ICANN71 | Virtual Policy Forum - GAC Communiqué Review (2 of 2)
Tuesday, June 15, 2021 - 13:30 to 14:00 CEST

GULTEN TEPE: Ready to proceed, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you, Gulten. All was super-fast, and we now have the communique on the screen so again starting with the instructions on how to fill†-- or I mean how to put communique language in the Google doc, so I hope you are all familiar by now. We've been through this process, so I'll save the discussion to the substance. And then we have the time-line, again that we went through before.

That said I just want to flag that we have parts of the communique being filled by the support staff, which are non-substantial. Noncontroversial parts reporting on our bilateral simply by listing the agenda of the meeting, and particularly with the Board attaching the transcripts to the communique.

For GAC colleagues we have three different sections that we fill under. Issues of importance to the GAC, follow up on previous GAC advice and consensus GAC advice to the Board, so I hope that

we can treat the section titled consensus advice to the Board a bit carefully because this is -- this part is parsed very carefully by ICANN Board and they're obliged to follow every single word here, otherwise it triggers the bylaws.

So we normally -- if it is more of things that are important and we would like to bring them to the Board's attention, we do this under issues of importance to the GAC, and if we are following up on something that we have advised them on earlier, then we reiterate the advice without any new language. So I'm just clarifying the different sections. And the other thing is that we need also for this section in specific that we cross checks with other GAC advice that we have provided before so that we are sure we are consistent. We're not changing our minds unless there is a need to change our mind, and whether at this reiteration of previous GAC advice and addition, a new piece of GAC advice. With that said let's skim quickly through the communique. Can we scroll up again? I'm sorry, Gulten, or whoever is helping us.

So this is the first part, and as I said, it describes the -- how the communique was adopted, and the highlights are for parts that are going to change once we have the communique adopted, so the obviously and where you can see no objections were raised. Then filling in the number of members and observers, and support staff will be helping with this part. If we also scroll down.

Then this is the interconstituency activities and the community engage. Reporting on bilateral meetings, on cross-community discussions and then we have the section and internal matters. Again, we've built with the help of support staff, now in parts related to membership and election but with the help of working groups, chairs and co-chairs, whenever they need to report something within the GAC the communique just noting that I believe we currently have 179 GAC members, not 178. And then on GAC operational matters if we can scroll down -- yeah, GAC operational matters. Un GAC operational matters also if there is something to be reported it will be inserted by the help of support staff.

Then comes issues of importance to the GAC, and if need be there will be a section on follow-up on previous GAC advice and consensus GAC advice to the Board. I see we already have text under consensus GAC advice to the Board. This is on CCT review recommendations, and then, thank you Nigel for being so active. I'm sure you were multi-tasking moderating sessions. So thank you research. And I think we were also notified by -- some text or IGO protection will be coming.

So first before going through the text on CCT review, any other text that we should expect? I mean, any other topics? I see the IGO protections -- so thanks to Brian. And, of course, others who

have contributed? Anything that we should expect, any other type or headings that colleagues are drafting on this. Please let us know as a heads up and also to have the place holder and be ready for the discussion. And meanwhile, let's go through the text we have if we just scroll up and make a quick read.

The GAC advises the Board in light of discussions at ICANN71 the GAC advice from ICANN70 namely in paragraph one of section 6 and the scorecard, the GAC advises the Board first to bring forward a tracker on the status of the CCT recommendations specified in the ICANN70 GAC advice. Namely recommendations 1, 5, 7, 9, 11, 12, 14, 15, 16, 17 ... 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, and 35. Second to specifically work with the ICANN org and the AC and SO to ensure implementation of the following recommendations with respect to existing gTLDs and gTLD introduced through any -- gTLDs introduce -- oh, okay, existing gTLDs and gTLDs introduced through any subsequent application process.

So work to encourage gTLD registries to meet user expectations incentives to adopt proactive anti-abuse measures. Preventing system use of a specific registrars or registries for DNS and registry use. Chain of ... responsible for built domain name registrations. Regular studies of costs required to protect

trademarks and new gTLDs and set of objectives/met contribution for applications from the global south.

And I see Nigel's hand up. Sorry, Nigel. It has been up for a while. Please go ahead.

GULTEN TEPE: Nigel, you are still on mute.

MANAL ISMAIL, GAC CHAIR: We still cannot hear you, Nigel, if you are -- okay.

NIGIL HICKSON: Oh, I'm so sorry, Manal. I completely dropped off. I -- so I didn't hear your question, but you might have asked me to say something I suppose, and I actually did put my hand up and then -- I lost the whole link. Look, I don't know what you are, so let me just say this, this was some draft. It's quite difficult to write this advice, you know before, we've fully had the conversation, and I know you know you've already mentioned that.

So this really is a draft I put together last night, and I mean it clearly it needs to be added to because of the excellent intervention that Finn made this morning, and I doesn't think it includes specifically the cost benefit, the advice on the cost

benefit that we probably need to reiterate here for the new rounds. So were -- I mean, but if I could just say one thing. And that is that; we have this existing advice of course on the CCT, regions but that they need to be enacted and we've discussed this before, and I just thought that we need to be a bit more specific the Board and say you know these are the crucial ones that we need to have -- to see some, you know, work being taken forward on this and, of course, there's a difference here, as no doubt others will point out, that being rightly that you know there's -- the Board can only do so much.

The Board have not limited scope of action and some of these recommendations are clearly for the GNSO and we have a meeting with the GNSO, of course, and we're fortunate to have that later in the week. But you know -- I think we have to at least be honest with the Board that these are the recommendations. They might include work for the GNSO, but these are the recommendations the GAC feels strongly about if we do feel strongly about them so to speak. Thank you. I'll stop.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, and thank you for triggering this good discussion. So, and thank you for the early heads up, and providing your early draft to all GAC members for discussion.

I agree that we might of course need to re-visit in light of ongoing discussions the Board later today, and GNSO tomorrow. Just noting also that in cases where the thing that has to be the actioned, needs to come from the GNSO. I don't think that we should corner the Board with an advice where maybe the action is not necessarily guaranteed being out of their hands but, and also -- but my memory is not serving me and I was trying to check our last communique, I think we... the CCT recommendations listing the particular recommendations of interest before.

So if this is the case, I mean we need to re-visit the list and see things that may do better, issues of importance to the GAC versus follow up on previous GAC advice if we have already advised the Board on this same thing before, versus additions. Thank you for the initial list and bringing to all GAC colleagues for feedback and I'm just reading Jorge in the chat. We should build on prior advice, and only add where we need to. Example on an IGO. Fully agree, Jorge. Any other comments on this part? I see Brian's hand up. Brian, please go ahead

BRIAN BECKHAM: Thanks, Manal, and thanks, Jorge, for the comment/question. I suspected this may come up, and I, just to get the ball rolling and by the way we have been working as you can imagine behind the scenes with GAC colleagues on the particular language -- but I

thought it was worth raising a question in terms of on the IGO topic in particular. There may be other topics that have come up over successive communiques but in particular here one of the things that we had wanted to address was you will recall there was a dialogue including by way of some phone calls and exchanges of e-mails and letters between the GAC and the Board and there was an impression at least that when advice in the communique was under the follow-up on previous advice section versus the GAC consensus advice to the Board section it seemed to somehow convey different message or appear a different way. Maybe that's an incorrect understanding, but just wanted to explain the reason for at least at the outset placing the text in the particular section versus the follow-up advice.

I don't know if it is necessary to make a specific, specifically call that out for example if it were in the follow-up section to say this this is meant to complement prior advice, but it doesn't lose any status so to speak under the bylaw's provisions for GAC advice. Maybe that would be one thing to think about but certainly rest in your hands in terms of the formalities but again just by way of explanation. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Brian. Also for the heads up, and the text you provided.

Thinking it over I think it's a new piece, and maybe reference to previous advice could be put in the rationale why are we adding this piece? Because -- but again I'm, I'm just thinking it through, but for the time being, I believe that we should be denied explicitly in an advice before. We conveyed this to the Board during our inter-sessional discussions, but again, if... correctly and I check on our last communique, and I don't think we were explicit about it or at least this is not what the Board got from our message.

Nigel, in the chat on IGOs they're free regarding ... clarity was required because of the Board response to ICANN70 response and IGOs. Thank you, Nigel, and I agree. And Brian, if you win providing a new level of specificity on IGOs. So I think this is good. Since we have the time maybe we can go through the IGO protection text which reads, while continuing to welcome work being undertaken by the GNSO in terms of a curative rights protection mechanism for IGOs the GAC wishes to clarify the current moratorium and the registration of IGO acronyms should remain in place pending the conclusion of such curative work track.

The GAC advises to maintain the current moratorium and the registration of IGO acronyms pending the successful conclusion of the curative work track currently under way noting that it is

expected to conclude within the calendar year. The rationale says in the context of the above mentioned curative rights work track in the GAC, in the ICANN70 communicate the GAC recalled ICANN agreement and a moratorium nor new recreational stations of IGO acronyms ahead of the final resolution of this curative rights protection issue.

The GAC does not share the Board's view on the June 2nd, 2021 e-mail that the GAC's concern about the need to protect IGOs on a permanent basis is addressed by the Board's termination to provide IGOs with a post-registration notification service on a permanent ongoing basis. The GAC does not share the Board's assessment that such notification would allow an IGO to take appropriate action to protect related acronyms. In the absence of access to curative rights protection mechanism a notification is of no real utility because the end IGO has no current ability to ash demonstrate a domain name dispute.

The GAC previously has advised the Board who maintain current protections of IGO acronyms in it the Panama and San Juan communique noting in the San Juan communique that the removal of interim protections before permanent decision on IGO ... protection many ie; a cure any of mechanism is taken could result in irreparable harm to IGOs. So thank you, thank you, Brian, and get please if there are any comments on the text, or any

additional pieces that needs to be inserted, either under GAC advice to the Board or issues of importance to the Board or follow up on previous GAC advice. Please do sooner than later in toward to facilitate the adoption of the text. Thank you, Jorge, for confirming text on IGOs is very clear and back to you, Nigel. Is it okay that we can re-visit the list you provided, and I mean re-allocating them under the different sections they belong to.

NIGIL HICKSON: Sorry. Yes, sorry, Manal. I don't know how to put my hand up but yes, I should do that. Yeah, yeah. I think if it I may, I'll just -- sorry a little chat but, yes, I mean we need to re-visit. You know... we need a discussion, and I know we have a… I mean you yourself Manal [inaudible] in terms of what our advice should be. But if we go back enough, we [inaudible] we listed you know two dozen recommendations those that are status and the CCT or urgent status. Said, these were the recommendations would you like to see implemented for the next round. So you know that advice still stands but I think we just need to discuss specifically which recommendations you know, do you think most important given developments since then of DNS abuse and [inaudible].

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, and I'm just checking if there are any other requests for the floor. And please if you're not able to raise

your hand type in the chat that you have a comment or that you need to raise your hand. Also checking the Q and A pod. And seeing no further requests for the floor, so I would thank everyone very much, and thank our pen holders, and please keep the text coming so that we can conclude on the communique's mostly tomorrow, we have a 30-minute break now. The break will be followed by a plenary session 2 on ICANN's multistakeholder model within the Internet governance ecosystem.

Jorge Cancio in the GAC will be participating on the panel that was organized with the help of Nigel Hickson, so many thanks to both. Here you are all encouraged of course to participate and please be back in the GAC Zoom room at 1630 The Hague time, 14:30 UTC for the last session of the day today which is our bilateral with ICANN Board. So please be prompt and enjoy your day. Thanks.

[END OF TRANSCRIPT]