ICANN72 | Virtual Annual General Meeting – GAC: Communique Drafting Session (4 of 5)
Thursday, October 28, 2021 – 09:00 to 10:00 PDT

JULIA CHARVOLEN: Good morning, good afternoon, and good evening. Welcome to the ICANN72 GAC Communique Drafting Session, the 28th of October at 1600 UTC. Recognizing that these are public sessions and other members of the ICANN community may be in attendance the GAC leadership and support staff encourage all of you who are GAC representatives to type your name and affiliation in the participation chat box to keep accurate attendance records.

If you would like to ask a question or make a comment, please type it in the chat. The feature is located at the bottom of your Zoom window by starting and ending your sentence with a question or comment as indicated in the chat. Interpretation for GAC sessions include all 6 UN 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.

If you wish to speak, please raise your hand. Once the session facilitator calls upon you, please unmute yourself and take the floor. Remember to state your name and the language you will speak if you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you're speaking.

Finally this session, like all other ICANN activities is governed by the ICANN Expected Standards of Behaviour. In case of a disruption during the session, our technical support team will mute all participants.

With that, I would like to leave the floor to GAC Chair, Manal Ismail. Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Julia, and good morning, good afternoon, and good evening everyone. Welcome to the fourth GAC communique drafting session. This session is scheduled for an hour. I hope you all managed to relax a little bit and are coming today fresh and active to finalize the communique.

We will start by going through the communique from the beginning, only reading text that is new since yesterday. To clear everything out of our way a more substantial discussion and finalization of the advice part.

So without further ado, let's go through the communique. If we can scroll down and stop at the first new text since yesterday. Noting that the universal acceptance part will be finalized after the coming session which is our meeting with the universal acceptance steering group. And the elections also will be finalized after the announcement during the wrap-up session. We now have the PSWG text if we can get it -- thank you. It reads: The GAC Public Safety Working Group continued its work

to combat DNS abuse and promote effective access to domain name registration data. The PSWG emphasized continued focus on DNS abuse leading a session on the topic for the GAC and discussing possible steps forward, which include assessing how contract provisions may be improved to respond to DNS abuse with an eye to sharing such assessments with ICANN to inform its contract negotiations. The PSWG also participated in a panel focusing on the ccNSO's role with respect to DNS abuse.

In the lead-up to ICANN 72, the PSWG also participated along with the GAC colleagues in an at large advisory committee open policy session to discuss the impact of DNS abuse and utilizing all possible tools to help mitigate some of the damages caused by DNS abuse.

The PSWG led a session on domain name registration data to update the GAC on recent developments including the conclusion of the Phase 2a final report of the temporary specification for gTLD registration data and the GAC's related minority report. The PSWG is contributing to the scoping effort on accuracy of domain name registration data in support of the GAC representatives in the scoping team. Members also continue to represent the GAC in the implementation review team for the Phase 1 of the EPDP.

During the ICANN 71, the PSWG held discussions with ICANN org -- is this meant to be 72? During ICANN 72, the PSWG held discussions with ICANN org, including representatives of the office of the chief technology officer, the security, stability, resiliency team, and

contractual compliance. ALAC, SSAC, registry and registrar stakeholder groups and the commercial stakeholder group of the GNSO.

So thanks to PSWG members for the text and for all the efforts inter-sessional and during the meeting. If we can scroll down please to the following new text. So yeah, I think there is some enhancements in the human rights part. I'm going to read it quickly: The Working Group updated the GAC on recent developments regarding the GAC prospective proposal documents on Workstream 2 final report recommendation 1.1 and definition of diversity.

The purpose of the proposed document is to provide a GAC perspective on each of the seven elements of diversity identified in the report. In addition, elements on cultural diversity and diversity in attendance were included due to their potential relevance in first instance to the GAC and subsequently to ICANN. The GAC welcomed the preliminary draft of the prospective documents for review and confirmed that once the document is finalized, the GAC will discuss inter-sessionally how to measure and implement all relevant aspects of diversity.

Again, thanks to the co-chairs and Working Group members. If we can scroll down. On issues of importance to the GAC, so this text was under drafting since yesterday so we will read it once again today. So under DNS abuse: 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 follows developments in the area of voluntary measures with interest

an example about the work of the DNS abuse institute. The GAC notes positive steps taken in the monthly publication of compliance reporting and developments shared during the contracted parties community outreach session. That indicates progress is being made to provide reporting of abuse broken down by registrar.

The GAC also notes the work being undertaken to give access to DAAR domain registrar information and supports this as another step to help understand the DNS abuse landscape. The GAC hopes this would enable a more productive anti abuse dialogue within the community and may inform efforts within the community or refine contractual improvements to enable a reduction of the harms caused by DNS abuse.

Relatedly, GAC highlights the need for improved contract requirements to address the issue of DNS abuse more effectively. In this regard, ICANN's role under the bylaws includes duly taken 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 pleased 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. We look forward to a definitive timeline for such an initiative.

The GAC also wants to emphasize the importance the GAC places in the work of ICANN compliance, not least in ensuring registrars and

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registries comply with the undertaking they give when registering a name. In this respect, the GAC supports timely action and progress being made on the relevant recommendations made in the SSR2 report. The GAC acknowledged the issue of registrar hopping, a practice in which registrants seek to avoid contract-based consequences for DNS abuse by transferring their domain names to a different registrar in response to reports of abuse.

So thanks to all involved for the revised text. If we can scroll down, now on accuracy of registration data. The text reads: 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 ICANN 71 communique that the scope of work on accuracy shouldn't 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 four assignments as equally important for scoping the work on accuracy.

Now moving to the following paragraph and noting that the highlighted part was proposed for deletion. So appreciate if topic leads or authors confirm that this part can be deleted. Olivier please, go ahead.

EUROPEAN COMMISSION: Olivier Bringer from the European Commission, I hope you can hear me. No, we will not agree to the deletion, that is the whole point of the

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section, to say explicitly that we think it's important, all four assignments, but important to dedicate time and resources to the last two assignments. So we would not agree to the deletion, and I would say also that I think it would make sense to keep in the previous paragraph the explicit reference to the assignments, otherwise you don't understand what you are talking about when you mention assignments 3 and 4 in this paragraph.

Finally, I would say that the word complete, I don't really understand why this is removed. Registration data, they have to be accurate but also have to be complete. If you have the email, you don't have the name, if you have the name and you don't have the address, this is not proper registration data so I don't understand why you would remove the word complete. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier. Susan, please, US.

UNITED STATES: Thank you, Chair. And thank you Olivier. The reason why we would support removal of the word complete is because we are concerned that it could cause confusion and conflation of the issues within the accuracy -- scoping Working Group. The completeness is not within the scoping Working Group, it's not in the instructions to that group, so we're just concerned it could potentially add some confusion about the focus there. I think that we may also agree with happens been suggested by another GAC colleague that, the notion of what complete

is tends to I guess -- it's a bit vague. And finally, we don't believe, though I stand to be corrected, of course, that it is a requirement within the contracts. So for those reasons, we would suggest its removal. Thank you.

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

IRAN: Good morning, good afternoon, and good evening. For me I don't know what time of day it is, I started 9:00 Geneva time and up to now I continue. But we said yesterday we need to delete ends complete because [indiscernible] also means complete and the other paragraph we also have difficulty with what is highlighted and we come to that, so distinguished Chair, you are not yet on the GAC advisor, so on, so forth -- important issues with the GAC. Am I right?

MANAL ISMAIL, GAC CHAIR: Yes, Kavouss, this is issues of important to the GAC.

IRAN: Okay. So I am asking that the parties highlighted instructed by the GNSO Council namely -- I don't understand why we say instructed. Who gives instructions to whom? Raised by GNSO Council? But instructed? I don't think that any constituency or any part of the ICANN instructs other parts. There's no instruction. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. So since we are under issues of importance to the GAC and this could be a bit flexible, here is my proposal. We keep the word complete deleted, the four assignments listed, because as Olivier mentioned, there is reference afterwards and it's better that we have them explicitly listed. And we keep the highlighted part. So just we delete complete. I'm happy to find a word for instructed -- can we say the GAC supports all four assignments? Namely, 1, 2, 3, 4 as important for scoping the work on accuracy and delete instructed by the GNSO Council. So this would be my suggestion –

IRAN: Could you please indicate what is after assignment? For assignment and then?

MANAL ISMAIL, GAC CHAIR: And then listing assignments. One, two, three, four, namely the four assignments and then it reads: As equally -- I will read the paragraph again, if this makes it easier.

IRAN: Yes, if the instruction is taken out, I have no problem.

EN

MANAL ISMAIL, GAC CHAIR: Excellent. Thank you. And I hope European Commission also are okay. And I see confirmation from Olivier in the chat, so thank you very much, everyone for the flexibility. I'm so we are deleting "end complete" and I'm going to read from the second paragraph. And reads: In this context the GAC welcomes the effective start of the accuracy scoping exercise launched by the GNSO. The GAC supports all four assignments, namely 1, enforcement and reporting, 2, measurement of accuracy, 3, effectiveness, and 4, impact and improvements as equally important for 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 exchanges with other constituencies not only on the definition of 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 obligation and is 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

And then we're keeping the footnotes, the URLs will be in the footnotes since we're keeping the text

Now moving to the -- sorry, so rounds on new gTLDs was agreed yesterday so I will not read this text again. Kavouss?

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VIRTUAL ANNUAL GENERAL

IRAN:
I ask that we go back to this element that we have -- okay, there. In the second paragraph at the end of the paragraph we say as equally important. And [indiscernible] particularly important, two of them, we cannot say something is equally important and then among those four things are equally important that some of them are particularly important. So if you want to refer to something as particularly important, you delete as equally important -- and improvement for scoping of the work on accuracy. Delete as equally important. And then because you raise it in the following paragraph, equally important two times, so it should be consistent. Thank you.

MANAL ISMAIL, GAC CHAIR:
So let me try to propose this, if I understand the intention correctly. Maybe we can leave as equally important and change confirmation, and -- in the second paragraph we can change the GAC considers assignments 3 and 4 equally important for the purpose -- no, doesn't read well, I'm sorry, I withdraw my proposal.

I see your point, Kavouss, but trying to read the sentence now, the GAC supports all four assignments, namely one two, three, four, for scoping the work on accuracy.

KAVOUSS ARASTEH:
Yes, I agree with that, it's okay, thank you, it's okay for me if you delete that as equally importance.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, any objections to deleting as equally important? Okay. Let's delete this part and move on. Now to GAC consensus advice to the board. And here we're talking on SSR2 reports. The GAC advises the Board. To undertake as a matter of priority the follow-up actions within its remit needed to support the swift implementation of the Board's scorecard for the SSR2 review team report and to inform the GAC or the community, need to finalize this, accordingly, including about the corresponding timeline.

And thank you for introducing here the word scorecard. I think this addresses my concern of yesterday. Yesterday I was concerned that here we may be advising the Board to swiftly implement everything that came out of SSR2, even recommendations that were rejected. But now by inserting scorecard, I see this addressing my concern. I hope everyone is okay too. Nigel, please. UK.

UNITED KINGDOM: Yes, thank you very much, Manal, and good afternoon, good evening, everyone. Yes, on this text, I think the word including where it is, doesn't quite make sense in the English. I think -- and to inform the GAC accordingly, not least about the corresponding timetable, but including about the corresponding timetable doesn't quite work, perhaps there are better words.

MANAL ISMAIL, GAC CHAIR: So thank you, accordingly and then not least about the corresponding timeline, right? Okay. Any objections to the new text as proposed by UK? Kavouss, is this a new hand?

IRAN: Yes, new hand. Manal, I think we had yesterday several discussions, GAC advice, GAC views, GAC comments, GAC, -- for the time being, I request kindly in the section 5 put consensus in square brackets, depends on what we do with the text and we may remove that so please kindly, provisionally introduce square bracket around consensus. GAC advice to the Board, and then we can see what we can do.

And then I have my comment with respect to rationale, that I have difficulty with a rationale for the GAC consensus advice, I will give the reason why I have difficulty.

The third line of the rationale, it says: The GAC considers that the Board should commit to a transparent and timely follow-up action plan. This language is too strong. The GAC requests, invites, is of the view or anything, but not committing to a transparent means they were not transparent. If you have proof that they were not transparent, then you put that commit -- Manal, commit is a very strong word. Commitment. There are two or three words very important and strong -- commitment, undertaking, and so on, so forth. Because I have legal background. So I don't think we should say that the Board should commit to a transparent and timely follow-up action means that the Board has not been transparent or have a timely follow-up action.

MANAL ISMAIL, GAC CHAIR: Thank you, I see your point. Sorry, go ahead.

IRAN: Yeah, if you will allow me [chuckling] I know if you want to propose it better, but if it changes -- consider that or invites the Board for further transparency and timely follow-up action, or to enhance transparency and timely follow-up actions. But not commit. The GAC invites the Board for further transparency and timely follow-up actions, action plan. I have no difficulty to word that way.

MANAL ISMAIL, GAC CHAIR: So can we say the Board should continue being transparent and timely –

IRAN: No problem [overlapping speakers] that is also good. Yes, should continue to be transparent and taking follow-up -- timely follow-up action.

MANAL ISMAIL, GAC CHAIR: So let me read the rationale, because I haven't read it yet. And then we can fine tune the language. I see your point, Kavouss, and I will just read the paragraph and then we can finalize. Thank you, Kavouss. Susan, is this on the rationale in –

UNITED STATES: This is on the suggestions for the advice in general within the entire section. I'm not sure if you were able to note, I did add some margin [indiscernible] so we have welcomed the discussion on the communique that has taken place over the past few days, however, we have consulted with leadership and have some concerns about the text regarding SSR2 and happy to share those concerns whenever -- if you would like to continue reading the rationale, we can wait until after that, at your disposal, Chair, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, if it has to do with advice itself, maybe we can take it first before going to the rationale?

UNITED STATES: Yes, Chair, thank you. So in our view, the proposed advice text here doesn't conform with the role of the GAC, strays from the GAC's role and seems to instruct the Board to work with the Shepherds to reexamine the decisions that the Board already made so we have out to the proponents of the text to examine clear options for folding the spirit of the text into issues of importance section.

MANAL ISMAIL, GAC CHAIR: Sorry. Sorry to interrupt, you are talking here about the second advice, right? Not the one on the screen.

UNITED STATES: We're talking about all of the advice section, Chair.

MANAL ISMAIL, GAC CHAIR: Okay. I'm sorry, so the whole part. Thank you. Sorry to interrupt, please go ahead.

UNITED STATES: So we think that there is a possibility to take these suggestions and abstract them into the issues of importance section, particularly under the DNS abuse section, since these relate to that subject. And we are willing to work with the commission to find language that, again, conveys the spirit and can, again, communicate these issues to the Board. However, we do not think that it rises to the level of actionable advice for the reasons expressed.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. Any objections of moving the whole part of SSR2 to issues of importance to the GAC?

EUROPEAN COMMISSION: So yes, the US government, Susan was kind enough to warn us before the start of the session that they had the concerns on the whole advice section, and the suggestion to move the text to other parts of the communique. So we still think that, especially this first advice we have in front of us which is only asking the Board to implement actions in a timely and coordinated manner and to keep the community informed, would qualify as a useful advice. I also note that we have at least two GAC members who oppose having the advice, having these points as

advice, so it seems difficult to reach a consensus here. So we would be open to examining other ways to pass the message.

But here, I would like -- we have provided initial text, we have been discussing it since yesterday but this is not our text anymore, this is the text of everyone, so I think it would be important we hear also other GAC members on what is I think an important decision. And then how to do it, we can -- I think it will not take too much time to do it. But first, I think we should collectively decide whether it's a good thing to do or not.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier, for the flexibility. And I see other hand up. So I will take first Nigel, UK, and then Kavouss, Iran.

UNITED KINGDOM: Yes, thank you, and yes, not trying to sort of butt in here, we are going through the first bit of the advice, perhaps we could go through all three bits. Yesterday we had an exercise doing this and the language, thanks to the European Commission and the various other GAC members was considerably improved. If it needs to be further softened so we're not questioning the Board, then let's do so. Our preference would be to have advice.

I agree with Susan that we shouldn't be questioning Board decisions. I don't think we're doing that now but we can certainly look to implement other language to ensure that we're being constructive and helpful rather than being antagonistic and confrontational. But

obviously others will have other views, and of course we've got to reach a consensus on this. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, Kavouss.

IRAN: Thank you, Manal, if you would kindly allow me to finish my intervention, then you and everyone else can come in. Please, kindly, do not interrupt me. I was saying that in the fourth line -- considers that the Board continues to be transparent. Proceed with a necessary action plan in a timely manner. And proceed with a necessary action plan in a timely manner. And this is for piece 1. So once you have dealt with that, I have another one for will following part, and I will one by one.

This is my suggestions: If we release all of these drifts then I will come back to the title and maybe revise my comment that whether it should be consensus advice or advice. For the time being, please put consensus in square brackets until we finish or clear the rationale, and if it's clear, then we take out the bracket and it becomes consensus advice. Otherwise, it would be normal advice and not consensus. So I don't want to say Board commit, no instruction given but say we expect that, so on, so forth, this is what I suggest. Thank you, I am finished now.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, for the proposal. It's well noted on the screen right now, and we will see whether we need to discuss this part or not,

depending on whether we will have this text under GAC or under issues of importance to the GAC. Because if the text is moved to the section of issues of importance to the GAC, then the rationale is not needed. That's why I was delaying on this part. But again, the suggestion noted and we will take note of it if the part is to remain. Nigel, is this a new hand?

UNITED KINGDOM: Sorry, an old one. Sorry.

MANAL ISMAIL, GAC CHAIR: It's okay. Jorge. Please, Switzerland, go ahead.

SWITZERLAND: Thank you, Manal. Jorge Cancio. Switzerland, for the record. I would like to thank my previous [indiscernible] in taking the floor for the discussion, and I would like to explicitly support what Nigel said. I feel that there are different levels in what we are suggesting here as advice. And if we go to a, b, and c, and look at what is in there, maybe we will also better understand the points made by Susan and whether this may fit as consensus advice, making adjustments as necessary if appropriate or if we need to move it back to issues of importance.

At least my initial impression is that both A and C have elements that fit well with advice, and as the wording is improving, I see it quite respectful of the role of the Board and quite clear in what we are aiming at. Maybe on B, I would have more doubts but I would, again, support

what Nigel said and invite also those with problems with characterizing this as advice to further elaborate. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. I have Kavouss and then Fabien.

IRAN: Thank you, Manal. There is a -- in many countries, including ours, if you have a problem, don't decide at the moment, sleep over it. We slept over it last night on the difficulty of GAC consensus advice. Now, if you soften the words of the advice and the rationale, I have no difficulties to keep it as GAC consensus advice. But let me tell my suggestions.

The suggestion is that what the deleted in A, I fully support. Then at the end when it says inform the GAC accordingly, if the Board decides to inform the community, this is up to the Board. And then the last part, including not least about the corresponding timeline, I delete the not least, so it says: Including the corresponding timeline. Including, please, delete square bracket, -- including the corresponding timeline. So for me, the text could be as an advice. And as a consensus advice provided we streamline the rationale.

So let me say, I did my best in the spirit of collaboration and cooperation among all members. So if you accept the changes that I have made, it's very small change, corresponding timeline including the corresponding timeline. That is what I sought for -- I don't know who is doing the text, Fabien, please kindly below 1, put clean text of the

edited one that [indiscernible] really a better way and then you can delete it later on. It's very simple. Copy one and accept all changes and then we read the clear text.

MANAL ISMAIL, GAC CHAIR: Thank you. Okay, we have 14 minutes left, and I was hoping that we can complete a full iteration all the text that we need to revisit today. So maybe I can read the rationale quickly with the updated text and then go through the other two pieces of advice as well, because they are really -- related and then we can decide either collectively on the topic or separately on which piece of advice where they fit better.

So the rationale of the first piece of advice now reads: Undertake as matter of priority the follow-up actions within its remit need today support the swift implementation of the Board's scorecard to the final SSR2 review team report and inform the GAC community. Accordingly. Including about the corresponding timeline, or not least about the corresponding timeline. I think both are okay and good English. I am flexible but I think we need, in all cases, whether including or not least.

The rationale, this advice aims to support the effective follow-up action on board's tasks set in the Board's SSR2 scorecard. Noting the need expressed by the Board for further analysis and consultation and given the importance of the SSR2 recommendations to address cyber security and DNS abuse, the GAC considers that the Board continues to be transparent -- I think we said that the Board should continue to be transparent. And thank you, Nigel, for your flexibility. So Nigel is okay

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VIRTUAL ANNUAL GENERAL

with including. If we can delete not least. And then this means that if we're keeping the text of the advice, then I think we agreed on the language. If we can delete community as well? And leave GAC. Thank you.

The Board's scorecard identifies which action the Board expects from which entity, between brackets ICANN org, SSR2, implementation Shepherds and others, which is a very useful starting tool. The Board should commit to prioritizing the different actions in the scorecard and accompany the proposed follow-up action plan by a clear timeline. This would help ICANN's constitutive bodies -- this is the second bit of advice and reads: The GAC advises the Board to work with the SSR2 Shepherds with a view to developing shared views on the level of implementation of the SSR2 recommendations, especially those that the Board's scorecard considers as already implemented.

And the rationale reads: With respect the diverging interpretation by the Board and the SSR2 review team of the level of implementation of certain recommendations, references recommendation 4.1 and 9.1, the GAC is of the view that a follow-up assessment should be carried by the Board in close cooperation with the SSR2 review team Shepherds to clarify the does this everywhere divergence. This would allow ICANN and the ICANN community to gain a shared understanding of the issues requiring action and have and the third piece of advice: Provide informs on how ICANN effectively monitors compliance and improvements of contractual provisions with the purpose of tackling DNS abuse and consider and inform on available ways and means to better make use

of current contract with those provisions in order to incentivize and enforce responsible measures to prevent and combat DNS abuse.

The final piece of the rationale, the GAC notes that the Board rejects a number of recommendations, example under recommendations groups 14 and 15 that aim to provide ICANN org and the ICANN contractual compliance team with appropriate tools to better deal with policy breaches. The GAC considers that addressing DNS abuse is in line with ICANN's mission to ensure the security, stability, and resilience of the DNS in the public interest.

Also the GAC notes that the ICANN Board has pointed to certain limitation and is has ambiguities in the standard registry and registrar contracts with regard to DNS abuse, see February letter to Maarten Botterman, the GAC would therefore encourage the Board to consider and inform about available means to hold contractual parties accountable in cases of insufficient measures to prevent and mitigate DNS abuse under current contracts considering the public interest as provided for in the bylaws.

So now, before wordsmithing, I would ask for views on where to fit the text and whether this could all go under issues of importance or part of it or remain under GAC advice to the Board. I see two hands, Kavouss, is this a new hand?

IRAN: Yes, new hand. Manal, if -- perhaps I was not clear. If the language changes that I suggest for your consideration are accepted, I have no

difficulty to maintain or retain all three subjects as a GAC consensus advice. But provided that you go one by one but not going all three. If you go back for the first one, rationale, please, A.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, I will go one by one after seeking views on the whole thing first and then one by one but I think your point that you are okay with everything under GAC consensus advice to the Board, provided that the suggested modifications in the rationale and taken into consideration.

So I will come next to one by one, but now I'm seeking an overall view on the topics. If I may, Kavouss, proceed to Susan.

IRAN: Yeah, I think you finished everything, yes? Or you have another one?

MANAL ISMAIL, GAC CHAIR: No, it's three pieces. I read everything and I now want an overall view on whether this topic should fit under GAC advice to the Board or move to issues of importance to the GAC.

IRAN: Distinguished Chair, I understand from you and others that that they prefer to remain GAC advice --

MANAL ISMAIL, GAC CHAIR: Not everyone.

IRAN: In that case, allow us to put some changes in the spirit of collaboration and cooperation. Is it agreed this way or not?

MANAL ISMAIL, GAC CHAIR: I'm trying to listen to everyone, Kavouss. Some people said we need it under consensus advice and some said everything under issues of important to the GAC, and some said we are okay with A and C under consensus advice but not B. So we have all views. So I will get back to you again, as soon as we hear others.

IRAN: The rules in the meeting is that you take the most difficult ones and the most unwanted. You first try to see whether, with some changes in the rationale and small changes in the topic of the -- that we could accept that as GAC consensus advice. I can go both ways, transfer everything to the importance issues of GAC, we don't need rationale, then no problem, I can remain or retain GAC consensus advice provided that you allow I introduce these small changes. So that is the situation. So maybe we take one by one. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. Susan please.

UNITED STATES: Thank you, Chair. So in terms of retaining the second piece, the B, subsection B, wanted to provide rationale on why we think it's not necessary first, if that's okay. So just taking a look at the respective role of the Shepherds and the Board, it's really not the role of the Shepherds to decide whether or not the recommendations have been implemented, and probably also not appropriate for the Board to direct the Shepherds. I would just like to note two things. -- sorry, to direct the Board to negotiate imp implementation with the Shepherds

is what I meant to say.

But would like to mention two things. Assessing implementation is a role for the SSR3 review team, and that is provided in the bylaws' text. But most practically and lastly, I think we might be overlooking the fact that one of the Shepherds is a GAC member, and we understand -- so I'm not sure if that GAC member is on the line but I wonder why we can't help and track the Shepherds work through a member of our own advisory committee. And so those would be some of the reasons why we don't think that consensus advice is needed on this point.

MANAL ISMAIL, GAC CHAIR: So Susan, you are talking about B in specific? Or -- I see some consensus in moving specifically, either dropping the -- advising B or at least moving it to issues of importance to the GAC. Do you see the same for A and C or is it just B?

UNITED STATES: For B and C in particular, we would maintain that this should be dropped from the consensus advice section and folded into the issues of importance. I'm sorry, I just proceeded with reasons for B specifically now might apologies and also has specific reasons for C, why we should move it to the issues of importance. I think A, we could find consensus around subsection A, maybe just take another look at the wording and the rationale. Thank you.

MANAL ISMAIL, GAC CHAIR: So if in the remaining minute or so, if you can quickly, there is a request in the chat from Jorge, if you can please elaborate on C.

UNITED STATES: Yes, of course. So the Board has already provided a rationale for the rejection of the specific SSR2 recommendations in provisions 14 and 15. And essentially it's unclear why we cannot address what is proposed in this advice item through the BGIG. And lastly, I think with the Board we had -- I think it was a three-hour very good discussion on the Friday preceding ICANN 72 on DNS abuse items. And this has been a topic of robust debate. So considering all of that conversation that has happened thus far, we just -- we don't think it would be appropriate for the advice section, the consensus advice section. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. And I think I will borrow Kavouss' sentence, let's see sleep over it. We will not sleep really but we will take a break. It is now time for a 30-minute break, and we will convene at 10:30 Seattle time, 1730 UTC, for first an update by the universal acceptance group and then continuing on discussion on the communique drafting and meanwhile, please consider the proposal for now, is that we move our requests formulated in advice B and C to issues of importance to the GAC, and I see some convergence around A. So with that in mind, please use the break to think it over and see in 28 minutes. Thank you, everyone.

[END OF TRANSCRIPTION]