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ICANN76 | CF – GAC Communique Drafting (6 of 6)  
Thursday, March 16, 2023 – 09:00 to 10:00 CUN

GULTEN TEPE: Hello, and welcome to the ICANN76 GAC Communique Drafting session on Thursday, 16 March, at 9:00 local time.

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With that, I will hand the floor over to GAC chair, Manal Ismail. Over to you, Manal.

MANAL ISMAIL: Thank you very much, Gulden. Good morning, good afternoon, and good evening, everyone. Welcome to our sixth and last communique drafting session. It is scheduled for an hour. And we have just a few things pending from yesterday. And then we will make one full readthrough, and then we are done.

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With that, if we can have the communique on the screen, please. Let's keep scrolling and stop whenever there is new text that needs to be read out. Okay, so this is minor editorial suggestions. So a discussion on how the PSWG could work with the GAC to forward pertinent work within the ICANN community. So it's nothing really changed, so meaning just finetuning the language. Any comments? Okay, if not, then let's accept, please, the text. I just think we need to have the four bullet points either all capital or all small. Is this new text?

FABIEN BETREMIEUX: Just comments. These are just comments.

MANAL ISMAIL: Okay, the comments from Abdalmonem from Egypt, "It is recommended to consider UA as one of the priorities of the governments." And the second comment, "UA Day is annual worldwide event, so GAC members are encouraged to contribute for such event." Thank you very much, Abdalmonem. Is this just to communicate with GAC colleagues, or are you suggesting changing in the drafting?

ABDALMONEM GALILA: If you could consider that inside the communique for universal acceptance, that will be better for that.

MANAL ISMAIL: So I'm not sure I understand.

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FABIEN BETREMIEUX: Because there's a sentence that says....

MANAL ISMAIL: Yeah, so does the sentence highlighted now cover your comment?  
Because we're already encouraging GAC members. Does this?

ABDALMONEM GALILA: But actually it is talking about this year only for in 2023, but actually UA  
Day is an annual event.

MANAL ISMAIL: Okay, so it's an annual event?

ABDALMONEM GALILA: Yes.

MANAL ISMAIL: And you would like to see GAC members encouraged to participate  
annually?

ABDALMONEM GALILA: Yes, thank you.

FABIEN BETREMIEUX: So should we add "annually" after "efforts"?

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MANAL ISMAIL:

Yeah, I think maybe we can add “annually” and this could.... So the sentence now reads, “GAC members were encouraged to contribute and support such efforts annually in their region where possible.” Is this okay, Abdalmonem? Thank you, Egypt.

So let’s continue scrolling. This is under subsequent procedures. This sentence, yesterday we had this as, “Such solution would be subject to GAC’s consensus agreement.” I just felt that it’s not reading well with the previous sentence because the previous sentence says “no satisfactory solution” and then we’re referring to a solution that really does not exist. So I thought maybe if we can disconnect both sentences by saying, for example, “In any event, any potential solution would be subject to the GAC’s consensus agreement.” Does this make sense to everyone? I see nodding. Okay, thank you. Can we please accept the changes?

Then the following paragraph reads, “The GAC reaffirms the importance of increasing the number and geographical distribution of applications from underrepresented regions in future rounds of new gTLDs.” We were discussing this, and there was also a proposal to say “with respect to the number of” applications. I think maybe we can leave “number” and “geographical distribution.” It’s more broad. It incorporates both. Any comments? So the proposal is, let me try to read the proposal, “The GAC reaffirms the importance of increasing the number and geographical distribution of applications from underrepresented regions in future rounds of new gTLDs through the applicant support program.” Any comments? Okay, yeah, I see agreement in the chat from Switzerland and from Egypt. Thank you. And I see no requests for the floor. So if we can please accept the language here.

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And reading through the same paragraph, “The GAC reiterates its support for proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support in order to sufficiently cover all applications.” I see nodding in the room. Okay, and no requests for the floor. If we can accept the changes, please.

Moving on to this is DNS abuse, and this is the sentence we agreed yesterday. We just changed the place to read well with the previous and following paragraphs and finetuned the language a bit. So I'm going to read it, okay? “The GAC also welcomed information regarding the Abuse Contact Identifier (ACID) tool provided by the Registrar Stakeholder Group to identify the appropriate parties to whom DNS abuse should be reported.” Any comments? Okay, seeing none, then let's accept the changes.

And this is under registration data consensus policy. I'm reading from the second paragraph, “The GAC supports the EPDP team's efforts to develop a policy that complies with existing data protection principles while establishing clearly defined minimum data elements that allow contracted parties to process data in line with their relevant obligations within their jurisdictions.” So just replacing “based on the” by “in line with their relevant” obligations. I see nodding also in the room and no requests for the floor, so please accept and scroll down.

This is new text on accuracy of registration data, so we haven't read this yesterday. I'm going to start reading from the beginning, “Ensuring the accuracy of registration data is also key to mitigating DNS abuse. Therefore the gad emphasizes the importance of revisiting Recommendations 1 and 2 from the Accuracy Scoping Team at such

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time that the Data Protection Agreement (DPA) negotiates between ICANN Org and the contracted parties have completed and there is feedback from ICANN Org, or....” Okay, I'm sorry. I'm going to read it again.

So the text reads, “Ensuring the accuracy of registration data is also key to mitigating DNS abuse. Therefore the GAC emphasizes the importance of revisiting Recommendations 1 and 2 from the Accuracy Scoping Team at such time that the Data Protection Agreement (DPA) negotiations between ICANN Org and the contracted parties have completed and there is feedback from ICANN Org, or after a period of six months, whichever is the shorter. The GAC encourages the re-formation of the Accuracy Scoping Team to be reviewed at whichever of these points comes first. As per the scoping team’s recommendations, undertaking a registrar survey and a registrar audit will help to inform the GAC's consideration of further work needed on DNS abuse.”

I see two requests for the floor from U.S. and Iran. So U.S. please go ahead.

U.S.:

Thank you, Chair, and thank you to our colleagues from the U.K. for suggesting text on the accuracy item. As one of the GAC reps on the Accuracy Scoping Team, we appreciate their attention being paid to this issue. We would like to suggest two edits, and those would be deletion of the first and the last sentence. So deleting the first sentence and then beginning the paragraph with the word, “The GAC

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emphasizes...” there. We would also suggest removing the last sentence.

And I'm happy to provide rationale. I'll begin with the last sentence. The scoping team did not recommend to undertake a survey to inform GAC's work on DNS abuse. The scoping team did not address DNS abuse. So we think that this could be confusing to folks who are following the issue.

Also, we heard from our colleague on the GNSO small group on DNS abuse yesterday that in the GNSO's view it would be useful to maintain two separate work tracks of these items. There's such good progress being made in the DNS abuse work of the community that we would rather not try and link it to the Accuracy Scoping Team which is, after all, on pause. So we'd like to provide that as rationale for deleting the last sentence.

And proposing to delete the first sentence, we namely would like to point out that this is already treated under the DNS abuse section. There is a mention of accuracy being a key element in the consideration of the DNS abuse discussion. And so I will pause there. Thank you, Chair.

MANAL ISMAIL:

Thank you very much, U.S. And while U.K. is considering the text and I already see their hand is up, let's take the intervention from Iran first. Please, go ahead.

IRAN:

Thank you. Do you hear me, please?

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MANAL ISMAIL: Yes, loud and clear, thank you.

IRAN: Okay, thank you. Good morning, good afternoon, and good evening, everybody. I think this suggestion is very heavy, and we do not [follow] that at all, number one. Number two, the first sentence is necessary but with some edits. Instead of “ensuring” saying the GAC “emphasizes” that or “reiterates” that the accuracy of registration data is also key to mitigating DNS abuse. Even if you have repeated, this is important and this is [tied in].

So if colleagues agree, we retain that with some modification. The GAC “emphasizes” that or “reiterates” that, any of the two, that the accuracy of the registration data is also “a key element” to “mitigation of” DNS abuse. This is the first sentence, so I think it is better we [stop] to see whether colleagues proposing deletion could agree with that. Which I tend to agree with them, the sentence as it is, is a little bit awkward. But with this rewording, it’s better. The only thing is that because we are talking of accuracy of registration data it is no problem to repeat what we have said because the issue is important.

So I'll stop here to see whether we could go further or not, Otherwise, there will be a long modification where people may not follow. Let’s take it piece-by-piece, please. Thank you.



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MANAL ISMAIL: Thank you, Iran. So there is a proposal to delete the last sentence. There is a proposal to delete the first sentence. And there is a proposal to keep the first sentence but modify it as shown on the screen. I already have the U.K.'s hand up, so would you like to take the floor now?

ROS KENNYBIRCH: Thank you. Sorry, trying to get the microphone okay. Ros KennyBirch, U.K. GAC alternate. We are happy to amend the first sentence [in line]. Could we suggest, "The GAC emphasizes that the accuracy of registration data is also a consideration in mitigating DNS abuse." Thank you. And we will come back on the other proposed edits shortly. Thanks very much.

MANAL ISMAIL: Thank you very much, U.K. I see Iran and then U.S. Thank you.

IRAN: Thanks to U.K., but I have explained several times that "consideration" has a specific meaning. The most [weakest] action, "consideration." So we suggest that we keep the sentence as it was, but not "consideration." "Is a key element," but not "consideration." We don't want that they consider things. "Okay, we considered. Thank you very much. We can't do that." No, want to say that "is a key element." So if you can kindly agree we maintain [the text as it is] because "consideration" in my view and "noting" is almost too weak. Sentences are too weak terms, so we need to be careful to not use them if it is not necessary. Thank you.

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MANAL ISMAIL: Thank you, Iran. I have U.S. and then Denmark. U.S., please go ahead.

U.S.: Thank you, Chair. Just to [iterate] this sentence is already elsewhere in the communique, essentially the first sentence. So I'm not sure why we need to repeat it. So again, we would prefer deleting the first sentence.

And as for the second, we could possibly consider some amendments. But I just think that in principle repeating text in different parts of the communique is problematic because we're creating a link or a coupling of these two different issues when, again, for the reasons provided—and I'd love to hear some feedback on the rationale that we offer—we're concerned that by coupling the two progress in one area could be held back by a pause in the work in the other area. So I would really invite some feedback on the rationale from our colleagues from the U.K. in that regard.

MANAL ISMAIL: Thank you very much, U.S. I have Denmark next, please.

FINN PETERSEN: Thank you, Madame Chair. Finn Peterson for the record. From the Danish point of view we would like to keep the sentence with the “is a key element.” Our experience, and that is very evident, that the accuracy is very important to combat DNS and actually to prevent bad actors [in the zone]. So we would like to keep it. We cannot see any risk in having perhaps several places where we mention this. This is a

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[inaudible] and very important part of the way to combat the DNS abuse. So we are in favor of keeping it. Thank you.

MANAL ISMAIL:

Thank you, Denmark. So to U.S. colleagues, I see your point on tying things together. Can we maybe say “is a key element including to the mitigation” so it’s not tied necessarily only with the DNS abuse but other things including?

U.S.:

I think in the spirit of compromise what we could consider would be just to repeat the sentence that is already established and which has been agreed to after some pretty significant work that was undertaken yesterday over the course of the day. That sentence is currently in the DNS abuse section. The sentence is on accuracy. And that way, we won’t have conflicting or confusing messaging on the same subject.

MANAL ISMAIL:

Can we please scroll up and try to get the referenced sentence? It’s under DNS abuse. So, U.S., yeah, please.

U.S.:

It’s in the third paragraph, “The GAC would like to reiterate that maintaining accurate and complete domain name registration data is an important element in the prevention and mitigation of DNS abuse.”

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MANAL ISMAIL: Thank you very much, U.S. It's good that we have text that has been already agreed. So I hope this makes our life easier here. Can we please? Yeah, thank you. So if we can...can we strikethrough the text without deleting it so that it's clear? Yeah, thanks.

So the proposal now is, "The GAC would like to reiterate that maintaining accurate and complete domain name registration data is an important element in the prevention and mitigation of DNS abuse." And then if we can also strikethrough the...I think we're replacing here the first sentence. Yeah. Then, "Therefore the GAC emphasizes the importance of revisiting Recommendations 1 and 2 from the Accuracy Scoping Team...", etc.

Is this good for everyone? I'm sorry, I see a queue forming. Iran, is this a new hand?

IRAN: Yes, it's a new hand. I'll wait until everybody explains, but I think it is important. The text as it is, I have no problem provided that we do not further modify it. So wait to see what happens to the other people's interventions.

MANAL ISMAIL: Thank you. I have U.K. and then WIPO. So, U.K., please go ahead, Nigel.

NIGEL HICKSON: Yes, thank you very much. Good morning, colleagues. Thank you very much for the suggestions to this text. What has been proposed is clear, and thank you to the U.S. for finding this text and suggesting it.

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Just on the last paragraph which the U.S. referred to, we're not hung up, if you like, on saying "further work needed on DNS abuse." So perhaps we could modify it to "will help to inform the GAC's consideration of further work on these issues." And then I think it makes it clear that the "further work" can be looking at the accuracy issues that come out of the small group. So perhaps this makes it a bit more generic. Thank you very much.

MANAL ISMAIL: Yeah, Nigel, if you can explain again where are you proposing to make the edits. I'm sorry [inaudible].

NIGEL HICKSON: Yeah, I'm sorry, Manal. So this is the last. What's now in square brackets at the end of this. So rather than "further work needed on DNS abuse..."

MANAL ISMAIL: Okay.

NIGEL HICKSON: It would say "consideration of further work on these issues."

MANAL ISMAIL: Thank you. Thank you very much, Nigel. This is very helpful. I see WIPO and then U.S. Brian, please go ahead.

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**BRIAN BECKHAM:** Thank you. My question was actually on the end sentence of the paragraph immediately above this. So I don't want to disrupt the discussion on this, but I did have a—apologies. I didn't get a chance to raise my hand earlier, but my comment was on the sentence ending in “including through potential incentive structures.”

**MANAL ISMAIL:** Okay, thank you for flagging. If we can mark the text, and we will get back to this as soon as we finish on the accuracy part. I see U.S., please.

**U.S.:** Again, we've offered the sentence there in the spirit of compromise. Reiterating the potential risks to progress in the community work in DNS abuse that could happen after or be generated from some indication within the communique that the GAC believes it's a good idea to include accuracy within the scope of the negotiations. Just very sensitive to that.

I think that we should soften the language in the second sentence. I think that we could say that Recommendations 1 and 2, “so therefore the GAC would suggest” or “therefore the GAC”...something that...”emphasizes the importance” is extremely strong. So we're hoping to be able to find suggestions to soften that language a little bit.

I also note that this pertains to the agenda of the accuracy scoping group. So when it resumes this could inform the consideration of their work, their ongoing work when they pick up. But I don't think we should be trying to direct this agenda before it resumes. So alternative to soften would be our preference. Thank you.

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MANAL ISMAIL: Thank you, U.S. I see Iran. I'm assuming that WIPO, Brian, your hand is up on the yellow highlighted text and not on this part. So I'm giving the floor to Iran. Please go ahead.

IRAN: Thank you. In order to soften the language instead of “emphasizes” we could use one of the following. Either “GAC believes that” or “is of the opinion that” and so on and so forth, but not saying “emphasizes.” Just to cover the point of the U.S. colleagues, instead of “emphasizes” we say “the GAC believes that” or “the GAC is of the opinion that.” Thank you.

MANAL ISMAIL: Thank you for the helpful suggestion, Iran. I have Canada next, please.

CANADA: Thank you. Was just going to try to provide some alternative language, but I think that what was proposed is probably fine. And just to support the notion of the proposed edits. Thank you.

MANAL ISMAIL: Thank you, Canada. Does this...? Yeah, U.S., please. Go ahead.

U.S.: Perhaps the word “encourages” would be shorter. So “the GAC encourages.”

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MANAL ISMAIL: So any objection to using the word “encourages”? Okay, seeing none...  
Yes, Iran, please. Go ahead.

IRAN: Yes, too weak. This is too weak, “encourages.” “Of the opinion” or “believes that” unless you go back to “emphasizes.” I don't think [inaudible] of “encourages.” This is the most weakest word after “invites.” We have “ask.” We have “invite.” We have “encourage.” And we have “emphasize.” We have “reiterate.” So categorically, I think I would be much in favor that softening the way that I have suggested, “of the opinion” or “believes that,” but not “encourages that.” Thank you.

MANAL ISMAIL: Okay, I'm giving the floor to U.K. and then Lebanon. And then we need to converge because we have too many alternatives now that is even to read. U.K., please. Go ahead.

NIGEL HICKSON: Sorry about that. Yes, thank you. Yeah, I mean, we're trying to reach an agreement here. But just so we...“encourages” is I don't think quite right but what our distinguished colleague from Iran suggested works. Or what was the word that Ros...?

UNIDENTIFIED FEMALE: “Recognizes.”



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NIGEL HICKSON: “Recognizes” rather than “emphasizes.” But using the word “recognizes” rather than “emphasizes” might find a way forward there. But just to note that this text here has got nothing to do with the negotiations on SubPro, but perhaps you won’t [inaudible] those. This is about where it talks about the negotiations it’s between ICANN Org and the contracted parties concerned with the Data Protection Agreement. But, yeah, so it’s not the one...not the SubPro...sorry, it’s not the DNS abuse negotiations. Yeah, thanks.

MANAL ISMAIL: Thank you very much, U.K. So is any objections to using “recognizes”? I think it may hit the right balance, and I feel we are in a software program with nested loops. I see endless number of brackets. So if we’re...any objections to using “recognizes”?

FABIEN BETREMIEUX: “The importance of,” right?

MANAL ISMAIL: I see no objection, so I believe the text will now read, “Therefore the GAC recognizes the importance of revisiting Recommendations 1 and 2...” Shall we delete all the other brackets? I see nodding. So if we can please, yeah, clean the text. And remove the square brackets around the first sentence as well.

Okay, so let me read the text now, “The GAC would like to reiterate that maintaining accurate and complete domain name regulation data is an

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important element in the prevention and mitigation of DNS abuse. Therefore the GAC recognizes the importance of revisiting Recommendations 1 and 2 from the Accuracy Scoping Team at such time that the Data Protection Agreement (DPA) negotiations between ICANN Org and the contracted parties have completed and there is feedback from ICANN Org...,” etc.

Any comments? Okay, I'm continuing with the text, "...or after a period of six months, whichever is the shorter. The GAC encourages the re-formation of the Accuracy Scoping Team to be reviewed at whichever of these points comes first." And there is a proposal to delete the last sentence.

FABIEN BETREMIEUX: And there was a proposal to reword it as well.

MANAL ISMAIL: Yeah, I'm sorry. Thank you, Fabien. And the proposal to replace "needed on DNS abuse" by "on these issues." And I have U.S. and Iran, if this is a new hand. U.S., please go ahead.

U.S.: So these are pretty specific instructions and rather complex. I was hoping that we could invite the U.K. to just provide an explanation of what this would look like in terms of process. What exactly is being suggested here for ICANN Org, the Accuracy Scoping group? It would just be helpful to understand how this will...what this is meant to result in.

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MANAL ISMAIL: And this is generally speaking not to a specific sentence. Okay, Iran, if you don't mind, can we hear...? You want to go? Please go ahead.

IRAN: Thank you. My first question is the term "re-formation." Not a very nice word, "re-formation." You want to reform something? You want to rearrange something? You want to review something? What [is] "re-formation"? Something is [dead], you want to reform that? You want to revise that? You want to modify that? What is "re-formation"? This is the first thing. Then I'll come for the deletion of sentence, have some comments. Thank you. First, we'll deal with this "re-formation" to substitute by other words. Thank you.

MANAL ISMAIL: So a quick response to this. The Accuracy Scoping Team has been paused, so I think the idea is bringing back the Accuracy Scoping Team into operation. Can we hear... I don't want to put words in the mouth of U.K., so if we can hear the proposal from U.K., and then I'm giving you back the floor, Iran. U.K., please go ahead.

U.K.: Yes, thank you, Madame Chair. Yeah, it's not a particularly elegant word, I agree. Perhaps we could say resuming the work or something like that has been proposed by our distinguished colleague from the U.S. I mean, it's exactly as Manal said. The group has been paused, so we're just

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saying we'd like it to come back together again and get on with its work.  
That's that.

In terms of the last sentence, really it was just a...I mean, the scoping team's recommendations which we welcomed I think in ICANN75 in our communique include undertaking a registrar survey and a registrar audit. So we're just reiterating our welcoming for these activities which have been agreed by the scoping team but were paused by the GNSO, yeah, for six months. Thanks.

MANAL ISMAIL:

Thank you very much, U.K. Iran, please, you requested the floor.

IRAN:

Thank you, sir and madam. You said that the team has been paused and you want to restart. The term is "reactivate" but not "reform." Something to reactivate it, not to reform. Reform means something that there is a team, you don't want X and Y, you want to replace X and Y by Z and L. This is reforming. But reactivate, something is stopped, you want to start again, [inaudible] reactivate. Thank you.

MANAL ISMAIL:

Okay, so any objections to "resuming the work" of the group as proposed on the...? I'm trying just to limit the alternatives. So we have now two proposals, "resuming the work" and "reactivate." And I have a hand up from U.S., please. Go ahead.

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U.S.: Thank you, Chair. Just another question. I'm just trying to make some sense of this. Is there a link between DNS abuse and the Data Protection Agreement? Could that nexus be explained? Because otherwise I think this is rather confusing.

MANAL ISMAIL: So, Fabien, if you can help us here, please.

FABIEN BETREMIEUX: So there are two kinds of negotiations ongoing between ICANN and contracted parties. One is on the potential contract amendments for DNS abuse, and those are the most recent ones. And there are negotiations on Data Protection Agreement in the context of the...

Sorry, so the second track of ongoing negotiations between ICANN and contracted parties is on Data Protection Agreement in the context of the implementation of the EPDP Phase 1 policy recommendations. And the Accuracy Scoping Team identified a dependency on those specific negotiations of the Data Protection Agreement before it can resume its work.

And so I believe that the reference in this context would be the negotiations of the Data Protection Agreement and not the contract amendment on DNS abuse which are two separate matters.

MANAL ISMAIL: Iran, is this a new hand? Please go ahead.

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IRAN: Yes, madam, I'll try not to keep the old hand, so whatever is raised is new hand. Please, don't bother yourself to asking that. I have no problem with "resume" because resume and "reactivate" are the same. Maybe resume is better. Thank you.

MANAL ISMAIL: Thank you very much. So I see support to "resuming the work" also in the chat, so maybe we can delete "the re-formation." And we have only 16 minutes for this session, and I hope we really go through all the new text. Please, U.S., go ahead.

U.S.: Just one last suggestion, and I think we could be able to move forward here. We would support the U.K.'s suggestion of "on these issues" in the final sentence. We would also recommend that, for the reasons that we've expressed on numerous occasions during this conversation, that the word "therefore" be removed. That that sentence begin with the word "the." Again, I'm just trying to decouple the work items on this issue. And with those amendments, we would be pleased to move on. Thank you.

MANAL ISMAIL: Thank you very much, U.S. I have Canada, please. Go ahead.

CANADA: Thank you very much. I was actually going to make the same suggestion with "therefore." After Fabien's explanation, I was a bit confused about the linkage there between the two given that it's separate tracks. To me

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the “therefore” sort of makes them linked, one and the same. I think to capture it all there and to do it in a cleaner way, I think that makes sense to do it like that. Thank you.

MANAL ISMAIL: Thank you very much, Canada. Yes, Lebanon, please go ahead.

LEBANON: Thank you, Manal. I just would like to reread the sentence where we added “resuming” because the rest of is doesn't make sense.

MANAL ISMAIL: So, yeah, I'm going to try to make one full read of this paragraph so that we can finetune any text that needs to be removed. So the paragraph now reads, “The GAC would like to reiterate that maintaining accurate and complete domain name registration data is an important element in the prevention and mitigation of DNS abuse. The GAC recognizes the importance of revisiting Recommendations 1 and 2 from the Accuracy Scoping Team at such time that the Data Protection Agreement (DPA) negotiations between ICANN Org and the contracted parties have completed and there is feedback from ICANN Org, or after a period of six months, whichever is the shorter. The GAC encourages resuming the work of the Accuracy Scoping Team at whichever of these points comes first.

FABIEN BETREMIEUX: So that’s my suggestion to remove “to be reviewed” for that sentence. It makes sense [inaudible].

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MANAL ISMAIL:                    Yeah, so, the suggestion is....

LEBANON:                         Yes, if we remove “to be reviewed” it’s better.

MANAL ISMAIL:                    It now reads better. Thank you, Lebanon. Noted and thank you, Fabien, for fixing. And the last sentence, “As per the scoping team’s recommendations, undertaking a registrar survey and a registrar audit will help to inform the GAC’s consideration of further work on these issues.” Any comments? Lebanon, is this a new hand or an old one? Okay, I think we have an approved language now. If we can clean the text and accept the changes, please. And, yeah, if we can accept the changes. And then do we have any other text that we need to...?

FABIEN BETREMIEUX:            There’s an edit to the rationale of the first GAC advice.

MANAL ISMAIL:                    IGO protections?

FABIEN BETREMIEUX:            Yes.

MANAL ISMAIL:                    Okay, so there is an edit to the rationale of the first GAC advice on IGO protections. And this was the double brackets that we identified



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yesterday. So we changed the reference here to make sure that we are not quoting the text that has double brackets and seems to be confusing. I see a hand up from Iran first. Thank you.

IRAN:

Yes, Chair. I think we were a little bit fast. The sentence is amended. We have areas saying that “at whichever of these points.” Which are these points? What is meant by “these”? Which are these demonstrative [articles] used for? Go to the text, please. Yeah. When you say “at whichever of these points,” which are these points? At whichever, I have not seen “at whichever” term used at all up to now. “Of these points comes first,” which are these points? Thank you.

MANAL ISMAIL:

I stand to be corrected, but I understand that “these points” are either the completion of the of the negotiations and feedback from ICANN Org or the six months period, whichever comes first. And I see nodding from U.K.

IRAN:

For me it is not clear. If U.K. agrees, no problem. I have no difficulty with what U.K. said. But the [inaudible] for me is not clear that term “at whichever of these points come first.” We need to replace it by different terms. Thank you.

MANAL ISMAIL:

Can we just delete “of these points”? “Whichever comes first” maybe to shorten the language. I see nodding. So if we can please delete “of these

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points.” Thank you very much. And while we are here, if WIPO is still there, I'm sorry. I forgot about the text that is highlighted in yellow. So, Brian, would you like to speak to the text highlighted in yellow? Okay, if we don't have Brian yet, maybe we can scroll down just for the sake of time. And we're suggesting here to delete the confusing extract that we had from previous communique with double brackets. Any objections to this?

BRIAN BECKHAM: Hi, Manal. Can you hear me?

MANAL ISMAIL: Yes, I can hear you now.

BRIAN BECKHAM: Great. Thank you. In respect of the struck text on the screen, that's perfectly fine. Thank you for the edit. And the other point that I wanted to make was an observation on the suggestion about encouraging the maximum participation by registrars of the soon to be renamed SSAD system.

The observation is that, if you would recall, for the IGO work when the Council was taking a vote on working with recommendations, they approved four of the recommendations and moved one of the recommendations, Number 5, over to a new Work Track. And the work that was a result of that was the curative mechanism that we have in front of the Board now.

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So the question whether it [inaudible] possible for the Board to use the same model that the Council used of [bifurcating] the recommendations and taking a vote, we know for the [inaudible] recommendations there was a recommendation of mandatory registrar participation. And the Board [inaudible] to approve the [inaudible] has asked the Council to conduct a PDP on the topic of [inaudible] registrar participation.

So the question is whether it would be possible for the Board to use the same model that the Council used to vote on one particular recommendation. In this case, the mandatory registrar participation from Phase 2 like was done by the Council for the IGO work. And so [inaudible] here.

MANAL ISMAIL:

So, yeah, I was just trying to translate this into proposed edits. If you can help us here, Brian, this would be very helpful. So any proposed edits to the communique language, please?

BRIAN BECKHAM:

Yeah, thanks. So it would just be something along the lines of noting the fact that the Council had a vote on [inaudible] recommendations of the IGO curative [inaudible]. Whether the Board could [inaudible] that same model to approve the specific Phase 2 recommendation [inaudible] mandatory registrar participation. And the reason for that, of course, is that right now there's sort of a...the Board is pushing it over to Council, the Council is [inaudible] forming a [inaudible]. And so it's just in the spirit of this falling through the cracks and deleting to [inaudible] if Board could take the initiative to take on that [inaudible] issue, that might be more efficient.

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MANAL ISMAIL: So, yeah, unfortunately universe voice is breaking, Brian. So we're trying to capture here what you're saying on the screen. If you can please try to confirm or correct, it would be very helpful. So "noting the precedent on the policy development regarding IGOs..."

BRIAN BECKHAM: Yeah, maybe something like whereby the Council took a vote on individual recommendations.

MANAL ISMAIL: Okay, "whereby the Council took a vote on individual recommendations"?

BRIAN BECKHAM: Right.

MANAL ISMAIL: Sorry, we're just trying to clean the text to capture what you have said.

BRIAN BECKHAM: Maybe instead of "could the Board use" maybe something to the effect of encouraging the Board to examine whether a similar approach could be possible to approve the specific Phase 2 recommendation concerning mandatory registrar participation.

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MANAL ISMAIL: Thank you for the proposal, Brian. Meanwhile, as support staff try to capture the proposed language, I have a request for the floor from the U.S. Please, go ahead.

U.S.: Thank you, Manal. I'd like to make a general statement on process here. I don't think that we disagree with the substance of the suggestion, but I just would like to highlight that this is a very complex proposal that I don't think has been discussed within the GAC. And the purpose of the issues of importance section is to reflect the discussions of the GAC. So I would just note that while we wouldn't object to this now, going forward I think that perhaps at ICANN77 we do take more care to ensure that the communique reflects the discussions that have occurred during the meeting itself. Thank you.

MANAL ISMAIL: Thank you very much, U.S. So, WIPO, could you please reconsider the proposal given the tight timeframe we're under now? We just have two minutes to conclude on this session.

BRIAN BECKHAM: Yeah, [inaudible]. [inaudible] that this is coming at the end of the drafting. The main reason [inaudible] was okay to suggest that, of course, I understood that this flowed from an understood position of GAC that there was the [inaudible] efficacy of the system through mandatory registrar participation. So sort of just picking up on the text from there. [inaudible] understand if it's procedurally [inaudible] and it's not...it was a suggestion to [inaudible] help move things along. But

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if there's a lack of comfort in including it at a textual level here, that's perfectly understood.

MANAL ISMAIL: Thank you. Thank you very much for your understanding and flexibility. I have the U.S., Iran, and then we need to...no? So, thank you, that's an old hand. U.S., please go ahead.

U.S.: Thanks [inaudible], Brian. I also just as we had expressed during the last discussion on DNS abuse and accuracy, this is also kind of intermixing two different subjects. So on that basis we would advise against it. But appreciate your offer to withdraw the text but, as we mentioned before—the intermingling of substance aside—we do take no issue with the substance. Thanks.

MANAL ISMAIL: Thank you very much, U.S. And I think we'll take it to ICANN77. So we are deleting the text. Iran, are you seeking the floor before we conclude?

IRAN: Yes, I sought the floor before U.S. two times and before anyone else, but you don't see me.

MANAL ISMAIL: I apologize. Go ahead.

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IRAN: I am not very comfortable to that, yeah. The text is deleted. Yes, it should be deleted because it's no longer important. It's in some form of advice and doesn't fit here, so it's good to delete it. [My point] is in the part that third line from the bottom said "drawing on the GAC's discussions." I suggest instead of "drawing" say "pursuant to" or "in line with," but not drawing. Thank you. We don't draw anything. "Pursuant to" or "in line with." Thank you.

MANAL ISMAIL: So to me it's not really the same meaning, but let me check. Any objections to replacing "drawing on" by "pursuant to" or "in line with"? So any preference which one would serve better? So maybe...yes, Iran and then U.K.

IRAN: "In line with" may be better. Thank you.

MANAL ISMAIL: Thank you. U.K., please.

NIGEL HICKSON: Yes, that was my point.

MANAL ISMAIL: Thank you. So let's delete "drawing on." Do we have anything else pending before we...?

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UNIDENTIFIED FEMALE: [inaudible]

MANAL ISMAIL: Yeah, this one. Yeah, we are good with this.

UNIDENTIFIED FEMALE: [inaudible]

MANAL ISMAIL: So under WHOIS disclosure system we're deleting "this lack of functionality will negatively impact usage of the proposed system and reduce the amount of data collected." So, yeah, Laureen, please, briefly.

LAUREEN KAPIN: Yeah, just by way of explanation, when we switched the text from the introduction and put it in the rationale it wasn't read for flow. And there's actually repetitive text, and that's why this is eliminated. The same concept is in the following paragraph. So it's not a substantive change. It's just to streamline.

MANAL ISMAIL: Thank you very much, Laureen, for the clarification. Thank you very much, everyone. We have not a clean communique to read through during the wrap-up at the very beginning before we start the wrap-up session. Thank you very much, everyone. We have now a 30-minute break. There is the public forum as well. And we will reconvene here after the lunch break. Thank you.



**[END OF TRANSCRIPTION]**