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ICANN72 | Virtual Annual General Meeting - GAC ICANN72 Communique Drafting (1 of 5)  
Wednesday, October 27, 2021 - 12:30 to 14:00 PDT

[ Recording in Progress ]

GULTEN TEPE: GAC communique drafting session on Wednesday, 27 of October at 19:30UTC we will not be doing a roll call today for the sake of time, but GAC members attendance will be available from the annex of GAC communique minutes.

May I remind GAC representatives in attendance to indicate their presence by updating their participant's name to reflect their full name and affiliation.

If you would like to ask a question or make a comment please type it by starting and ending your sentence with question, or comment to allow all participants to see your request.

Interpretation for GAC sessions include all 6 U.N. language and Portuguese. Participants can select the language they wish to speak or listen to by clicking on the interpretation icon located on the Zoom tool bar.

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Finally the session like all other ICANN activities is governed by the ICANN Expected Standards of Behaviour. You will find the link in had the chat. With that I would like to leave the floor to GAC Chair, Manal Ismail.

Over to you Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden. And welcome back everyone. This is the first of 5 sessions dedicated to our communique drafting. This session is scheduled for 90 minutes. I can see that colleagues started already inserting text in the Google doc so thanks to everybody if we can have the communique on the screen so again just as a reminder the process is display -- is included at the beginning with the, with the dates, assuming that we will finalize the communique tomorrow, and the instructions how to put text in the Google doc is in the following page. Please follow the

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instructions to make sure your text is placed in the appropriate place, and your identity is known to everybody.

And finally, the text highlighted in yellow is for things that we will finalize very last minute either when it happens or when we are able to provide the information like GAC attendance for example.

With that let's take a quick look on where we stand. I see we already -- if we can yeah scroll down, we already have text now filling under inter-constituency activities and community engagement, and there was a suggestion by the GAC leadership thanks to Jorge that maybe good to acknowledge your stepping down as an ALAC liaison to the GAC. The GAC leadership felt it's a good gesture and we can adopt it onwards for other liaisons as well when they step down.

And reporting on our bilateral meetings if we can scroll down under internal matters we are getting ready for the elections result which will be announced tomorrow at the wrap-up session, very good luck to everyone. And then we have the reporting from the working groups. I see already text from the underserved regions working group, and from the Human Rights and International Law working group, so thank you very much, and looking forward to receiving PSWG and....

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If we scroll down now starting issues of importance to the GAC, this is the -- we have DNS abuse and this is text that we had since yesterday, and we have now text also on accuracy of registration data, and I believe also text on SubPro under consensus advice to the GAC we also have text for 3 pieces of GAC advice, I believe all on the SSR2 if I'm not mistaken.

So I will start reading from issues of importance to the GAC onwards and leave the easy parts until the end. So the rest I would say is straightforward. We will start by the substantial text and see how far we can achieve I am just checking whether -- first, are we still missing any, any topics that would go either under issues of importance to the GAC or GAC advice or follow up on GAC advice? Anything that is not yet reflected at all in the communique? Fabien, please go ahead.

FABIEN BETREMIEUX: So just want to let you know that we still text coming in on follow up on previous advice, and I'm not aware of additional text being considered otherwise we do have text in all sections that is ready for reading.

MANAL ISMAIL, GAC CHAIR: Okay. Thank you, thank you very much Fabien. So I start by reading through the DNS abuse, stopping after each paragraph to see if there are any comments.

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So the GAC recognizes the work on DNS abuse that has taken place within the ICANN community since ICANN71 including the contracted parties publication of a trusted notifier framework. The GAC will follow any developments in the area of voluntary measures with interest the GAC also notes positive steps taken in the monthly notification of compliance reporting and developments shared during the contracted parties community outreach session that indicate progress in being -- sorry, progress is being made to provide reporting of abuse, broken down by registrar.

And apologize, just a second. I'll open it on another screen for better reading GAC also notes steps taken... compliance reporting and developments shared during the contracted parties community outreach session that indicate progress is being made to provide reporting of abuse of broken down by registrar. The GAC supports registrar level abuse reporting being made to the DARR as such reporting will enable a more productive anti-abuse dialogue won the community and may inform efforts for more refined contractual improvements addressing the potentially smaller number of contracted parties most responsible for disproportion all levels of abusive behavior. So I'm pausing to see if think any comments on this part?

If not then onto the following paragraph. Relatedly, the GAC highlights the need for improved contract requirements to

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address the issue of DNS abuse more effectively. In this regard ICANN's role under the bylaws includes dual taking into account the public policy concerns of governments and public authorities and acting for the benefit of the public. The bylaws also authorize ICANN to negotiate agreements including public interest commitments in service of its mission. Hence, ICANN is particularly well placed to negotiate improvements to existing contracts to more effectively curb DNS abuse, as informed by the GAC and other stakeholders advocating in the public interest.

Any comments?

Okay, moving on the GAC also wants to emphasize the importance the GAC places in the work of ICANN compliance, not least in ensuring registrars and registries ensure that registrants comply with the undertaking they give when registering a name. In this respect the GAC supports the recommendations made in the SSR2, and to be completed.

I am having a little bit of difficulty understanding what exactly to be completed? Are we saying that we support the recommendations being completed meaning being implemented? Or it -- if please someone can -- yes, Nigel, please go ahead.

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UNITED KINGDOM:

Yes thank you, Manal, and good evening to you and colleagues. I think you know. We're having a read through of this which is really excellent because we can pick up points, but I mean certainly from the U.K. perspective we're still considering what exactly the final text that should go in. I mean, we have the meeting with the Board this morning, and you know some information came, came from that, but you know other ideas, if you like, and other concerns, other requirements come to mind as we go through this ICANN meeting, so on and so forth I think it's -- you know to be completed and I'm not sure whether I added that, or it might be Susan.

I do apologize if I'm not trying to speak on behalf of Susan -- but you know in the more text is probably required. And, you know I -- as you've been reading it through I think a couple of additions of more text is probably needed to some of these paragraphs, and then I think you know what we could do, and we are in your hands, Manal, the chair how we play this is we ought to you know perhaps reflect how, and whether our considerations on issues like DNS abuse or accuracy of registration data as we go through them you know, should lead to you know specific advice on certain issues.

Because I think there is one issue that comes out of these paragraphs on DNS abuse and comes out in the discussions that

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we've had with the Board and other SOs and ACs but anyhow I'll stop there. Thank you very much

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, and no worries. It's good to know this is still to be completed. We'll make a second reading of it, but please while you are working on the text, and you and everyone involved, I'm just wondering whether -- and I know it's not a GAC advice yet, so we are a bit more flexible with the text, but I was wondering about the last sentence in that respect.

The GAC supports the recommendations made in the SSR2, and whether this means we are not convinced by the rationale provided by the Board. Are we talking about all the 63, if I remember the number correctly -- we are in support of them even those that are rejected by the Board? Are we not convinced by the rationale provided or -- sorry if I'm confusing everyone with me, but again, let me give the floor to Olivier first.

Sorry to keep you waiting.

Please go ahead.

EUROPEAN COMMISSION: I very much agree with Nigel. We are going to discuss other points that are linked to DNS abuse so the question of accuracy or what



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we want to say on the SSR2 report which is also the objective paragraph. So I think we have to have some sort of loop back to this part when we have gone also through other relevant parts of the document, and I think that will allow us to beef up this kind of paragraph, or another paragraph in this section, or even possibly to move a bit to another part of the document for example to the advice part.

So, I would very much agree that we need to -- you know we are at the very start of the discussion, so we need to keep it a bit open still because there is a very complex and important topic DNS abuse.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier. Yeah, we're still at the beginning but we need to end by tomorrow so not much time, but indeed we are just making a quick first read to identify parts where we need to fine tune or parts that may be missing for a second iteration.

So with that in mind let's move to accuracy, and I hope the second iteration will come clarifying the points we discussed. So under accuracy of registration data, the text reads the GAC reiterates that maintaining accurate and complete domain name registration data is an important element in the prevention and mitigation of DNS abuse. Also, the GAC notes its view -- the GAC

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notes its view expressed in its ICANN71 communique that the scope of work on accuracy should not limit itself to compliance with the GDPR but include the accuracy of all domain name registration data.

In this context the -- scoping exercise launched by the GNSO and supports all 4 assignments instructed by the GNSO council namely enforcement and reporting, number 2, measurement of accuracy, 3 effect, 3 and 4 I'm sorry, are particularly -- I got lost. 3, effectiveness and 4 impact and improvement as equally important for scoping the work on accuracy.

Notwithstanding the importance of tasks one and 2 as building blocks for the scoping exercise, the GAC considers that assignments 3 and 4 are particularly important for the purpose of assessing possible improvements of accuracy of registration data. The GAC is looking forward to exchanging with other constituencies not only on the definition and measurement of accuracy but also on solutions on how to enhance accuracy. As already stressed in its ICANN71 communique, the GAC gives particular importance to the verification, validation, and correction of you will registration data by registries and registrars, in line with their contractual obligations, and supports rigorous monitoring and enforcement of such contractual obligations by ICANN. The GAC stresses the importance of delivering on all four tasks in a timely and effective manner.

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And apologies for not pausing off each paragraph. I see Susan's hand up so please U.S. go ahead.

UNITED STATES: Thank you, chair. Just taking a look, and thank you to the commission for supplying this text on accuracy, and the scoping exercise -- just taking a look at the second to last sentence of the last paragraph which begins with as already stressed in its ICANN71 communique, just a suggestion here that we understand the focus of the accuracy effort to not include registries, it's really just focusing on the collection and the accuracy of data at the registrar level, so we may have taken a, we may have overlooked that in the last communique, but just for clarity, while this is a direct quote we might suggest removing registries from the scope of that sentence as we do think then tint here is to look at the contractual requirements in the RAA.

So with that said I think we could either supply some line edits, or if the commission would be comfortable, just removing the quote either way, but we just wanted to flag that at this point. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. So, I see Velimira's hand up. Please go ahead.

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VELIMIRA GRAU NEMIGUENTCHEVA: Thank you Manal and many thanks Susan for taking the floor. We have tried to... these but not in a completely timely manner, just to be sure that we fully grasp your suggestion, I would write a proposal for you that you do introduce what you think in the text, and we take it from there. It was not fully clear to me whether you'd like to take out the entire sentence or just take out the part which is not covered, and then only registries, so possibly if you can -- if you could do it in the text, and okay thank you Susan. This was a different understand correctly.

UNITED STATES: Yes thanks. One option would be to remove the entire quote, but we have suggested this lighter touch alternative I guess you could say by just amending the quote to remove registries.

VELIMIRA GRAU NEMIGUENTCHEVA: Okay particularly I don't see a particular issue with this. I don't know whether Olivier would like to add something, but for me this would be, this would be okay.

MANAL ISMAIL, GAC CHAIR: Thank you, Velimira, and the text is on the screen and if there are any comments like right away or suggest modifications later on and come back yourself. Olivier, no worries. I see Nigel's hand up.

UNITED KINGDOM: Yes, thank you very much. Thank you, Susan. And I'm sure you're right in terms of the scope, but the -- I mean does this cover the situation where you know, where registries is effectively you know taking the data themselves? I know in that case you could argue they're acting as a registrar, but they're contracted registry. I mean there are registries that you take -- that registration and registrants' information. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, U.K. So any response to Nigel's question? Please go ahead, and then Laureen.

UNITED STATES: Well I'll just very quickly. The focus is I think on those provisions in the RAA that deal with this, and not on those registry agreements but I would like to pass the baton to Laureen here who is more steeped, please.

LAUREEN KAPIN: So, I'm agreeing with, Susan. I think that the actual language here in terms of the verification validation and correction, that is picking up language from the registrar agreement, I'm not aware of similar language in the registry contracts. Certainly, if anyone wants to correct me I don't claim to be an expert on all these contracts. But I actually did go back and back this language from

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the registrar agreement and that is why I think the change is suggested, because it's referring to the specific language in the registrar agreement which I don't think is in the registry agreement, and I can put a link to the registrar agreement in the chat if that's helpful for folks.

MANAL ISMAIL, GAC CHAIR: Thank you, Laureen. I see Velimira European Commission and then Kavouss, Iran so Velimira please. Nigel, I'm assuming this is an old hand. If not, apologies. Velimira, please.

KAVOUSS ARASTEH: Thank you, Manal. Have you given me the floor?

MANAL ISMAIL, GAC CHAIR: European Commission was first and then I will happily give you the floor Kavouss. Sorry.

KAVOUSS ARASTEH: No problem, no problem.

EUROPEAN COMMISSION: Thank you Manal, and thanks for your patience. Yes it was just to say that while Susan was speaking I had a look into a briefing from ICANN referring to the work and this document was preceding indeed the instructions we get for scoping and I can confirm and

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fully agree with the work Laureen has just said so I also confirm this would be okay for us, so I hope this response to the questions that were raised, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira, and thank you Laureen for putting the URL in the chat. Kavouss, please go ahead.

KAVOUSS ARASTEH: Thank you, I take the paragraph starting the paragraph 2. (Audio interruption).

MANAL ISMAIL, GAC CHAIR: I'm sorry, I'm having -- I'm having difficult to hear. Is it only me?

GULTAN TEPE: No, Manal, it's not only you. We can't hear you Kavouss. There is a static on your line. I need to be connect please, and I'm happy to dial out to you if you like.

MANAL ISMAIL, GAC CHAIR: So happy to return to this part again.

KAVOUSS ARASTEH: Excuse me, do you hear me now, please?

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MANAL ISMAIL, GAC CHAIR: Yes excellent, please.

KAVOUSS ARASTEH: Thank you very much. I'm sorry, the first paragraph the GAC reiterates that maintaining accurate and complete domain name registration what do you mean by complete domain name registration? What do you mean by complete? What complete means? Who decide that the registration is complete or not complete? What categorized that registration is complete?

MANAL ISMAIL, GAC CHAIR: I think what's meant here is all mandatory fields are filled, but I will not -- I'm not an expert, and I'll defer to those who wrote the text. Velimira, is this a new hand?

EUROPEAN COMMISSION: No, Manal, it was an old hand, but I would like to take Kavouss question before also giving the floor to the other topic leads on this on this topic.

So for us complete, complete registration data is indeed data which is sufficient to identify the information that we look for behind the registrant but I'm also happy to give the floor to other GAC colleagues in charge of the file. Thank you.



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MANAL ISMAIL, GAC CHAIR: Thank you, Velimira. Does this answer your question, Kavouss.

KAVOUSS ARASTEH: Yes, I think we have to correct the first paragraph, and perhaps delete complete domain name registration and then the second paragraph in this context GAC welcomes the effective start of accuracy scoping exercise launched by the GNSO and supports all four assignments instructed by the GNSO council namely enforcement and reporting, 2 measurement of accuracy, 3 effective at impact -- I don't know whether we need to support that or not, but that is up to the people.

And then notwithstanding the importance of task one and 3, as building block for scoping exercise, the GAC considers that assignment 3 and 4 are practically important for purpose of...

MANAL ISMAIL, GAC CHAIR: I lost you again, Kavouss?

GULTAN TEPE: We can't hear you anymore. No, Manal, it's not only you. I will type it in the chat.

MANAL ISMAIL, GAC CHAIR: Okay. Thank you, Gulden. Sorry I went on mute by mistake.

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So, let's move on while we try to solve any problems with -- so Kavouss, if you can hear us, I think the message here is that we are reiterating the importance of the 4 points or

KAVOUSS ARASTEH: Do you hear me now, please?

MANAL ISMAIL, GAC CHAIR: Yes, Kavouss.

KAVOUSS ARASTEH: Yes, I think the sentences are too long.

MANAL ISMAIL, GAC CHAIR: Not anymore.

KAVOUSS ARASTEH: And doesn'tt--

MANAL ISMAIL, GAC CHAIR: I'm sorry, Kavouss, I --

KAVOUSS ARASTEH: This is not my fault. Do you hear me now, 1, 2, 3?

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MANAL ISMAIL, GAC CHAIR: I hear the very first words and then you break, but let's give it one more try. Go ahead Kavouss -- and now I don't hear you.

So again, as I said, this is a first reading. Let's move on. Again, we can discuss the 4 assignments or confirm what's meant by them when Kavouss is back.

Please scroll down to the following part. And I see 2 URLs I am assuming these would go to the footnotes right? And then we have text on subsequent rounds on new gTLDs, and it reads "the GAC discussed subsequent rounds on new gTLDs following the ICANN Board approval of an operational design phase relative to policy recommendations in the final report of the GNSO policy development process working group on subsequent procedures of new gTLDs. The GAC intend to maintain open communication channels with ICANN org throughout the ODP providing input as appropriate during community consultation phases, in particular contributing to the analysis regarding public interest."

The GAC recalls its invitation to the ICANN Board to consider the GAC collective input submitted in June 2021 on the final outputs of this PDP working group for ICANN Board's consideration. The GAC draws ICANN org's attention to this GAC input and intends to invite ICANN org to attend future GAC sessions for further discussions on this issue of importance to the GAC.

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Any comments on text under SubPro? I see a hand from Kavouss.  
I'm not sure whether the issue has been solved.

KAVOUSS ARASTEH: Do you hear me now.

MANAL ISMAIL, GAC CHAIR: Yes.

KAVOUSS ARASTEH: I had difficulty with previous paragraph. It was too long. It did not say what we want it to. It's too long expression. I commented on the first one but on the second one I don't know.

MANAL ISMAIL, GAC CHAIR: So allow me first to see if there are any comments on SubPro before we scroll up again to the previous text. Any comments immediate comments on subsequent rounds? If not let's go scroll up please again for the paragraph on accuracy.

KAVOUSS ARASTEH: Yes can I comment now?

MANAL ISMAIL, GAC CHAIR: Please go ahead, Kavouss.

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KAVOUSS ARASTEH: Yeah, I think the 3 paragraphs in particular paragraphs 2 and 3 are too long. We have to shorten that. What really you want to say in first second paragraph, in this context the GAC welcome efforts of accuracy scope and... launched by the GNSO and support all -- why we need to say that?

MANAL ISMAIL, GAC CHAIR: I stand to be corrected, Kavouss, I'm not sure, but I think probably there is tendency to focus on 2 out of the 4 or not give the same attention to the 4 and that's why the reiteration here, stressing the 4 and then stressing more on the 2 that may not be equally in focus. But apparently I see Velimira's hand up. Please go.

KAVOUSS ARASTEH: I suggest to delete paragraph 2 totally. We don't need to support GNSO. Just we don't need it--

EUROPEAN COMMISSION: Thank you, Kavouss, for the suggestion to try to shorten the sentences. I believe this is... practice and I can try to do so. No you in terms of completely deleting paragraph 2 allow me please to explain what is meant.

As Manal rightly said, there is a message that we would like to convey in each of the paragraphs so in the first one sorry so in the

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second paragraph so basically the if first one on which you have just made your comments, the... was to stress we support all the 4 assignments. Basically because throughout the definition of the scoping work there were some suggestions not to cover all 4, and as GAC... leads we were very much in favor of going more in depth into scoping the issue, and therefore it would make sense that we keep this.

When it comes to your -- so to the last paragraph where you say the sentence is too long, I'm quite open to take out the first part of the sentence so not... tasks one and 2 as building blocks for the scoping exercise and then we could keep only the second part, so the GAC considers that assignments 3 and 4 are particularly important for the purposes of... possible improvements. Of accuracy of registration data.

So I'm happy to do this myself in the text in case GAC support team is not managing to follow everything, and as to the first to your first suggestion to take out paragraph 2 I would try to -- in the first one we keep we keep the effective launch of the scoping because we find it is timely and then in if the second sentence we can just keep the message that we support all 4 assignments as equally important for the work. I sincerely hope this response to your questions, and also gives you a better understanding of what was the purpose of these paragraphs. Thank you

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira, for your flexibility, and constructive suggestions. Kavouss, I hope this addresses your concern.

KAVOUSS ARASTEH: I -- yeah, thank you for the lady, Velimira -- I don't know her as all -- this is the first time I hear from her. I suggest that in the second paragraph we delete everything after GNSO, up to the end. GAC welcome effective start of the accuracy of scoping exercise launched by GNSO full stop. Delete everything. In the third paragraph delete everything and starting with the sentence that the GAC gives particular importance, the verification so on and so forth and delete the others. We don't need for -- so explanatory and too much information. So my suggestion.

MANAL ISMAIL, GAC CHAIR: So thank you, Kavouss.

KAVOUSS ARASTEH: The second part of second paragraph, delete the third paragraph up to the GAC gives pick attention. That is for my suggestions, thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. And I think we can leave it at this, and see the enhanced text later, but regarding the second paragraph, I don't think we are -- to delete the last part. I think, in fact, this is the key message that all the 4 are equally important for scoping the work on accuracy. So we cannot delete the very last part of the sentence. This is the essence of the whole second.

So I hope if you give it a second reading it will be convincing. Gulten, please, go ahead.

GULTAN TEPE: Manal, we have comments in the chat also.

MANAL ISMAIL, GAC CHAIR: I'm sorry to miss the comments in the chat. Thank you very much, Gulten, for the heads up. I see Jorge agreeing we have been expecting for a long time that accuracy work should start and hence welcoming the start the start makes sense. And France agreeing, and U.K., this -- think the text is fine as it is. Would prefer it, would prefer it is kept without the deletions.

Thank you all for the comments and apologies to overlook the chat. Kavouss. As I said in light of our discussion, I would like both sides to re-read the text, and we can -- we will do a second reading but for now I was hoping we can finish a first reading of everything



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in the communique to make sure that we have people working on the enhancements we need for the second reading. Is this okay Kavouss? I see your hand is up.

**KAVOUSS ARASTEH:** Yes, I still -- the GAC support the 4 assignments. I don't need that. We could retain the last part in a slightly different wording equally important for scoping of the work on accuracy, if you want to do something but I don't want to support what GNSO said. They never support us. They never ever support GAC. They are always opposing us. So I don't want to say something that we are supporting them. The GAC.

**MANAL ISMAIL, GAC CHAIR:** So maybe we can say something like the GAC supports the 4 assignments that the team has mandated -- I don't have a good suggestion for now, but again, that's why I'm saying, let's give ourselves sometime to think of how to address your concern Velimira any immediate comments.

**KAVOUSS ARASTEH:** Can I suggest something, the GAC has no objection -- not support -- the GAC has no objection to the 4-assignment instructed by GNSO.

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MANAL ISMAIL, GAC CHAIR: Kavouss, if I may, if I may it's not that we are not objecting. We are trying to stress the importance of the 4 equally because there is tendency not to give the 4 the same equal importance.

KAVOUSS ARASTEH: Yes, and I'm saying the same thing. I am saying the same thing much the GAC.

MANAL ISMAIL, GAC CHAIR: Okay.

KAVOUSS ARASTEH: Has no objection to all 4 assignments by GNSO as they end to equally scoping the Board on the accuracy. That is what I suggest, thank you.

MANAL ISMAIL, GAC CHAIR: Velimira.

EUROPEAN COMMISSION: If I may try to be helpful and hopefully help Kavouss. Look at this sentence. I think that it's important we keep that we support all the 4 assignments. If however our colleague would have an issue with specifically referring to the GNSO council, I would suggest that we just take out by the GNSO council, and in this case the

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sentence would read the GAC supports all 4 assignments as equally important for scoping the work on accuracy. Thank you.

MANAL ISMAIL, GAC CHAIR: Perfect. Thank you very much, Velimira; simple, to the point, and I think it addresses the concern, Jorge, and then Nigel so Switzerland please go ahead.

SWITZERLAND: Thank you. Thank you very much Manal. And thanks very much for all this discussion. I think that have Velimira stole my thunder. I was going to propose something very similar. And I would also suggest that we try to move forward and not ask... on issues that are not consensus advice to the Board. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much Jorge. Velimira and then also Denmark supports in the chat. Nigel and then we will move on. Nigel please.

UNITED KINGDOM: Thank you very much, Manal. Yeah, just very briefly I think here we're not you know, the intent of this as I understand it -- and I fully support this intent because I -- it's this is a scoping exercise which is being established. I mean it's an established multi-stakeholder scoping exercise. It's not -- we are not

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supporting the GNSO. We are supporting the exercise. We're supporting the scope of the exercise and hoping that something will come off the exercise and that's the intent of this -- these paragraphs as I understood it. So†--

MANAL ISMAIL, GAC CHAIR: And†--

UNITED KINGDOM: And not the GNSO as such. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Nigel. Indeed we are supporting the scope and we are supporting it to our benefit. So let's move on we will come back for a second reading but for now let's scroll down. I think we are good with subsequent rounds. No comments were made, and now moving to the GAC consensus advice to the Board.

And here we have 3 pieces of advice. I believe they all belong to SSR2 report, and the text reads the GAC advises the Board to establish as a matter of priority a process with the GAC point of contact and a time-line for the follow-up actions to the Board's scorecard to the final SSR2 review team report.

I'm pausing to see if there are any comments before reading the rationale? Assuming Kavouss's hand†--

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KAVOUSS ARASTEH: Yes, I think we have raised this question with Board. And they answered to this question. Why we raise this as an advice? They answer to the question. We talk about the SSR2 review team reports. We talk about the recommendation. We talk about the discrepancies, and we talk about the reconciliation of the difficulties. Why we raise it again? Did the answer was not convincing? Why should be a GAC advice? It should be a GAC communication but not advice.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Noted. Let's take Jorge's intervention and then comment on both together. Jorge please.

SWITZERLAND: Thank you. Manal, thank you so much. Jorge Cancio for the record. It is more a question of understanding, so if I read the rationale, I see what we are aiming at, and I see value in that. The sentence of the advice itself seems to me a bit unclear especially the part where we talk about with a GAC point of contact, so maybe the sentence could be streamlined and simplified or perhaps divided in 2. I don't know. So that we distinguish little bit what is the substance of what we are aiming at, and whether we want this process to be done with special GAC point of contact included or not, so it's aiming at a clarification, and I would have

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course be very thankful if European Commission, Velimira, Olivier could help me on that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. We have 2 questions now. Kavouss asking whether we need this advice at the first place, and Jorge asking whether we need the follow-up to be conducted with the GAC point of contact, which is unlike our normal way of working. So, until I see a request for the floor to respond -- I'm just checking. Maybe I can go through the rationale. It may be convincing why we need the advice at the first place, but I now see Velimira's hand up so Velimira, please go ahead.

EUROPEAN COMMISSION: Thank you, Manal. Actually, I agree with you, and Jorge that probably it makes sense that all GAC colleagues and representatives, I mean they go to the rationale and possibly this will clarify also the advice in itself. As to the Kavouss question, and I thank you for this question because it makes sense in light of the discussion that we had with the Board.

We do think indeed that it merits to be raised to the subject of advice because while there is a scorecard and while indeed the Board explains their approach in the scorecard, I do not think they were clear about timing and I think there are a number of requests from the Board, or instructions given to different parts of the

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ICANN and the ICANN community, and definitely having such advice on the important issues that are in this report will help advance on it, and I believe this would be also useful to the Board on ICANN org on the other parts that are working on the implementation of the Board's scorecard, so yes we believe that in order to have an effective and timely follow up on this we would need -- would need this advice.

Then on Jorge's question about, about the wording itself, I think that we would be open to review again the wording in this this first piece of advice out of the 3 and possibly we could do this not so directly now, but, but as an iteration for the second reading but I, I would agree Manal, that as intended possibly we can continue with reading the rationale, and this I believe would clarify also the ideas to the rest of the GAC representatives. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira, and Kavouss, I hope with your permission we can continue that we have, we have 3 minutes left.

KAVOUSS ARASTEH: Yes, I, I suggest that we delete with the GAC point of contact. We just ask to establish as a matter of priority or matter of urgency a process or a time-line of follow up. Point one.

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MANAL ISMAIL, GAC CHAIR: Okay.

KAVOUSS ARASTEH: Delete that with GAC being point of contact. They contact who. They can't to act the chair or the vice chair of the GAC. They contact me or Velimira. We don't need that. And second this is not an advice. This is a communication. I don't want to put an advice. Please kindly consider we should not degrade the advice of the GAC which is very high level.

MANAL ISMAIL, GAC CHAIR: Thank you Kavouss.

KAVOUSS ARASTEH: It is not advice it's communication. No you don't allow me to finish my sentence. Okay go ahead much I don't make any point anymore. Thank you. You don't let me to finish my sentence. Okay I will shut up.

MANAL ISMAIL, GAC CHAIR: No. Kavouss, the point is noted. I said and I -- we've got the message and we have one minute left, and I wanted to make a quick first read of everything. It's not that we are not going to read this again. We will, and we will have more time to wordsmith. I will not read the rationale right now. Let's scroll



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down. We have 2 other pieces of advice which I would like to bring to everyone's attention before going for a break.

So the second piece of advice reads the GAC advises the Board to assess, working with the SSR2. Shepherds the implementation of those recommendations that the Board's scorecard considers as really -- as already implemented. And then at the last piece of advice, if we can scroll down please reads the GAC advises the Board to provide further justification as to how ICANN ensures effective monitoring, compliance and improvements of contractual provisions with the purpose of tackling DNS abuse, and the reasons for rejecting the very important recommendations 14 and 15 of the SSR2 report, and seek legal advice on further means to make use of current contractual provisions to incentivize and enforce responsible measures to prevent and combat DNS abuse.

So it was time for Gulden --

GULTEN TEPE:

Manal, Manal, I'm so sorry to interrupt. This is Gulden speaking. This session was scheduled for 90 minutes so we have almost half an hour more.

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MANAL ISMAIL, GAC CHAIR: Oh, I'm sorry, so my fault. Thank you very much Gulden, and thank you, Rob, also in the chat for the heads up. I do apologize and since we still have half an hour, let's go back to advice A. I see Velimira's hands up I'm not sure to which part and then Velimira it's obviously it's old hand. I have Kavouss's hand up much please go ahead Kavouss. Kavouss if you're speaking you may be on mute.

KAVOUSS ARASTEH: I'm sorry, the establishment of a time limit is not an advice. It's a request. A communication. I have no problem if you delete GAC contact point and if you convert that to a normal communication to the Board much this is for this one. Rationale, I have not read the rationale. I don't want to read that. We leave it to you, too see whether the rationale correspond to the communication. Then the second one, you go -- can you go to the second one. I just give me points whether it's taken or not taken it is one -- it's up to people like Velimira. I don't know her at all. I don't know where it's come from. You don't know why he's so -- I don't know.

MANAL ISMAIL, GAC CHAIR: Very represent of the European Commission. She's.

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KAVOUSS ARASTEH: Yeah, European Commission puts so many things to us. Yeah. We are also a government. We have a view. European Commission is views is fully respected. Yeah but we have to have some to our point.

MANAL ISMAIL, GAC CHAIR: Thankfully everyone is lending a hand.

KAVOUSS ARASTEH: Yeah, yeah, yeah.

MANAL ISMAIL, GAC CHAIR: Lending a hand, Kavouss.

KAVOUSS ARASTEH: I don't want to be the same reply from you that I did not recognize. I fully recognize European Commission. They have all right to say whatever they wish. But I don't think that why did is. SR2 come to the scene can so many points here. Who is behind it SSR2?

MANAL ISMAIL, GAC CHAIR: So let's stick to the text, Kavouss. Any comments on advice B?

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KAVOUSS ARASTEH: Yes, I have difficulty with this advice. This is not advice. I have difficulty, and I don't agree with this advice thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Any other comments? Okay, if not, then let's scroll up again and read the rationale of the first.

GULTAN TEPE: Manal, before you start to read the text, I see Nigel's hand is up.

MANAL ISMAIL, GAC CHAIR: Yeah, thank you, Gulden. Sorry Nigel, go ahead, please.

UNITED KINGDOM: Not at all, Manal. No, I mean you're trying to go forward and as was said we can always come back to the points. I just wanted to make the point on B, and I think I understand the intent of this. I mean we had a very good briefing on the SSR2 so -- and we understand that you know the Board have -- are happy with some of the recommendations, and other recommendations they are not happy with because they perhaps don't think they're relevant or they might be implemented, so I think this is -- this is important. I don't think the word assess is needed. I think really what we are getting at here is to work with the Board SSR2 shepherds to, to pursue or to you know to ensure the

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implementation of those recommendations that the Board scorecard.

MANAL ISMAIL, GAC CHAIR: Nigel, are you speaking to the first advice or the second one.

UNITED KINGDOM: Sorry, I'm speaking to advice B yes.

MANAL ISMAIL, GAC CHAIR: Okay, if we can please scroll, yeah.

UNITED KINGDOM: Yeah, no, yes, it's advice B. So essentially I think the advice is to -- that the Board advises the Board -- the GAC advises the Board to work with -- or work through the SSR2 shepherds to ensure the implementation of those recommendations. That the Board scorecards considers as already implemented. So I mean might then change this around slightly and Velimira will be able to confirm, but I think the intent was to say look, there's an issue here in the Board said some of these are implemented, whereas others have said they're not implemented. So yeah, but -- others may be able to clarify that. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, thank you, Nigel, and frankly, I know the Board is already communicated with the SSR2 shepherds and I'm not sure where this stands at the moment. I'm inclined that we maybe seek more information on the implementation of recommendations that the Board scorecard considers as already implemented rather than advising the Board to work with SSR2 shepherds to assess the implementation.

I think the key is that we get the information right? And I don't see this anywhere in the advice, but I stand to be corrected. Also, I have a quick comment on advice C where we advise the Board to seek legal advice and I would be more inclined that we ask what we need to do without advising the Board how to do it. I think this gives the Board more flexibility, and, and helps us to just tackle what we need -- I mean if they provide us with the information we want, whether this is through a legal advice or through some other means it shouldn't matter. But again, those are my high-level comments if there are no further comments we can go through the rationale, and maybe the rationale would explain better the advice, and we can try to be concise to avoid also a care education questions from the Board side. We all wanted to avoid back and forth questions so let's try it be as clear and explicit as possible. Can we scroll to the rationale of advice A?

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And if everybody mutes please so, rationale reads this advice aims to support the effective follow up action on Board's tasks directed towards ICANN org in its SSR2 scorecard. For several recommendations the Board A, requires cost-benefit analysis as a prerequisite for the Board to take informed decisions, B, directs ICANN org to seek clarity from the SSR2 implementation shepherds, and or to evaluate parts or whole recommendations for action in a coordinated way including through ICANN org's program dedicated to DNS security threats mitigation. And C, notes that the outcome of the engagement with the SSR2 implementation shepherds will inform the Board's decision on next steps, which may include wider community consultation. Noting the need expressed by the Board for further analysis and consultation and given the importance of the SSR2 recommendations to address the topics of cybersecurity and DNS abuse, the GAC considers that the Board should commit to a transparent follow up action plan, clearly identifying which action it expects from which entity.

Between brackets ICANN org SSR2, implementation shepherds, and others. The GAC believes that such action plan, accompanied by a clear time-line, would help ICANN's constitutive -- constituency -- I'm not sure sorry, to actively follow up on the Board's scorecard, while allowing issues prioritization and appropriate mobilization of the ICANN community.

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So I think in light of this good rationale maybe we can reword the advice part? And I would like to read the rest of the rationales as well, so if we go to the rationale of advice B, which was regarding recommendations that the Board's scorecard considers as already implemented.

The rationale reads, the GAC notes that regarding some of the issues raised in the SSR2 report there seems to be a diverging perception by the Board on the one hand, and the SSR2 team on the other as to their level of effective implementation. In particular, regarding compliance with DNS abuse contractual terms and enforcement of those, with a reference to recommendations 9.1, the Board appears to consider in its reaction to the SSR2 that the recommendation is fully enforced while the SSR2 recommendations suggests that this is not the case. In the GAC's view a follow-up assessment should be carried by the Board in close co-operation with the shepherds to clarify the different interpretations of the recommendations concerned, and of their level of application. Surveys may be carried to this effect and the result of this follow up assessment work could take the form of a table summarizing the findings.

The GAC would encourage the Board to organize a webinar to inform the community of the results of its work with the shepherds, which would allow ICANN and the ICANN community to have a shareholder understanding of the issues, effectively



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requiring further action. A written assessment drawn up by the SSR2 shepherds working with ICANN org, and the community, could be considered as a basis for such an exchange. Naturally, the Board should commit to respecting the outcomes of this process in its own assessment of whether implementation is complete for this exercise to meet its intended purpose of settling the disagreement through an approach that benefits the multistakeholder model.

And finally the rationale of the third piece of advice reads in this -- in its ICANN71 GAC communique, the GAC confirmed that DNS abuse mitigation remained a priority for the GAC. The GAC also acknowledged the importance of ensuring that registries and registrars comply with ICANN contractual obligations, and emphasized the need for improved contract provisions, with clear and enforceable obligations, to better address DNS abuse. The GAC regrets the Board's decision to reject the majority of recommendations 14 and 15 given the intent of these recommendations to provide ICANN org and ICANN contractual compliance team with appropriate tools to deal with egregious -- I cannot pronounce the word properly for now -- policy violations.

The GAC considers the addressing the GAC considers that addressing the most severe DNS abuse violation is in line with ICANN's mission to ensure the security, stability and resilience of

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DNS in the public interest. The GAC understands that ICANN org has concerns about its ability to enforce the creation and implementation of measures to prevent and combat booze under the current contracts. The GAC also notes that other constituencies have a different interpretation of the relevant contractual clauses, as is reflected also in various review team reports including SSR2. The GAC would therefore think that the Board should seek legal advice on possibilities to hold contractual parties accountable for a lack of measures to effectively prevent and mitigate DNS abuse under the contracts as interpreted in light of the ICANN bylaws, including the public interest as a central consideration in a resource that is to be administered for the benefit of all.

So, again, as a high-level comment from my side, as I said I'd rather we advise with the thing that we need without mentioning how the Board would do it. Particularly that even if the Board satisfies our needs with a different mechanism, this would be the Board not following the GAC advice and would trigger the bylaws. So let's try to simplify, and I think I saw Jorge agreeing with this -- with the comment. I hope it makes sense.

And I would like to ask now whether we need drafting rooms as discussed earlier? Or is everybody good with having a break and then after a break, we can make a second read hopefully reflecting the points that we discussed? So if there are -- if there

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is no preference, maybe we can take the break now, with 12 minutes additional, I'm sorry to ask you to use the break in reflecting the comments that we discussed during our first reading, and hopefully when we reconvene again for a second reading, we will have the enhanced text.

Shall we convene as scheduled, or do you need a little bit more time in? I'm in your hands. We are supposed to reconvene at 14:30 Seattle, and 21:30 UTC. So 42 minutes from now. So if -- then if there are no preferences again, I will not waste your break time, please be back for our second read, and I hope you can enhance the text meanwhile. Thank you very much.

KAVOUSS ARASTEH: Manal, can I talk, please?

MANAL ISMAIL, GAC CHAIR: We already concluded the session, Kavouss. It something that.

KAVOUSS ARASTEH: Yes, this is that.

MANAL ISMAIL, GAC CHAIR: Wait.

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KAVOUSS ARASTEH: Yeah, yeah, the rationale is aggressive. Is very aggressive Board. The GAC rejects that the Board decision.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, so another thing†--

KAVOUSS ARASTEH: And also vigorous violation. I don't think this language is correct. We should soften the language and second I don't agree that this is an advice. This is a simple communication. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. Indeed let's try to soften the language as possible. We of course do not want to convey an aggressive message, so another thing to consider please during the break. Thank you very much everyone. The meeting is adjourned. Thanks.

**[ END OF TRANSCRIPT ]**