ICANN76 | CF – Joint Session: GAC and GNSO
Wednesday, March 15, 2023 – 09:00 to 10:00 CUN

GULTEN TEPE: Welcome to the ICANN76 GAC meeting with the GNSO Council session being held on Wednesday 15th of March at 0900 local time. 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 members to type your name and affiliation in the participation chat pod. This is to keep accurate attendance records. To ensure transparency of participation in ICANN's multi-stakeholder model, we ask that you sign into Zoom session using your full name. If you would like to ask a question or make a comment, please type it in the chat by starting and ending your sentence with a question or comment as indicated in the chat. The feature is located at the bottom of your Zoom window.

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Finally, this session, like all other ICANN activities, is governed by the ICANN expected standards of behavior. In case of disruption during the session, our technical support team will mute all participants. This session is being recorded and all the materials will be made available on the ICANN76 meetings page. With that, I would like to leave the floor to GAC Chair Manal Ismail. Manal, over to you please.

MANAL ISMAIL: Thank you very much, Gulten, and good morning, good afternoon, and good evening, everyone. Welcome to the GAC and GNSO bilateral. The meeting is scheduled for an hour. I would like to start by welcoming GNSO Council Vice Chairs, John McElwaine and Greg DiBiase. We also have with us here Paul and Mark, and I understand that Sebastien Ducos, GNSO Council Chair, will be joining us remotely. So welcome, Sebastian, if you are already online, and welcome to all GNSO Council members and colleagues who joined in the GAC room.

I just ask permission from John and Greg, I'm sorry to do a little announcement at the beginning to GAC colleagues. The election results are out for the Vice Chair, and we have circulated an email this morning with the results of the election. We found out that the first GAC plenary is going to be at 1:15 PM, which is a bit late since we already have the result ready. So you will find it in your inboxes. I hope it doesn't distract us from the session. So with that, I think we're good to get started, but before that, any opening remarks, anything from your side?

GREG DIBIASE: Yes, this is Greg DiBiase, Vice Chair of the GNSO. First of all, thank you for having us, and the detailed questions that you sent over beforehand, they were very specific, which helped us put our thoughts together, so we really appreciate that. Since the last time I think we've met, we do have new leadership, so just real quickly, my name is Greg DiBiase, I'm Vice Chair for the Contracted Parties House. This is John McElwaine, Vice Chair of the Non-Contracted Party House, and on the phone we have Sebastian Ducos, who's the Chair of the GNSO, but was unfortunately unable to make it to this meeting in person, but he is participating online. So with that said, I think if it's alright with you, we can dive into the topics and give you some updates on what we've been working on.

MANAL ISMAIL: Sure, thank you very much, Greg, and I would like also to thank Jorge Cancio, GAC Swiss representative and GAC point of contact to the GNSO, and Jeff Neuman, the GNSO liaison to the GAC for their efforts in arranging for this meeting and coordinating its agenda as displayed on the screen. So we have identified a couple of issues, and as you mentioned, Greg, we've shared them beforehand, so I hope we can have a fruitful discussion. If we can go to the following slide, please.

And the first topic on our agenda today is the subsequent rounds of new gTLDs, and this has to do with the GNSO guidance process applicant support, and the question is what key indicators of success have emerged so far as part of the GNSO Guidance Process on Applicant Support?

GREG DIBIASE:	Thank you, Manal, and for this question I'll hand it over to Paul McGrady, who knows a little bit more about this than me.
PAUL MCGRADY:	Good morning, Paul McGrady here. I'm serving as the council liaison to this GGP, and we just want the GAC to know that we are closely monitoring the progress of the GGP on applicant support. We know that there's a great deal of enthusiasm within this group, as there are elsewhere in the community on this particular topic, but the group it self's remit is quite narrow. It's a guidance process, which means it can amend or supersede the existing applicant support recommendations from SubPro that are now resting with the board.
	The GGP is only looking at what constitutes success and the relevant data and metrics to measure success, and how to manage funding when there are more qualified applicant support applications than available funds, which we hope will be the problem. We hope that there will be great interest in this. So with respect to the GAC's questions about indicators of success, they can be summarized very briefly, and these metrics indicate the potential supported -- the kinds of potential supported applicants are aware of and interested in the applicant support program. And so what this means is getting the word out that they have access to pro bono and other services, which in turn are shown to lead to successful applications.
	That they are prioritized from underdeveloped and developing regions, as well as from not-for-profit organizations, and that they demonstrate successful submissions, evaluations, contracting, and delegation. In other words, they make it through. The GGP is still in the midst of

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deliberations on these metrics and other potential metrics, and everything is still very much in draft form, subject to change, but we are making progress and we have a solid document that we are making our way through. We had a great meeting actually here in Cancun.

So one thing that we can ask of the GAC is continued proactive participation by GAC representatives within the GGP is strongly encouraged. And in terms of what's coming next, the forecast is that we expect an initial report for the GGP in July of this year, and of course that will all be subject to public comment, which will be taken on board. So thank you.

MANAL ISMAIL: Thank you very much, Paul. I'm just pausing to see if there are any follow-up from GAC colleagues, and if not, I think we're good to move to the following slide. Yes, I'm sorry. Iran, please. Kavouss, go ahead.

KAVOUSS ARASTEH: Thank you very much. Good morning, good afternoon, good evening. Thank you to the GNSO Council or Council members always coming to the GAC and providing information, good exchange of views. In my view, you are the most important consistency in the entire ICANN. Everything is in the hands of the GNSO. So you are covering very broad things and so on and so forth, and there are many knowledgeable, expert, competent people there, and we rely on you. I would like to know that with respect to this applicant support, who are participating in any discussion with GNSO, because the applicant support aimed to support those countries, they may have difficulty in many things.

Difficulty how to apply, difficulty how to process, difficulty to pay, and many, many other things, and I don't know to what extent their views have been taken into account. Then I remember that during the auction group that was managed or ordered or organized by Allman, it was some discussion that perhaps some part of the auction's financial availability may also be devoted for this. I don't know what happened to that. I have not followed that. I would like to know whether that is a ceiling. The importance is that you have sufficient financial support and technical support to develop a way to support the applicant support, because in the first round, if you look in the African continent, there were very, very few applications where we used in other areas. There was considerable.

It is not a problem of anybody. It is maybe a problem of non-availability, non-awareness, a problem of many things. I hope this problem will be resolved with this applicant support and so on and so forth. And then, last, but not least, I would like to know when this support is provided, will be provided. I have said that several times, I repeated in this meeting as well, based on the principle of universality, inclusiveness, and non-discriminated, without any political or so on approach, going technical, administrative, and so on and so forth. So everybody, irrespective of anything, if it is justified, if it is eligible, will receive this sort of support, but not for other things than the criteria which established by the GNSO and by the group. And thank you very much.

GREG DIBIASE: Paul?

PAUL MCGRADY: Thanks, Paul McGrady again. Thank you, Kavouss, for those great questions. So just out, I'm going to duck out on the first one and say that I'm an old man, so I can't remember everybody's names, but I will ask the staff supporting the GGP to send around a roster of those that are participating. But in terms of whether or not they are -- it's broad participation and they're taking in all views. In my opinion, they are, and we have good, broad participation, and everybody is there acting in good faith to try to solve this problem and to create opportunities for underserved regions in this particular space. So that I can't tell you, but the actual names, if I tried to tick them off, I would leave someone out and then I would feel bad.

As far as whether or not the auction proceeds can be used for this issue, I was not a member of the -- I think it was a cross-community effort on auction proceeds, and I do not know whether or not any of those proceeds were tagged for this effort. And so I hate to say it, but I don't know the answer to that, but I can go back and see, we can go back as a council and see whether or not this falls within that category. There is anticipation of funding coming from a source other than that, that we're talking about in our deliberations, but it doesn't necessarily mean that the other is precluded. I just don't know the answer, Kavouss, to that.

And then lastly, in terms of your question of non-discrimination, I've not heard of anybody wanting to discriminate against anybody or to use criteria beyond those that are being developed by the GGP or the council, and I would personally find that to be inappropriate, and so the short answer is, I sure hope not. But thank you for raising the issue, and that as a council liaison will help me to be even more aware as we make our way through the work. Thank you.

KAVOUSS ARASTEH: Just a follow-up, if you want to get more information, you may contact Marika Konings, whether she's working ICANN or not. She was the secretary of that group, and she was very aware of the situation, but I don't know whether she's still with ICANN or not, but that is one of the sources. Thank you.

MANAL ISMAIL: Thank you very much, Iran, and thank you very much, Paul. I have European Commission next, and then we need to move on to the following question. Please, go ahead.

ESTEVE SANZ: Thank you, Manal. Thank you, GNSO Council representatives. My name is Esteve Sanz. I represent the European Commission together with other colleagues that are online this time. I just, well, this is a very important topic. We also understand that the bottom line in the previous round, in terms of the resources, the actual number of application supports, etcetera., was a bit, let's say, depressing. And this all comes again to the bottom line, resources that will be invested this time in this round. And I was hoping to hear some considerations about this issue from you. Thank you so much.

PAUL MCGRADY: Thanks, Paul MacGready again. Thank you for the question. There's two things. One is how much funds there are, and to a certain extent,

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that's dependent on people other than the GGP. The GGP can't write the budget, but we can certainly push for adequate funding.

The second thing is the dollars aren't useful unless people know about the program and know about the help and the assistance, not only financially, but hopefully from service providers in this industry who will be asked to step up and take on some of this work on a pro bono basis or on a fees deferred basis or whatever. And so there's certainly, this group is very aware that, unless we get people aware and get them out and applying and attempting to become a part of this community, that even if we have adequate dollars, we won't accomplish our goals. And so we're focusing on both.

And in terms of the funding, I think that there's a goal that we're a nuisance, that we ask for a whole bunch of money and see what we can get. And so when the time comes and as we get closer, you'll see the outputs. And we hope that everybody who wants this particular effort to succeed will not only help us get the word out when the time comes, but also within the community, make it very clear that this is a priority for this community.

MANAL ISMAIL: Thank you very much, European Commission, and thank you very much again, Paul. If you can please switch off your microphone. So let's go to the following slide, please. And we are still under subsequent rounds of new gTLDs, and allow me to start by maybe the background first and then go to the question in the first bullet. So starting by the second bullet, the GAC has taken note with interest of the board's planned approach to handle the outputs identifying as pending, and subject to

future dialogue with the GNSO Council. In this regard, we would like to draw your attention to the GAC input to the board consultation on the final recommendations of SubPro, which was filed on June 1st, 2021.

The GAC input includes GAC positions regarding many of the issues now identified as pending by the board, including the RVC and the PICs, the public interest commitments, applicant support, GAC consensus advice and GAC early warnings, community applications, and auctions. The GAC would welcome being included in such forthcoming dialogues. And the question is, what is your current state of thinking regarding the intention of the board to adopt some SubPro recommendations during ICANN76, while deferring a small set of important ones to a later stage?

GREG DIBIASE: Thank you, Manal. So first off, the council is encouraged that the vast majority of the recommendations are being improved and implementation will start shortly after. We think this is a significant milestone for the project. And so generally speaking, the council is appreciative of the board's approach to working collaboratively to resolve concerns rather than engaging in formal letter writing. We've had informal meetings on the best way to go forward. We are tentatively leaning towards convening a small team of councilors to triage these issues and start a conversation with the board.

There may be that some of these pending recommendations can be resolved just through clarification. There can be discussion and they can move forward. And it may be that they may have to be amended in some way. But to start that process, we are going to convene a small team. We're still deciding on the composition of that small team and

how best to engage the GAC and solicit your feedback in this process. So we're aware that the GAC would like to be engaged and we will definitely take that into consideration as we form a team to have dialogue with the board and hopefully resolve these pending issues.

MANAL ISMAIL: Thank you very much, Greg. I'm just pausing to see if there are any requests for the floor and in case not -- I'm sorry, Iran, please go ahead.

KAVOUSS ARASTEH: Yes, thank you very much. Simply, if possible, the composition of that team, that small group. Thank you.

MANAL ISMAIL: Thank you, Iran. And I have UK next. Please, Nigel, thank you.

NIGEL HICKSON: Yes, thank you very much. Good morning. Thank you so much for coming today and sharing this with us. I suppose as we've been going through this ICANN meeting starting on Saturday with various briefings on the on the SubPro process, we had an excellent meeting with the board yesterday. We discussed things with the registrars and the registrars, incredibly productive. And I suppose some of us that have been in the GAC for a while, or been in the ICANN community for a while are surprised at the speed of the process. I mean, which we of course welcome. The fact that you might be faced with 38 questions or 38

recommendations that are not approved by the end of the week to discuss is quite significant.

And I recognize places a lot of onus on the GNSO in terms of moving forward. And I suppose I would like to say is that it would be good to establish a good working relationship in working some of these recommendations out that touch on the concerns of the GAC that were enumerated in this slide and in previous communiques, etcetera. Because clearly there's a time pressure on this and it would be good to set up some sort of mechanism where we can all discuss these. So we're in the in the know, so to speak. Thank you very much.

GREG DIBIASE: Thank you, Nigel. And to be clear, we don't expect to resolve these pending recommendations. We are just setting the stage, identifying which ones can be resolved through clarification. Maybe there's just a misunderstanding. And if there is heavy lifting that's when we get to making sure we have the proper engagement and community support for making any changes if necessary. But that would come in the months following this meeting as we work through these issues.

MANAL ISMAIL: Thank you very much, Greg. And again, for the sake of the transcripts, the previous speaker was Greg DiBiase. And I have next GAC. I have Switzerland, I'm sorry. Jorge, please go ahead.

JORGE CANCIO: Hello, everyone. And this is Jorge Cancio from the Swiss government. In this case, also one of the topic leads in the GAC for subsequent procedures. So thanks very much for the feedback you've given us and for taking note of our willingness to engage on these topics, especially those that we have identified in the slides, which match very well with some of the most important open or unresolved topics identified by the ODA, which just started discussions with the board. We pointed this out to the board yesterday. And of course, we're very, very much looking forward to be involved in the discussions on how to handle these open and unresolved issues. And looking forward to being invited or being engaged into those dialogues.

And I just wanted to welcome your willingness that you expressed before to do so, to engage us. I hope we can do this as efficiently and as well as possible also intercessionary, because we all have an interest to take these issues forward. And of course, we still have the possibility of raising any of these issues to GAC consensus advice, but that would, of course, trigger another kind of formal procedures. So I think at least my personal preference would be to engage in this dialogue in more informal terms. I just wanted to mention this. Thank you.

MANAL ISMAIL: Thank you very much, Jorge. I have one last request for the -- two requests for the floor. And then we need to move on. So Iran and then Brazil.

KAVOUSS ARASTEH: Thank you. First of all, my small question was not answered. I hope that that will be answered in future. But I have...

MANAL ISMAIL: Kavouss, if you can please can speak closer to the mic. Thank you.

KAVOUSS ARASTEH: Manal, I am as much as closer. This is the third time you announced me to be close. I can't do more than that. It create distortion. I cannot go more closer than this. Every time I speak, you say that be closer.

MANAL ISMAIL: I'm sorry, we need to hear you.

KAVOUSS ARASTEH: And that really distract my thinking.

GULTEN TEPE: Kavouss, apologies to interject. It would be easier for our interpreters. Thank you so much.

KAVOUSS ARASTEH: I said I raised a question was not answered. Second, we have spent six years in this subsequent round. We have created five tracks. Many people, they were there. Many ideas. Everybody did its best. And they injected many things in that. And now we come that some of the recommendations need to be further discussed. And we give those

recommendations, which is the result of the discussions with many, many people and many ideas. And now to a small group to oversimplify that. How you interpret that? To what extent do we go far from what we have done during the last six years and oversimplify that? Or what we were doing, we're not in the proper course of action. We should have not gone to that sort of detail during these six years. That is what I question. Thank you.

GREG DIBIASE: This is Greg Dibiase for the record. So first of all, the pending recommendations are a small subset of the recommendations that were adopted overall. And really, these are just questions and possibly clarifications to enhance the board's understanding about what the team meant. So I don't think we necessarily need to assume that we're changing or modifying. That may be a possibility in a certain circumstance. But we're dealing with a relatively small number of issues that the board would like more clarification on before proceeding. And so that's why we thought a dialogue to make sure basically that we're all on the same page before going forward was appropriate.

JOHN MCELWAINE: John McElwaine for the record. If I might add too that the small team is not going to be making any sort of policy decisions. It's really just a mechanism so that we can efficiently deal with a very complex issue. As you identified, this is six years of work that went into the subsequent procedures. And so it's very useful to have subject matter experts and

other people that can work quickly and in a small group so that we can address the board's concerns. Thanks.

MANAL ISMAIL: Thank you very much, Greg and John. I have Brazil next. Please go ahead.

LUCIANO MAZZA: Manal, thank you so much. And well, thank you guys for the opportunity for this engagement. I just want to point to the fact that, of course, I cannot speak on behalf of the GAC, but from our perspective, I think those pending issues, they are not on an equal footing, let's say. We see some of them as more important. And I think in our perspective, the main one is number three, because it talks upon how decision-making process in the organization is carried out. And then I know, according to all the exchanges between GNSO, GAC, the board, there are some issues that are not solvable only between our dialogue. Because, for instance, I understand the board has some questions about how to deal with a certain interpretation of their bylaws and regarding how to reject or not GAC consensus advice.

I just want to draw attention for this point, because from our perspective, the bar should be high for a situation where consensus advice is not respected. And I think it would be important to find a way that, considering the bylaws, we find a solution that takes this into consideration. And I think it's important to take this into consideration because I think in certain cases, the idea of having RVCs or PICs won't be enough. I mean I think certain concerns are not possible to be

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mitigated. So it's a matter of, well, in very exceptional circumstances, probably we'd rather not have this approved. And then, in our perspective, it would be important in those exceptional circumstances to have the bar high in terms of when a request should be -- a warning should be rejected. So just to address this point. Thank you. Thank you very much.

MANAL ISMAIL: Thank you very much, Luciano. We need to move on. And meanwhile, I bring to your attention Jeff's comments in the chat. And sorry to hear you had to leave, Jeff. You left Cancun. And thank you very much that you're joining online. I hope all is well. So if we can go to the following slide, please. And again, still under subsequent rounds of new gTLDs, but now for the GAC-GNSO facilitated dialogue on closed generics.

Should an agreement be reached and a PDP be considered, can GNSO processes accommodate delivering a PDP in a limited amount of time, i.e. prior to the next round of gTLDs releases? If so, given the varying viewpoints on the topic, how would GAC and ALAC be included in such a PDP in order to ensure that the communities allow them equivalent say as in the facilitated dialogue? Please, John, go ahead.

JOHN MCELWAINE: John McElwaine for the record. And I'm the GNSO council liaison to the facilitated dialogue on closed generics. Like the GAC, the GNSO is invested in ensuring that the processes to move forward with this issue are efficient and aligned with the broader timelines to open subsequent application rounds. The GNSO has a track record of working closely

with the GAC and the ALAC on policy development efforts that are of interest to both these advisory committees and its members. While the details of the next steps following the dialogue are still to be determined and are in part based on the details of the framework produced by dialogue participants, the GNSO understands that the GAC's investment in the issue of closed generics will take that into account in the next steps.

Of course, you're also aware that the work of the closed generics facilitated dialogue group not only is developing the framework, but we are also, in a sense, and I'm sort of speaking personally here as a member, we're developing some ideas that would maybe look like policy suggestions. So I'm really hoping that the work that comes out of that group will be documented so that any PDP can have that input, which includes heavy investment from the GAC and the ALAC to help the PDP understand some of the ideas that were going on in that group. Thank you.

MANAL ISMAIL: Thank you very much, John, and I have Iran, please.

KAVOUSS ARASTEH: Thank you, Manal, thank you, distinguished colleagues. As you remember that we made some question about the output of this group, many things are not clear. We are talking of application criteria and process for closed generic should be fully developed, implemented, and is it transparent, and that is a big challenge, application and criteria. Then we said that we should have, the applicant should

provide evidence of their eligibility. I don't know how we examine that evidence. Who examined that evidence? What is the criteria of examining that evidence that is eligible for close and so on and so forth? Then we continue to say, apart from public comment, that they had serious questions from 2016 that what is public interest?

Public interest means global public interest, which is very difficult. I know it is in the affirmation of the commitment of the United States at that time it was the stewardship of the IANA function, but this is something very subjective. It is difficult to say really what is public interest, what is not public interest. But they said that, the group, they said that, yes, they could do that, and it may go beyond ICANN mission. I have serious difficulty that any small group or group or GNSO tackle the ICANN mission that we spent hours and hours to formulate that, and every paragraph, every word, every comma, every punctuation is very, very critical, and we cannot touch the ICANN mission because of the application of generic.

Then we have many other things, targeted intention. I don't know what is targeted intention. Who define the targeted intention? And there were many other things, should be objectives. What is the criteria that this request is objective? Should be measurable. Who measure that? What are the criteria of measurement? Should be enforced. How it should be enforced? We have a new bylaw, we have something on that, so there are considerable problems, considerable point yet to be decided. So at the very, very earlier stage, and we were opting, I, Iran is of the opinion, if this question are not resolved with agreement, I don't agree with the term satisfactory because satisfactory is subjective.

Something satisfactory with A is not satisfactory with B. When we say agreed by consensus, I have no problem. If it is not agreed by consensus, the use of the closed generic will be dropped. By the way, in a very principled way, I have some legal background, closed something is against the open something. That means we are far from the universality and openness and equitable access to the DNS resources. These are the question has not been answered. I raised all of them during the discussion in the SubPro, but unfortunately because all the time, the representative of GAC, they are in the minority and other people, they may not. But they need to be very, very careful of this small group.

We have not delegated any authority to this small group to decide on our behalf. Everything should come back to us, come back to GNSO. GAC by GNSO need to agree with each other with consensus. This time is not ICANN consensus. That okay, there are whom we agree. There are none whom we don't agree. Or okay, if you don't agree, give a minority a statement. This is a very, very sensitive issue, very delicate issue. We need to be very, very careful of that. Thank you very much.

MANAL ISMAIL: Thank you very much, Kavouss. And indeed, many challenges for this group and we are still working on it. So I hope we can end up in a satisfactory way to everyone that we can meet in the middle. So mindful of the time, if we can go to the following slide, please. And this is on DNS abuse mitigation. First, can the GNSO Council share its view as to whether it considers the topic of domain name abuse mitigation to fall within the designated scope of permissible policy development

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efforts within ICANN's mandate under the bylaws? And second, what does the GNSO Council think would be required to set the stage for a successful delivery of effective policy recommendations that address the harms caused by DNS abuse? Thank you.

GREG DIBIASE: Thank you, Manal. This is Greg Dibiasi. I think I'll turn this over to Mark or Paul, which you would like to take the lead here.

MARK DATYSGELD: Thank you very much, Greg. Thank you, Chairwoman, for receiving us. Greetings to all delegates. We've had some interesting developments in the DNS abuse area. As you might remember, those of you who were around, we ended up sending letters directly to the contracted parties and to the ICANN organization. And what we were expecting to achieve with that is to understand what would be the most efficient measures we could take that were not reliant on something like a PDP. So the results of that were pretty interesting. I will recap the letters that we sent. One of them inquired the contracted party as to their position on bulk registration, so the practice of registering multiple domains at one time.

And this was seen as a potential concern, considering that under normal circumstances, there is no cap for that amount of registrations, though it should potentially flag to the contracted party that something is wrong once that hits a certain threshold. So the answer that we received, and Greg can comment further on any statement that I make, because he has been a very solid lead on this, but the answer that we

received is that they perceived that the problem with that is that there is no clear definition as to what constitutes bulk registration.

So as of today, it is more than one. And what the ceiling for that is, we don't know. So it would be difficult from their perspective to establish a criteria for defining that. We will take this back to the GNSO Council and try to assert whether there is a path forward, such as at least recommending that over a certain threshold or up to discretion of the contracted party, they would at least flag potential misuses of this practice. And this is something that we will have to now discuss as a council, but it is very good information that we received back that will allow us to substantiate our findings. So this was, I think, a very good use of our time because it cut short us having to go through a lot of hoops.

So I would consider that to be quite successful. The second letter was a recommendation for contract amendments that was very specific and very focused. This was not a request for a revision of the entirety of the contract or anything of the sort. It has to do with a very specific provision on the responsibilities of the contracted party in relation to DNS abuse. As it stood, and we as a small team on DNS abuse had many conversations with FICOM compliance about this. We inquired them for quite some time, multiple meetings. As it stands, the contracted party does not have an obligation to act upon DNS abuse. It has the obligation to acknowledge that it exists.

And in our view, as the current internet stands, during our current times, this is not enough. This is not a practice that is enough to address the problems that we are observing. So in that sense, we made the

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recommendation that they look into the possibility of changing that acknowledgement to mitigation or to set the basis for ICANN, the organization, to be able to work together with the contracted parties on mitigation. And this was received, I would say, quite well by the contracted parties and ICANN org as they have actually, during the -- As we were developing these recommendations, they got into internal conversations already. And this is a part where I would like to hand it over to Greg, if you feel that it's appropriate, Greg, to give us further context.

GREG DIBIASE: Sure. Thank you, Mark. This is Greg DiBiase. And kind of going back to that topic of what falls under the scope of policy development, one of the things we discussed is topics that are tightly scoped and therefore actionable. And so I think the process now the DNS abuse small team went through this work of soliciting feedback. Some of that feedback was compliance, from compliance, which contributed to the impetus to start DNS abuse amendment negotiations. And then I think bulk registrations is another example of a possible topic. And by sending out the letter, we're trying to understand is this definable and therefore subject to policy?

So I think awaiting the results from the amendment, discussing further the letters received regarding bulk registrations, we will certainly have further discussions on what type of topics are sufficiently tightly scoped that we may be able to proceed on. But this is definitely an ongoing conversation.

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MANAL ISMAIL:	Thank you very much, Mark and Greg. We have three requests for the floor, if you can -- we hear them and then you can get the chance to...
MARK DATYSGELD:	I have one comment.
MANAL ISMAIL:	Okay, sure. Go ahead, Mark.
MARK DATYSGELD:	Thank you very much, Chairwoman. So we had a very helpful update from the contractor parties during this meeting, during their outreach session, in which they outlined both that they intend to have these negotiations at least under a reporting status for us during the DC meeting. So for next ICANN meeting, we should have solid feedback on those negotiations and that there will be a public comment related to those negotiations for community input. So those are two points that would be helpful to stress to the community. Thank you.
MANAL ISMAIL:	Thank you very much, Mark. And we also had a good discussion and update from the contracted parties house indeed. I have three requests for the floor in the following order, Iran, India and China. And I would ask you to please keep it brief because we are running late. Iran, please go ahead.

KAVOUSS ARASTEH: Thank you, Manal. I think my question is relating to the closing. Once you finish this topic, I need half a minute to have a complimentary comment on that. Thank you.

MANAL ISMAIL: Thank you, Kavouss. So India, please.

SHRI T. SANTHOSH: Good morning. This is Santhosh for record. So, DNS abuse is affecting each and every person across the globe. And here in we want to bring in more people to internet. The issue is related to DNS abuse. And it is very simple. We can come up with stringent verification and validation process, which is written there, but not implemented properly. I mean that is why there is lots of misuse which is happening.

Now, yesterday night only I could reach. Why? Because there are plenty of cases, court cases in India wherein which people are affected. And the fraudulent people are misusing this, WHOIS accuracy, and they just give some random names. So it is being misused. So we need to move ahead to make this verification, validation process very stringent in the coming new gTLD process.

Now, the second aspect which I would like to mention is about the domain generating algorithms. I mean it is also creating havoc. And yes, there is a specific track which is going on. So we as a GAC together should work against this, and we should actively contribute to bring in more people to the internet. Thank you.

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MANAL ISMAIL: Thank you very much, India. China, please, and briefly.

KENNETH YING: Thank you, Chair. Just want to keep it short. I just want to echo the viewpoints expressed by our distinguished representative from Iran. I think those questions raised by him is also, I think, is also -- I want some answers to those questions. Perhaps we need good answers or solid answers to those questions. I'll leave it there. Thank you very much.

MANAL ISMAIL: Thank you very much, China. Mark, would you like to reply?

MARK DATYSGELD: Thank you very much. I will answer directly to the question of the esteemed delegates. So the matter of accuracy is running parallel to our discussions on DNS abuse, which I hope you can appreciate. We have been hearing interesting updates on that front, but as far as the DNS abuse small teams reach is concerned, we do not have oversight over that particular matter, which is why we are trying to advance as much as possible in terms of providing contracted parties with tools, and ICANN with tools, to mitigate DNS abuse, because at the end of the day, what that means is that as far as generic domains are concerned, we will be able to activate those devices in spite of where the accuracy issue stands.

So this is more about giving more ways for the community to solve issues so that maybe we are not overburdening the privacy and identification question. So it is another way forward, let's say, which

does not invalidate in any way those matters of who is an identification. So hopefully that makes sense.

And as far as domain name generators, algorithmic software, and those related questions, it is something definitely that we have been looking towards, and this is one of the opportunities that we will have during the subsequent policy development that we hope to reach to the community again, because since this has been so successful, we would like to understand what very specific, very narrow questions we should be tackling, and definitely this is, I would say, on the top of our list, so something that we will come back to the community further down the road this year for sure. So thank you very much for the question.

MANAL ISMAIL: Thank you very much, Mark, and Kavouss, I ask for your understanding. We need to move on. We have only 10 minutes and four topics remaining, so if we can address your point under any other business, please.

KAVOUSS ARASTEH: Anyway, you want, any other business. You are the chair and I am a participant. Please, whatever you think, but I want to have a few, one or two minutes at the end of this meeting before we finish the meeting. Thank you.

MANAL ISMAIL: Thank you. So I hope we can cover the agenda. So please, everyone, let's try to keep it brief. If you can go to the following slide, please. And

this is on WHOIS Disclosure System, and the GAC noted the proposed WHOIS Disclosure System is a useful first step, facilitating the collection of useful data, shedding light on usage rates, timelines of response, percentage of requests granted and denied, and given the importance of data gathering, how can participation of all registrars be achieved, and should policy development be considered, can GNSO processes accommodate a truly expedited, very narrowly focused policy development process, and if yes, what would such expedited delivery of policy recommendation require to be successful? Thank you.

GREG DIBIASE: Thanks. This is Greg Dibiase. I think we have Sebastian on the line to speak on this topic.

SEBASTIEN DUCOS: Yes, I am, if you can hear me. This is Sebastian Ducos for the record. Can you hear me?

MANAL ISMAIL: Loud and clear, Sebastian. Thank you.

SEBASTIEN DUCOS: Thank you very much, Manal. So I just wanted to say, and I will be brief in the address of the agenda. As you would know, we were briefed this Saturday by ICANN org, who informed us that we're indeed going to start the development of what used to be called, and it's still on a slide, as the WHOIS Disclosure System, but has already a new name.

We did receive indeed your questions and questions from the board that are very much alike, particularly with regards to our capacity to ensure, and I'll leave it at that, to ensure that all registrars, if not a maximum of registrars, participate. I just want to say that whilst the small team on this, because of deadlines and having to meet November deadlines, the 1st of October, and then November deadlines last year, in order to give all the time to prepare for the development that are just about to start.

We did park a number of topics. This was a topic that was heavily discussed already last year, and we will consider it in Council. We're talking about it later on today. So I don't want to preempt any of it, but I do want to say that it was something that was discussed already, and that the small team reported to the Council last year, and that at first glance last year, again, I don't want to preempt on what we're going to discuss later on, at first glance last year, it seemed that in the context of a pilot, of a proof of concept, spending time developing policy to secure that participation was probably not the best way. And we were very much looking into other avenues, such as ensuring, for example, that the launch of the service be successful, that everybody was informed and everybody was interested.

Now, clearly within the community and within the people that are coming to ICANN and around the table, the registrar's side and everywhere else, there is very strong interest for a maximum of people to participate on both ends, and making sure that this is a success in what it needs to be, a proof of concept, that we have enough traffic around it to make sure that we fully understand how it works and how it can be improved if need be. But again, we'll discuss it this afternoon.

I understand the concerns. I don't know that it's the best tool to get there. So, in the future, as this small team is regathering and will regather in the weeks to come, because there was a number of things that needed to be discussed and finalized, we have what we just alluded to.

We have the whole topic of success criteria. What are we measuring? Where do we need to put the line in the sense that this is a success, this is where it needs to change, and et cetera. All these things are going to be discussed. The launch that I mentioned before. But a key to all this and the launch and be able to communicate about it outside of the small village that we are as an ICANN community. We needed to have a name, and that almost came very naturally on Saturday. Olga proposed for us to use going forward the name of Registration Data Request Service, the RDRS, yet another acronym. And that was pretty much immediately approved by the small team. And so, going forward, it will be the name that we will use. I'm open for any questions. But otherwise, in the interest of time, I can also yield.

MANAL ISMAIL: Thank you very much, Sebastian. Thank you for the thorough reply. I think for the sake of time, we need to move on. We're on the topic of accuracy of registration data. And the GAC reiterated the importance of accuracy and encouraged the scoping team to continue its work while ICANN awaits feedback, but also noted the GNSO Council's resolution, which posed the work of the registration data accuracy scoping team, possibly for up to six months. So the question is, what is the status of

the search for a new chair of the registration data accuracy scoping team? Thank you.

GREG DIBIASE: Thank you, Manal. This is Greg DiBiase. So council leadership recently conducted a survey amongst the scoping team membership to obtain feedback on their experience in the scoping team and provide input on the leadership of this effort as well. This should inform the instructions of the scoping team as well as to inform search for a new chair. So right now, we're gathering data to better start our search when this group reconvenes.

MANAL ISMAIL: Thank you very much, Greg. I'm seeing hands. So is this regarding this topic? Okay, then I have Ken Ying. Please, very briefly.

KEN YING: Yes, as I mentioned in the capacity building meeting, I believe that because the current system does not have any function to facilitate the registrar to verify the requester's identity. So I believe that factor will sort of impact the registrar's willingness to participate in the system or to make information disclosure. So I request that when ICANN continue to do the data gathering, maybe you need one item to evaluate whether that's one of the reasons that in the future there are not sufficient information disclosure. Thank you.

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MANAL ISMAIL: Thank you. Chinese Taipei and I have Iran. Very briefly, please.

KAVOUSS ARASTEH: Yes, very briefly. I think we are talking of the accuracy in some of the previous meetings of two or three years ago. Someone from ALAC mentioned that at that time there are 14% of the information inaccurate. Do we have anything today that what are the degree of inaccuracy? And after all action is being taken at the next appropriate time, we see that whether we have made any improvement or still that value exists. Thank you.

MANAL ISMAIL: Thank you very much, Iran. UK I mean, we have one minute and two slides. Okay, go ahead.

NIGEL HICKSON: Yes, sorry. I don't know what. Sorry. No, I was just going to ask. Thank you very much for this update. I was just going to ask about the privacy proxy work that seems to be installed, but perhaps we can have an update at a future time, because this is part of this overall equation in terms of. Thank you.

GREG DIBIASE: Thanks, Nigel. This is Greg DiBiase. That is certainly on our radar. There's several dependencies we're working through with ICANN, but it is certainly on the agenda once these dependencies are resolved to

move forward with that initiative as well. And perhaps the next meeting we can provide more information then.

MANAL ISMAIL: Thank you very much, Nigel and Greg, for the brevity. If we can go to the following slide, please. And this is the topic on IGO protections. And I hope you already read the background. So Brian, please. WIPO go ahead.

BRIAN BECKHAM: Thank you, Chair. Brian Beckham from WIPO, speaking for IGOs on the topic. I think the slides are available, and I'd be happy to discuss the specific question with council leadership offline in the interest of time. I just wanted to address one suggestion that's been made this week in terms of creating a special carve out for an exemption to the current moratorium. The moratorium, just to recall, is temporary, pending implementation of the curative rights protection work track.

So I would like to suggest that energy would be better focused on putting the implementation work behind us rather than creating a dedicated exemption path, because almost necessarily from the IGO perspective, the same individuals that would be working on the implementation would be drawn into any exemption request process. So I would suggest it's better just to focus on getting the implementation out of the way, and then the moratorium would be lifted. And we could put that, then the exemption request process would be moot. Thank you.

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JOHN ACKWIN: John Ackwin for the record. So Brian, just briefly, I'm the council liaison to that IRT. I'd be glad to meet with you later on, and we can talk about those issues. Thanks.

MANAL ISMAIL: Thank you very much. And of course, we can take the rest of the questions offline. Thank you very much for your understanding, Brian. If we can go to the last slide, it's any other business, and we have two quick points here. First, the GAC is welcoming the GNSO commenting on parts beyond the GAC advice, as you suggested, maybe also issues of importance to the GAC. So thank you very much for paying due attention to the issues of importance to the GAC. The second point is on transparency in GNSO PDP regarding the companies and organizations being represented. And US, please, if you can present the topics. Thank you.

SUSAN CHALMERS: Thank you kindly, Chair. The GAC has had some discussion earlier this week on a proposed exception in the statement of interest policy within the GNSO that might enable participants to refrain from disclosing the identity of the entities that they represent in working groups. We just wanted to flag this issue and to also understand where that process is at this point in time, the finalization of the new SOI. Thank you.

JOHN MCELWAINE:	So this is John McElwaine for the record. That process is still going on. There's still discussion. We've had actually a very robust discussion at the open mic, the town hall meeting at the GNSO. And so there's a lot of still, I guess, discussions to have, legal and ethical issues to look into. But rest assured that this is well on the council's radar and we're working on it.
MANAL ISMAIL:	Thank you very much, you, Us and John. So Kavouss, please, very briefly. Go ahead.
KAVOUSS ARASTEH:	Very brief and I raised many issues which requires attention, which have currently ambiguity or non-clarity and may be inappropriate. I would like to ask that to be carefully considered. And then something that I asked the question, no problem that the chair of the GAC could apply, but we have a common meeting with GNSO. I would have expected that to allow the GNSO also to comment on what I raised, but not only GAC chair. That is one.
	Something that bothers me very much, that is the satisfactory solution. This is a subjective term. I said that the result should be agreed by consensus instead of satisfactory solution. Because satisfactory solution is not a clear word. So we should say by consensus. And by consensus, I mean that the full consensus that no formal disagreement is made. This is very sensitive and I would like that this should be recorded. Thank you.

MANAL ISMAIL: Thank you very much, Kavouss. And John, would you like to comment on closed generics, if you may?

JOHN MCELWAINE: Yes, John McEwaine for the record. So I think it's important for everyone to understand that the closed generics work is really the third time that the community is trying to address a solution to the closed generics. And the purpose of that group is merely to put together a framework. So they're not making policy. What we're doing is trying to suggest a path forward. In doing that, there have been -- it's necessary to have some hypothetical policy discussions so that we can put together a framework that makes sense. But essentially, at a high level, the framework is going to look at what you're familiar with and have seen in the briefing documents, an application phase, an evaluation phase, and then a post-delegation phase where certain requirements are going to need to be met by those closed generics.

Also know that we are working off of the basis of the GAC advice, which is that any closed generic must meet a public interest. So the evaluation criteria that we're developing are intended to be transparent, they're intended to be measurable, and they're intended to be what I've been referring to in DISHA of serving a public interest. And so it's all only that. Once we have that framework, which I'm confident we can put together, then it will be put back out to a policy development process involving the community in general. Thank you.

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MANAL ISMAIL: Thank you very much. And thank you very much, Sebastian, Greg, John, Mark, and Paul. And thanks, everyone. Apologies for rushing us through the agenda at the end, and apologies for running over time. To GAC colleagues, we are reconvening at 1315 Cancun, 18:15 UTC, and you have the results of the elections in your inboxes. So thank you very much, everyone.

[END OF TRANSCRIPTION]

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