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ICANN77 | PF – GAC Communique Drafting (1 of 5)  
Wednesday, June 14 2023 – 13:45 to 15:00 DCA

GULTEN TEPE:

Hello, and welcome to the ICANN77 GAC Communique Drafting session on Wednesday, 14th of June at 13:45 local time. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in the chat will be really allowed if put it in the proper form. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Please speak clearly and at a reasonable pace to allow for accurate interpretation and please make sure mute all other devices when you are speaking. You may access all available features for this session in the Zoom toolbar. With that, I would hand the floor over to GAC chair Nicolas Caballero. Nico, over to you, please.

NICOLAS CABALLERO:

Thank you very much, Gulden. Please take your seats. We're about to start the communique drafting. So again, welcome everyone to the Communique Drafting session. Fabien, would you like to go ahead and give us some little housekeeping details about how the writing will be developed? Please, go ahead.

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**FABIEN BETREMIEUX:** Hello everybody. This is Fabien Betremieux from the GAC Support Team. And this is just, Mr. Chair, to come to remind everybody that the date on the communique is going to be confirmed once we've completed the 72-hour review period and so this takes it into account. If communique is completed tomorrow as planned accounting for a 72-hour review period, which would complete on Sunday, the 18th. By the time we work with our colleagues in the ICANN Org to publish the communique, we expect it would be Monday the 19th of June. That's just the only point. Thank you.

**NICOLAS CABALLERO:** Thank you, Fabien. So, we'll start by reviewing the different sections of the of the communique, the introduction. Scroll down a little bit please. We're not going to go into detail here because we want to make sure that we have enough time to discuss the not only the issues of importance for the GAC, but the GAC advice itself potentially if there is GAC advice or the issues of importance. That's on the one hand and then we go back to the housekeeping details and the other issues. So, this is basically introduction. Please scroll down, then we'll talk about the inter-constituency activities and community engagement. Please scroll down.

There's still text to be added there by our staff, by GAC staff, then we will be talking about the meeting with the At-Large. Can you go up a little bit, please? There we go. The meeting with the At-Large Advisory Committee, then with the meeting which by the way happened online about two or three weeks. Correct me if I'm wrong, but I think it was three weeks ago, given the fact that we wouldn't have had time to have

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that meeting here because it's a way shorter week in terms of time allocation. Then we'll be talking about the meeting with the GNSO. And finally, some cross-community discussions. Can you scroll down, please?

Then we'll discuss internal matters like GAC membership, GAC elections, GAC working groups. And there are some topics as you can see there regarding GAC working groups like GAC Public Safety Working Group, any nuance. And then we'll mention some reports from the GAC Underserved Regions Working Group. Fabien, chime in whenever you need to. Go ahead, please.

FABIEN BETREMIEUX:

Thank you. And it is just to confirm that we are, I believe, there is text being drafted for the report of the GAC Underserved Regions Working Group. I understand the Public Safety Working will also provide text. So once the text is ready, it can be inserted directly by the co-chairs of the working groups or can be sent to us and we'll add it to the text.

NICOLAS CABALLERO:

Before we move on, let me just remind you that is going to be a 75-minute session. So basically, we started at 1:45 pm. We'll hopefully get done by 3:00 pm, then we'll have a short break. Well, actually, it's a 30-minute break. And then we'll go on from 3:30 to 5:00 pm. So, with that, let me continue. Can you please scroll down a little bit? Then we'll go to issues of importance to the GAC, and again, we want to make sure we have enough time to address those potential issues like closed generics gTLDs. As you can see on the screen, there's already some text

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suggested. Can you scroll down please? Yes, go ahead. Go ahead. Chime in. No worries.

FABIEN BETREMIEUX: Just to mention that we've marked the title of this section, closed generic gTLDs, as we usually do, with the information we have about the source of the text that's proposed. So, if you look in the comments, on the top right that Benedetta is highlighting at the moment. This section, the text in this section was proposed by GAC topic leads, Canada and Switzerland with red lines submitted by France and the European Commission. So, this is just to make sure that everybody sees it.

NICOLAS CABALLERO: Can you scroll down, please? Okay. Then we'll talk about DNS abuse and as you can see there's already text there proposed by Japan and the United States, by the way, Japan and the United States. Please keep scrolling down. And then we'll get to the-- I mean, yeah, yeah, go back.

FABIEN BETREMIEUX: Just to mention here that this is a good time to try to identify if there are any additional issues of importance or topics for issues of importance that GAC member would like or are planning to propose text for. Usually what we do at this time is we record those topics and identify in the text who is working on such proposal. So, we have that as a guide for the rest of the communique drafting. So maybe we can pause at this time and see if there's any additional propositions.

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NICOLAS CABALLERO: That would be a good thing to do. So just to make sure for everybody to understand that it's absolutely open, all inputs are still open. As a matter of fact, the Google document will be open probably till tonight like till 11:59 or something or, if needed be, tomorrow morning. But at some point, we will need to close in order to avoid any kind of confusion, any kind of over lapping or looking at the old version, an old version of the same text and those kinds of things. Do we have any question, any comments so far? Otherwise, let me move on.

Can you scroll down please, Fabien? Okay. Thank you, Benedetta. Then we'll get to the GAC consensus advice to the ICANN Board. Actually, we will start there today in order to make sure we have enough time to discuss any potential issue. Can you scroll down please? Benedetta, sorry. Then we talk about the registry, the RVCs and PICs basically, Registry Voluntary Commitments and public interest commitments in new gTLDs.

We'll also discuss about the Applicant Support in new gTLD applications and there's already some text provided by all the GAC colleagues right there. Right after that, we'll cover GAC Consensus Advice and GAC Early Warnings in New gTLDs. Again, as you can see, there's already some text provided by GAC colleagues with the rationale as usual. And then we'll get to the Auctions Mechanisms of Last Resort, Private Resolution of Contention Sets in New gTLDs. There's also some text on the screen as you can see. And finally, we'll get to the Accuracy of Registration Data. Yeah. Go ahead, Fabien.

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FABIEN BETREMIEUX: And this is also to clarify that the previous parts of advice were provided. Benedetta, I'll let you explain precisely for us to be sure. Just to confirm who proposed the text.

BENEDETTA ROSSI: Of course. Thank you. This is Benedetta Rossi speaking. Just to clarify that the draft text on the New gTLDs applications to the various topics there, was drafted by the topic leads based on the previous input submitted by the GAC. It was adapted into advice language and submitted to the GAC small group on New gTLDs for input and then was circulated to the full GAC before this meeting. So, you all potentially had an opportunity to review this language, which is important to flag where it came from. Thank you.

NICOLAS CABALLERO: Thank you, Benedetta. Can you scroll down so that we can finish? By the way, accuracy was proposed by the United Kingdom, just in case. And then we'll get to Section 6, which is follow-up on previous advice and details about the next meeting. So that's the general structure. As I said before, we'll start in Section 5 if I'm correct, Benedetta. That's GAC advice, GAC potential advice to the ICANN Board. So, I'll start reading and then we'll start working on the editing if you happen to have any different ideas, any different suggestions, and if we can reach consensus by the way.

So, I'll start reading and then I'll pause right at the end of each sub-topic unless you tell me there's a more efficient way to go ahead. Any suggestion? Any comment? Are we good to go? Because again, I'm in

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your hands, I'll do whatever you tell me to do. So, I think this is the most efficient way in order to make sure that we'll have enough time to discuss whatever potential topic, whatever potential issue there might be there. Is that okay? And I see nodding. So all right. I'll start reading.

The following items of advice from the GAC to the Board have been reached on the basis of consensus as defined in the ICANN Bylaws. Number 1, predictability in new gTLD applications. a) The GAC advises the Board: To ensure equitable participation on the proposed Standing Predictability Implementation Review Team, (SPIRT) by all interested ICANN communities on an equal footing. And I'll read their rationale.

The GAC appreciates the efforts to create a Predictability Framework, but notes doubt on its added value and concerns relative to the implementation of the Standing Predictability Implementation Review Team (SPIRT) and the added layer it may create regarding GAC consensus advice. GAC members know that for their clarification on the implementation of the SPIRT should be encouraged as well as on the role the GAC will play in it, especially in light of Implementation Guidance 2.3 suggesting direct dialogue between the SPIRT, ICANN org and the ICANN Board on GAC Consensus Advice, in which the GAC expects to be included as well. Furthermore, GAC members emphasize the importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities.

So that's the text. I'll pause there to see if we have any comments, any questions, any suggestions, any clarification. To begin with, I think and this is my personal opinion, equitable and then equal and sounds a little

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bit repetitive, but again this is just me. I'm in your hands. Any questions so far? Go ahead, Fabien, please.

FABIEN BETREMIEUX: I'll just note that there is a comment by Jorge over the word ensure suggesting that it could maybe also be take steps to ensure.

NICOLAS CABALLERO: Fabien, can you please show me? To ensure, steps to ensure, to take steps. So, I'll read it again. So, it would be to take steps to ensure equitable participation on the proposed Standing Predictability Implementation Review Teams SPIRT by all interested ICANN communities on an equal footing. Is this okay for everyone? Are we okay?

GULTEN TEPE: Nico, this is Gulden speaking.

NICOLAS CABALLERO: Yes, Gulden.

GULTEN TEPE: We have Nigel Hickson from UK delegation and then Kavouss Arasteh from Iran would like to take the floor. Thank you.

NICOLAS CABALLERO: Thank you, Gulden. United Kingdom, please go ahead. Nigel.



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NIGEL HICKSON: Thank you very much, Mr. Chairman. I'll be very brief. I think this is quite right, this text. All I was going to suggest is that in the rationale, we ought to at least acknowledge the discussions that we had with the GNSO and the Board on this. I mean, I don't think I need to suggest language. I mean, we can come up with some language, but I think given that we did have discussions with the Board and the GNSO, perhaps we should just reflect this in the rationale in some way. Thank you.

NICOLAS CABALLERO: Thank you, UK, and we're adding that in brackets just in case. I have Iran. Go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. I suggest that we do not put "to take steps to ensure". We put to ensure and leave it to the ICANN to take steps as they deem appropriate. So, we do not provide a longer arrangement and so on so forth, taking steps and so on so forth. So, if other colleague agrees, we go back to the initial or whatever proposed at the beginning to ensure equitable participation and leave that as today to ICANN to decide what steps they want today. Thank you.

NICOLAS CABALLERO: Thank you, Iran. Well noted, it's already there. If everybody agrees? I mean, I have Denmark. Denmark, go ahead, please.

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FINN PETERSON:

Finn Peterson from Denmark. Thank you, Mr. Chair. I was wondering the rationale where we say "but notes doubts on its added value". I think we have used that word before, but now it's have been created and I see no use that we have to repeat it. What is important here is that there is participation for all stakeholders on equal footing. Thank you. So, my suggestion will be to delete, "but notes doubts" and down to the rest of the sentences.

NICOLAS CABALLERO:

Thank you, Denmark. So far, we have two suggestions. One from Iran to erase that part that reads "to take steps to" and then a suggestion from Denmark to erase the whole sentence right after framework. I have Canada. Canada, go ahead, please.

JASON MERRITT:

Thank you very much, Chairman. I just wanted to point out, not to the point on the editing of the text, but the UK suggestion in brackets there reminded me that perhaps we were to consider whether or not all five of these points are necessarily advice or perhaps issues of importance at some point. So maybe just a flag that we could potentially revisit all of these issues as a group at some point and make a decision as to whether or not we still want to issue advice on all of them. And that's just sort of based on the discussions that we had with the GNSO Council and the Board going back to yesterday and today. Thanks.

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NICOLAS CABALLERO: Thank you, Canada. Well noted Canada, thank you. And I have Iran. Go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. I suggest that instead of in the text by all interested, ICANN by relevant, ICANN communities, because many people may be interested, but maybe this issue may not be relevant to them. So, we put relevant ICANN communities, but not interested. Thank you.

NICOLAS CABALLERO: So, Iran, if I understand correctly, you want to change the word interested with relevant, right? Is that the way it would be?

KAVOUSS ARASTEH: Yes, sir.

NICOLAS CABALLERO: Thank you, Iran. Gulden, do we have any other hand up?

GULTEN TEPE: We have Netherlands in the queue.

NICOLAS CABALLERO: Okay. Netherlands, please go ahead. Alisa.

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MARCO HOGEWONING: Thank you, Mr. Chairman. It would be me. I like to keep the "to take steps to" I think it's more forward looking to ensure suggests we have everything in place. And I think to take steps to ensure is more constructive approach that encourage people to look further than what they currently have.

NICOLAS CABALLERO: Thank you, Netherlands. We'll put it in bracket just in case in order to take into account your suggestion. Any other comment? Any other edit? Hungary, go ahead, please.

PETER MAJOR: I want to come back to this "relevant" as opposed to "interested". I think all ICANN communities are relevant. So, I would keep the interested. And coming back to Canada's comment, I seem to remember that ICANN Board has taken a decision in which implicitly and showed equitable participation in the SPIRT. Correct me if I'm wrong.

NICOLAS CABALLERO: Thank you, Hungary. You're right. That's correct. So again, going back to your suggestion, so you're saying we should keep the word interested there? So, we'll put in brackets again in order to see if we can reach consensus here. Any other suggestion? Egypt, go ahead please.

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MANAL ISMAIL: Thank you, Chair. Just to support Hungary in keeping the word interested instead of relevant because relevant opened the doors to selecting who's relevant and who's not while interested just is more inclusive. Thank you.

NICOLAS CABALLERO: Thank you, Egypt. Well noted. And I have Switzerland. Switzerland, go ahead, please.

JORGE CANCIO: Thank you, Nico. Jorge Cancio for the record. Very briefly. Manal made the point intended to make on interested. Thank you.

NICOLAS CABALLERO: Perfect. Thank you, Switzerland. Any other question, any other comment? Seeing none, let me read the whole thing again then from the beginning in order to see if we can move forward. So, it would read: The GAC advises the Board to take steps to ensure sure equitable participation on the proposed Standing Predictability Implementation Review Team, (SPIRT), by all interested ICANN communities on an equal footing. Is that okay for everyone? Gulten, are we okay online? No problems. Okay? So, should we keep it that way? Okay.

So then let me read the rationale. The GAC appreciates the efforts to create a Predictability Framework. GAC members know that further clarification on the implementation of the SPIRT should be encouraged, as well as on the role the GAC will play in it, especially in light of Implementation Guidance 2.3 suggesting direct dialogue between the

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SPIRT, ICANN org and the ICANN Board on GAC Consensus Advice in which the GAC expects to be included as well. Furthermore, GAC members emphasize the importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities. Is that okay for everyone? Any comment, any edit? Are we okay to move on? And by the way, do we agree that this is actually advise that the actually GAC--? I mean, going back to Canada's suggestion. And I see nodding. Anybody against?

GULTEN TEPE: We have Iran in the queue, Nico.

NICOLAS CABALLERO: Okay. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. The second line "should be encouraged", I am not sure of the word "encouraged". Is necessary or not necessary about should be encouraged to what? Who should encourage whom? Thank you. So, look at that one again, whether you have a replacement. I suggest that it should say should be encouraged or necessary. Thank you.

NICOLAS CABALLERO: Thank you, Iran. Do you have a different proposal, different wording that you would like to suggest? Or just to erase it?

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KAVOUSS ARASTEH: No. Chairman, it is already there by Fabien. Thank you. Are necessary.

NICOLAS CABALLERO: Okay. "Are necessary". That's the part you wanted to add. Okay.

KAVOUSS ARASTEH: Thank you.

NICOLAS CABALLERO: So, I'll read it again then. The GAC appreciates the efforts to create a Predictability Framework. GAC members know that further clarification on the implementation of the SPIRT are necessary, as well as on the role the GAC will play in it, especially in light of Implementation Guidance 2.3, suggesting the direct dialog between the SPIRT, ICANN org and the ICANN Board on GAC Consensus Advice in which the GAC expects to be included as well. Furthermore, GAC members emphasize the importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities. Good enough? Are we okay with it? Hungary, please go ahead.

PETER MAJOR: "Is necessary", not "are necessary".

NICOLAS CABALLERO: Very good point. Thank you, Hungary. Okay. So then let's move on. Second topic. Registry Voluntary Commitments, (RVCs / Public Interest

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Commitments (PICs) in New gTLDs. Just in case, generic top-level domains. So, it would read like this. The GAC advises the Board:

- i. To ensure that any future Registry Voluntary Commitments (RVCs) and Public Interest Commitments (PICs) are enforceable through clear contractual obligations and consequences for the failure to meet those obligations should be specified in the relevant agreements with contracted parties.
- ii. That additional mandatory and voluntary PICs should remain possible in order to address emerging public policy concerns.

Before I read the rationale, do we have any comments? Are we okay with the chatroom, Gulden? No problems. So, seeing none, let me read the rationale.

Consistent with the GAC Montreal Communique, the GAC considers that any future voluntary and mandatory PICs need to be enforceable through clear contractual obligations and consequences for the failure to meet those obligations should be specified in the relevant agreements with contracted parties. Additional mandatory and voluntary PICs should remain possible in order to address emerging public policy concerns.

The GAC recalls persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly regulated sectors and the lack of clarity and effectiveness of the mechanism to enforce disputes (the Public Interest Commitments Dispute Resolution Process or PICDRP) and recommends that these issues are remedied in any subsequent rounds. The GAC would be in favor of a change to the Bylaws if this is deemed necessary to enforce RVCs.



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So, going back to the advice. So, are we okay with the wording before we move on to the rationale? As far as I understand, we agreed--

GULTEN TEPE: This is Gulden speaking. We have a queue lining up in the participation list. Nigel Hickson from UK delegation and then Kavouss Arasteh from Iran.

NICOLAS CABALLERO: Okay. UK, please go ahead.

NIGEL HICKSON: Yes. Sorry. Thanks very much, Mr. Chairman. We had discussion with the Board, of course, on this topic and had very good exchange I thought this morning. And in light of that, the Board explained that they're considering ways in which PICs and voluntary commitments can be enforced in line with ICANN's mission and ICANN's Bylaws. One of the potential factors in this consideration is a change to the Bylaws, but as the Board explained this morning that there may be other ways forward rather than having to amend the Bylaws.

So, in view of that, I think the suggestion that I had made at the end of the rationale, so if you could possibly scroll down. Thank you so much. I think that sentence should probably come out, because I think it's probably premature at the moment because we don't know whether that may be necessary or not. Thank you.

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NICOLAS CABALLERO: Thank you, UK. And by the way that totally makes sense, but that's my opinion. I'm in your hands. Any other comment? Any other suggested edit? And I have the Netherlands. Go ahead, please.

MARK WICHMANN: Thank you, Mr. Chairman. For the records, it's Mark Wichmann speaking for the Netherlands. I agree with the text of advice is, but looking at the rationale, the first paragraph of the rationale basically repeats the advice in full. So, my suggestion for readability would be to maybe move the reference to the GAC Montreal Communique to the second paragraph where the GAC recalls persistent GAC concerns and then delete the first paragraph just to make our advice a bit shorter and easier to read.

NICOLAS CABALLERO: Thank you, Netherlands. And we'll put it in brackets just in case, right? And I have Iran. Sorry, I didn't see your hand. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. I think in the (ii) of the advice, when we say should remain possible. Are we talking of the possibility or we're talking of availability? Why we are talking should be possible? Because when we talk about should, in one term "should" is optional. Need to be available, but should remain possible. First of all, we're talking of should, which in one term is possibility or optional and taken possible. So, I suggest, in summary, should remain available. Thank you. At least.

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NICOLAS CABALLERO: Thank you, Iran. Could you please repeat your suggestion? Because I didn't get it well. So, you're saying that we should erase should remain possible? And what would you like to put there instead?

KAVOUSS ARASTEH: At least instead of should remain possible, should be "remain available" instead of possible. This is a minimal. Thank you.

NICOLAS CABALLERO: Thank you, Iran. So, I'll read both again. So, the first one reads to ensure that any future Registry Voluntary Commitments, (RVCs), and Public Interest, Commitments (PICs) are enforceable through clear contractual obligations and that consequences for the failure to meet those obligations should be specified in the relevant agreements with contracted parties. And then that additional mandatory and voluntary PICs should remain available in order to address emerging public policy concerns. Is that okay for everyone?

GULTEN TEPE: Niko, we received a comment in the chatbot from Manal Ismail, GAC Egypt, saying this changes the meaning. Thank you, Manal.

NICOLAS CABALLERO: Okay. Egypt, would you like to elaborate a little bit on that?

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MANAL ISMAIL: Sure. I just don't want to jump the queue. I can see a hand up from US. So, to me this means that we're saying that it should remain available, whereas the first drafting to me means that it should remain an option. It so it's up to the registry to have a voluntary commitment. So, in the first drafting, it's an option. In the second language, it means that we wanted to exist. So, I'm just flagging that this changes the meaning. Thank you.

NICOLAS CABALLERO: Thank you, Egypt. That makes sense and it's in brackets again, just in case. I have the US next. Please go ahead, Susan.

SUSAN CHALMERS: Thank you, Chair. We'd like to suggest that this text be elevated into the issues of important section, and that is in light of the discussion that we had with the Board on this topic. It's just a ripeness concern. So, these discussions I mean, we do not disagree with the substance. we just believe it would be better placed in the issues of importance. And then we can revisit once the discussions between the Board and the GNSO on this very topic unfold. And we have further information. It may be better at that point to offer advice. Thank you.

NICOLAS CABALLERO: Thank you, Susan. Gulden, we have another is it Switzerland? Jorge. Please, go ahead.

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JORGE CANCIO:

Thank you, Chair. I'm Jorge Cancio for the record. This is on (ii), and I feel that what we are saying there is that both new or additional mandatory PICs or voluntary PICs should be still a possibility under the new framework, under the new rules for new gTLDs. And I think that this is a bit different to being available because being available at least to my understanding means that there is already this mandatory or this voluntary PIC and really, the meaning of the sentence is to say under the new rules, new or additional mandatory or voluntary PICs should be possible to be created.

So, for instance, talking about voluntary PICs or RVCs in the new terminology, they can be a reaction to a GAC early warning. So, what we have to make sure is that this possibility remains intact remains there under the new rules. And it would make sense to say that these new PICs remain available because they don't exist yet. So, I don't know if I'm making myself clear, but I think that available is not really the right word, and we should use should remain possible or should remain a possibility or should remain I don't know. So, I would ask more proficient speakers to seek the right wording. Thank you.

NICOLAS CABALLERO:

Thank you, Switzerland. And we have a suggestion from the United States to move the whole thing well actually not the whole thing, right, Susan? It's just the first two paragraphs to issues of importance. Am I correct without the rationale? Any comments, any reactions on that? Would it be okay for everyone? And I see some nodding. Should we move this to issues of importance as suggested by the United States. And I have is it Iran, Gulten? Iran, go ahead, please.

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KAVOUSS ARASTEH: Thank you, Chair. Depending what to do with this paragraph. My problem was "remain". If you say it should be possible, I have no problem. But then should remain possible that means they are already. So, it negates what Jorge said. So, should be possible I have no problem, but to move that to the issue importance, I would like to hear the reason for that. I think we have talked of that several times, and this is important. And now we say that it should be going to the issue of importance. I have no problem if everybody agrees, but still I believe that it managed to be in the advice. Thank you.

NICOLAS CABALLERO: Thank you, Iran. I don't know, US, if you would like to answer to that? Because it was a direct question, I guess, to the US delegation. Susan, go ahead, please.

SUSAN CHALMERS: Sure. Just very briefly, and I'll repeat. It's a concern about timing during our discussion with the Board and the GNSO. We understand that PICs and RVCs are being discussed, as our colleague from the UK mentioned, earlier today, there was also a discussion about PICs and RVCs and the Bylaws. So, this this issue is still unfolding and so we would support elevation into the issues of importance text because it is not ripe or ready for advice. Thank you.

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NICOLAS CABALLERO: Thank you very much, Susan, for the explanation again. So, there you have it. And I have the United Kingdom. Nigel, go ahead please.

NIGEL HICKSON: Yes. Thank you very much Mr. Chairman and others might be in the chat as well. So, I think we'd certainly probably prefer that it remains as advice, but perhaps what we what might be better because is to complete this run through of these different topics because there might be other considerations on other topics that we come back to. Thank you.

NICOLAS CABALLERO: Thank you, UK. US, go ahead please.

SUSAN CHALMERS: Just while the text is on the screen, I'd like to suggest another point for our colleague's consideration. 2 (a) (ii) is the same type in the last sentence of the rationale. And I wonder if there is actually an active concern, especially in light of our conversation with the Board today, that PICs and RVC's will not remain available or we're not remain possible or will not remain an option because it seems that the assumption is that they will. So, I think we might support striking that, but just for that reason, because we're not sure it's an act of concern. This is language that is from several eye cans ago, I believe, but this is not a very strongly held view. Just a suggestion.

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NICOLAS CABALLERO: Thank you very much, US. And I have Iran and then Switzerland. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. The last suggestion is sensible. So, I propose that we delete (ii) and maintain the (i) without any numbering. And the [inaudible 00:44:47] advice. Thank you.

NICOLAS CABALLERO: Okay. Thank you, Iran. Switzerland, go ahead, please.

JORGE CANCIO: Yes. Thank you, Chair. Jorge Cancio for the record just to react a little bit to what Susan said is (ii) is coming from perhaps not exactly, but in similar terms, from the GAC collective comment we made in June 2021 on the final recommendations. Of SubPro. And really, the rationale for that or the justification for this, let's say, recommendation or plea that additional mandatory and voluntary PICs remain possible, especially to address emerging public policy concerns was because they already existed this discussion about whether PICs can be possible within the mission, within the Bylaws, especially additional mandatory or voluntary PICs.

So, there was this discussion and we still have this discussion. Today, we heard the Board that they will try to see find ways whereby this could be possible within the existing Bylaws, but they don't exclude the need of making specific change to the fundamental Bylaw that regulates this



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under the mission, which was negotiated back in 2016. So long story short, what I'm meaning to say is that this is really still up for discussion.

So, if we want to have a say in this discussion and be heard and make sure that really additional new mandatory or voluntary PICs are possible in the future for this the new forthcoming grounds to address emerging public policy concerns, like the ones we may identify in early warnings or in GAC consensus advice, maybe we should be saying this. So, I'm a bit agnostic on whether we want to say that under issues of importance or as advised, But I think there's a strong justification to be saying this because the discussion is really ongoing.

NICOLAS CABALLERO: Thank you, Switzerland. Comment from the floor or online?

GULTEN TEPE: We have Iran on the queue, Nico.

NICOLAS CABALLERO: Okay. Iran, go ahead please.

KAVOUSS ARASTEH: Thank you, Chair. I think the suggestion of Jorge is to retain or remain or maintain (ii), whereas the suggestion of the US was at least (ii) we don't need. So, you might have a third possibility, retain (i) and address the (ii) in the issue of importance for GAC. Thank you.

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NICOLAS CABALLERO:

Thank you, Iran. Let me read the chat. And I have a comment from the US. Happy to retain the text following Jorge's very helpful explanation and their support from the United Kingdom to Switzerland's remarks. So, and Iran suggested moving (ii) to issues of importance. Would that be okay for everyone? And I see some nodding. So maybe we should, if you agree, obviously, move the content in (ii) to issues of importance and leave the content in (i) in advice to the Board. Would that be okay for everyone? And I see some nodding again Any comment? Okay. So, let me read the whole thing to see if we have an agreement here.

So, number 2, Registry Voluntary Commitments, Public Interest Commitments in New gTLDs.

- a. The GAC advises the Board:
  - i. To ensure that any future Registry Voluntary Commitment, RVC's, and Public Interest Commitment PICs are enforceable through clear contractual obligations and that consequences for the failure to meet those obligations should be specified in the relevant agreements with contracted parties. Full stop, (ii) would go to issues of importance and then I would need in case we keep (i).

I would need to read the rationale. Correct me if I'm wrong, please. Okay. Okay. Can you scroll down a little bit please, Benedetta, so that I can read their rationale?

So, the rationale would read, the GAC recalls persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly regulated sectors and the lack of clarity and effectiveness of the mechanism to enforce disputes, the public interest commitments, dispute resolution process or PICDRP and recommends that these

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issues are remedied in any subsequent rounds. And I'm trying to read slowly for the benefit of the translators. Is that speed okay? And I see thumbs up. Okay. So, there you have it. Comments, questions, any edits? And I have Nigel Casimir from the CTU, Nigel. Go ahead please.

NIGEL CASAMIRE: Thank you, Nico. Is it to enforce disputes or resolve disputes? I don't understand enforcing a dispute.

NICOLAS CABALLERO: The way I read it, it says enforce, but again, I'm in your hands.

NIGEL CASAMIRE: I'm suggesting it's resolve.

NICOLAS CABALLERO: Nigel, okay, so that's your suggestion, okay, resolved instead of enforce. Okay. Would that be okay for everyone and I see some nodding so we'll keep it unless you tell me otherwise. Julia, are we okay with the chatroom so far so good? Thank you. Okay. So, let me read it again then.

The GAC recalls persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly regulated sectors in the lack of clarity, and effectiveness of the mechanism to resolve disputes. The PICDRP. I'll read the whole thing anyways. The Public Interest Commitments Dispute Resolution Process or PICDRP and recommends that these issues are remedied in any subsequent rounds.

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Good enough? Is it okay for everyone? Any questions? Any edits? Any comments? And I see some nodding in the room. So maybe we can move forward. Would that be okay? So, and we're okay with the timing. So, I'll read number 3. Applicant support in new gTLD applications.

a. The GAC advises the Board:

- (i) To take steps to substantially reduce or eliminate ongoing ICANN registry fees to expand financial support for applicants from underrepresented regions. And I can foresee some suggestions about this.
- (ii) To share ICANN's plans related to steps to expand financial support and engage with actors in underrepresented regions by ICANN78 in order to inform GAC deliberations on these matters.
- (iii) To ensure the New gTLD program significantly diversifies the global DNS market by increasing engagement with underrepresented and underserved markets and regions including by raising awareness of the applicant support program providing training and assistance to potential applicants and exploring the potential to support the provision of back end services.

Before I read the rationale, comments on the advice itself? Are we okay with the wording? Because I was anticipating that and the represented would create an issue for some GAC members. Hopefully not, but I'm just saying. Is it okay for everyone? Julia, how are Is everything alright in the chat room? So far is it good? And I see some nodding. Fabien, go ahead.

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FABIEN BETREMIEUX: I'll just mention that in the document we have comments in the margin from UPU as well as Portugal and so I don't know. Argentina, sorry. If you would like to talk to their comments maybe or if you'd like to process it just for flanging?

NICOLAS CABALLERO: Thank you, Fabien. I have Iran. Go ahead please, Iran.

KAVOUSS ARASTEH: For the time being, I wait to read it again. Sorry. I have no comment on this message. I'm sorry.

NICOLAS CABALLERO: Thank you, Iran. Argentina, anything you would like to mention? If not, let's please scroll down. I'll read the rationale. So, this is the rationale and it says:

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. The GAC reiterates its support for quotation marks. The support for proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support in order to sufficiently cover all applications. Questions, comments, edits, Any clarification? All right. See none. Oops. Gulden, go ahead.

GULTEN TEPE: We have Iran in the queue.

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NICOLAS CABALLERO: Okay. My distinguished colleague from Iran. Go ahead, please.

KAVOUSS ARASTEH: Thank you, sir. No difficult for the rationale. Could you go back to the text of advice? Yeah. The number 2, to share ICANN plans related to steps to expand. How we want that they share with us or to indicate or to inform to share the word or the term to share ICANN plans. To specify, to indicate, to inform, instead of to share. Thank you.

NICOLAS CABALLERO: So, if I recall correctly, Iran, you said specify indicate and there was a third word you used.

KAVOUSS ARASTEH: One of them, either to specify or to indicate or to inform. But to specify, this is the best one in my view. To specify, ICANN plans. So, we don't need all of the three just to specify it's sufficient. Sorry if I was not clear. That was alternative I proposed, but you delete. Thank you, Fabien. That is good.

NICOLAS CABALLERO: Thank you, Iran. Is everyone okay with this? I'll read it again just in case. So (ii), to specify icons plans related to steps to expand financial support and engage with actors in underrepresented regions by ICANN78 in order to inform GAC deliberations on these matters. Good enough, and I see some nodding again, Wonderful. So, let's move on.

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Let me read the rationale then unless you tell me there's anything you would like to edit. If that is not the case, let's read the rationale. Please scroll down Benedetta. So, the rationale reads:

The GAC reaffirms the importance of increasing the number of geographical distribution of applications from underrepresented regions in future rounds of new gTLDs through the applicant support program. The GAC reiterates support for proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support in order to sufficiently cover all applications. Is it okay? Any comments, any questions? Julia, go ahead please.

JULIA CHARVOLEN: We have Nigel Cassimire from CTU.

NICOLAS CABALLERO: CTU, please. Go ahead, Nigel.

NIGEL CASSIMIRE: Thank you very much. I wasn't quick enough finding the raise hand. My comment really relates to the rationale not the rationale, the advice statement, right there, right there. The Roman numeral (iii), small (iii), where it says to advising the Board to ensure that the new program significantly diversifies. I think this is a good place to put in advice the Board "To take steps to". Because in spite of everything the Board does, it still depends on people applying in order to achieve the diversification. So that's my suggestion.

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NICOLAS CABALLERO: Thank you, Nigel. So, I'll read it again just in case. So, to take steps to ensure the new gTLD program significantly diversifies the global DNS market, by increasing engagement with underrepresented and underserved markets and regions, including by, and so on and so forth. Would that be okay for everyone? Okay. Fabien?

FABIEN BETREMIEUX: I'll just note some activities going on this text and some comments we're seeing in the chat that may require additional discussion. So, I'll start maybe by the comment by Switzerland in a chat mentioning that the rationale may need to be expanded because right now it only refers to the first part of the advice. So, Roman (i), right?

So that's one. Then I also see edits suggestion that the advice reads underrepresented and underserved regions in several places. That's just an edit here. It's not very visible on the screen because of the colors. But in the Google document, you should see, for instance, this was just added I understand by the UK as well as here. So that's the second activity I wanted to flag. And the third one is the comment I referred to earlier by UPU and a response by Argentina. I don't think Argentina is in a room. So, this may necessitate to put that part on the side until maybe Argentina can discuss or comment? Thank you.

NICOLAS CABALLERO: Thank you, Fabien. Please do so. And the UK says. Ross says to flag that. Underserved should also be included next to underrepresented,



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not just in the third bullet, have added. Would you like to add anything, Rose?

ROSALIND KENNYBIRCH: Thanks, Nico. Just to clarify, the UK and in consultation with Argentina as well proposed the third bullet point. But just to say reflecting in that context on the first two bullet points, underserved should also be included next to underrepresented as it is in the text we proposed. Thanks very much.

NICOLAS CABALLERO: Thank you, Rose. And I have Tracy Hackshaw. Please go ahead.

TRACY HACKSHAW: Yes. Thank you, Nico. I just wanted to clarify my comment on bullet one. So, I think the comment was related to the fact that the statement has to take steps to substantially reduce or eliminate ongoing, ICANN registry fees. Whereas I believe it should also include application fees because that is the key barrier to the applicant supplying, especially as you recall the last round. So, the ongoing issue is one issue, but the application fee that is normally required to make the application is what is the key obstacle to other countries applying. So, my point. I didn't add text and yet I just wanted to understand what was the rationale for leaving out the application fee. There was a reason for it.

NICOLAS CABALLERO: Thank you so much, Tracy. Do you have any specific wording to add?

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TRACY HACKSHAW: If there's no specific reason for leaving it out, I can add the rationale. I can add the text now if you wish.

NICOLAS CABALLERO: Please. Thank you. And I have the Netherlands and Iran. Netherlands, go ahead, please.

MARK WICHMANN: Thank you, Mr. Chairman, colleagues. For the record, Mark Wichmann again for the Netherlands. I think it looks nicer. It's an editorial, but by increasing engagement with people and organizations in underrepresented. I don't think we're engaging with the regions themselves. We're engaging with people and organizations.

NICOLAS CABALLERO: Thank you for that, Netherlands. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. I think in number 1 and 2, we are talking underrepresented and underserved. In this (iii), we come to the DNS market. So, especially diverse and global DNS market and so the market coming here. Yeah. So, what is the issue of market here?

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NICOLAS CABALLERO: I don't really have the answer, Kavouss. Would you like to suggest something different? Please go ahead.

KAVOUSS ARASTEH: No, I don't want to disappoint anybody, but I think that we were talking of underrepresented underserved, which is remain on that, but not getting to the issue of market commercial. We are not talking of commercial. We're helping the people they have no possibility for application because of the financial near restriction. But now we want to remove that, but not getting helping the market. Thank you.

NICOLAS CABALLERO: Thank you, Iran. So, if I understand correctly and please correct me if I'm wrong, you would like to delete specifically the word market. Did I get it right?

KAVOUSS ARASTEH: I suggest that diversities and after diversities, so by increasing engagement and so on and so forth, but not talking, the global DNS market is very difficult to implement global DNS market and so on and so forth because that is a very diverse in many cases. It's difficult to implement that even to give in a step to ensure that. So, I'm just talking that asking something, Mr. Chairman, which is possible. Thank you. Yes. You are right. To delete the DNS market, global DNS market. Thank you.

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NICOLAS CABALLERO: Thank you, Iran. We'll put it in brackets in the meantime, but I have France next. France, please go ahead.

JONAS ROULE: Thank you, Nico. I will take the floor in French and maybe a little bit in English. I fully agree on the importance of talking about underrepresented and underserved regions, but perhaps the end is understood as cumulative expression while it is actually an alternative. Perhaps "or" could be preferable to "and" that's just a proposal. Thank you.

NICOLAS CABALLERO: Thank you, France. So, we'll strike it in order to make it clear. Would that be okay, France? So, we replaced it in actually in three places. Or you have under represented or underserved and then again in (ii) underrepresented or underserved and again in (iii) under represented or underserved. So, would that be good? Are we okay? And I have Iran and Switzerland. Switzerland first. Sorry. Sorry, Iran. Yeah. Switzerland was first.

KAVOUSS ARASTEH: Okay. I'm okay. I want to say I think Switzerland is before me.

NICOLAS CABALLERO: Yes. Go ahead, Switzerland, please.

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JORGE CANCIO:

Yes. Sorry. I was searching for the button. And thank you, Kavouss, for doing your float as well. I just wanted to recall as topic leak for subsequent procedures that we have to be mindful that we are talking here about recommendations that are in the subsequent procedures' final recommendations of the GNSO, a document that is about 400 pages long. And so, if we come up with new text or with new ideas, we should be a bit careful on how that fits with the recommendations of the GNSO.

And I'm saying this as a context to my comment in the chat regarding the application fees, because the application fees are to a certain extent, I understand already covered by the recommendations of SubPro regarding applicant support program and that's probably the rational why we didn't mention them in GAC collective comment of June 2021, which, as you will recall, was based on a consultation to the whole GAC and whole process of canalizing the 400 pages recommendations of SubPro. So, before proposing things, I would urge colleagues to check really, whether this is already covered or not, and how it fits with SubPro. Thank you.

NICOLAS CABALLERO:

Thank you very much. Switzerland, I have Iran and then Brazil. And then we need to wrap up the session, right? I mean, we're running out of time. So, go ahead, please, Iran.

KAVOUSS ARASTEH:

Thank you very much, Mr. Chairman. I just wonder myself whether we need both words underrepresented and underserved. If everybody

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says yes, but I have difficulty with them all because we give the option, either this or that perhaps, we should be very careful. The only thing if you agree France, we could say that underrepresented or underserved according to the case. One case may be underrepresented, another case may be underserved. So, we'll put after underserved according to the case. In French, 'selon le cas'. Thank you.

NICOLAS CABALLERO: Thank you, Iran, Brazil. Please go ahead. So, Luciano, you don't need to speak as far as I understand?

FABIEN BETREMIEUX: We do have a suggestion in the chat from Brazil. Which is to edit (iii) to read, to take steps, to ensure significant diversification in the New gTLD Program by increasing engagement. So, it's to address discussion earlier on that number. So, I can reflect that in the text, please.

NICOLAS CABALLERO: Sure. Could you please add it? And I have Hungary. Please go ahead.

PETER MAJOR: It's very short remark in the advice (ii), we agreed to you specify and delete share.

NICOLAS CABALLERO: Thank you, Hungary. Okay. So, before we head to the coffee break, let me read (iii) and then we'll continue after the coffee break. So (iii)

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would read to take steps to ensure the New gTLD Program-- I'm sorry. To take steps to ensure significant diversification in the New gTLD Program by increasing engagement with people and organizations in underrepresented or underserved markets and regions, including by raising awareness of the applicant support program, providing training and assistance to potential applicants and exploring the potential to support the provision of backend services. Would that be good to everyone? I have Iran.

KAVOUSS ARASTEH:

Chairman, no, it is not good. Because we say to ensure significant diversification. We don't want to ensure diversification. We want to address the significant diversification. But not to ensure them. So, something is missing. Distinguished colleagues from Brazil perhaps you kindly check and modify your text. I have no problem with significant diversification, but we don't want to ensure the diversification. We want to remove that, to remedy that, or to address the diversification. Thank you.

NICOLAS CABALLERO:

Thank you very much, Iran, and we'll talk about this on the way back from the coffee break. We'll have a 30-minute break and we'll continue with this at, let me see, 3:30 pm.

JULIA CHARVOLEN:

Nico, maybe before taking the break shall we leave the floor to Rosalind KennyBirch from UK delegation?

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NICOLAS CABALLERO: Excuse me? UK. I'm sorry. Yeah. Go ahead.

ROSALIND KENNYBIRCH: Thank you. No worries. I was just going to point out just really a textual note is I think as we were talking about some of the suggestions on top of each other, it might be important to specify the type of diversification. The GAC in our meetings with the GNSO, and the Board talked about the importance of global, global diversification. So just a suggested text edition there. Thanks very much.

NICOLAS CABALLERO: Thank you, UK, well noted. We'll have a break. Let's have some coffee and then we continue. We'll reconvene here at 3:30. Thank you so much.

**[END OF TRANSCRIPTION]**