text? Kavouss.

IRAN: Yes, some country always proposes negative suggestions should be appropriately addressed but -- we take the negative and put it in a positive way, needs to be properly or timely addressed, but has not been.

MANAL ISMAIL, GAC CHAIR: So let's soften our language as well, Kavouss, please. So what is the proposal again?

IRAN: Yeah, saying challenge, security, [reading] need to be adequately addressed. That's all. Manal, I am always in positive direction, no negative. I don't accuse anybody. When we say hasn't been addressed we are talking of many things, accusing things they don't pay attention. What we want to be adequately addressed. That is all. Should be adequately addressed.

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MANAL ISMAIL, GAC CHAIR: So I am just afraid it's between quotations, Kavouss, so it is extracted from somewhere, I believe.

IRAN: Manal, we are not subordinate to anyone, [reading], again, the same views in a positive manner, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, but I think this means removing the inverted comma. I need to read it once more.

FABIEN BETREMIEUX: Manal, this was to confirm from contributions in the chat that the text highlighted here is a quote from SSAC communication, I believe. So if it is deleted, we might need to deal with the quote itself.

IRAN: Without the quotation, we don't need to follow SSAC or anyone else. We are GAC and need to discuss ourselves, so please take out the quotations and maintain the sentence in a positive direction. Thank you.

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MANAL ISMAIL, GAC CHAIR: So this is a proposal to remove the quotation? I think there is -- this was intended to be a reference from the SSAC. So let me read the sentence again: In addition in light of the final SubPro report, the GAC shares the concerns expressed by the community about whether there has been an adequate assessment of the cost and benefits of any new run of gTLDs and highlights the SSAC's observation in its comments on the GNSO -- so intended to be a -- you are proposing to delete the -- we cannot change the text, Kavouss.

IRAN: We take out the SSAC, we don't need to follow SSAC or ALAC or GNSO or c GNSO, we are GAC --

MANAL ISMAIL, GAC CHAIR: So the proposal is to take the merit behind the text and put it in our own words --

IRAN: Exactly, 100 percent, yeah, is this acceptable? Please, US, go ahead.

UNITED STATES: Thank you, Manal. And just to note that the reason that we advanced or would suggest this text is because we do think it highlights an important issue, but we I don't think would say that we are

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subordinated to the SSAC or a different part of the community. So I might not necessarily agree with that rationale, that is not why we advanced it. Thank you.

IRAN:

I said is exactly what the US wants but in different language. I don't want quote from any community here. Expressed needs to be addressed or adequately addressed without referring to SSAC, ALAC or any other things. So this is consistent with what the US wants but not quotations. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you. Kavouss, I think the bullet was to refer to concerns expressed by other parts of the community, that is why the reference. So if you are suggesting to revamp the whole thing, take the ideas without referring to other parts of the community, so this is a different direction and proposal.

IRAN:

You say as it was indicated by other community without putting quotation marks. You refer to other communities as [indiscernible] constituency and/or community and so on, but not the quotation or name of the community. Again, the same thing you want and the same as US wants. Thank you.

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MANAL ISMAIL, GAC CHAIR: So just reading Laureen in the chat [reading] there is value [reading] this was to give even more weight to the point of view of the GAC. Kavouss --

IRAN: I don't believe so, Manal. Some people insist that -- the idea is as it was indicated by other community, you refer to that but without naming that and without quotations, please also accept also from me. I am a member of this group, and I should not be excluded or ignored. Thank you.

MANAL ISMAIL, GAC CHAIR: Kavouss, you are not excluded, you have been given the full chance to represent your points of view. I am just trying to see the consensus of the whole GAC and I am getting different signals, so we have to find a common way forward. I see Vincent in the chat, France, supporting Laureen, the GAC is not an island, and support from Egypt, from European Commission and Germany and Cook Islands. But I also see European Commission and Switzerland.

EUROPEAN COMMISSION: Thank you. Olivier Bringer. We support indeed referring to another community that is competent on the matter. If we need a compromise,

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we could have the two, the wording Kavouss is suggesting and then adding a reference to the SSAC statement, so that would be my contribution to arrive at a compromise. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, European Commission. I think this may be a constructive way forward. I hope it is agreeable by everyone. Jorge, please.

SWITZERLAND: Thank you, Manal. I think Olivier has just made a perfect proposal. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, so let's try it. Maybe in addition in light of the final SubPro report, the GAC shares the concerns expressed by the community about the need? Kavouss, you were saying the needs? To --

IRAN: Adequately assess, yeah. The need to adequately assess.

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MANAL ISMAIL, GAC CHAIR: To adequately assess the costs and benefits of any new round and then the rest --

IRAN: And delete the quotation mark.

MANAL ISMAIL, GAC CHAIR: This part is already not quoted from the SSAC. This is what you said, Kavouss, this is our views.

IRAN: Yeah, and then the last part is again, you are quoting something, yeah, you refer to the SSAC.

MANAL ISMAIL, GAC CHAIR: Exactly, when we refer to the SSAC, we have to stick to their language. When we are expressing the GAC's views, this is where we can discuss and fine tune and agree on different alternatives.

IRAN: You say as indicated by, not highlighted, as indicated by SSAC, and highlights the SSAC observation and as indicated by SSAC in its comment, and the last part also needs to be adequately addressed.

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MANAL ISMAIL, GAC CHAIR: Kavouss, has not been adequately addressed is part of the SSAC, we cannot change it. Anything inside the quotation marks, we're not able to change it. So please -- Kavouss, you are muted. So the part highlighted -- thank you, Fabien, the part highlighted is an excerpt from the SSAC, and we will not be able to change it.

We have reflected a softer language when it comes to the GAC's views, and I think the language on the screen -- thanks to European Commission for the proposal -- I think it addresses both points of view, I hope. So I have Jorge next and then the US.

SWITZERLAND: Old hand, sorry.

MANAL ISMAIL, GAC CHAIR: Okay, no worries. Susan, please.

UNITED STATES: Thank you, Chair. It has just been suggested to me that perhaps not all parts of the community agree with the SSAC, which I think is fair, so might suggest shares the concerns expressed by some parts of the community about the need to adequately assess. And I do think that is

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a fair point.

MANAL ISMAIL, GAC CHAIR: Thank you, US. Anything else on this text?

IRAN: Yes, please put the SSAC quotation in italics and before that, put quote and then SSAC inverted comma, and then put unquote.

MANAL ISMAIL, GAC CHAIR: The italics is taken care of. The second proposal I do not understand, sorry.

IRAN: In the final report that -- put quote and then go to the next line, put whatever in italics and at the end of that, unquote, that we're just quoting. Thank you.

MANAL ISMAIL, GAC CHAIR: This is what is on the screen, Kavouss.

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IRAN: It is not. You note to -- legally the quote and unquote but not inverted can that -- we should do that, this is the legal aspect of the thing. Quote unquote, yeah.

MANAL ISMAIL, GAC CHAIR: Kavouss, let's discuss this during the wrap-up. Any new thing regarding the communique, the process, the style of the communique, if we are proposing something new, let's put it in the wrap-up session and discuss it over there.

For now, any other comments on the substance? If not, then I think we need to move on. Maybe we can -- if there is no new text -- Fabien, you mentioned text from the human rights Working Group? And I think we have something unresolved also. But anyway, let's start by the human rights Working Group in the coming three minutes, and then we have the break and we try to finalize things during the last session.

So for now, the GAC human rights and international law Working Group co-chairs updated the GAC -- sorry, the human rights international law Working Group co-chairs updated the GAC on the Working Group's assessment and implementation work regarding work stream 2, recommendations on diversity and human rights core value. Members of ICANN org work stream 2 cross functional project team provided update to the GAC on the org's implementation planning highlighting the priorities throughout fiscal year 21 and beyond.

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Among the next steps relative to the recommendations implementation process, the human rights and international law Working Group will be consulting with UNESCO to explore its universality indicators for the Internet issues in 2019 which measures how elements of diversity, disability, language, human rights, among others represented in the Internet environment in a given country, the human rights and international law Working Group will continue reporting to the GAC and its leadership through the tracking tool.

The human rights and international law co-chairs reiterated goal the GAC volunteers to participate in the work stream 2 implementation effort whether by joining the human rights international law Working Group or contributing to the implementation of a different set of recommendations. Comments? Kavouss, is this a new hand? If not, then any -- sorry, Kavouss, I see you unmuted.

So if there are no comments, we are currently at the hour and we need a well deserved break. So please be back in the GAC room 1630 Cancun time, 2130 UTC, for a final hour of communique drafting, which I hope will be -- we will progress and try to finalize the text before tomorrow. Thank you, everyone, and see you in 30 minutes. And we can stay in the same room, Gulten, right?

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GULTEN TEPE: Right, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you.

**[END OF TRANSCRIPTION]**