ICANN74 | Policy Forum – GAC Communique Drafting (1 of 6)
Wednesday, June 15, 2022 – 13:15 to 14:30 AMS

MANAL ISMAIL, GAC CHAIR:     So, welcome back everyone.  Welcome again everyone in the room and on Zoom this is our first Communique drafting session it is scheduled for 75 minutes, and I hope in light of yesterday's discussion you have had the time to check the Communique Google doc where we collaboratively compile the document and thanks to colleagues who already provided text in the Google doc.

So just before starting, I received a couple of questions regarding the Communique itself, and its structure, so thought maybe again to the benefit of new GAC colleagues that maybe a quick historical background... found difficulty to extract the advice part from the informational part and that's why we went through an exercise of coming up with the structure that really separates the info part from the GAC advice which is something that triggers the Bylaws if not followed so again in template is an agreed template by the GAC.  If there are any ideas to enhance this we are open of course to any suggestions.  Again with the ultimate goal of having a template that we can fill in and be consistent in whatever we provide to the Board.

Notably we -- as I said historically it was 2, 3 page thing and then it started growing and we are now trying to avoid an ever growing Communique.  So we are trying to be concise, to the point, and short as

possible so this is also to colleagues who will be providing text it will be very helpful if we try to keep it short and to the point and avoid long narratives. Also regarding the depth of the document we noticed in the few last Communiques that the footnotes and links are becoming too many, so this of course has the advantage of providing more information where is available but also runs the risk of first of all broken links with the time so it's better to have the Communique self contained and also it makes the Communique more complex and deeper as I said. So during the back leadership meeting, today we were thinking that we should keep the footnotes to the bare minimum, and footnotes that are really necessary but otherwise we shouldn't keep adding footnotes to simile add more information.

I'm trying to check my notes, I forgot to open the e-mail so anything else I forgot. We are good? Okay... so any comments on the Communique itself, the structure, as I said we are open to suggestions, we need to be consistent of course, but if there are any suggestions that we can take into consideration of course starting next meeting please feel free to either give any reactions now or we can definitely continue the discussion over the GAC mailing list inter-sessionally.

With that said, if we can have the Communique on the screen, and thank you Fabien and Benedetta. So this is, this is the template of the Communique as I mentioned yesterday, some parts straightforward where we just add the agenda... or add factual information are being done helpfully by support staff. Other parts are being filled by topic leads, so yeah let's make a quick iteration and then we can get to the reading.

So this is the introductory part and the introduction on number of attendees and so on.  If we can scroll down this is the interconstituency activities.   As said we here report on the agendas that has been discussed.  The depths of the discussion normally is being reflected in relevant issues of importance to the GAC, and, yeah, again, also by way of history, the bilateral with the Board, we used to put the agenda only like other bilaterals, but there were requests from -- one request from a colleague that we should provide more essence of the discussion and not only the agenda, and we ended up by attaching the transcripts specifically of the bilateral with the Board to the Communique.

Again, adding to its size, but again separately as an attachment, so this is also a good point to know.  Then the internal matters, this is where we report on GAC membership, any changes in the leadership, and so on, also reporting back from working groups, and I see we already received from the operating principles working group, and pending the public safety and human rights.

Under issues of importance to the GAC we are pending text on SSAD Light.  We have text for the subsequent rounds of new gTLDs, and we have text for EPDP on specific curative rights protection for IGOs, and pending text on accuracy.

Also we received text from Japan on DNS Abuse, but also expecting text from the topic leads, and I hope the integration and merge will take place and we will receive a final text for review by GAC members shortly.  And then the UDRPN geographical indications as discussed yesterday,

we also received the proposal by Italy, DOMENICO, and under auction proceeds again this is an acknowledgment of the e-mail that was circulated to the GAC on Board resolution on the auction proceeds.

And these are auction proceeds from the first round of new gTLDs. I see text under GAC consensus advice to the Board, and this is under accuracy and do we have any further text? Okay, and for now nothing under follow up on previous GAC advice? Sorry U.S. please go ahead.

UNITED STATES: Thank you, Chair, and apologies for arriving late. The United States and the commission are working together to draft text on accuracy, but for the issues of importance section.

MANAL ISMAIL, GAC CHAIR: Thank you very much U.S. Well noted. Thanks to European Commission too. So, under follow up on previous GAC advice I see DNS Abuse inserted by Nigel, so Nigel, anything specific here that we need to be following up on?

UNITED KINGDOM: Yes. Thank you, Manal. Good afternoon. Nigel Hickson. Good afternoon. Really I put it in because I thought we ought to give it consideration depending on the text that we assess under issues of importance, but given the reflections on that we might want to specifically follow up on some of the GAC advice we've been given before but that will be a decision as we go forward so it really was a place holder for consideration as we go forward, thank you.

MANAL ISMAIL, GAC CHAIR:   Okay.  Thank you very much, Nigel.  Noted.  Okay.  So now that we have done one iteration, and, of course, the very last section is on the next meeting.  If we can scroll up again, and I will start reading the text and please -- and pause off every paragraph or section, and please let me know if you have any comments.

Can we scroll a little bit -- yes, thank you.  So, first The Hague Communique was drafted and agreed in a hybrid setting during the ICANN74 policy forum with some GAC participants in The Hague the Netherlands and others remotely.  The Communique was circulated to the GAC immediately after are 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 hybrid meeting.
No objections were raised during the agreed time-frame before publication.  As you can see the last sentence is highlighted in yellow as well as the date, and this is because this is something that hasn't happened yet so once we circulate and there are no objections then we will remove the highlight and fix the date.

Under the introduction the Governmental Advisory Committee of the Internet corporation for assigned names and numbers met in The Hague, the Netherlands, in a hybrid setting including remote participation, from 13 to 16 June 2022.

X number of GAC members and X number of observers attended the meeting.  And again, we will insert the number of GAC members who

attended after support staff finish their counting exercise between those who attended in person and those who are attending on-line.

And sometimes even the number is fixed or slightly different, differs from the one in the Communique when you receive the minutes of the meeting and this is when the whole thing is scrutinized, and the numbers are very final.

The GAC meeting was conducted as part of the ICANN74 policy forum, all GAC plenary and working group sessions were conducted as open meetings. Let's move on. I see no requests for the floor.

Interconstituency activities and community engagement. First meeting with the Board, the GAC met with the ICANN Board and discussed SSAD Light. Accuracy of registration data, Global Public Interest Framework, and future GAC information opportunities. And as said this is the one bilateral that we add transcripts to the Communique.

Then we have our meeting with At-Large Advisory Committee, the GAC met with members of the ALAC and discussed Universal Acceptance and Internationalized Domain Names, GAC ALAC at large co-operation at national level geo-political issues, advancing the multistakeholder model.

Now, meeting with the generic names supporting organization, the GNSO, the GAC met with members of the GNSO Council, and discussed subsequent rounds of new gTLDs including closed generics and the GNSO guidance process. DNS Abuse, accuracy of registration data,

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SSAD Light, and Global Public Interest. Under cross-community discussions, GAC members participated in relevant cross-community sessions scheduled as part of ICANN74 including, working together on progress for subsequent round of new gTLDs and 5 year follow up to who sets ICANN's priorities.

And these are the two plenary sessions that took place on Monday and Tuesday.

Upped internal matters GAC membership there are currently 179 GAC member states and territories and 38 observer organizations. Under working groups we are still pending text from the Public Safety Working Group and from the Human Rights and International Law Working Group, so if we can go directly to the GAC Operating Principles Evolution working group.

The GAC was briefed on recent activities carried out by the GOPE Working Group including the finalized GAC Working Group Guidelines. GAC members endorsed the GAC Working Group Guidelines, and the working group members will meet inter-sessionally to comment, review and discussion of the GAC Operating Principles, and share relevant developments with the back membership at ICANN75.

So far nothing under operational matters, and I'm pausing to see if there are any requests for the floor. Seeing none, then we are moving now to issues of importance to the GAC. And I think we can accept any changes for the part we have just read.

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So for issues of importance to the GAC first we have the SSAD Light and as said we are expecting Communique language here. We have next subsequent round of new gTLDs, and the text reads the GAC discussed subsequent round of new gTLDs and received an update from ICANN org about the current status of the operational design phase ODP, relative to policy recommendations on the final report from the subsequent procedures for new gTLDs, GNSO policy development process. In preparation for the next round of new gTLDs, noting the increasing number of GAC newcomers, GAC members emphasized the importance of organizing topical training sessions and webinars tailored to GAC members.

The GAC reaffirmed its intention to take part in the upcoming facilitated dialogue between GAC and GNSO, proposed by the Board, to explore a mutually-agreeable way forward on closed generics, and its encouragement for At Large Advisory Committee participation in the effort. The GAC will continue to engage in seeking such a mutually agreeable solution relative to closed generic applications in the next round of new gTLDs, in keeping with the GAC Beijing Communique whereas exclusive registry access should certificate after public interest goal.

And text between quotes is extracted from the Beijing Communique. So I'm pausing here to see if there are any comments? Yes please, Paraguay.

PARAGUAY: Thank you, madam chair. Can we go back a little bit. I just wanted to ask that you foe if in the case there's new working group it could be added inter-sessionally. Would that be possible? I'm asking just in case because you know. Thank you.

MANAL ISMAIL, GAC CHAIR: Yeah, creation of new working groups is not related to our face-to-face meetings so this can happen inter-sessionally indeed, thank you.

So next we have the EPDP on specific -- yes, Netherlands, please go ahead. Netherlands.

NETHERLANDS: Thank you. This is Alisa Heaver, for the record. For a practical record about a public interest goal has it ever been defined what a public interest goal is? Or am I asking a very sensitive question?

MANAL ISMAIL, GAC CHAIR: So, no agreed definition, I think that public interest framework was intended to help guide discussions on public interest, but not necessarily define -- without getting into the trap of having a concrete definition, so the framework is more of questions that you can ask as you go and make sure if you are addressing the public interest or not. I hope I'm addressing your question. Okay.

I saw a hand up. Yeah, Tracy, please.

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UPU:                                Tracy Hackshaw, for the record.  I'm wondering if it the section we just went through and –

MANAL ISMAIL, GAC CHAIR:     I'm sorry, Tracy, if you can speak closer to the mike.

UPU:                                Constituent rounds, the paragraph on the training sessions I know there was quite a few comments on doing capacity building sessions as well.  That may not necessarily be only related to that aspect.  Are we going to pick that up here or shall woo he pick it up separately especially the discussion on doing one and perhaps in [inaudible] in the next meeting?

MANAL ISMAIL, GAC CHAIR:     So, are you proposing that we add a sentence to the effect that the GAC will be working on capacity building.

UPU:                                Tracy Hackshaw.  That's what I'm proposing.  I'm not sure if that is the right place.  We need to get maybe a little more specific with that statement given that I think there's been some agreement or some discussion about doing something in KL in particular of course leading up to KL but also doing something in if KL, ICANN75 I should say.

MANAL ISMAIL, GAC CHAIR:     Thank you, Tracy.  Yeah, I don't see a problem if we add a sentence to that effect.  I was just trying to check the chat, if our topic leads are

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| | there, but meanwhile, allow me to give the floor to Nigel Hickson from U.K. while I'm checking the chat as well. Thank you. |
| UNITED KINGDOM: | Yes. Good afternoon. Thank you, Manal, and I think I would agree with what Tracy Hackshaw is proposing here. I just wondered here whether -- I mean it's right that we comment on the closed generic aspect of this because that's what we discussed and that's important, and it's important that we recognize the participation etcetera in this group, but I'm also wondering whether we ought to sort of look forward in anticipation, and others the more subject matter experts than I am on the SubPro, but the Board, as I understand it will be looking at the ODP, but perhaps that will happen after the, after the meeting in Kuala Lumpur in which case perhaps we don't need to put something here but I'm conscious at some point we ought to be putting something down concerning our hope of working with the ICANN organization in terms of outreach, and in terms of the you know, the work that we should be doing in terms of what -- in terms of outreach and making people aware of the forthcoming SubPro process. Thank you. |
| MANAL ISMAIL, GAC CHAIR: | Thank you very much, Tracy and Nigel, so maybe if you can come up with one sentence, not necessarily now, but maybe during the break that we can add, we can have now a place holder or I see also support staff are helping with some initial text, so if you can finalize during the break, we can also share it with topic leads and finalize during the next drafting session. |

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Thank you.  Okay.  I was told this was Tracy's and not support staff -- thank you very much, Tracy, for being so efficient, and the new text reads it was proposed at a specific capacity building activity be implemented in the lead up to, and at ICANN75 in Kuala Lumpur, Malaysia.

So thank you for the proposal.  Let's also run it by the topic leads and confirm it during the following session.  Any other comments on the subsequent procedures part?  Nigel is this an old hand?  Okay.

So moving on to EPDP on specific curative rights protection for IGOs, the text reads the GAC welcomed the -- the GAC welcomed the progress on this EPDP, and EPDP is expedited policy development process and this is because it's missing one preparatory step, so whenever things are quite ready they skip one step and it becomes an expedited process.

So the GAC welcomed the progress on this expedited policy development process, specifically the agreement to the recommendations by the GNSO Council, and I see here to be confirmed since as we heard from the council, they are meeting today, so this is to be confirmed.

And we look forward to the adoption of the Board.  So any comments on this once confirmed.  Argentina, please, Gabriela go ahead.

ARGENTINA:                  I wanted to ask if it would be possible to add something related to the update of the protection list?

MANAL ISMAIL, GAC CHAIR:     The update of the IGO reserved list?

ARGENTINA:     The GAC list.

MANAL ISMAIL, GAC CHAIR:     So, what exactly do we need to say regarding the list?

ARGENTINA:     The date and the mechanism to update the list.

MANAL ISMAIL, GAC CHAIR:     Yeah, I think the mechanism was circulated to the GAC but not yet adopted right?  Do we have -- did we provide a deadline?  I mean where are we on this process?  Benedetta, if I may.

BENEDETTA ROSSI:     Thank you very much Manal.  At the moment the IGO small group reviewed the proposed mechanism but there are still pending issues that require further discussion so that's why it wasn't finalized.  But it was circulated to the full GAC membership and I no he that Argentina you provided some input, and so the next step is just to try and finalize those pending areas, and then I assume it will be circulated again to the full membership.

And in terms that have part the IGO mechanism that is noted in the minutes at the moment, if that helps.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Benedetta. Does this address your concern, Argentina? Thank you. Okay.

Next there is the accuracy and as we heard from the U.S. they are working with European Commission on providing text under accuracy, and thanks.

Then we have DNS Abuse, and the text reads, building upon ICANN72 discussions on the topic of registrar hopping, on ICANN73 discussions on the topic of domain hopping, where registrant who seem to be the same are involved in multiple different abusive domain name registrations with the same registrar, the GAC discussed the matter registrants are hopping more rapidly and the tendency for abuse using domain names to be concentrated at a few specific registrars. Registration data accuracy, ensuring trust in information as well as effective and continuous auditing of registrars by ICANN compliance, would help prevent registrars from being abused by registrants and registrars recognize abuse of the domain name that it has registered. The GAC believes that it is important to continue to consider what ICANN can do and implement to improve the Internet environment including amendment of contracts.

So, as I mentioned earlier, this is the text provided by Japan. I understand the topic leads are also working on text, so this is not yet

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final. We need to merge both, and you will be provided by the final version, so I would rather keep the discussion until we get the final version.

And seeing no requests for the floor I will move on to to UDRP and geographical indications. The GAC notes the results of the consultation on the policy status report, on the policy status report uniform domain name dispute resolution policy, UDRP, and it is engaged in following the next steps of the process of review of the UDRP. On the basis of the input provided by some GAC members to the public consultation, in particular in relation to the proposal to extend the scope of the UDRP to the protection of geographical indications as existing intellectual property rights, the GAC notes that this topic deserves further attention. The GAC intends to further discuss the matter of geographical indication in the context of UDRP in preparation for ICANN75.

So, this is the text provided by Italy, and thank you Italy for the remote participation. I'm sorry, I see a second paragraph also, the GAC received an update on the status of a planned review of the UDRP and in particular, notes reference to section 13.1 of the ICANN Bylaws, which calls on and indeed encourages, the Board and constituent bodies to seek advice from relevant public body with existing expertise that resides outside of ICANN. Notably, in the context of the UDRP the UDRP also, and viewered the World Intellectual Property Organization WIPO to inform the policy process and looks forward to further explores this provision prior to any review of the UDRP.

So any comments on this part under UDRP and -- Brazil?

BRAZIL: A clarification. Takes a matter more of procedure in the first paragraph as it reads in the last phrase that the GAC intends to further discuss the matter of Joe graphical indication in the context of UDRP in preparation of ICANN75, does it imply that the discussion will take place before ICANN75 or in preparation and during ICANN75? My question is I wouldn't expect the discussion to be completed before ICANN75 because we need time to catch up on these and understand the full implications ever the discussion thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Brazil. I think the intention is before and during, and then we can definitely add this of course subject to Italy's consent as well, but I think this is the intention. And I'm looking -- yeah, I see already hands up.

I have Susan, please, U.S.

UNITED STATES: Thank you, Chair. And we concur with the point that has just been raised by Brazil, as mentioned during the small discussion that took place on this, I believe on Tuesday during the lunch hour, we would prefer against setting a time-line in the Communique for the discussion on this proposal.

Further, I might suggest that suggest to make an edit here and I might just suggest this directly. Or just highlight it for Fabien. It reads in

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particular in relation to the proposal to the -- to extend the scope of the UDRP to the protection of geographical indication as existing intellectual property rights, I wouldn't say that a proposal has been made to the GAC for that. I believe that a proposal was offered to the IGO sub-group at list serve and discussed only by a few members of the GAC, so I would suggest instead shortening it to -- well, to delete this, and then would say that some members of the GAC because not all members agree that this topic deserves particular attention -- some members of the GAC note that this topic deserves further attention. The GAC intends to further discuss the matter going forward would be our proposed edits. Thank you.

MANAL ISMAIL, GAC CHAIR:   Thank you very much, United States. And regarding the initial update of the text by adding and during, I mean in response to Brazil's suggestion, I saw an agreement in the chat by Nigel U.K., Dominique owe also, Italy confirmed, and Jorge, Switzerland and also Paraguay, so thank you very much.

And now I would like to seek confirmation on the proposal by the U.S., but first I also see Kavouss's hand up, please, Kavouss, go ahead.

IRAN:   Thank you, Manal. I can live with and without this. With and without, because it is not so important. It is critical, I was involved if you remember, in South Africa at --
(Audio interruption).

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IRAN: Excuse me. Can I speak or someone -- can I continue?

MANAL ISMAIL, GAC CHAIR: Please, Kavouss.

IRAN: Yeah, because someone came in. I don't know whether I made a mistake or not. I said that it is not appropriate that we defer to geographical indicator. It is a sensitive issue. I was involved in that in 2013 when we refer to the geographical indicator. It is very sensitive. That doesn't means, .. anyone but I thinking a text in the square bracket does not have any importance to leave it or to put it. The importance is the last part. The GAC intends to further -- so on and so forth. This is important element. Of that is why the text proposed by U.S. I have no problem to keep it or to delete it. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Well noted.

So any other comments? I'm just checking the on-line as well. Yes, Velimira on-line, European Commission please go ahead.

EUROPEAN COMMISSION: Sorry, I got it wrong this time. Actually, I had a clarification question. I did not know whether to Domineco or Susan or both, but just to be sure that I fully grasp both what was said, I'm -- some GAC members and

here. Basically the way I was reading this, in particular with relates to the proposal to extend the scope of the URDP, Susan, when I read this I thought of it based on the proposal of Italy, but I don't have particular concerns with this wording that is in between brackets.

Then, I'm just wondering is it -- if Dominico, if you could please clarify when you put in your proposed text. When you is an I in relation to the proposal to extend the scope of the URDP what exactly do you mean by this.

ITALY:                              Sorry, just a moment.

EUROPEAN COMMISSION:    Could you please repeat the answer -- the question, sorry.

Yes, so I'm referring to the wording that is in between brackets in the Google document. The wording that I will... from the United States Susan proposed to take out, when in this wording you are saying in relation to the proposal to extend the scope of the UDRP to the protection of geographical indications as IP rights do you mean the proposal such as made by Italy to the GAC? What was your intention in this wording?

ITALY:                              No, because our intention was to discuss and if we think we can reach a consensus then make some proposal. Our intention is to discuss if it's possible to evaluate it. I don't know if I explain.

EUROPEAN COMMISSION: I think we are talking about the protection of the geographical indications, right?

MANAL ISMAIL, GAC CHAIR: Yes, European Commission, yeah, so first, I -- unidentified speaking for the transcript says DOMENICO from Italy, right.

ITALY: Yes, sorry.

MANAL ISMAIL, GAC CHAIR: I'm just saying this again for the transcript, and I think that proposal was to open the discussion, to trigger the discussion so there is no concrete proposal yet. The proposal is just to include this in our discussion, which was brought to the attention initially triggered to the small group, brought to the attention of the wider GAC membership, and then we're here -- we are here confirming that, yes we can discuss, and I stand to be corrected, but I see U.S.'s hand up.

UNITED STATES: Thank you, Chair. I am not actually sure if Italy's proposal reached the wider GAC or –

MANAL ISMAIL, GAC CHAIR: We wrote it up here verbally. It was nothing in writing, so it was just a matter of bringing it to the attention of the wider GAC membership.

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UNITED STATES:               I see.  So not the -- not the text.  Okay thank you.

MANAL ISMAIL, GAC CHAIR:     No, and I see Kavouss, and then Jorge.  Kavouss, please.

IRAN:                        Thank you, Manal.  I would like to make a suggestion that perhaps meet the requirements of everybody.  I think the importance issues that we want to extend the scope of application of UDPR.  Is it something that we at least have no disagreement?  Whether go further detail of that, that is another issue, let us not go to detail at this stage, or if you want to say that such as, and then explain detail but my initial view would be based on the input received from some GAC members, it is suggested that the scope of application of UDPR be extended and then you go to the last paragraph.  The GAC therefore intends and so on and so forth. I hope you have got what I have suggested.  I need to repeat or you have got it thank you.

MANAL ISMAIL, GAC CHAIR:     Thank you very much, Kavouss.  I got it but I don't think we are there yet to confirm extending the UDRP.  We are only confirming the willingness of the GAC to open the discussion.

IRAN:                        Yes, Manal, but that is what I said.  Delete everything and take the last paragraph.  The GAC intend to further discuss the matter and then say

what matter of you you want. You want the geographical. But not go the middle of paragraph and say that. I would like to take out the sensitive part from the paragraph and just stick it to the last part that you referred to the title. I hope you kindly considering what I'm saying. I'm saying to take out the disagreement of the colleagues from the paragraph and put it in a more high level approach, thank you.

MANAL ISMAIL, GAC CHAIR:    Thank you very much, Kavouss, and I think we are in agreement, so I think that the deletion proposed by Kavouss and by the U.S. and confirmed by Denmark in the chat as well, we are all heading towards the same direction, but I also have hands up from Jorge and Luciano. So, Jorge, please Switzerland.

SWITZERLAND:    Yes, thank you, Manal. Jorge Cancio, Switzerland for the record. Maybe what I understood from the discussion right now is the word proposal is a bit problematic. At the same time I think that we are all -- that we are discussing the question of geographical indications so maybe a way to strike a balance is to say that we will consider in the the proposal, but the question. It's so it could read something like in relation to the question of extending the scope. Then, in that sense we are conveying that this is a question. It's not -- not even a proposal. And we have not decided in any fashion and that we will be extending because that's also an open question. Whether we extend or we don't extent. Whether we maintain the exactly the same scope of the UDRP so that's more the -- let's say the substantive proposal I would like to make.

So to neutralize the text there but to maintain the substance which we know geographical indications, and the other proposal is for Fabien because in terms of consistency, let's geographical indications in the plural, and use capital letters or miniscule consistent, please. So I don't have strong feelings on whether capital or not, but maybe capital conveyed the sense that this is a term of art. So thank say. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. I think it makes sense referring to the question which carries the meaning of whether or not, so still a question.

I have -- sorry, let me check the queue. So Susan, this is an old hand? A new hand. Please go ahead.

UNITED STATES: Thank you, Chair. Just to add support to Jorge's proposal to replace the word proposal, or delete, and then in the interests of brevity, and to avoid repetition would just suggest deleting the words of geographical indications in the context of UDRP since that's already been explained by the text above. So it reads simply the GAC intends to further discuss the matter in preparation of enduring ICANN75.

MANAL ISMAIL, GAC CHAIR: Thank you U.S. I'm all for bevity. And Luciano.

LUCIANO: Given the clarification and agree with the replacement of proposal by question there was a previous proposal by the United States in relation to the timing of the discussion on this, and considering there is no specific proposal at this point just wondering, we wouldn't have a problem in saying looking forward instead, establishing right now that we are going to discuss this during ICANN75. We don't have problem with this either. But just make sure if you don't have a specific proposal, I don't know if you are in a position to anticipate that we are indeed going to discuss this in ICANN75. We will be prepared to do this if that's the case but just to understand that knows the better approach.

MANAL ISMAIL, GAC CHAIR: So I think the request that came from Italy is that we open the topic for discussion than we start doing this -- in fact, they were trying to discuss it here at this meeting but we said it's very short notice and people need to consult back, and so on, so they were just trying to make sure we are going to discuss it as soon as possible, and that's why the inter-sessional commitment even before ICANN75.

LUCIANO: Understood. Thank you.

MANAL ISMAIL, GAC CHAIR: Next I have Kavouss. Please go ahead.

IRAN: Kindly tell me what is the sentence because I am not in favor of question raised by Jorge. I say that based on the basis of the input from some

GAC member in relation with whether the scope of UDPR be extended to cover EG if you want or not EG, geographical indication. The matter deserve some study, and the last paragraph the GAC therefore so on and so forth. So put a sentence in neutral form. Just on the basis of input received from some GAC member on whether the scope of the UDPR be extended to address not to cover, to address the geographical indication, full stop. And then the GAC is therefore so on and so forth, at the last paragraph intend to further discuss this matter without saying that deserve or not deserve discussion. Do you want I repeated what I said?

MANAL ISMAIL, GAC CHAIR:     So you're suggesting we replace question by input so in relation to the input?

IRAN:     Received or submitted or received from some GAC member in relation to whether the scope of UDPR to be extended to address geographical indication, full stop, and then you take the last paragraph. The GAC therefore intends to further discuss the matter.

MANAL ISMAIL, GAC CHAIR:     Thank you, Kavouss.

IRAN:     Thank you. Neutral, totally neutral.

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MANAL ISMAIL, GAC CHAIR:    Thank you, Kavouss.  Were we able to capture the wording?  I'm sorry, Kavouss we -- I'm just trying to make sure we captured everything, so it's in particular in relation to input received from some GAC members, so I think we maybe need some cleaning the text a bit, and then re-visiting.

But meanwhile, as we work on the proposals Kavouss allow me to take also Brian please, WIPO, go ahead.

WIPO:    Brian Beckham, for the record.  A small clerical suggestion if you will because I think these are two separate points, which is one we have the proposed discussion of the UDR P & G Is, and then the paragraph which follows is really geared towards the UDRP itself, and so even at the level of numbering and a title, I think that could be a useful clarification to park the different topics.  Thank you.

MANAL ISMAIL, GAC CHAIR:    Thank you very much, Brian.  Makes sense.  So we are putting the second paragraph under a different title, a separate title.  And I'm trying to see the final -- so are we still editing, or is this the final thing on the screen?

FABIEN BETREMIEUX:    Manal, this is Fabien speaking, for the record.  We are trying to capture the language proposed by Iran in a comment because I believe it replaces a lot of the edits we've made so in order not to lose the edits that were suggested I'm putting the alternative suggestion into a

comment.  I'm type ICANN right now and it should appear in a few seconds.

MANAL ISMAIL, GAC CHAIR:    All right.  Thank you, Fabien.  Thank you very much.  So we are just waiting for the text to appear.  I'll do another reading of the text and –

WIPO:    Be a challenge to make a full sentence.  Looking, for the record, so I have right now on the basis of input received from some GAC members on whether the scope of the UDRP be extended to address geographical indication and then –

IRAN:    Full stop after that.  Yeah, full stop.

MANAL ISMAIL, GAC CHAIR:    I don't think we can have a full stop.  It's still a phrase uncompleted so let us just complete the sentence, Kavouss, and then see if it reflects what you.

IRAN:    Can I do it differently?  Fabien, could you kindly type what I'm saying?  Could you kindly?  Delete on the basis of.

MANAL ISMAIL, GAC CHAIR:    So let's –

IRAN:                        The GAC received, the GAC received or concerning much the GAC consider.   The GAC considered input from some GAC members in relation to whether the scope of UDRP to be extended.  And then you add the last paragraph.  The GAC therefore intends to further discuss the matter in preparation of whether you say ICANN75 or -- no that's all. At this stage we just acknowledge receipt of input from some GAC member for extension, and we don't decide anything.  The only decision that we decide to further discuss that.

When you say UDPR in relation with -- after UDPR to address, I said to address after extended, to address geographical indication, to address geographical indication.

Then the GAC therefore.  This is distinguished chair almost neutral because we don't decide that, and saying address the issue we act only on the receipt of the information, we set one on what subject. Extension of the UDRP, and then say in what area in the relation -- in relation this the geographical indication and then the thing we decided to further discussion then.  This is a sentence you propose to replace the big paragraph.  Thank you.


MANAL ISMAIL, GAC CHAIR:     Thank you, Kavouss, and before putting it for comments with the GAC colleagues here may I propose we replace considered with received input so the back received input but we haven't yet considered anything.   It has not been discussed.   So I'm just correcting this

factually, and then I'm putting this for discussion here in the room but first I have Velimira's hand up.  European Commission, is this to this point?  Please go ahead.

EUROPEAN COMMISSION:     Thank you, Chair.  And apologies, but I'm a slowing down the process. My question was in relation to the title of .7. …. 6 and I think Brian can clarify here some points but if you prefer to read .6 so we fully … better so we don't lose the link of it now.

MANAL ISMAIL, GAC CHAIR:     Thank you very much European Commission.  So yes, good proposal, let's finish 6 and then look again into 7.

So any comments on Kavouss's proposal on the screen high highlighted in yellow.  The GAC received input from some GAC members from relation to whether the scope of the UDRP to be extended to address geographical indications, the GAC therefore intend to further discuss the matter in preparation of, and during ICANN75.

And, yes, Argentina, please.

ARGENTINA:     Yes.  So just to relate farther because we never discussed it so in the GAC… to discuss because just, thank you.

MANAL ISMAIL, GAC CHAIR:  Thanks Argentina.  Makes sense.  So we're defeating further.  Any other comments?

IRAN:  By the way Manal I did not propose further.

MANAL ISMAIL, GAC CHAIR:  Okay.  Thank you, Kavouss.  Noted.

So, I'm just wondering whether to be is -- it doesn't read well to me but I'm not a native speaker so I'll just try to make sure it's okay.

And if there are no further comments then I think the final text would read the GAC notes the results of the consultation on the policy status report uniform domain name dispute resolution policy UDRP, and it is engaged in following the next steps of the process, of review of the UDCR.  The GAC received input from some GAC members in relation to whether the scope of the UDRP be extended to address geographical indications.  The GAC therefore intend to discuss the matter in preparation for and during ICANN 75.

IRAN:  Manal, the second line what you mean by it is engaged who is it?  And it is engaged?  Is GNSO.  Who is it.  It is engaged?  GAC is engaged?  Just to clarification.

MANAL ISMAIL, GAC CHAIR:  Yes, Kavouss.  It's the GAC.

IRAN:    And the GAC is engaged instead of it.  I know that at the beginning you say GAC which is better to say GAC that means we don't misinterpret it someone else, so you are engaged in following the next step so, I don't know whether we are engaged.  Are we engaged to follow the next step, alone or with someone else?

MANAL ISMAIL, GAC CHAIR:    I'm not sure about the specific details.  Maybe someone more involved can help.  I'm -- Iran Iran distinguished panel I don't want GAC engaged in something we don't know what it is.  So what really are engaged and GAC is engaged.  When this engagement was agreed?  Thank you.

MANAL ISMAIL, GAC CHAIR:    So can we seek help?  I see Brian's hand up, please, WIPO.

WIPO:    I think maybe what Kavouss is saying in which case, I could agree is that there's a distinct process which is the UDRP review and then a request from some GAC members to specifically look at the topic of GIs and the UDRP and, in fact, those are two distinct topics.  In other words, nothing whether there's UDRP review or not wouldn't prevent or trigger discussions on the potential applicability of GI's in later... as some colleagues may know there are some discussions on this very topic at the standing committee and trade works within WIPO so I think the point maybe is in terms of the specific language about engaging in following the next steps is that it's a topic that stands on its own if you

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will, and isn't necessarily linked to the review.  So he I think the upshot would be that that language might not be net to cover the idea that some GAC members wish to discuss the topic.

MANAL ISMAIL, GAC CHAIR:     Thank you.

I think there is agreement that we can delete this part.

EUROPEAN COMMISSION:     Manal, I think it is linked to part and I think it's good we could exchange also with Brian.  Thank you, Brian.  I think I will add a clarification because this is my point precisely.  Factually speaking the GAC members who have provided input on the issue of extending UDRP to geographical indications provided this input in the context of the consultation to the policy status so it is from that perspective linked to the regular UDRP so my question is different that there is a process of discussion of the [inaudible] of the UDRP why the extension of the scope of the UDRP would be an issue which does not fall within the writing process.

MANAL ISMAIL, GAC CHAIR:     Just a second.  The previous speaker was Velimira, European Commission, and now passing the floor to Brian, WIPO, for the transcript.  Thank you.

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WIPO:                    Thank you, chair, and thank you, Velimira.  I take the correction, and maybe in that case what could be reflected there would be something along the lines of that to note that you know some GAC delegations had in response to the public comment opportunity provided by comments seeking protection … under the UDRP if that makes sense to reflect comments submitted on the public comment around this specific topic I think that could go to the question of engaged in following the next steps.  It shows that the comments were provided at -- in the context of the public comment period.

EUROPEAN COMMISSION:     Understanding of everyone including mine, do you think the 2 top -- should be separated because if not the overall title should be UDRP and in it the point of geographical indications and then the point of WIPO led process.  Just a question.  I'm not affirming I'm just trying to make the question appear for the other GAC members.

WIPO:                    It's a good question and it was useful to separate those because the reason if we look back at the history of the creation of the UDRP that came out of the what was called the first WIPO Internet domain name process in 1998 and 1999 and so really number 7 goes to that which is the UDRP for trademarks and then the second WIPO process looked at identifiers such as GI so those were 2 different processes within WIPO, and so I think it makes sense to reflect that also here in terms of on the one hand ICANN review of the UDRP on and off the other hand the view of specific GAC members on topic which fell at least in terms of the WIPO consultation processes outside of the report that produced the UDRP.

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MANAL ISMAIL, GAC CHAIR:    So maybe -- and I'm noting the U.S. and Kavouss have hands up, U.S. and Iran, so maybe we can take the drafting off line, add to the next slide.  That was proposed by Kavouss since this was agreed, and make sure we confirm it from DOMINICO as well and then adopt during the next session, but before that, allow me to give the floor to the U.S. and then Iran.  U.S. please.

UNITED STATES:    Thank you, Chair.  And I, I agree with your proposed way forward.  I just wanted to make some minor points.  The first point would be that to be more specific and accurate it was input received during the public comment period for the policy status report, and a consultation.

I did want to suggest that a way to address the point that Kavouss had raised earlier is in saying -- the GAC is enth gained, we could simply say and the GAC is following the next steps.  And then lastly, I did want to note that during that meeting on Tuesday, and we had addressed the issue of -- or the complications of giving a specific impression of creating a time-line, and I note that we still haven't had discussions on the agenda setting for ICANN75, so I think it would be our preference just to leave this a pity more open until the GAC has been able to look at and determine the schedule.

Unless the GAC wishes to commit itself right now to holing that slot open, I am -- I don't -- I'm not sure proceed Wally if that is something

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that is is done, has been done before but -- we'd just prefer to leave it open.  Thank you.


MANAL ISMAIL, GAC CHAIR:    Thank you very much U.S., so we are at the scheduled end time but I see Kavouss's hand and European -- just a second, Kavouss.


IRAN:    Yeah.


MANAL ISMAIL, GAC CHAIR:    I see Kavouss's hand and Velimira so if we can –


IRAN:    My hand is up.


MANAL ISMAIL, GAC CHAIR:    Yes, I'm saying I can see your hand is up, Kavouss.


IRAN:    Yes, thank you.


MANAL ISMAIL, GAC CHAIR:    I'm going to give you the floor I'm just saying that we need interested GAC members during the break to get together and come up with drafting language that we can share also over e-mail or Kavouss, Domenico, and other GAC members who are remote.  Kavouss, briefly so we can break.  Go ahead.

IRAN:                     Yes, thank you, Manal.  I would like to add to the sentence now in yellow.  The following.  Okay much following the public consultation -- please, Fabien, kindly -- following the public consultation, on the policy status report, on uniform domain name dispute resolution policy so on and so forth comma the GAC receive input and delete the big paragraph at the top, so you connect that.  This reception of information or input is following the public consultation, public consultation on what?  On the status report of the UDRP.  So I amend that.  Following the public consultation on the policy status report maybe on -- instead of on their -- so yeah.  We delete on, un-- okay relating to.  Relating to the UDRP.  The GAC received input.  So that is a simple many.

MANAL ISMAIL, GAC CHAIR:   Thank you.

IRAN:                     We don't need the big paragraph.  That is cover everything.

MANAL ISMAIL, GAC CHAIR:   Thank you very much, Kavouss.  We have the proposal now on the screen.  Colleagues will work on reflecting other comments as well, we will share it over e-mail, and put it on the screen on the following drafting session.  For now it's a coffee break, and please be back in the room at the hour please.  Thank you.

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**[END OF TRANSCRIPTION]**