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ICANN72 | Virtual Annual General Meeting - GAC ICANN72 Communique Drafting (3 of 5)  
Wednesday, October 27, 2021 - 16:30 to 17:30 PDT

GULTEN TEPE: Tech team, could you please start the recording? Over to you, Manal.

[ Recording in progress ]

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulten, and welcome back everyone. This is our third GAC communique grafting session and it is scheduled for just an hour so I hope we can work efficiently to maximize the benefit during this hour.

I suggest that we start by the second part of the communique quickly assigning the pen holders, and knowing who will be doing what, and then use the rest of the session in a quick read of the very first part. It shouldn't be controversial, and just clear it out of our way so we can focus tomorrow and parts that need editing. So if we can maybe take it backwards, scrolling to the very end of the follow-up on previous GAC advice, and make sure just -- I would like to make sure that U.S., you will be taking care of the previous GAC -- the follow-up on previous GAC advice part.

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**Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.**

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Again, noting that if it is something that we could -- thank you, Susan. You mentioned that you have already reformatted the text, then we will look at it but not necessarily during this session but thank you for making the effort.

And just to make sure -- to recap on the comments we did last session we mentioned -- session, I don't think we should be imposing a certain time-frame on the Board, and we have explicit reference to the previous GAC advice, we are reiterating and lastly, consider whether this could be done through an exchange of letters and not necessarily in relation to advice, if it is simply a request for further information.

With that in mind, let's sleep over it, and see the comments tomorrow.

Anything else on the follow-up on previous GAC advice? I think the -- so yes, again, this -- both parts are being revised. We will see them tomorrow. I believe we deleted the part on the DNS abuse, so that's it for the follow-up on previous GAC advice. If we scroll up to the GAC advice, I just want to make sure European Commission, if you are -- you will be working on the revised language? I think we are good with 1A. Any comments on 1A? If not, then I assume you will hopefully be working on B, part B which -- yeah, which U.K. also was trying to help with. Again, the Google doc is for collaborative editing so if there are any minor

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comments that could be addressed through the Google doc, please feel free do so, but we will re-visit the text again in session tomorrow.

And just reading Fabien in the chat. Note that in relation to earlier discussion of exchanging between ICANN Board and implementation shepherds you may find recording their meetings here. And thank you Fabien. This is very helpful.

And scrolling down to C, I think we more or less also agreed on the text. We had deleted number 2 and we have now two pieces of GAC advice, which we agreed to their language, and regarding the rationale, the rationale will be reviewed bearing in mind shorter text, and softer language.

And there was a suggestion already for some parts to be deleted in the rationale of advice B -- I'm sorry to keep jumping from one advice to the other, but just noting the parts that Kavouss suggested for the deletion and are already marked with square brackets. So with that in mind I hope we have our homework for tomorrow.

Let's go to issues of importance to the GAC. And I think this subsequent procedures part is already agreed, so we have only 2 sections to look at. First, the accuracy of registration data, and the DNS abuse. I think I can make a quick reading of this, but

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maybe -- maybe we can start from the beginning, and see -- and read from the beginning of the communique until issues of importance to the GAC, and the rest I think needs editing and we have our pen holders for tomorrow.

So GAC communique, ICANN72 virtual annual general meeting. The GAC ICANN72 communique was drafted and agreed remotely during the ICANN72 virtual annual general meeting. The communique was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC members and observers to consider it before publication, bearing in mind the special circumstances of a virtual meeting. No objections were raised during the agreed time-frame before publication, and this will be unhighlighted as soon as it happens.

Under introduction, the GAC the governmental advisory committee of the Internet corporation for assigned names and numbers met via remote participation from 25 to 28 October 2021.

Per ICANN Board resolution on 15th July 2021 in response to the public health emergency of international concern posed by the global outbreak of COVID-19, ICANN72 was transitioned from an in-person meeting in Seattle United States, to a remote participation only ICANN meeting.

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X number of GAC members and X number of observers attended the meeting. And the numbers will be inserted when the counts are finalized.

The GAC meeting was conducted as part of the ICANN72 virtual annual general meeting. All GAC plenary and working group sessions were conducted as open meetings.

Going to section 2 for in the constituency activities and community engagement. First meeting with the ICANN Board. The GAC met with the ICANN Board and discussed. First, ICANN work with governments and IGOs on geo-political issues, second the recommendations of the second security stability and resiliency review team, SSR2, regarding DNS abuse. And third, subsequent rounds of new gTLDs.

Noting that Board responses to GAC questions and statements presented during the meeting are available in the transcript of the GAC ICANN Board meeting accompanying this document.

And we normally attach the transcripts of the session to the communique.

Second is the meeting with the at large advisory committee, and the GAC met with members of the ALAC, and discussed, ICANN and governments. DNS abuse, and public interest in ICANN

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processes. The GAC extends its thanks to the outgoing ALAC liaison to the GAC, Mr. Yrjo Lansipuro for his valuable support and contribution to the relations between both advisory committees during his tenure.

Sorry, I'm just looking at the chat. Nigel asking, did we discuss SubPro with Board in end? I know we missed something. Yeah, you're right. We shared the questions, and we didn't have the time to hear the Board's responses so I'm in your hands. I mentioned that it was a topic of interest, and we cannot get to the questions. If you'd rather we deleted I'm flexible, but the Board already have the questions. Any preference to whether to keep it or delete it? Okay maybe we can delete it to stick with what we discussed, and it is recorded in the transcripts. Is this okay with everyone? And thank you for noting, Nigel.

Then going to the GNSO bilateral meeting with the generic names supporting organizations. The GNSO the GAC met with members of the GNSO -- is it the GNSO or the GNSO council -- and discussed EPDP Phase 2A registration data accuracy, DNS abuse, and EPDP on specific curative rights protections for IGOs.

Then on meeting with the universal acceptance steering group, USAG and this will take place tomorrow, so again once it's concluding, the exact agenda will be inserted, and the highlighting will be removed.

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Next is the cross-community discussions, and GAC members participated in relevant cross-community sessions, scheduled as part of ICANN72, including a community plenary session on designing hybrid ICANN public meetings to equalize in person and remote participation. On internal matters, section 3 first ICANN ... GAC membership there are currently 179 GAC member states and territories and 38 observers' organizations.

Under GAC elections, the GAC elected as vice-chairs for the term starting after ICANN73, March 2022, and ending at the close of ICANN 76, March 2023, and then we will be having the list of the 5 names inserted as you can see once the results are announced tomorrow during the wrap-up session.

The requirements of GAC operating principle 32 and 35 regarding GAC vice-chair elections were satisfied as a so the al of -- and we will insert the number of ballots -- which are more than 1/3 of the GAC members were submitted. And between square brackets until we see tomorrow, there were no ties requiring further in person paper balloting. So again, this is the text you will see in the communique once it is verified and announced tomorrow.

Going to GAC working groups -- I'm sorry Fabien, I see your hand is up.

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FABIEN BETREMIEUX: Yes, Fabien Betremieux from the support team. Before we get into the text of the working groups because it's been substantially ... if we scroll back up in the... interconstituency activities and community engagement we added a footnote. You may recall there was a suggestion that it be referenced to interested parties that the outcomes of those meetings that the GAC has with the community is available in -- on the web sites, and so following that why we added a footnote to the title that you may see, so you haven't read it -- I don't know if you want to wait to discuss it? We sometimes have reservations with links in the communique because you how links can break eventually so we just offered that text in response to that suggestion.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien, for the heads up, and indeed there was a suggestion during our meetings that we insert reference to further information basically to transcripts of -- our bilaterals, and the GAC leadership discussed and decided to have this collectively referenced, and I think it makes sense adding the footnote to the heading. I'm going to read the footnote as well. Parties interested in the outcome of these meetings are invited to consider the material and recording available on the ICANN72 schedule website and there is the URL. As well as in the ICANN72 GAC meeting minutes to be made available at, and the URL.

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Again, with the caveat that Fabien mentioned that they might not be eternal. At some point in time the links may be broken, but again, it is not a practical thing to add to the communique. The Board part we added in hard copy -- I mean you can find a ten-page communique in a file of 50 pages or so, and it doesn't make sense that we add more to the file itself so I hope this is a good compromise that can last long enough and thank you again for the reminder.

If we can -- now I think we're done with the elections. Going to the GAC working groups. We are expecting a text on -- from the GAC Public Safety Working Group, hopefully by time of our sessions tomorrow.

And regarding the GAC underserved regions working group, the text reads the underserved regions working group presented its work plan to the GAC with the aim to prioritize the strategic goals that should be executed by 2023.

The working group will share the edited Work Plan with the GAC for review and input, following amendments relative to the working group's participation in GNSO policy development processes. Subsequently the working group will seek GAC endorsement of its Work Plan within the month following the ICANN72 meeting.

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And thank you, Laureen, for confirming in the chat that the PSWG will be providing text by the drafting session of tomorrow.

Moving on to the GAC operating principles working group. The GAC was briefed on recent activities carried out by the GAC operating principles working group, evolution working group, and yeah I think we need the word evolution also in the heading -- including its Work Plan and a preliminary analysis of GAC operating principles, aimed at prioritizing working group efforts to review the operating principles. GAC members noted the need for further discussion to outline which principles require changes or edits prior to finalizing the GOPE working group Work Plan, and prior to proceeding with the amendments to the operating principles. The GOPE working group members will meet inter-sessionally and share relevant developments with GAC members prior to ICANN72. And I see Susan's hand up. U.S. please go ahead.

UNITED STATES:

Thank you, chair. I would just like to suggest a slight addition that recognizes the need for the working group to assess the GAC working methods so in practice what is working well, what is not working well, and I believe also in Benedetta's presentation there was a suggestion of whether any new principles might be added.

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I just don't see necessarily space for that reflected in the current text, so it would just be a very minor change that we'd like to suggest before finalizing this section.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. So two things proposed for addition, an assessment of GAC's working methods, and assessment or evaluation whether a new principle should be added. So I hope that we have taken note of -- I see already is it Benedetta editing? So GAC members noted the need for further discussion on GAC's working methods, and to outline which principles require changes or edits -- maybe as well as the need for new principle -- whether that's new for new principles prior to finalizing? But Susan, I see your hand is up please go ahead.

UNITED STATES: I'm so sorry, that's my mistake. I forget to take it down.

MANAL ISMAIL, GAC CHAIR: Okay. So I hope what's on the screen reflects what has been proposed and is not controversial so reading this part again GAC members noted the need for further discussion on GAC's working methods and to outline which principles require changes or edits as well as whether there is a need for new principles prior to finalizing the Work Plan.

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Thank you, Susan, for the suggestions and Benedetta for the prompt editing. Now moving to the GAC Human Rights and International Law working group, the working group updated the GAC on the recent developments conducted in relation to the GAC prospective proposal documents on Work Stream 2 final report recommendation 1.1. On the definition of diversity. The purpose of the document is to provide a GAC perspective on each of the 7 elements of diversity identified in the report. In addition elements on cultural diversity and diversity in attendance were included due to the potential relevance, in first instance, to the GAC and subsequently to ICANN. The GAC welcomed the preliminary draft for review and confirmed the next steps relative to the measuring and implementing discussion process to be conducted inter-sessionally.

Moving to issues of importance to the GAC. As I see no requests for the floor, so apart from the PSWG text that is expected tomorrow, I think we are good with sections 1 to 4. Now, on issues of importance to the GAC, we have DNS abuse, I'm going to read that once more to identify what is needed and who may help us, so -- the text reads 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 publication of compliance reporting,

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and developments shared during the contracted parties community outreach session that indicate progress is being made to provide reporting of abuse, broken down by registrar. The GAC supports registrar level abuse reporting being added to DARR, as such reporting will enable a more productive anti-abuse dialogue within 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.

Relatedly, the GAC highlights the need for improved contract requirements to address the issues of DNS abuse more effectively. In this regard, ICANN's role under the bylaws includes duly 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.

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

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the GAC supports relevant recommendations made in the SSR2 such as -- and we still here have, to be completed. Is this text that is missing? Are we expecting text here? And meanwhile as I seek a response I'll read the last.

The GAC acknowledged the issue of registrar hopping, which makes it difficult to take prompt steps to investigate under registry accreditation agreement 3.18 and the need to address it.

So are we missing text as highlighted on the screen? What does to be completed refer to? Or is this something that we need to delete? So -- do we have the editors in the room? And Nigel please.

UNITED KINGDOM:

Yes, thank you good evening, Manal, and colleagues. Yeah, I mean I did some initial work on this, and I'm happy to look at it again before we commence tomorrow to try and propose some additional language that would make sense, particularly in relation to what you said about you quite rightly said about SSR2 you can't just say you know we -- agree with the recommendations. We need to be a bit more -- have a bit more granularity than that. So I'm THEP look at that, but no doubt others will as well.

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But I think it is an important number of paragraphs because it -- if we don't have any other specific advice on DNS abuse then this will be what we are saying after probably 20 or 25 hours of discussion. I think we take all the discussions that took place last week between the PSWG and a number of other community groups, then I think it will be very odd for the GAC not to say anything about DNS abuse and about our continuing concern, so I think we also ought to reiterate here you know, and I can look at previous language, but we need to ensure that we at least say something about the -- our concerns of further implementation of measures ahead of the new gTLD rounds. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, so we will be seeking review text for this paragraph or this part of DNS abuse, and we are a bit flexible here in terms of language being under issues of importance to the GAC and I have to say, this part as well is normally taken very seriously also by ICANN Board despite not being a GAC advice they go through the text and discuss it with the GAC during the full GAC interaction group pause, so it is not any less important.

Regarding SSR2, I think we could certainly look forward to implementation of accepted recommendations and look forward to resolving issues regarding pending recommendations. I mean, we can -- it's just a little bit -- it would cause questions, I mean if we just support the whole thing whereas it is categorized

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differently, and some of which are even rejected. So with that, I think we are good to move on.

Sorry, I was just noting the missing part. Then we have accuracy of registration data. The GAC reiterates that maintaining accurate domain name registration data is an important element in the prevention and mitigation of DNS abuse. Also, the GAC 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 GAC welcomes the effective start of the accuracy scoping exercise launched by the GNSO. The GAC supports all father assignments as equally important support scoping the work on accuracy.

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. The GAC gives particular importance to the verification, validation, and correction of all registration data by registrars and certain registries, in line with their contractual obligations, and supports rigorous monitoring and enforcement

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of such contractual obligations by ICANN. The GAC stresses the importance of developing on all father tasks in a timely and effective manner. Fabien, please go ahead.

**FABIEN BETREMIEUX:** Yes. Sorry, Manal, just wanted to flag that the first 2 sentence of the last paragraph of the section were flagged -- were in brackets and so I don't know if you noted that, but I believe that ... requested that this sectioning removed so that's why we have it in brackets at the moment that's the part that's highlighted in yellow in the third paragraph very last paragraph of this section on.

**MANAL ISMAIL, GAC CHAIR:** Sorry, thank you for flagging. I thought it was just the first sentence. So is it okay to go for shorter version and delete this part? I'm just having a second look. So, I'm seeking confirmation from the editors whether it is okay to delete the highlighted part or not? And if we don't have a confirmation right away, let's keep it marked for tomorrow, and we can confirm this during the session tomorrow, and then we have the 2 footnotes. Is this going to go to the footnotes? Or -- the 2 URLs.

**SPEAKER:** Yes, Manal, to the extent to which the text is not associated was maintained we would move that.

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MANAL ISMAIL, GAC CHAIR: Okay. And let me read this as well for a complete stripping of the task assigned by the GNSO to the accuracy scoping TMZ, and the URL and the second reads this is also in line with the findings of the SSR2 full time report are reference to recommendation 9.2 at, and the URL.

On subsequent rounds of new gTLDs I think we read it and there were no comments I'm going to read it quickly one more time. The GAC discussed subsequent rounds of new gTLDs following the ICANN Board approval of an operational design phase or ODP. Relative to policy recommendations in the final report of the GNSO policy development process working group PDP. And subsequent procedures for new gTLDs. The GAC intends 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 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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So I think with this we've done one complete reading of the whole communique, on the -- and we are missing text on PSWG, and refining language of one paragraph under DNS abuse, also confirmation regarding whether or not they need the highlighted part under accurate, of course in addition to the elections part that is to be finalized tomorrow.

That said, we have agreed more or less, on the GAC consensus advice. Maybe we can read the reformatted text under follow up -- okay I'm sorry, the next meeting if I need to read this. The GAC is scheduled to meet next during the ICANN73 community forum on 5 to 10 March 2022. So, I was suggesting to read the follow-up on previous GAC advice since Susan mentioned that the text was reformatted, so under domain name registration data registration directory service and data protection, we have the Board accepted the GAC's advice to, "instruct the ICANN organization to ensure that the current system that requires reasonable access to nonpublic domain name registration is operating effectively. This should include, educating key stakeholder groups, including governments, that there is a process to request nonpublic data. Actively making available a standard request from -- a standard request form that can be used by stakeholders to request access based upon the current consensus policy, and actively making available links to registrar and registry information and points of contact on this topic".

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The GAC would welcome the Board providing an update on these three efforts. In particular, the GAC observes that information on how to make a request for nonpublic data does not appear to be prominently located or easy to find on ICANN's website. The GAC also recognizes that the contracted parties have developed guidance on the minimum required information for WHOIS data requests and notes that relevant stakeholders would also benefit from the prominent display of this information in the relevant section of ICANN's website.

So I'm pausing to see if there are any immediate reactions, and if not, we will be getting back to the text again tomorrow. And moving to EPDP Phase 1 policy implementation. The text now reads the GAC notes its previous advice within the ICANN66 Montreal communique and follow up within the ICANN70 and 71 communiqués with regard to Phase 1 of the EPDP on gTLD registration data, and the request for "a detailed Work Plan identifying an updated realistic schedule to complete its work". The GAC highlights with "continued concern that the Phase 1 implementation review team IRT lacks a current published implementation time-line". So thank you very much. This is a concise short, and all quoted from previous GAC advice.

I'm pausing to see if there are any comments or questions or requests for the floor. Otherwise, I think we have a plan between now and tomorrow, and I hope that we can come tomorrow with

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the revised text and have a smooth drafting session tomorrow, and meanwhile, as I said, the Google doc is collaboration efforts so please go through the text and come ready to finalize tomorrow. Fabien, anything I overlooked? Or any one from staff? Or leadership colleagues?

FABIEN BETREMIEUX: I don't think so, Manal. I think the review was quite comprehensive. Actually, fully comprehensive.

MANAL ISMAIL, GAC CHAIR: Okay. So that said, we will be giving you 10 minutes back. This concludes our communique drafting sessions for today. We will be reconvening tomorrow at 9:00 Seattle time, 16:00 UTC to continue with the communique drafting. And again please be reminded that the GAC leadership will hold 30-minute brief at 14:30 UTC for those challenged by the meeting time and would like to catch up with any of the sessions they missed. Until then, please stay safe, and have a good rest of your day or night.

The meeting is adjourned.

Thank you.

**[ END OF TRANSCRIPT ]**