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ICANN77 | PF – GAC Communique Drafting (4 of 5)  
Thursday, June 15 2023 – 10:45 to 12:15 DCA

JULIA CHARVOLEN: Perfect. Thank you, everyone. We're going to resume the second session of the day. Second GAC Communique Drafting session. If you're ready, we may begin. Nico, the floor is yours. Oh, okay. We'll start very shortly.

NICOLÁS CABALLERO: Welcome back, everyone. Welcome back. Please take your seats, we're about to start. If you mind closing the door, please, that would also help. Thank you, Daniel. Thank you so much. So, thank you. Welcome back. Given the fact that they're still work, ongoing work for topics one and two, we'll basically resume from topic three on. Actually, we're going to go back to DNS abuse, because there's some new text, and make sure that that everyone is in agreement. So maybe I should start reading.

And again, I need your confirmation because I'll be reading the last two paragraphs or so that were just added instead of reading the whole thing, again, for the sake of time. So I'll be just reading the paragraphs that were added. So I'll give the floor to the US, and then I have the European Commission. Go ahead, US, please.

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SUSAN CHALMERS: Thank you, Chair. So we had a lovely discussion over the break, and our colleague from the UK, the National Crime Agency, will add some text and he can provide an overview of the new proposal that we together reached.

NICOLÁS CABALLERO: Thank you, US. So I have the UK. Chris, please go ahead.

CHRIS LEWIS-EVANS: Yes, thank you. And Chris Lewis-Evans, UK. So if you can just scroll down a little bit, it should be in there, starting governments. Thank you. So, what we've tried to do is combine the three different inputs and look at that and we've obviously worked together to produce what's on the screen. Don't press to go through it, I think a read through and go from there. Thank you.

NICOLÁS CABALLERO: Perfect. Thank you, Chris. Gemma, did you want to say anything? No. Okay, thank you. So I'll read the text now, which is a consolidated text as far as I understand. "Governments at ICANN are concerned by the negative impacts of DNS abuse. The GAC therefore appreciates the proactive and focused efforts of ICANN and the contracted parties to negotiate clear and enforceable contract amendments to disrupt or mitigate DNS abuse.

The GAC welcomes the clarity provided during its DNS abuse session, that in case of non-compliance, ICANN Compliance will be able to suspend or revoke the agreement with the contracted party and

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encourages ICANN Org and the negotiating team to ensure this is clear in this process under the amendment, and the elaboration in the ICANN advisory on the concept of ‘actionable evidence’.

The GAC shares the advisories for registrars 'to proactively monitor the registered names that they sponsor to identify potential DNS abuse,' and stresses that registry operators should also obtain actionable evidence through their own proactive efforts.

The GAC supports the increased contract obligations to raise the baseline in addressing DNS abuse, and looks forward to contributing to the public comment process. The GAC also welcomes any further work the negotiating team can do to clarify the new reporting obligations with a view to promote transparency.

The GAC also reinforces the GAC's commitment to contribute to further work, including contract amendments, PDP and creation of best practices within the multi stakeholder process that will be necessary in the continuing journey to address this threat to the security of the DNS, including before the next round of new gTLD applications." And that's the end of the text. Do we have an agreement here" And I have the European Commission. Gemma.

GEMMA CAROLILLO:

Thank you very much, Chairman. I think it's more editorial thing because we were a bit in a rush in drafting. I think, in the paragraph that is highlighted in green at the moment, after the amendment, it should be a full stop, and then the GAC further welcomes the elaboration because I think the concept of the actionable evidence is

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related to the following paragraph, and also, we try to break a very long paragraph there. It's an editorial suggestion.

NICOLÁS CABALLERO:

Okay, so I'll read just that paragraph in order to make sure that we all agree. "The GAC welcomes the clarity provided during its DNS abuse session that in case of non-compliance, ICANN Compliance would be able to suspend or revoke the agreement with a contracted party and it encourages ICANN Org negotiating team to ensure this is clear in this process under the amendment.

The GAC further welcomes the elaboration in the ICANN advisory on the concept of 'actionable evidence'. The GAC shares the advisories encouragement for registrars 'to proactively monitor the register names that they sponsor to identify potential DNS abuse. And stresses that registry operators should also obtain actionable evidence through their own proactive efforts."

Would that be okay for everyone? Question, comments? Are we okay in the chat room, Julia? No request from the floor. So we're good to move on then. Is there any cleaning to do before we move on? So we'll move on to-- sorry, I have France, would you like to take the floor?

JONAS ROULE:

Thank you. I will take the floor in French. On paragraph three, I believe regarding-- Sorry, I'm discovering the text as I read, just like you. In my understanding, the transparency obligation is more for the

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registrars and not for the registries. I would therefore consider that it is important to clarify that because the word new reporting obligations really refers or only applies to registrars it seems.

So it could be interesting to understand clearly that this transparency and reporting obligation must apply to both registrars and registries. I don't know if those who have worked on this draft would agree. I can perhaps propose some language, but I would like to hear the pen holders on that. Thank you.

NICOLÁS CABALLERO: Thank you, France. So would you like to add alternative text now or we can do that later? How would you like to proceed?

JONAS ROULE: Please allow me to take a couple of minutes to come up with the proposal, but if anyone wishes to react, of course, they are welcome to, and I'm sure there's already language available from the pen holders, and I'll be glad to hear them on that. Thank you.

NICOLÁS CABALLERO: I have the US and then the United Kingdom.

SUSAN CHALMERS: Thank you, and thank you to our colleague, Jonas from France. We agree with his statement of fact here, but would suggest that this might be more appropriately addressed in the public comment because it would be suggesting a new obligation. So, because there

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aren't currently reporting requirements for registries or at least proposed new amendments there, this would suggest taking another step or a change in the proposed amendments. So that would be more appropriately placed in the public comment discussion.

NICOLÁS CABALLERO: Thank you, US. I have the UK. Go ahead, please, Chris.

CHRIS LEWIS-EVANS: Yes, thank you very much. And Chris from the UK. So, yes, colleague from France was correct. It definitely is more applicable to the registrars, however, for us to gain the clarity, that may be through the advisory notice that was provided, so that could be put into there. And obviously, that is an ICANN Org generated material. So it's down to the negotiating team. So that's why we were not focusing on the registrars in the text, and more to what they might be able to do to advance that clarity. And then, as Susan from the US has pointed out, maybe we would want to highlight a little bit more detail in any public comment. Thank you.

NICOLÁS CABALLERO: Thank you, UK. Any other comment? Daniel, are we okay? Chat room? No request from the floor? All good? Okay, so let's move on then to section three, which is RVCs and PICs, Registry Voluntary Commitments and Public Interest Commitments.

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FABIEN BETREMIEUX: And this is Fabien Betremieux from the GAC Support Team, just to remind everybody that this was a piece of advice that was moved back into, as it was pretty much, just slightly adapted to fit into a sentence where we added the GAC notes. So this is why it's so short, and so I just wanted to clarify where was the origin of that text.

NICOLÁS CABALLERO: Thank you very much, Fabien. So let me read it, very short. "The GAC notes that additional mandatory and voluntary PICs should remain available or possible in order to address emerging public policy concerns," and we need to decide if we put there available, possible, or any other word you tell me to include. Questions, comments? And I have the UK. Go ahead, please.

NIGEL HICKSON: Yes, thank you, Mr. Chairman, and thanks to Fabien for explaining. And yes, we just about remember from yesterday, why we did this. But I do think we're going to need some additional text here to put this in context because otherwise, I think people reading this will not quite understand why this is an issue of importance if it just says this.

But whether we can borrow text that we had in the advice and bring it over, because I think there was slightly more text in the advice, in the rationale-- sorry, in the proposed rationale for what was the advice. So perhaps, that rationale text could be adapted in some way and put here. Thank you.

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NICOLÁS CABALLERO:

Thank you, UK. We can certainly do that. In my humble opinion, the shorter the better and the sweet, but again, I'm in your hands, so we can we can we can provide that background. Would you like us to do that now UK, or we can move on and then see how it fits? Would that be okay?

And by the way, we need somebody to actually propose text in that case. I mean a GAC member, right. So in the meantime, unless you tell me otherwise, we'll move on to section four until we get some extra text for section three. Again, unless you tell me otherwise, unless you have a better idea, or unless you want to work on the wording right now. I'm in your hands. Any comments? Daniel, are we okay in the chat room? Any comment in the room? Any suggestion?

We can certainly work later on section three and then move on to section four if that's okay with you. And I see nodding. Okay, so let's move to section four. And I'll read the consensus advice and GAC early warnings in new gTLDs, which comes actually from yesterday's discussion.

So I will read the full text, and then I'll pause to see if we have any reactions or any new suggestions. "The GAC welcomes engaging in a dialogue with the icon board on GAC consensus advice in GAC early warnings as discussed at ICANN77. The GAC reiterates that GAC early warnings and GAC advice are both important and useful instruments to identify applications that raise public policy concerns and should be an integral part of any future rounds. The GAC remains open to increasing transparency and fairness of these, including giving applicants an opportunity for direct dialogue with the GAC.



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In this sense, the GAC sees value in the recommendations regarding specified time periods for early warnings, direct dialogue between the early warning issuing government and the applicant and the opportunity for the applicant to amend its applications based on those consultations.

The GAC believes that early warnings are a useful mechanism for beginning a discussion with an applicant on particular issues, questions, and potential sensitivities by one or more governments, where an application may potentially infringe national laws or race sensitivities.

Constructive dialogue through this process can help applicants better understand the concerns of governments and help governments better understand the plan operation of proposed gTLDs. GAC early warnings may help the applicant to know how it can mitigate concerns and find a mutually acceptable solution.

The GAC hence considers an early warning mechanism an essential element of any future round. However, the GAC does not consider that recommendations should constrain GAC activities, which are carried out in accordance with the ICANN bylaws and the GAC's internal procedures.

In this regard, the GAC does not support the recommended limitation, implementation guideline 30. 2, regarding the timing of GAC consensus advice on future categories of gTLDs and particular applications, oriented to disincentivizing any such advice being submitted after the finalization and publication of the next applicant guidebook.

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Some GAC members disagree with recommendation guidance of 30.4, which notes the removal of language regarding possible changes to section 3. 1 of the 2012 applicant guidebook, which states that GAC consensus advice, 'will create a strong presumption for the ICANN Board that the application should not be approved.'

With a view to responding to the concerns that inform the recommendation to omit such language, some GAC members propose the following alternative wording to that specific part of section 3. 1 of the future 2012- no, I guess there's got to be something wrong there- of the future applicant guidebook 'will create a strong presumption for the ICANN Board that the application should not be approved without prejudice to the applicable provisions of the bylaws.'

GAC welcomes the opportunity to engage in constructive dialogue with the Board in order to explore alternatives which may offer a way forward and accommodate the different views existing on this matter.

Regarding recommendation 30. 6, the GAC agrees with the notion that a GAC early warning should be explained, and that in order to ensure constructive dialogue at an early stage of the procedure, and mitigate these concerns, it is important for governments issuing early warnings or the GAC in its advice, to provide a written explanation rationale.

However, the GAC wishes to recall the compromise language brought forward by the GAC as applications may not always be able to be remedied in the opinion of the governments issuing a GAC early warning. Therefore, the GAC proposes the adoption of an updated language to recommendation 30. 6 as follows, 'how the applicant may

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potentially address the GAC members concerns, to the extent feasible."

And I'll pause there in order to see reactions. Let's go back to the beginning. Questions, comments, any reaction? Daniel, are we okay in the chatroom? And I actually can't believe we're doing so good. Okay, let's move forward. Everybody agrees? Happy to move on. No questions, no comments. Everybody agrees, we're on the same page. And I have this gentleman from -- I'm sorry, I can't get to see -- go ahead, please.

UNKNOWN SPEAKER:

Hello. Good morning. This is Omar for the record, from [00:22:13 - inaudible]. I would suggest with the other GAC members agree firstly for engage in dialogue with ICANN Board instead of ICANN Board, and maybe we can add to it, and as ICANN, for example DNS because we may have a direct dialogue with them, it's one suggestion.

And going down a little. Little bit up, sorry. Yes. Some GAC members disagree with recommendation guidance, blah, blah, blah. So maybe we can remove the first part because at the end of the day, the output will be GAC will create the new phrasing. If we can remove this explanation, it will be more easier to understand instead of going to the background, and some GAC member disagree with recommendation guidance and so on and so on. So we may go directly to the conclusion if that is accepted by the members. Thank you.

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NICOLÁS CABALLERO: Thank you, Qatar. So if I understand correctly, you suggest we should delete the whole paragraph? Is that what I understood?

UNKNOWN SPEAKER: Yes, for some extent, we just need to have the second quoted update to the 2012 applicant guidebook. So the first one, explanation, we don't need it, we can go directly to the recommendation of the GAC.

NICOLÁS CABALLERO: Thank you, Qatar. Any support for the motion, so to say? Are we okay with deleting the whole paragraph or that part of the paragraph Qatar suggested? And I have the US and the UK. Susan, please.

SUSAN CHALMERS: Thank you, Chair. And thank you to the suggestion from our colleague here. I think the primary concern of the United States, and what we would just like to see reflected in the communique is that there is not a consensus position within the GAC as regards the section 30.4. That I think is the most important objective from our view, we welcome any other suggestions to streamline the language. But so long as we just note that there is a difference of opinion here on this important issue, I think that is our primary concern. Thank you.

NICOLÁS CABALLERO: Thank you, US. I have the UK, and then Brazil.

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**NIGEL HICKSON:** Yes, thank you very much, Mr. Chairman. Nigel Hickson. So perhaps I didn't understand, was the suggestion to delete the whole paragraph in which case, I would concur with the distinguished delegates from the US that I think the differences in views here are-- this is appropriate language for issues of concern, or, sorry, under issues of importance. Thank you.

**NICOLÁS CABALLERO:** Thank you very much, UK. Brazil, go ahead, please.

**LUCIANO MAZZA:** Thank you, Nico. Yes, I understand that that's the difficulty here is to registrars, as some colleagues consider critical, the fact that there is agreement between GAC members in relation to this topic, otherwise, in our perspective, would it be possible to work on the language is starting falling a little bit of suggestion of our colleague from Kuwait that GAC welcomes the opportunity to engage in constructive dialogue with the board in relation to recommendation guidance 30.4 in order to explore alternatives, which may offer a way forward and accommodate the different views existing on this matter.

But again, this possibility wouldn't make it explicit that there are differences of views in relation to decision. So I understand Nigel's and Susan's comment on this point. So if they consider essential to make it clear that there is this divergence of opinion, we would prefer to keep the whole text as it is.

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NICOLÁS CABALLERO: Thank you very much, Brazil. So I see agreements, sorry, in keeping the paragraph as it is. Is my interpretation correct? And I see nodding. Any other comment? Any other question? Good to move on then. Okay, so let's move on to section five, if I understand correctly, which is Registration Data Accuracy. So I'll read the whole section, and then I'll pause in order to see if we have comments or edits or any changes you would like to make.

"The GAC remains committed to working within the accuracy scoping team to assess the current state of accuracy under ICANN's contracts. Accuracy of registration data is an important element in law enforcement in cybersecurity investigations, domain name registration management, and other legitimate third party interests.

At the same time, the GAC reiterates that maintaining accuracy must be considered, along with any policies impact on the privacy needs of all registrants including those with enhanced privacy needs. The GAC welcomes ICANN Org's completion of a Data Protection Impact Assessment, DPIA, on a contractual compliance audit that could shed light on the current state of accuracy.

In particular, the GAC is encouraged by ICANN Org's determination that this audit would comply with the GDPR. The GAC supports ICANN and contracted parties efforts to finalize its Data Protection Agreement, DPA, and stresses the importance of finalizing these agreements expeditiously, which will support the scoping team's effort to move forward with this work.

Completion of a DPA and DPIAs will help ensure ICANN Org is best equipped to receive feedback from relevant European data protection

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authorities regarding ICANN's legal basis to process registration data for the purposes of measuring accuracy." Can you scroll down, please.

Finally, "The GAC notes that six months have passed since the GNSO adopted a motion to pause the work of the scoping team on work requiring access to registration data. In light of the expiration of this pause, the GAC would welcome an update on plans to resume the scoping teams work, including on any progress towards selection of a new chair. The GAC also flags that it would be helpful to receive quarterly updates on the status of the DPAs, and to give further consideration to activities that may be resumed by the Accuracy Scoping Group in the interim."

And I'll pause here in order to see if we have any reactions, any comments. Seeing none, let's move on. Sorry, I have the UK. Go ahead, please, Nigel.

NIGEL HICKSON:

Yes, sorry, Mr. Chairman. I hope others would-- I don't mean to hold the floor. I think this text is as we noted yesterday, is a very positive way forward. The only comment I'd have on this is a very minor. In the last paragraph, it says finally the GAC notes that six months, and I would say over six months. If we could just put an over in there. I know it's a pedantic but I think it's about nine months now, and it will increase as we go along. Thanks.

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NICOLÁS CABALLERO: Thank you, UK. Well noted. It's already there. So I'll read the last paragraph then for the sake of clarity. "Finally, the GAC notes that over six months have passed since the GNSO adopted a motion to pause the work of the scoping team on work requiring access to registration data."

I don't need to read the rest of the paragraph. If everybody's okay that little editorial change, I guess we're good to move on unless you tell me otherwise. And I have the US, Susan, please go ahead.

SUSAN CHALMERS: Thank you, chair. We just have a few editorial suggestions with a view to shortening the paragraph and being a bit more accurate. In the first paragraph of the section, it's actually a scoping group.

NICOLÁS CABALLERO: Susan, could you please move closer to the microphone. Thank you.

SUSAN CHALMERS: Sorry. We'd like to change the word team to group, and that's just-- oh, sorry. Just a conforming edit. There's an Accuracy Scoping Group in the third paragraph of this section, if we could just change the word group to team.

LAUREEN KAPIN: And this is the Lauren Kapin. Just shortening, I know everyone likes things shorter. And this is on the first sentence of the third paragraph.



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Finally, the GAC notes, we suggest putting a period after scoping team and the second sentence, and I think that that will suffice.

NICOLÁS CABALLERO: Okay. But then we would need-- exactly

LAUREEN KAPIN: Yes, I think you need to extend the strikeout so we get the little renegade ta. Okay, yes. Thank you.

NICOLÁS CABALLERO: Okay. Thank you so much, US. Any other comment? Any other suggestion? Otherwise, I'll read the last paragraph again, for the sake of time. Not that we're in a hurry or anything like that, but we don't need to read the whole thing, I guess.

So, "Finally, the GAC notes that over six months have passed since the GNSO adopted a motion to pause the work of the scoping team. In light of the expiration of this pause, the GAC would welcome an update on plans to resume the scoping team's work, including on any progress to work towards selection of a new chair.

The GAC also flags that it would be helpful to receive quarterly updates on the status of the DPAs, and to give further consideration to activities that may be resumed by the accuracy Scoping Team in the interim." And I'll pause again here in order to see if we have any edits, any comment, any suggestion? Daniel, Julia, how're we doing with the chat room? All good. Thank you. So seeing none, let's move on to

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section six, which is Registration Data Request Service, RDRS. And I'll read the text and then I'll pause in order to see reactions, comments, edits, or anything you need me to do.

Excuse me. "The GAC looks forward to the launch of the Registration Data Request Service, RDRS, and supports efforts to generate data that can inform for their community discussion on how an access and disclosure system in line with phase two of the expedited policy development process can best meet the needs of the system's users and the public.

The GAC notes the importance of maximizing voluntary participation in the system, including through effective outreach and potential incentive structures. Further the GAC stresses the importance of providing users of the RDRS with easy to access step-by-step training and guidance in the form of frequently asked questions, FAQs, and answers."

Before I move on, and this is a question for the translators, are we okay with the speed at which I'm reading? More or less? I should read a little bit slower then. Sorry about this. So I'll pause here and see if we have any reactions, any comments or questions?

Daniel, Julia, everything okay in the chat room? No problems? So seeing no requests for the floor, I understand that we're okay with the text and we can move on, unless you tell me otherwise. US, please go ahead.

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SUSAN CHALMERS: Thank you, Chair. No comment on the RDRS section. Just to note though, however, the United States and the Commission are working on one last element of the issues of importance. So we will propose language regarding the Registration Data Consensus Policy, that will be forthcoming.

NICOLÁS CABALLERO: Okay, thank you very much, US. Any other comment? Okay, so we're going to go back up to the reports on the GAC Working Groups, because there's still some work on the texts in different sections. So, again, for the sake of time, in the meantime, I'll read this so that we can give enough time to the people who are working on the edits. So I'll go ahead and read the report on the PSWG, and I'll try to read slow, promise.

"The GAC Public Safety Working Group, PSWG, continued its work to advocate for improved measures to combat DNS abuse and promote lawful, effective access to domain name registration data. The PSWG participated in the capacity building workshop, held just prior to ICANN77, helping to orient new GAC members to several topics, including the importance of domain name registration data, and current efforts to combat DNS abuse.

The PSWG also participated in a session to brief the GAC On DNS abuse mitigation that included presentations about, one, the proposed DNS abuse amendments to the RA and RAA contracts. Two, the registry operating .eu, abuse prediction an early warning system to screen potential malicious registrations. Three, the USRWG capacity building

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workshop. And four, issues to consider for the GAC public comment on the contract amendments.

The PSWG continued its active participation to support the GAC small group that focuses on domain name registration issues, including by participating in the update to the GAC on these issues. The presentation included an update on the Registration Data Request Service, RDRS.

With regard to the RDRS, the PSWG thanked ICANN Org for its efforts to support the ability to maintain the confidentiality of requests for law enforcement agencies. The PSWG also continued its outreach, holding discussions with a number of constituent groups within ICANN and public safety buddies."

And I'll pause here in order to see if there are questions or comments. There are no comments or questions in the chat room either. Any reactions? Any comments? If not, I guess we're okay to move on. So if that is the case, so then let's move on. Fabien, please.

So now we'll talk about the GAC Underserved Regions Working Group, USRWG. "The Underserved Regions Working Group, in collaboration with the United States government held a successful Capacity Development Workshop, CDW, on DNS abuse on 11th June 2023.

The initiative was part of a wider GAC capacity development effort introduced by the working group during ICANN75. Thanks to the contributions of GAC and PSWG topic leads, I think there's an extra s there, topic leads, as well as representatives from the ICANN Global Domains and Strategy, GDS, ICANN Compliance, and contracted

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parties, the workshop enabled GAC participants to understand and contribute to the public comment process regarding the proposed amendments to the registry agreement and registrar accreditation agreement.

Language based breakouts provided an opportunity for many GAC participants to brainstorm in their native language on the ICANN public comment process and DNS abuse issues. One of the key outcomes of the workshop was the volunteers from a diversity of countries stepped forward to join a drafting group.

This 'small group' will develop an initial draft of a GAC public comment for wider GAC review shortly after ICANN77. The GAC USRWG capacity development effort will continue with subsequent workshops and webinars and will share a post workshop survey to tailor capacity development material on topics of GAC interest."

And again, I'll pause here in order to see if we have any reaction. Any comment any question? Daniel, help me with the chat room. We're good? So seeing no requests for the floor, let's move on. We'll go to number four, which is Emerging Technologies, and then we'll go ahead with the cleaning of the text.

So on topic for Emerging Technologies, the GAC briefly discussed Emerging Technologies, and in particular on alternative DNS routes, Blockchain, and artificial intelligence.

Encouraged by the OCTO 034 report on 'challenges with alternative naming systems', the GAC agreed to have capacity building on this topic during ICANN78 in Hamburg. The GAC will reach out to the

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ICANN technical community and ICANN Org for experts to present during the capacity building workshop."

And again, I'll pause here in order to see any reaction in the room or in the chat room. Daniel, we have a hand up?

DANIEL CARLETTI: Yes, a hand from Karel.

NICOLÁS CABALLERO: Can you repeat, please? From Trinidad and Tobago?

DANIEL CARLETTI: Yes.

NICOLÁS CABALLERO: Okay. Trinidad and Tobago, please go ahead.

KAREL DOUGLAS: Thank you, Nico. Good morning to everybody. Are you hearing me?

NICOLÁS CABALLERO: Yes, yes. Speak a little bit louder, though.

KAREL DOUGLAS: Oh, okay. Sorry about that. I was just going back to the underserved regions, we can group. And the last line in the paragraph, the absolute

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last line, I think, if you continue with, right. So it said that 'the GAC Underserved Regions Working Group capacity development effort will continue with subsequent workshops and webinars and will share,' so I think it should read and a post works up survey will be shared.

So we're just switching, to tailor, maybe I should just take all that shared, will be conducted. So sorry, take off the shared, will be conducted, right, to tailor capacity building development material on topics. So choppy at the end there.

Just take initiative. So this is a material. So the post workshop survey will be conducted to tailor capacity development. I'm not too sure if it's meant to be material or initiatives. Yes, I think it's initiative because the reason why we have a post workshop survey is to see what other things we could do to enhance members capacity. And so initiatives is the broader approach. So it could include material, it could include workshops, webinars, and so forth. So there's not just material, so it would be initiatives.

NICOLÁS CABALLERO:

Okay, any other comment on this? We have already talked about this anyways, but let me read that last part of the paragraph then Trinidad and Tobago in order to see if you agree.

"The GAC Underserved Regions Working Group capacity development effort will continue with subsequent workshops and webinars, and a post workshop workshops survey will be conducted to tailor capacity development initiatives on topics of GAC interest."

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Would that be okay for you Trinidad and Tobago, and as a matter of fact, for everyone here? I see the nodding. Karel, go ahead, please.

KAREL DOUGLAS: Yes, Nico. Karel Douglas, Trinidad and Tobago. Yes, it's fine for me. Thank you.

NICOLÁS CABALLERO: Thank you very much, Trinidad and Tobago. So we're good to move ahead them. And we have already read number four, Emerging Technologies. Any question? Any comment there? Brian, go ahead, please.

BRIAN BECKHAM: Thank you, Chair. Brian Beckham, WIPO. On the Emerging Technologies topic, I wonder if it may be useful to record here, the intervention whereby I mentioned we are exploring rights protection mechanisms with some of these alternate route operators.

NICOLÁS CABALLERO: Thank you, Brian. And would you have any specific text to add there? Or would you be willing to work in the next 10, 15 minutes or something so that later on we can go back? What do you want to do it right now?



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BRIAN BECKHAM: Maybe I can just say off the top of my head, if we were to change the order of to put artificial intelligence first so that the alternative DNS and Blockchain are together, we could just say including an update from WIPO regarding rights protection in these spaces.

NICOLÁS CABALLERO: Thank you, Brian. And I have the Netherlands.

AMY MULCAHY: It's Amy from the Irish GAC.

NICOLÁS CABALLERO: Ireland. I'm sorry, I'm sorry, Ireland, Ireland. Go ahead, please.

AMY MULCAHY: Just the next sentence there regarding the OCTO report. I think that we agree to have capacity building just on the alternative naming system. So perhaps it should be half capacity building on this topic singular.

NICOLÁS CABALLERO: Thank you, Ireland. So would this text be okay for WIPO and for Ireland? WIPO, are we okay? Ireland? So, let me read the whole paragraph again then, and I see support from the UK to Ireland. So Emerging Technologies, "The GAC briefly discussed Emerging Technologies, and in particular artificial intelligence, alternative DNS

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routes, and Blockchain, including an update from WIPO regarding rights protection in these spaces.

Encouraged by the OCTO 034 report on 'challenges with alternative naming systems', the GAC agree to have capacity building on these topics, on this, yes, we need to correct that, on these topics during ICANN78 in Hamburg. The GAC will reach out to the ICANN technical community and ICANN Org for experts to present during the capacity building workshop."

And I'll pause here again, in order to see if were good with this, if we're all on the same page. I have Netherlands and I have the UK. Netherlands, go ahead, please.

ALISA HEAVER:

Thank you. Just as Brian included text on WIPO, I am looking forward then to the email update with the reports. So if it's included in the text, I do hope to see some written input. Thanks.

NICOLÁS CABALLERO:

Thank you, Netherlands, UK. Go ahead, please.

NIGEL HICKSON:

Yes, thank you very much, Mr. Chairman. And I think this is really good to have this text here because it reminds us what was discussed and the way forward. I just wondered, given that the workshops haven't actually been scheduled yet, whether we will say during the proposed

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capacity building workshop, unless I'm wrong. I mean, if it has been, it was just a thought, but thank you.

NICOLÁS CABALLERO: Thank you, UK. Tracy, would you like to say something about that?

TRACY HACKSHAW: So the activity to plan has already begun, so given if chatted with the proponents already, so I think we could simply say it's there.

NICOLÁS CABALLERO: Thank you very much, UPU. Sorry, Tracy. Thank you so much. So is that okay with you, Nigel? Perfect. Any other comment? Any other question? Seeing none, then we're good to move ahead. Okay, so we're still waiting for text under closed generics and DNS abuse?

No, no, no, sorry, we're good. Everything's all right with closed generics. We're still waiting for some text on DNS abuse. Edits were made on the text.

FABIEN BETREMIEUX: So in terms of the issues of important section, so close genetics, I believe, Mr. Chair, we had read that section. So if we move to the next one, DNS abuse, there are slight edits that may need to be confirmed. If we go to the next one, Registry Voluntary Commitments and Public Interest Commitments, I think there was a suggestion that the text should be expanded, so we are suddenly waiting for text. I see Nigel has asked for the floor.

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NICOLÁS CABALLERO: Nigel, go ahead, please.

NIGEL HICKSON: Yes, thank you, Mr. Chairman. And perhaps we could just leave this because as we go through the GAC advice, which presumably we're going to go-

NICOLÁS CABALLERO: Nigel, could you please speak closer to the microphone? Thank you. Sorry.

NIGEL HICKSON: Sorry, when we read through the GAC advice, of course, the GAC advice touches on this same issue. So depending on our consideration of the GAC advice, we might decide that this placeholder is no longer needed, but.

NICOLÁS CABALLERO: Thank you, UK. Very good point. But again, it's up to you to decide. We can erase it right away, or we leave it there as a placeholder. Actually, it's up to you to decide. Daniel, are we okay with the chat room?

JULIA CHARVOLEN: We have a hand up from France.

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NICOLÁS CABALLERO: Okay, France, go ahead, please.

JONAS ROULE: Thank you. Yes, it's about DNS abuse, so we can come back to it after that. Thank you. This is France in the room. It was just something additional regarding what I said earlier, when there are no new obligations for the registries. It didn't sound right, so this is a new proposal, and I hope it will be acceptable to my colleagues. Thank you.

NICOLÁS CABALLERO: Okay, so then, maybe I should read the last paragraph in order to see if we're on the same page. Would that be okay? Okay, so I'll read it now. "The GAC supports the increased contract obligations to raise the baseline in addressing DNS abuse, and looks forward to contributing to the public comment process. The GAC also welcomes any further work the negotiating team can do to clarify reporting obligations with a view to promote transparency of the contracted parties policies, and respond to DNS abuse.

The GAC also reinforces the GAC's commitments to contribute to further work, including contract amendments, PDP, and creation of best practices within the multi stakeholder process that will be necessary in the continuing journey to address this threat to the security of the DNS, including before the next round of new gTLD applications." European Commission, go ahead, please.

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GEMMA CAROLILLO: Thank you very much, Chairman. This is just an editorial suggestion, and I don't know whether it reflects the intent from France. I think it's response more than respond, transparency of response, if this is what was meant.

NICOLÁS CABALLERO: UK, go ahead, please.

CHRIS LEWIS-EVANS: Yes, and just the same similar suggestion, maybe how it responds.

NICOLÁS CABALLERO: European Commission, would that be okay with you, France? We're good? Any other question? Any other comment? And I have the US. Go ahead, please.

SUSAN CHALMERS: Yes, my question regards deletion of the words the new reporting obligations. We're focused on the amendments here, so we would support retaining those words, the new. And also, it may be useful just to change how they respond to DNS abuse. So, again, we take no issue with the contribution of our colleague from France of the contracted party's policies, but we would encourage retaining the words the new because we are discussing the result of the negotiations. Thank you.

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NICOLÁS CABALLERO: Thank you, US. France, go ahead.

JONAS ROULE: Thank you, I will take the floor in French. I believe that the context of this paragraph is rather clear. The previous sentence makes it clear that we are talking about the new clauses, the new dispositions, and keeping these words, the new would mean that we are both covering registrars and registries, but I think the previous mention of that is enough, otherwise, we could come up with a new formulation perhaps.

NICOLÁS CABALLERO: Thank you, France. US, go ahead, please.

SUSAN CHALMERS: We prefer to retain this language because there are existing reporting obligations. So, we just don't think that these two small words are, are useful to make sure that we're not referring to reporting obligations that are pre-existing but have not been addressed in the negotiation. So we think that distinction is important. Thank you.

NICOLÁS CABALLERO: Thank you, US. And I have the UK. Go ahead, please, Chris.

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CHRIS LEWIS-EVANS: Maybe a way around this is to delete the new, and after reporting obligations, put within the amendment. Thank you. I don't know if that's suitable for both.

NICOLÁS CABALLERO: Would that be good for you, France, US? Are you okay with this? France, go ahead.

JONAS ROULE: Yes, I can accept that or perhaps replacing the new by the word forthcoming.

NICOLÁS CABALLERO: UK, US, would that be okay for you?

SUSAN CHALMERS: Either or suits. Thank you.

NICOLÁS CABALLERO: Any other comment? UK.

CHRIS LEWIS-EVANS: If it's got forthcoming, then we don't need within the amendments.

NICOLÁS CABALLERO: All right. So let me read the whole paragraph again. "The GAC supports the increased contract obligations to raise the baseline in



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addressing DNS abuse and looks forward to contributing to the public comment process. The GAC also welcomes any further work, the negotiating team can do to clarify forthcoming reporting obligations, with a view to promote transparency of the contracted parties policies and how they respond to DNS abuse.

The GAC also reinforces the GAC's commitment to contribute to further work, including contract amendments, PDP, and creation of best practices within the multi stakeholder process that will be necessary in the continuing journey to address this threat to the security of the DNS including before the next round of new gTLD applications.

And this is a minor edit, but I would say, "The GAC also reinforces its commitment not to repeat GAC, GAC, GAC, like 20 times." I don't know. That's just my-- I'm in your hands. Would that be good? All right.

So unless anybody has any other editorial suggestion, comment or question, I guess we're good to move on. We still have 20 minutes, so we have lots of ground to cover. Hungary, go ahead.

PETER MAJOR: With the last edits, you don't need the T-H-E before it, commitment.

NICOLÁS CABALLERO: Thank you, Hungary. Any other? And I have Canada. Go ahead, please.

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JASON MERRITT: Yes, thank you very much. I had a quick question just for clarification in the bracketed text there. What is the GAC's role in contributing to contract amendments? It's just a question for my own knowledge, if anybody has the answer. Thank you.

NICOLÁS CABALLERO: Thank you, Canada. Okay, I have the US. Go ahead, please.

SUSAN CHALMERS: Thank you for the question. To respond directly, the contract amendments are of course negotiated between the parties to the contract, so ICANN and the contracting parties, respectively. The GAC's role is contributing to the public comment process. I think our discussions and what is reflected within the communique is also part of the broader further work that we're referring to here. I hope that responds to the question, and while we're here would actually just pluralize PDPs because we understand that there could be several targeted PDPs based upon the contract amendment. So I'll just add a little S. Thanks.

NICOLÁS CABALLERO: Thank you very much, US. Canada, are you okay with the explanation?

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JASON MERRITT: Yes, that's perfect. Thank you. We're just a little bit unclear as to what the GAC actually does in terms of being involved in the amendments, but I think that's sufficient. Thank you.

NICOLÁS CABALLERO: Thank you, Canada. Any other comment? Daniel, are we okay with a chat room? Perfect. Thank you so much. So I guess we're good to move on, right? So give me just one second.

FABIEN BETREMIEUX: So in terms of issues of importance, I believe the rest of the text as being read. For section three, UK suggested we go back to the advice in determining whether this is needed afterwards. The last section of issues of importance, is registration that a consensus policy, I was going to say we are expecting text but it just arrived. So we may be able to review if I can just reformat it one second so it's readable. Okay. Let me try to make this bigger. Okay. Maybe ask if it's ready, if we can actually read it.

NICOLÁS CABALLERO: A question for the US. Is this text ready? Like can we go ahead and read it and-- Okay. So, topic number seven is Registration Data Consensus Policy. So I'll read the whole paragraph and then I'll pause in order to see if we have an agreement.

"The GAC welcomes implementation of the phase one recommendations and reiterates the importance of the consensus policy's ability to comply with existing data protection principles,

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while allowing contracted parties to process data in line with relevant obligations within their jurisdictions.

The GAC takes note of ICANN's summary of public comments on phase one implementation and supports the implementation process teams suggestion in line with the GAC's public comment to reduce the timeline for urgent requests to 24 hours.

Separately, the GAC notes that other public concerns remain unaddressed. The GAC recalls its initial comments which retains in full that 'contracted parties should collect and make data of legal persons publicly available.' Further, 'additional safeguards may be considered for the case where the email address of a legal person contains personal data, in which case a functional email address can be published instead.'

Additionally, the GAC highlights the need to require the collection and publication of reseller data. The latter is especially critical to identifying the parties responsible for selling domain names directly to registrants and to highlight an important point of contact that may be best positioned to provide meaningful data on these registrants and or investigate and mitigate abuse conducted by those registrants.

And I'll pause here in order to see if we have any reaction. Any comment? Any question? Daniel, are we okay? We're good in the chat room. Any reaction in the room? And I have the UK. Nigel, go ahead, please.

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NIGEL HICKSON: Yes, thank you, Mr. Chairman. And just obviously reading this, and it looks very positive indeed. Can I just ask, and perhaps I'm just completely wrong here, but the issues of legal persons and the email address. Wasn't that-- was not a subject for phase, is it phase 2A, or. But perhaps this is technically writing that these issues were raised in relation to phase one. Can I just have clarification on that? Just so we are getting the facts right. Thank you.

NICOLÁS CABALLERO: Sorry. Are you done? I have the European Commission. Go ahead, Gemma.

GEMMA CAROLILLO: Thank you, Chairman, and thanks, Nigel, for the question. So basically, the text is quoting the public comment that the GAC provided to the phase one implementation. So it's quoting the exact words. I think the part on the email address and so on, it's a further explanation of the first point, but it's also in line with the first paragraph when we say we always balance the data protection principles, and other issues.

So it is an additional element, the part on the email address. But since this is part of the public comment that the GAC submitted, it's kind of also for the specifying the importance that the data protection issues are preserved. Thank you.

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NICOLÁS CABALLERO: Thank you, European Commission. Is that good enough, UK? Are you okay with that answer? I'm sorry, I have the US. Go ahead, please.

NIGEL CASSIMIRE: Just to further clarify, Nigel on, it is confusing, and you are correct. And what I can explain is that this issue was somewhat unresolved in phase one, that's what led to the phase 2A policy development efforts. Nevertheless, exactly as Gemma stated, our comment on the implementation of phase one picked up this unresolved thread and set forth this language. So you are correct, it's confusing, but the language is accurate.

NICOLÁS CABALLERO: Thank you very much, US. So UK, we're good, right? Any other comment, any other question, or clarification? Sorry, I have the CTU. Go ahead, please.

NIGEL CASSIMIRE: Thank you, Chair. I'm just wondering if we need to retain-- well, he removed the highlight now. But we need to retain that first line that's being shown right now, that phase one implementation blah, blah, blah, because it comes right under the heading and the first line of the text mentions for this phase one recommendations.

NICOLÁS CABALLERO: Thank you. Thank you, CTU. Go ahead, Fabien.

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FABIEN BETREMIEUX: And actually, if I may. Was that intended to be the actual name of the section we had noted when you suggested the text registration data consensus policy? Would you like to clarify that this is EPDP phase one implementation in the title?

SUSAN CHALMERS: I think we can retain the original. They're referring to each other, and so it's shorter. So we can just retain the original. Thank you, and thank you to our colleague from the CTU.

NICOLÁS CABALLERO: Okay. Any other comment? Are we okay to move on? If that is the case, then let's move on. Okay, so now, we'll be covering advice. Consensus advice to ICANN Board. And Fabien, go ahead.

FABIEN BETREMIEUX: So to this first section of the GAC consensus advice, the ICANN Board for the Washington DC communique, unpredictability in new gTLD applications, I believe the text was read completely, there was a suggestion by the UK to refer to the discussion of the GAC with the GNSO and the Board on this matter. So we've reflected that in coordination with the UK in the rationale. So that's the only change that is made to this section.

NICOLÁS CABALLERO: And I see a comment from the UK. Rose basically says, "There is text we haven't yet read in the follow up advice section." Yes, you're right.

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Thank you, Rose. So we're going to go down there, do that, and then come back to advice. There we go. So this is section six, Follow up on previous advice. "The following items reflect matters related to previous consensus advice provided to the Board. One, privacy proxy services. The GAC thanks the board for the reprioritization of the PPSAI policy recommendations as per the GAC's previous advice.

In addition, the ICANN76 advice requested that the board regularly update the GAC on the status of activities related to privacy and proxy services. In that regard, the GAC appreciates the update from the Board on the status of its implementation of the PPSAI policy recommendations, and the GAC would welcome continued updates, including providing detail in writing." I'll pause here in order to see if you have any comments. Daniel, Julia, are we okay with the chatroom?

DANIEL CARLETTI: A hand from the United States.

NICOLÁS CABALLERO: Okay, okay. US, go ahead, please.

SUSAN CHALMERS: Only to thank our colleagues from the UK for adding this text, and we were going to ask to have the acronym spelled out, but Fabien has already done that. Thank you.



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NICOLÁS CABALLERO: Thank you, US. Any other comment? CTU. Go ahead, please, Nigel?

NIGEL CASSIMIRE: Yes, thank you. It says in that regard, the GAC appreciates the update from the Board on the status of the so and so. Would it be good to say when that update was given? Is it at ICANN77 or when?

NICOLÁS CABALLERO: UK, would you like to take that one?

CHRIS LEWIS-EVANS: Yes, no, we thank the CTU for the suggestion, and yes, it was in the Board GAC interaction, so happy for that just to be reflected.

NICOLÁS CABALLERO: Thank you, CTU. Thank you, UK. So we're five minutes away from lunch. So let me read the whole paragraph in order to see if we have agreement here, and then we go back to advice and issues of importance or any other thing.

So privacy proxy services, "The GAC thanks the Board for the reprioritization of the Privacy Proxy Services Accreditation Issues, PPSAI, policy recommendations as per the GAC's previous advice. In addition, the ICANN76 advice requested that the Board regularly update the GAC on the status of activities related to privacy and proxy services. In that regard, the GAC appreciates the update from the Board during ICANN77 on the status of its implementation of the

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PPSAI policy recommendations, and the GAC would welcome continued updates, including providing detail in writing."

Is everyone okay with the wording? Any edits? Any suggestion? Any clarification? Daniel, are we okay in the chat room? No problem? So, there're still some tweaks and edits to do, but I think this is-- because if we start, it will take way longer. We better stop now, and break for lunch and reconvene at 1:45pm. Enjoy your lunch. Thank you.

**[END OF TRANSCRIPTION]**