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

JULIA CHARVOLEN: Welcome to the ICANN77 GAC Communique Drafting Session on Thursday, 15 June at 17:45 UTC. 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 read aloud.

If put 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. Speak clearly and at a reasonable pace to allow for accurate interpretation, and please make sure to mute all other devices when you're speaking. You may access all available features for this session in the Zoom toolbar. With that, I will hand the floor to the GAC chair Nicolás Caballero. Nico, please.

NICOLÁS CABALLERO: Thank you very much, Julia. Welcome back, everyone. Please take your seats. We have two more sessions to go. The first one for the GAC Communique drafting. We'll have 75 minutes for that, so we'll basically go till 3pm, then we'll have a 30-minute break. And then we have the GAC Wrap-up Session in which some announcements will be made.

So regarding the GAC communique itself, we're going to start with the applicant support section. As we said before, more rationale was

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needed, especially for the sub sections, the roman one and roman two.

So I'll start there. This is topic number three, Applicant Support: The New gTLD Applications. And again, we're basically waiting for more rationale, so we'll go back whenever we have that rationale. I'm sorry, you can go ahead, please.

ROSALIND KENNYBIRCH: Thank you, Chair, just to say that the UK has proposed additional rationale, just a sentence to cover the non-financial focused advice that was added. So hopefully, that rationale should now be in the document. And to see that, not just speak on behalf of my colleague from the CTU, but I think he also had a suggested line and rationale, which he wished to include, but it is listed as a comment. So with his permission, I'm happy to put that in the text for him as well. Thank you.

NICOLÁS CABALLERO: Thank you very much, UK. CTU, Nigel, go ahead, please.

NIGEL CASSIMIRE: Yes, thank you, Chair. Well, the UK just made my comment. I would just like to draw your attention to what was in my comment in the chat, which has the proposed text to be added at the end of the existing rationale. My view is that the existing text said yes, we support, but it didn't actually say why, and the text I'm proposing gives an understanding of why we support.

NICOLÁS CABALLERO: Perfect. Thank you, CTU. Any other comment? Daniel, are we okay in the chat room? No comments? All right. Okay, so we'll go back to Predictability in New gTLD applications. I'll read the whole thing. Sorry. We have a request for the floor. Julia.

JULIA CHARVOLEN: Yes, we have Kavouss Arasteh from Iran. Sorry, Kavouss Arasteh from Iran.

NICOLÁS CABALLERO: Thank you. Iran, go ahead please.

KAVOUSS ARASTEH: Thank you very much. The addition was made, I have no problem, but there is something nature of their economy. Could you go back, Fabien, please. So sorry. The addition made by-- yes. Yes, here it is. Okay. Due to the nature of their economies. I think perhaps maybe instead of nature, the status of their economy, not nature of their economy. Just a suggestion for the proponent of this; I have no difficulty with the text, it's very good, but instead of nature of their economy, the status of their economy. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. Well noted. Any other common, any other suggestion in the room or online? And this is supported by Switzerland, by the way. So if that is not the case, so let's go up. Can you scroll up again?

And I see CTU's hand is up. Is that an old hand, Nigel, or would you like to go ahead?

NIGEL CASSIMIRE: No, it's not, it's a new hand. I think step status might work, but just to caution Iran that status could include nature in all, but nature is also an element in there because size, well, I would say size in particular, but maybe also scope for competition and that sort of thing. But status could probably cover it.

NICOLÁS CABALLERO: So Nigel, if I understand correctly, you would like to go back to the word nature? Is that what you're saying?

NIGEL CASSIMIRE: No, I would say that the word status probably covers nature as well. So we can leave it, we can leave it as it is.

NICOLÁS CABALLERO: So you can live with that, right?

NIGEL CASSIMIRE: Yes, I can live with that.

NICOLÁS CABALLERO: Okay, thank you, CTU. So let's scroll up a little bit. And I'll start with Predictability in New gTLD Applications and read the whole thing and

then pause in order to see if you have comments or any edits, or anything you would like to modify. So, "The GAC advises the board: i.to take steps to ensure equitable participation on the proposed standing Predictability Implementation Review Team SPIRT by all interested icon communities on an equal footing."

And the rationale is, "The GAC appreciates the efforts to create a predictability framework. GAC members note that further clarification on the implementation of the SPIRT is necessary, as well as on the role of the GAC will play in it, especially in light of implementation guidance 2. 3 on the SubPro PDP Working Group final report, 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, as discussed with the Board and GNSO Council during ICANN77.

Furthermore, GAC members emphasize the importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities."

And I'll pause here in order to see if we have any edits, comments, questions, clarifications. Daniel, are we okay in the chat? All right. So looks like we're good on this. Okay. So let's move on. So I'll read section two, which is, Registry Voluntary Commitments, RBCs, and Public Interest Commitments, PICs, in New gTLDs. So if you want me, I can read the whole thing. There are no changes here. So I don't see the need to read it again.

So if you don't mind, we can just scroll down and go to the next section unless you tell me otherwise. But just for the sake of clarity, I

just want to make sure that-- is that okay? Okay, and I see nodding, so let's go down. So we'll cover auctions until we have the missing or the rationale part that is still being written. And I have Iran. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. In the previous advice, we have A. Since we don't have B, we don't need A. Thank you.

NICOLÁS CABALLERO: Thank you very much, Iran. And by the way, we don't need roman numerals either. Anyways, Fabien.

FABIEN BETREMIEUX: Sorry, under each section of advice, we generally have an A, the GAC advises the Board, roman numeral one, at least in the texts of the advices. The minimum forum, we usually have and maintain, and that serves down the road for the Board to refer precisely to specific piece of advice through this numeration.

So the Board in this case, what we have on the screen, the Board might refer to this piece of advice as 4.8.1 and 4.8.2. So even if we don't have sub pieces of advice, the reference is still used by the ICANN Board to refer to a specific piece of advice.

NICOLÁS CABALLERO: Thank you so much, Fabien. Fair enough. Any comment? Can we move on? And I see some nodding. So I'll read section for, Auctions,

Mechanisms of Last Resort: Private Resolution of Contention Sets in New gTLDs. "The GAC advises the Board to take steps to avoid the use of auctions of last resort in contentions between commercial and non-commercial applications.

Alternative means for the resolution of such contention sets, such as drawing lots may be explored." Excuse me. And roman ii: "To ban or strongly disincentivize private resolutions." I'll read the rationale, and then I'll pause in order to see if we have any. I'm sorry, I have the US. Go ahead, please.

SUSAN CHALMERS:

Thank you, Chair. And to respond to our colleague Jorge from Switzerland, his question, very happy to elaborate. So, private resolution is a broader term, which is inclusive of private auction. I think the only way to disincentivize or ban gaming of the system is to not only direct this advice towards auctions, but private resolution in general.

NICOLÁS CABALLERO:

Thank you very much, US. I have the UK.

NIGEL HICKSON:

Yes. Good afternoon, Mr. Chairman and colleagues. Nigel Hickson. So thanks to the US for explaining that. And I think I understand a lot better now having heard that explanation. I just wonder though whether some forms of private resolutions. I take the point that some private resolutions could be because of gaming, but presumably,

some private resolutions might be cooperative in nature and where there's a beneficial aspect to private resolutions, but I stand to be corrected, and perhaps I'm-- yes.

But I'm just wondering you might have, say, two applicants for a name, and one could be a charity and one could be a business and the sum, as I recall, in the first round in 2000, or the last round in 2012, sometimes there could be sort of agreements between parties, which were beneficial to both parties, but I stand to be corrected, of course. Thank you.

NICOLÁS CABALLERO: Thank you, UK. US, would you like to add anything to that or we're good to move on with Iran? Okay, thank you. Iran, you're next.

KAVOUSS ARASTEH: Thank you, Chair. I think perhaps the term private resolution alone is not sufficient, private resolution of the case. Resolution of what? Because we have to say the resolution of what. I understand people, they don't like to put auctions, they put the resolution, but at the same resolution of the case, or of the matter, or something, but not private resolution, because there have to be the subject of the resolution. What is the subject of the resolution? Thank you.

NICOLÁS CABALLERO: Thank you, Iran. And once again, US, would you like to answer to that or I'm okay to move on with Switzerland? I'm in your hands. Okay. Thank you. Switzerland, please go ahead.

JORGE CANCIO:

Yes. Thank you, Chair. And thanks very much, Susan, for clarifying. Perhaps in order to address also what Nigel said and not to exclude potentially private means of resolution that don't really serve to game the system, which is what is of concern to all of us, I think maybe we would need to be more specific in a way.

And what I'm thinking is to formulate it like to ban or strongly disincentivize private monetary means of resolution of contention sets, including private auctions, so that we are clear that we are referring specifically also to private auctions. I just posted it on the chat. But I don't know if monetary is enough.

So in the sense if two applicants want to flip a coin amongst each other, I don't know if we can control that, if we can ban that, perhaps we can ban, but it's not so effective and the rationale is not so strong. What is really something we want to avoid is anything involving money.

That's what creates false incentives for applicants to participate in the application rather than just to get into contention sets and make money out of this. So I see Susan nodding, and perhaps others may improve the wording with their perfect American or British or Continental English. Thank you.

NICOLÁS CABALLERO:

Thank you very much, Switzerland. And I see support from the US to your suggestion. Any other comment? Daniel, are we okay in the chat

room? No problems? Perfect. So I'll read the second roman numeral then. So it would be, "To ban or strongly disincentivize private monetary means of resolution of contention sets, including private auctions."

Are we okay with that? Everybody agrees? And I see nodding. Daniel, chat room. We're good? Perfect. So I'll go on and read the rationale. "While the GAC acknowledges that in an attempt to reduce potential gaming, recommendation 35. 3 of the SubPro PDP Working Group final report included the need for applications to be submitted with bona fide intention to operate a TLD.

The GAC reiterates concerns regarding the implementation of this condition and notes that punitive measures for non-compliance or submission of a bona fide intention are not sufficiently defined. Regarding auctions of last resort, the GAC reaffirms its view that they should not be used in contentions between commercial and non-commercial applications, and reiterates that private resolutions should be banned or strongly disincentivized, or the means, like drawing lots may be used to resolve contention sets.

The GAC supports ALAC's view expressed in its advice to the ICANN Board, noting that they believe there 'should be a ban on private auctions. Also, by mandating ICANN only auctions, the proceeds of any such ICANN auctions can at least be directed for uses in pursuit of public interest such as was determined through the CCWG on auction proceeds.'

And I'll pause there in order to see if we have any reactions. Switzerland says maybe we should align the rationale to the final text

on private auctions. Any other comment? Any other question? Any reaction in the room or online? Daniel, are we okay online? We're good. Okay. Any comment in the room? And I have the US. Go ahead, please, Susan.

SUSAN CHALMERS: Thank you, Chair. Just chiming in to support Jorge's suggestion, the rationale should align with the advice. So welcome thoughts on how best to do that, whether it relates to the reason for adjusting, whether it relates to disincentivizing these incentives. Oh, I'm just going to pause because it looks like Jorge popped some text into the chat.

NICOLÁS CABALLERO: I was going to tell you exactly that. So Switzerland says, and he's giving an example like, 'and reiterates that private monetary means of resolution of contention sets should be banned or strongly disincentivized.' Are we okay with that? Any comment? And I have a hand from CTU. Nigel, please go ahead.

NIGEL CASSIMIRE: Yes, thank you. My comment wasn't on this Jorge was just putting in. So if you want to complete that before I speak, that would be okay. My comments which relates to the paragraph before.

NICOLÁS CABALLERO: Okay, we'll do that, Nigel, and then we'll go back to you. Thank you.

NIGEL CASSIMIRE: Thank you.

NICOLÁS CABALLERO: So we're good now, Nigel. Where exactly do you want to go back to?

NIGEL CASSIMIRE: The second to the last line of that paragraph. It says, "And notes that punitive measures for non-compliance or submission of a bona fide intention. " I don't understand what that means. I think it wants to say, punitive measures for non-compliance with the condition of submission of a bona fide intention. Because that's what you're not complying with. So what just happened?

NICOLÁS CABALLERO: Nigel?

NIGEL CASSIMIRE: Yes, I'm here. Can you hear me? Hello?

NICOLÁS CABALLERO: Yes, I can hear you.

NIGEL CASSIMIRE: Oh, okay.

NICOLÁS CABALLERO: Go ahead, the floor is yours.

NIGEL CASSIMIRE: Okay, thank you. Yes, the non-compliance part is not has to be non-compliance with something. And I'm suggesting that it means to say, non-compliance with the condition of submission of a bona fide intention. But it doesn't make sense, it doesn't read correctly to me as it is, which just says non-compliance or submission. So that's my comment.

NICOLÁS CABALLERO: Thank you very much, CTU. So I'll read the paragraph again in order to see if it makes sense to everyone. "While the GAC acknowledges that in an attempt to reduce potential gaming, recommendation 35. 3 of the SubPro PDP Working Group final report included the need for applications to be submitted with a bona fide the intention to operate a TLD.

The GAC reiterates concerns regarding the implementation of this condition and notice that punitive measures of non-compliance with the condition of submission of a bona fide intention are not sufficiently defined." And I'll pause here in order to see if we have comments, or. We do, Daniel?

DANIEL CARLETTI: Yes, we have Kavouss from Iran.

NICOLÁS CABALLERO: Iran, go ahead, please.

KAVOUSS ARASTEH: Yes, thank you very much. Not on that paragraph. I have something on the SPIRT paragraph. Not on that one. Thank you.

NICOLÁS CABALLERO: Okay. And I have Switzerland. Go ahead, please.

JORGE CANCIO: Yes. And thanks very much to Nigel for really making me think and making me recall what was the issue with this bona fide intention. And actually it's two things. So the punitive measures could be for non-compliance with bona fide intention so that you have submitted the bona fide attention but you don't comply with it. Or punitive measures for not submitting the bona fide intention.

So then the I explained myself. So the reaction can be for the two things. So it's not just for non-compliance with the condition of submission, because the condition of submission is one thing, and the second thing is that even if you have submitted this bona fide intention, you don't comply with it. So I will make myself understood.

So I hope this is helpful and that the reason, if I recall correctly, for this formulation, which comes from our collective comment of June 2021, and maybe it could be better formulated, but it's basically two things. And so this is in reaction to Nigel.

NICOLÁS CABALLERO: Again, let me be there, Jorge. Sorry for the interruption.

JORGE CANCIO: Afterwards, I would have another point.

NICOLÁS CABALLERO: Sure, sure, sure. But then, so you want to go back to the original text, then and erase that part that says for noncompliance with the condition of, so you would like to erase them with the condition of and go back to the original text, is that correct?

JORGE CANCIO: Exactly, Nico. Or find better formulation in the marvelous English language that reflects the gist of what I said, which is the two things, submission or non-compliance.

NICOLÁS CABALLERO: Thank you, Jorge. You had another point you wanted to raise? Would you like to go ahead now?

JORGE CANCIO: Yes, if that's possible, because it's related to what we were discussing. And I see that the second paragraph mixes a little bit the question of auctions of last resort, and then the question of private monetary means. So perhaps we could have a full stop after non-commercial applications, full stop. And then we have, in addition, the GAC reiterates, blah, blah, blah. So we separate the two ideas.

NICOLÁS CABALLERO: Thank you, Switzerland. Any other point?

JORGE CANCIO: No, that's fine. Thank you, Chair.

NICOLÁS CABALLERO: Thank you, Switzerland. Any comments? And I see some nodding in the room. We have Iran. Go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. Could you say that what is the final text of one after non-compliance? What did he say, which one? We take with the condition of out or we retain it?

NICOLÁS CABALLERO: I take it.

KAVOUSS ARASTEH: Because if you take it out, it has no meaning. Non-compliance submission. What does it mean? When the compliance -- I mean, with the conditional with something. You have to have after non-compliance with something, whether it's a condition, purpose, objectives, we have to have to something. I tend to agree with the colleagues proposed that the sentence non-compliance submission has little meaning or has no meaning. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. That was actually proposed by the CTU, and then we decided to erase it, and now, your proposal is to keep it or to write something along those lines. Do you have a specific suggestion, Iran?

KAVOUSS ARASTEH: Chairman, I was happy with the non-compliance of the condition, but if the condition is not agreeable, it is not complying by the [00:30:17 - inaudible] objectives with the purpose of submission, but we need to maintain with the something, whether with the condition or with the purpose or with the objective of sufficient. So any of these three, these are alternatives. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. So, ladies and gentlemen, we're in your hands. We can put anything you tell us to put there because it's going to come from the GAC, not from me. Certainly open to suggestions in the wordsmithing. Daniel.

DANIEL CARLETTI: Yes, we have Jorge from Switzerland.

NICOLÁS CABALLERO: Switzerland, go ahead, please.

JORGE CANCIO: Yes, thank you. And I'm looking at Nigel. Let me give you the first step, but surely you will have a better idea. But sometimes it's good to

reduce complexity, and if we say and note that punitive measures for non-compliance of the bona fide or regarding the bona fide intention on it sufficiently defined, we can look or we can forget about the two substances of non-compliance because it's not really the substance here, and we still are correct. But I'm happy to leave the floor to Nigel who surely has even a much better solution.

NICOLÁS CABALLERO: Thank you, Switzerland. Nigel, would you like to take that one?

NIGEL CASSIMIRE: Yes, thank you, I lost my connection, so I've just got back on. From what I'm seeing there, I would be happy with punitive measures for non-compliance with a condition of submission of a bona fide intention. I think that would cover both of the things that Jorge mentioned, which is number one, if you didn't have a bona fide attention in the first place, and number two, if you failed to demonstrate the bona fide intention after the fact.

So either of those, to me, would be violations of this condition of submission of a bona fide intention. So I would suggest punitive measures for non-compliance with the condition of submission of a bona fide intention.

NICOLÁS CABALLERO: Thank you very much, CTU. So following the chat. Okay, and Switzerland, says he will defer to Nigel. I have Iran, and then the US. Go ahead please, Iran.

KAVOUSS ARASTEH: Thank you, Chair. I think the suggestion or proposal by Nigel is perfect, it's good, and I think we could take it if other colleagues so agree. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. US.

SUSAN CHALMERS: Thank you, Chair. I just wanted to add a wee bit to the rationale here in the second paragraph regarding the amendments that we had made to a little B, sorry a little two, it doesn't really explain the rationale it just kind of repeats the advice. So after strongly disincentivized, I would add a comma, and then I would suggest welcome views to prevent applications under false pretenses for financial gain, which I think clarifies the issue. And I'm not sure if we use the word financial or monetary in the advice, but we could make sure those are matched, but just wanted to submit that in order to provide a clear rationale. Thank you.

NICOLÁS CABALLERO: Thank you very much, US. So let me read then the rationale from the beginning for the sake of clarity yet again. "While the GAC acknowledges that in an attempt to reduce potential gaming recommendation 35. 3 on the SubPro PDP Working Group final report included the need for applications to be submitted with a bona fide intention to operate a TLD.

The GAC reiterates concerns regarding the implementation of this condition, and notes that punitive measures for non-compliance with the condition of submission of a bona fide intention are not sufficiently defined. Regarding auctions of last resort, the GAC reaffirms its view that they should not be used in contentions between commercial and non-commercial applications.

In addition, the GAC reiterates that private monetary means of resolution of contention sets should be banned or strongly disincentivized to prevent applications under false pretenses for monetary gain. Other means like drawing lots may be used to resolve contention sets.

The GAC supports ALAC's view expressed in its advice to the ICANN Board, noting that they believe there 'should be a ban on private auctions also by mandating ICANN only auctions the proceeds of any such ICANN auctions can at least be directed for use as in pursuit of public interest such as was determined through the CCWG on auction proceeds.'" And I have Iran. Go ahead, please.

KAVOUSS ARASTEH:

Thank you, sir. I think in paragraph one, I believe everybody agreed, I don't know or not. And then paragraph two, two areas, you said contention sets, and the last part contention set. What do you mean by sets? The word contention is sufficient. We don't need set resolution of contention, and last line resolution resolve contention but not sets, because there is no sets in the resolutions or in the contention. What are the sets of contention. So we don't need set. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. Any reaction? Any comment on that? Daniel, we're good? Okay. And I have Switzerland. Go ahead, please.

JORGE CANCIO: Yes. So this is Jorge Cancio for the record. Again, this makes me think, and contention sets is terminology used under the application process, at least in the AGP 2012. I think it's also used in the SubPro recommendations, and it basically means-- it's a term to refer to a group of applications that have the same string and are in contention and what resolved this word application in that contention set gets the delegation of the string. So it's a term of art I would say, which is understood normally by those who are familiar with the procedures, but of course, perhaps we can reformulate it in some fashion. Thank you.

NICOLÁS CABALLERO: Thank you, Switzerland. So Iran, are you okay with that explanation, or you would insist on erasing the word set?

KAVOUSS ARASTEH: Chairman, I never insists on anything, but I am saying that you are talking of GAC advice and the rationale, we are not talking of the specification or SubPro or condition of that. I think there is no sets in the advice, so there should be no sets in the rationale as well. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. But we're using contention sets in the title itself. So if you can scroll up a little bit. There we go. It's a defined term. If you take a look at topic number four, Auctions, Mechanisms of last resort, Private Resolution of Contention Sets in New gTLDs. Very specific and it's been already explained by Switzerland.

KAVOUSS ARASTEH: Yes, I agree. Thank you.

NICOLÁS CABALLERO: Any other comment? Any other question? And seeing none, let's move forward. Let's move up, actually. Let's review applicant support. By the way, is Argentina in the room just in case because yesterday-- Oh, yes. Okay, thank you. So I'll read topic number three, Applicants Support in the New gTLD Applications.

And then I'll pause in order to see reactions. "The GAC advises the board,

i: to take steps to substantially reduce or eliminate the application fees in ongoing ICANN registry fees to expand financial support for applicants from underrepresented or underserved regions.

ii: To specify ICANN's plans related to steps to expand financial support, and engage with actors in underrepresented or

underserved regions by ICANN78 in order to inform GAC deliberations on these matters.

iii: To take timely steps to facilitate significant global diversification in the new gTLD program by ensuring increased 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, exploring the potential to support the provision of back end services, and providing adequate funding for the Applicant Support Program consistent with diversification targets.” And I'll pause there in order to see if we are in agreement. And I have Argentina. Go ahead, please.

GABRIELA MATTAUSCH: Yes, thank you very much, Chair, and everybody with this input, I agree with all, just to suggest the number two could be in the beginning in the first place since it's the something that we ask yesterday to the Board to give us an answer on what they are thinking of a program that is successful. And then we can know how many applications, if the diversity is a goal to be achieved, in everything we need to have it from the Board. And I think this number two, if everybody agrees, could be in the first place. Thank you.

NICOLÁS CABALLERO: Thank you, Argentina. So if I understand correctly, you want to put roman two in the first place, and then move roman one to the second

place. Is that correct? Any comments? Okay, so let's do it then. So I'll read the rationale then. Any other comment on this? And seeing none, let's move on. And I'll read the rationale now. "The GAC reaffirms..." -- So we'll do some cleaning before actually reading. Okay, yes, you're right. The thing is, we haven't read this part yet, so I'll read before cleaning just in case in order to keep the ideas there in case you want to make any changes. And I have Argentina, go ahead.

GABRIELA MATTAUSCH: Thank you. Regarding number three, roman, I also suggest, because we had a comment on GAC comment on this, and that I add a comment here that members highlighted the importance of fostering gTLD applications from a diverse array of applicants. So the intention is not to specify that in this stage, the target of the engagement, the raising awareness, so I suggest to stay with this idea of include regional local authorities in a wide array of applicant Thank you.

NICOLÁS CABALLERO: So, let me just see if I understand your suggestion. So instead of keeping with people and organizations, you would like to include their regional local authorities or regional and local authorities, is that correct?

GABRIELA MATTAUSCH: To include by ensuring increased engagement from a diverse array of applicants, the same language as before we had in the-- I can search for the source of this.

NICOLÁS CABALLERO: So thank you, Argentina. Let me read that part, again. Roman three, "To take timely steps to facilitate significant global diversification in the new gTLD program, by ensuring increased engagement from a diverse array of applicants, which could include regional and local authorities in underrepresented or underserved markets and regions, including by, and so on and so forth. It's not what you suggested? Okay. Thank you, Argentina. Any comments, any reactions? And I have the UK, and then Daniel, it's just the UK. Okay. Go ahead, please, UK.

ROSALIND KENNYBIRCH: Thank you, Chair. Just to note that we had a fairly lengthy discussion in yesterday's session about this, and we had sort of determined as a result of fruitful dialogue amongst colleagues that people in organizations would be a broadly inclusive term. So, my concern here, and I think definitely see the sentiment, but it could get a little specific, and maybe be read in a less inclusive way. So we would support sticking with the text that the GAC had agreed yesterday. Thank you.

NICOLÁS CABALLERO: Thank you, UK. Argentina, would you be okay with that? And I see nodding, so we'll go back to the text we agreed yesterday. So once again, let me read that part only for the sake of time. "To take timely steps to facilitate significant global diversification in the new gTLD program by ensuring increased engagement with people and organizations in underrepresented or underserved markets and

regions, including by, and so on and so forth. Is that okay? UK, go ahead.

ROSALIND KENNYBIRCH: Thanks, Chair. And also to say, I'm very happy to include the point about a diverse array. So a diverse array of people.

NICOLÁS CABALLERO: Where exactly would you like to include that word?

ROSALIND KENNYBIRCH: I think the staff on-

NICOLÁS CABALLERO: A diverse array of people. Okay.

ROSALIND KENNYBIRCH: Yes, because that was a very good point. Thanks.

NICOLÁS CABALLERO: Okay. Any other comments? Any other questions? Are we okay in the chat, Daniel? So far so good. Okay. So we can move on then. So this is new text with no edits, no cleaning, so let me read it as it is, and then we'll do the cleaning in order to see if we have an agreement here.

"The GAC reaffirms the importance of increasing the number and geographical distribution of applications from underrepresented or

underserved regions in future rounds of new gTLDs through the Applicant Support Program.”

Sorry, apparently, that part in parentheses was supposed to be read as well. I don't know for sure, but I'll just read the whole thing, just in case. "The GAC reaffirms not least for the credibility of the SubPro process - there should be a coma or something there - the importance of increasing the number and geographical distribution of applications from underrepresented or underserved regions in future rounds of new gTLDs through the Applicant Support Program.

The GAC reiterates its 'support for proposals to substantially reduce or eliminate the application fees and ongoing ICANN registry fees to expand financial support' in order to sufficiently cover all such applications. Without a significant reduction in or financial support for, the application and ongoing fees, many potential applicants in underrepresented or underserved regions may be unable to apply due to the status of their economies, where available capital for ICT Digital Initiatives has been historically limited.

The GAC also highlights that non-financial support is also an important element of an Applicant Support Program. For example, awareness, racing, capacity development services and training. Assisting in the provision of backend services may also be appropriate in some cases." And I'll pause there in order to see your reactions. Any comment? Any question? If you need time to read it, and then give some comments. I have the European Commission. Please go ahead.

GEMMA CAROLILLO: Thank you Chair. Just very, very quickly before suggestion. I think in the last paragraph we are using also twice. So also highlight the non-financial support is also, perhaps that's repetition.

NICOLÁS CABALLERO: Thank you, Gemma. Well noted. So I'll repeat that part. Thank you, European Commission, again. I'll read just the last part for the sake of time, right. So the GAC also highlights that non-financial support is an important element of an Applicant Support Program. For example, awareness, raising capacity development services and training. Assisting in the provision of back-end services may also be appropriate in some cases. Would that be good? Fabien, go ahead.

FABIEN BETREMIEUX: We were discussing in the first paragraph of the rationale whether the reference to the SubPro process should be made more precise. Is this referring to the next rounds of new gTLDs together? Is it the policy process? Is it the Applicant Support Programs? It's a term that's not very often uses SubPro process. So maybe that deserves a bit of clarification.

NICOLÁS CABALLERO: Thank you, Fabien. That's certainly something for the full GAC to discuss. So again, I'm in your hands. Any comments, any suggestions? I have Iran and Argentina. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. I think I was not or I'm not the still happy with the term not least for the credibility. A better language will be not withstanding a credibility, that we are not against the credibility, we do not compromise that, but not saying that not least for. So to say notwithstanding the credibility. This is a legal text to use in this type of texts. I repeat, notwithstanding the credibility, is the least. Yes. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. Argentina.

GABRIELA MATTAUSCH: Thank you, Chair. I was just wondering if we can have a word defining what is substantially reduction, because if, for example, the program is thinking reducing 50% of fees, I think won't be significant. So is there a possibility to define that substance in the rationale or somewhere else to define that substantial reduction is at least 80%? These are arbitrary number, but just a question for the colleagues. Thank you very much.

NICOLÁS CABALLERO: Thank you, Argentina. And that's a question certainly for the whole GAC again. Any reaction? Any comment? Daniel.

DANIEL CARLETTI: UK.

NICOLÁS CABALLERO: Oh, sorry. Go ahead, UK, please.

NIGEL HICKSON: Yes, thanks very much, Mr. Chairman. Just really going back to that first sentence, which the UK proposed the text in the brackets. In answer to the question from Fabien, I think, yes, you're right, the intent was to refer to the overall process, to the application process. So perhaps more specific, I can never say that word. Yes, perhaps the language needs to be altered, so that makes it clear.

I'm not quite sure about notwithstanding the credibility. What this was trying to get across is that the importance of the application process is an important element of the credibility of the whole process, so to speak. But yes, I'm open to suggestions, of course.

NICOLÁS CABALLERO: Thank you, UK. I have Iran and the CTU. Go ahead, please. And the European Commission right after that. So Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, sir. I think I am referring to the suggestion or request sent by Argentina, the meaning of significantly. Are you still discussing that or not yet, or we have been removed?

NICOLÁS CABALLERO: That's actually a good question. I'm in your hands. We can discuss that right now or later on, but we'll get to the point anyway. So go ahead. Go ahead.

KAVOUSS ARASTEH: Yes, I am saying that if at the GAC advice itself, we use the term significantly. Here we can use significantly, however, significantly, this type of adverb are subjective, there is no clear meaning, what does it mean 60%, 80%, 90%. Some of these thing that we have to be careful whether we need significantly or adequately or something like so.

However, the first thing is that to see if the significantly is in the advice, it could be here, if it is not in the advice, but here, we can select or opt for another term. If it is in both case, we should be instead of significantly, we say something adequately, but all of them are subjective. There is no definition what does it mean, significantly? What does it mean adequately, and so on and so forth? So that is what I'm saying. If we can get rid of significantly, that is one way. If it is not, we have to keep it in both advice and the rationale. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. I have the CTU. Nigel, go ahead.

NIGEL CASSIMIRE: Thank you, Chair. Yes, on the same point. I think we are in no position to try to put a number on what significant or substantially means it just means that it has to be fairly large. If you say significant or substantial, you're not talking 5%, 10%. And the context in which it read the first paragraph, which is always where I think Argentina was referring, substantially reduce, it comes right next to or eliminate. So it gives you a sense of the size we're talking about. I think we are not

in a position to try to put any number or percentage figure on the reduction.

But the message is being conveyed, that the level of fees is well above what a lot of these underrepresented and underserved areas could have afforded. So, the substantially reduce or eliminate, I think, gives a sense of the size of the reduction we're talking about. And in the second paragraph, it changes substantial to significant.

I am neither here nor there, I could live with the significant but if we want to be consistent, we could also say without a substantial reduction in the second paragraph, and it would relate it back to the substantially reduce or eliminate. But I don't think we could come up with any percentage figure to put there. Thank you.

NICOLÁS CABALLERO: Thank you very much, Nigel. I have the European Commission. Go ahead, please, Gemma.

GEMMA CAROLILLO: Thank you, Chairman. Very briefly. To support what Nigel just said that was my point as well, I think we are in no position, especially today to make an amount. And as regards the first paragraph, I think the colleagues from UK have just proposed in regards toward including for the credibility I think, but not withstanding, I don't think gives the meaning that it was meant to be conveyed. And the last paragraph where I mentioned that the editorial suggestion, I think it's

the first also which needs to be deleted, not the second one. And this was also point made by the UK in the chat. Thank you.

NICOLÁS CABALLERO: Thank you very much European Commission, and I see some support in the chat room from the UK to the CTU. And the UK also mentioned what you just told us about the also being in the wrong place. Okay, so and mindful of the time. Let me read the rationale then once again from the beginning. Oh, good point. Yes, we didn't agree yet on which one to leave there, notwithstanding or not least for or in regards to the credibility of the application process in future rounds and so on and so forth. So what should we do here? Comments? Daniel, are we okay in the chat room? Two? Oh, can you read, please?

DANIEL CARLETTI: Yes. Two in the chat. First one from Kavouss from Iran?

NICOLÁS CABALLERO: Iran, and?

KAVOUSS ARASTEH: Yes, thank you, sir. Between the notwithstanding and not least for, for the time being, forget about that. In regard to is not correct, in regard to credibility. We are not talking about that, we're talking not least, not reduce, but not in regard to. In regard to is not correct terms, so. It certainly have to opt between the notwithstanding and not useful. I

suggest that if Nigel Hickson agrees, we take note to the study. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. And before I give the floor to the UK, there's a suggestion from the European Commission, or including for the credibility. But UK, go ahead, please.

ROSALIND KENNYBIRCH: Thank you, Chair and thanks, colleagues for the conversation on this point. I completely agree the need to get this right in the context. Would support the suggestion of including for the credibility as proposed by the European Commission in the chat. Thank you. This would be a good compromise, we believe. Thank you.

NICOLÁS CABALLERO: Okay, and we added some comments there in order to have a better-- yes, to make it more readable. So I'll read again. The GAC reaffirms-- Sorry, I have Iran in the chat. Go ahead.

KAVOUSS ARASTEH: Thank you, sir. Including it's not addressing the issue. The GAC reaffirms including the application process in future round, the importance. Why we need this term including so and so, besides simply the GAC reaffirms the importance? What is the problem with that?

Why we need to put something which is not properly addressing the issue? Would it be any difficulty we go back to initial text, the GAC reaffirms the importance of increasing, and that is the case. We are not talking about credibility of the application process, we are not talking of importance, leasing or increasing, so, let's delete everything, and GAC reaffirms the importance of increasing. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. UK, would you be okay with that? Yes?

NIGEL HICKSON: Mr. Chairman, yes, we've only got so much time, and so, we have to compromise on these things. All I was trying to do is get across a bit of a motion here. We're not asking for fees to be reduced just because we're asking for fees has been reduced. We're asking for fees to be reduced because if we only get so many completed applications for names from the southern hemisphere or characterize it what you will, then people will say, well, this is a complete waste of time. I'm just going to use a word which I wouldn't use in parliament, but yes, thank you.

NICOLÁS CABALLERO: Thank you, UK. Any other comment? Daniel, are we okay in the chatroom? We're good? Okay. So, you agree we would erase that part and keep the GAC reaffirms the importance of increasing and so on? Would that be a good way forward for everyone?

And there's agreement from the Netherlands in the chat room. Okay, so let's give it a try. So I'll read without the-- yes. So it will go like this. "The GAC reaffirms the importance of increasing the number of geographical distribution of applications from underrepresented or underserved regions in the future rounds of new gTLDs through the Applicant Support Program."

Is that okay? And I see some nodding. Is everybody happy with this version of the- Okay, and we still have four minutes. So the second paragraph also needs to be tweaked a little bit because we have their substantial or significant reduction in and so on. What should we keep, substantial or significant? I'm in your hands. Daniel.

DANIEL CARLETTI: Kavouss, from Iran.

NICOLÁS CABALLERO: Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, Chair. To be consistent, we suggest that they delete significant and retain substantial to be consistent with the first paragraph. Thank you.

NICOLÁS CABALLERO: Thank you very much, Iran. So let me just read the second paragraph for the sake of clarity. So it would be like, "Without a substantial reduction in or financial support for the application and own ongoing

fees, many potential applicants in underrepresented or underserved regions may be unable to apply due to this status of their economies while available capital for ICT digital initiatives has been historically limited." Is that good enough for everyone? Any comments? And I have Iran again. Go ahead, please.

KAVOUSS ARASTEH:

I'm sorry, Chairman, I apologize to you and to everybody. I think the 'may' is not addressing the issue. If we can totally, maybe unable, it would be unable, it's not maybe. Nigel from CTU, please correct me if I'm wrong. I'm like you, developing country and applicants that [01:10:02 - inaudible]. Maybe 'we would be', without that, we would be, but not maybe. I suggest that we say the region 'would be' but not 'maybe'. Thank you.

NICOLÁS CABALLERO:

Thank you, Iran. So there it is, would. So let me read it again. "Without a substantial reduction in or financial support for the application and ongoing fees, many potential applicants in underrepresented or underserved regions would be unable to apply due to the status of their economies where available capital for ICT digital initiatives has been historically limited." And I have the CTU. Nigel, go ahead, please. Your hand is down.

NIGEL CASSIMIRE:

Yes, I took it down because I could live with what's there.

NICOLÁS CABALLERO: Okay, that's good. That's certainly good news because we're one minute away from the break. Fabien, go ahead. So we still need to decide what we do with the RVCs, but that's something we will discuss when we come back from the break. So make sure you grab some good cappuccino in order to be able to discuss that right after the break. So we come back at 3:30. Thank you.

[END OF TRANSCRIPTION]