
ICANN77 | PF – GAC Discussion on WHOIS and Prep for Meeting with the ICANN Board
Monday, June 12 2023 – 15:30 to 17:00 DCA

JULIA CHARVOLEN:

Hello and welcome to the ICANN77 GAC session on WHOIS and Data Protection Policy on Monday, 12 June at 19:30 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 this chat will be read aloud and put in 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 are speaking. You may access all available features for this session in the Zoom toolbar. With that, I will hand the floor over to the GAC chair, Nicolás Caballero. Please, over to you.

NICOLÁS CABALLERO:

Thank you very much. Please take your seats. We're about to start. Welcome again to this session on data protection policy, including accuracy. Please take your seats. And for the session, we have Chris Lewis-Evans from the United Kingdom National Crime Agency, Kenneth Merrill from the US Department of Commerce, NTIA, Laureen Kapin from the US Federal Trade Commission, and Melina Stroungi. I hope I'm pronouncing your last name well. Is Melina here?

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JULIA CHARVOLEN: She's participating remotely.

NICOLÁS CABALLERO: She's remote, from the European Commission. Next slide, please. So this is the agenda for the session. First, we're going to touch on the background on WHOIS in data protection, then the proposed gTLD registration data policy. The third topic is the Registration Data Request Service, RDRS. Then we have privacy and proxy services, registration data accuracy, and considerations for the Washington D.C. ICANN77 Communique. So with that, Chris, would you like to start? Go ahead, please.

CHRIS LEWIS-EVANS: Just very quickly, hi everyone. Chris Lewis-Evans, the record. So we'll be going through these. And as per normal, please feel free to ask questions. We'll be trying to monitor the chat and provide some opportunity for questions to be asked and answers to be given to you. And with over to that, we have, as you can see on here, quite a bit to cover. So over to Lauren.

LAUREEN KAPIN: Thank you. Hi, folks. Welcome, everyone. My name is Lauren Kapin. And I'm speaking today in my capacity as a member of the GAC small group involved in the many phases and phases yet to come in the policy efforts that focus on domain name registration data. Some of this information you're about to hear will sound familiar. Some of it will be

new. We always present a combination of both so we can have a common platform of understanding.

So with that, next slide, please. That's not the next slide. There we go. That's the slide. This is the why should I care about this slide and why the GAC and the public should care about access to domain name registration data, which is the data that tells us who is responsible for a domain name and the information and services associated with why we should care about that is because the government and other entities involved in protecting public safety use that information and rely on that information in investigating matters involving illicit bad conduct and in enforcing their national laws and combating it against abusive use of internet communication technologies.

But wait, there's more. It doesn't just assist law enforcement and governments. It also assists businesses and other organizations and users like you and in combating fraud, complying with relevant laws, and safeguarding the interests of the public. There's also infringement and intellectual property interests that can be protected. And in general, and maybe this is the most important point, folks want to be confident and secure when they are engaged in activities on the internet. And a variety of tools helps secure that confidence. And one of those tools is being able to find out who is behind a domain name, particularly when that domain name is involved in bad or illegal conduct. And all of these considerations are still relevant. We can go back to 2007 and those principles, which I just summarized, the 2000 GAC principles regarding gTLD, WHOIS services. And you might think, that's 2007, but what do we care about in 2023? Well, we still care about these issues in 2023.

The data protection laws have been very explicit about what was still a concern in 2007, which is that there needs to be a balanced approach to looking at these interests in terms of protecting the public. But also part of protecting the public is protecting the public's privacy. And the EU's data protection laws and the data protection laws in other jurisdictions help us strike this balance between protecting privacy and also enabling those involved in protecting the public to get the information they need to do their jobs. So you'll see talking points again and again focused on keeping this information accessible for those who are lawfully entitled to access it and making sure that the folks who need this data and, again, fulfill the criteria to lawfully access it can actually get at that information. Next slide, please. And I think I'm going to pass this slide on to my colleague, Kenneth Merrill.

KENNETH MERRILL:

Thank you, Laureen. My name is Kenneth Merrill. I'm the GAC alternate for the United States and one of the GAC's co-representatives to the Expedited Policy Development Process small group. So this slide, I know since I've started on this portfolio, has been really helpful to me. I would encourage folks to bookmark this, download the slides, save this slide. It helps to sort of give you a sense of where you are, where we've been, where we may be going with this work. But just to summarize, and I also welcome my colleagues on the stage here and online to stop me or fill in if I miss anything, but so this was all sort of kicked off following implementation of the temporary specification in 2018.

And so we see at the bottom here the timeline helps to sort of give us a sense of when the different phases started, when some ended, and then those that are ongoing, sort of where they are in that process. And so following the adoption of the temp spec, as it's sort of called within the EPDP land, the GNSO initiated phase one. And this was to sort of determine whether the temp spec should become a consensus policy as is or with modifications. And there were modifications put forth that resulted in the registration data consensus policy that is currently in the sort of the final stages of implementation. And of course, this new policy would need an access system.

And so Phase 2 of the EPDP was initiated in 2019 to discuss, among other things, standardized access model to non-public registration data. A final report on Phase 2 was issued in August 2020, and this kicked off an operational design phase, which eventually sort of led to the decision to build a proof of concept, a sort of pilot system that could generate actionable data to inform work towards a larger SSAD, SSAD being the standardized system for access and disclosure. I'm not sure I mentioned that before, but as Nico mentioned, to start the day, the alphabet soup of ICANN is something to always sort of keep your mind on. So my colleague, Lauren, will provide an update on the work here on Phase 2.

Then in July, 2020, a third phase of the EPDP, Phase 2A was initiated, and this focused on two questions, really, the differentiation of legal versus natural persons registration data and the feasibility of unique contacts to have sort of a uniformed, anonymized email address. And so then there have also been, well, I should say the Phase 2A team sort of didn't recommend any changes to the policy, but it did provide

guidance to any contracted parties who did choose to differentiate between legal versus natural. And then finally, the accuracy scoping team, which I'll provide a brief update on later in the slides, was initiated in 2021 to assess the current state of accuracy and to establish whether there should be changes to current policy on registration data accuracy or not. So with that, I'll go to the next slide, and I believe hand it over to Melina.

NICOLÁS CABALLERO: Hold on just a second, Ken, before we move on to the next slide. Are there any questions so far on this slide? Is it clear for everyone? Are we good to move on? Seeing no question, go ahead, please.

KENNETH MERRILL: So I think over to Melina.

MELINA STROUNGI: Thank you, Kenneth, and hello, everyone. I hope you can both hear me and see me.

NICOLÁS CABALLERO: Loud and clear.

MELINA STROUNGI: Perfect. So my name is Melina Stroungi. I'm also a GAC representative, and I work for the European Commission in the Internet Governance sector. So Lauren explained already why registration data are so

important. They're important for the domain name system to be stable and secure, and with the entry into force of the general data protection regulation in 2018, which protects personal data, a lot of changes came into the light. So as you saw in the original timeline, there was a temporary specification, which then extended to an interim registration data policy, and now we have a draft registration data consensus policy for gTLDs.

As you may recall, ICANN published this draft policy on 24 of August 2022, and this policy sets out the requirements for collection, transfer, and publication of the gTLD registration data. This policy will become part of ICANN's contractual requirements for registrars and registries within 18 months of its adoption, and it's proposed to become effective before the end of 2024. So the GAC has provided input at several stages of this process. In the latest GAC comments that we provided on 21st of November of 2022, we expressed certain public policy concerns in relation to this policy. You see some of them in the slides, but of course, a full overview is available also online.

Some of these concerns included the definition and proposed timeline to respond to urgent requests. We had proposed that there is a clear timeline to respond to urgent requests and also expand the definition, what is considered an urgent request to cover also imminent or ongoing cybersecurity incidents. Then we had also some concerns regarding the collection and publication of reseller data. We supported that it's important to include the reseller data element in the policy. Under the registrar accreditation agreement, the definition of reseller can include the privacy and or the proxy services. So we sought clarification as to

which entities should or should not be considered resellers under the policy.

Also, we raised some remarks in relation to the collection and publication of registration data related to legal entities. In our view, this data should be published as they're not protected under the GDPR. While this was not strictly within the scope of phase one implementation, we drew attention to the fact that certain elements under the current draft consensus policy may change as a result of other relevant policy developments as a Phase 2A that Kenneth explained that concern the distinction between legal and natural registrants. This has been a longstanding position on the matter. And then we had also some other remarks regarding certain qualifiers that were included in the policy related to commercial feasibility.

So you would often see the terms where commercially feasible. So we expressed a concern regarding the option to redact data in certain cases when it is not technically or commercially feasible to limit such application. This was something really vague and not thoroughly explained what is meant by not commercially feasible. Next slide, please. Then we also stressed the need for greater clarity, especially in relation to when a data protection agreement is mandatory and when it's not. And a lot of things assist in the policy. You would see certain things contingent on the conclusion of a data protection agreement, but it was not clear whether it's mandatory or not. And under which cases we should have an agreement in place or you should not have an agreement in place.

Then we also asked for the reasoning as to why certain policies are deemed superseded by the phase 1 implementation, such as the WHOIS policy. We also stressed the need for clear standards around implementation and enforcement. And also we highlighted the risk of implementing a partial system which could result in a policy gap. As I mentioned before, it's important that the policy, any kind of policy, takes into account any other relevant policy developments such as the Phase 2A that I mentioned before, but also any ongoing regulatory or legislative developments. Otherwise it runs the risk of being outdated. And we recalled also these concerns in our Cancun communique in March of 2023.

Next slide, please. So there was input in total during this public comment period from 14 community groups based on which ICANN org updated the draft consensus policy language to reflect the analysis of these public comments. And ICANN org also provided responses to these public comments in April 2023. There were some positive elements. I can start with those such as the fact that ICANN took on board the very important feedback on the timeline for response to urgent requests. So now the response time is set to 24 hours, which is really important. However, it did not take on board our suggestion to extend the definition of urgent requests to also include imminent or ongoing cyber security incidents.

And also a lot of our suggestions were characterized as being out of scope. So for example, the distinction between legal and natural persons, which relates to another policy stream, Phase 2A was considered to be out of scope of phase one implementation, and also the collection and publication of reseller data was also characterized as

being beyond the scope, which is unfortunate because these are important remarks that should be taken on board. Also regarding the policy's impact on thick wheels, ICANN org replied that it could only enforce and transfer requirement only if the contracted parties agree on a legal basis for such transfer and a data protection agreement in place.

It's important, of course, as I said earlier, to get more clarity on this data protection agreement. And as we know from the EPDP phase one timeline, these are standing around to 80% of completion. So we hope that we have some more clarity soon. So as for next steps and where we are right now, the implementation review team is currently discussing ICANN's response to this public comments, including now also during this day, during ICANN77, it is moving towards updating and finalizing the policy.

And as GAC, we will, of course, keep monitoring closely the developments, and we will discuss at the end of the session what issues from the public comments may still raise public concerns, which we would then raise to our communiqué text. I will stop here because it's important to leave also room for my colleagues to dive in the different topics in the agenda, but also to allow for some time in the end for discussion. But I'm also happy to take any questions at this stage. Thank you.

NICOLÁS CABALLERO:

Thank you very much, Melina. I was going to mention exactly that. Do we have any questions or comments from the floor? Or, Gulden, please

help me out with the chat room. Any questions or comments so far?
Seeing none, back to you, Chris, please go ahead.

CHRIS LEWIS-EVANS:

Thanks, Nico and Chris Lewis-Evans, for the record. So moving on to Phase 2, so can I have the next slide, please? Thank you. So I'm going to go over quickly the background on Phase 2 so we can get to where we are now and what we're concentrating on. So Phase 2 took, again, several years of deliberations. It came out with a large number of recommendations that were very wide and very complex. GAC provided a minority statement on that back in 2020 with a large number of other stakeholder groups involved in the process.

Because of that complex nature, ICANN commissioned an Operational Design Assessment, or ODA for another acronym, within the SSAD. And that produced, because of the complex nature of the recommendations, it produced a sort of complex set of systems and processes and also a very wide range of costs, both to generate the system but also fees around use of the system. Because of that uncertainty in what the process would look like and the costs, the GNSO Council requested that this be paused for consideration and to allow for a proof of concept to sort of understand some of the parts of the system that couldn't really be answered without a little bit more of data gathering.

So following on from that suggestion, and I'm not going to go into the names of all of these because there's three different names and we don't refer to any of them anymore. We now have a system called the Registration Data Request Service. And all the others don't need to

learn, so sort of ignore those. And if we go on to the next slide, I'll go over what that looks like. Brilliant, thank you. So as I said, the board agreed to this Registration Data Request Service and put out a resolution in February. And the idea was to develop and launch over the next 11 months a system for registration data request to be serviced. We just have an update in a previous session from ICANN, and they say they're on track with that system, and their plan is to enable that for the registrars in September and allow requesters to start making requests in November.

So that all looks to be on track, which is all really good news for us to be able to use that. Once that is launched, it will run for a maximum of two years, and that's to allow for appropriate data collection. And during those two years, there will be a sort of regular cadence envisaged at the moment to be once a month on reporting of the uses of data and how the system is being used. So as I said, no later than that two years, there will obviously be a reevaluation and have a look at what that data tells us about how the SSAD can be deployed, how it impacts on the cost calculations, and the sort of system design. So some of the key features of the RDRS is that it's a central intake point.

I think one of the comments that we made as the GAC is that we didn't want a system that was fragmented. So it does provide a central point for all requesters to go to and make requests. There's no cost to requesters, which is another GAC input that we had. To keep it light, there is no authentication or verification of the requesters, so it's just done off a email verification, so you're verifying that someone's at the back of the email. It's down to the registrars to decide if that requester is who they think it is and whether they meet the requirements to have

a legitimate interest to release data. All the processing and release of data is done outside of the RDRS, and that is in direct communication with the requester and the registrar.

I think it's really key to point out, I think this is a key step forward for us. It gives us that centralized system, and it's a good step forward to getting to where we want to be in the end. So it's something that we certainly fully support. On to the next slide, please. So usage data, there's an awful lot on this slide. I'm not going to go through every part of it.

But as you'll see here, they're looking at the number of disclosure requests, the number of times a request is granted, the number of times a request isn't granted, the reasons for those requests, where the requests come from, and all that is to help ICANN understand cost implications, who's using it, is a smaller system required, or does it need to encompass the whole community? So understanding who uses it, when they use it, and the volume is really key. And that also helps with some of the questions around authentication and aspects like that.

LAUREEN KAPIN:

And response time.

CHRIS LEWIS-EVANS:

And response time. Thank you, Laureen. Next slide, thank you. So on the success criteria, so what they want to do is get enough information to understand and inform the GNS Council and the ICANN Board to make a recommendation whether we should move forward with the

SSAD recommendations. So, again, that will be informed by the cost impact, the system design, and all the other aspects that we'll be able to get out of the data on that previous slide. There are six key points listed there. I'm not going to read them all out. But for us, it's all about ensuring that we can have that centralized, standardized system and be able to gather that information to show that this works.

And I think a key point of that for us and something that we're going to be pushing, certainly from a PSWG perspective, is requesters need to request data from this system to have a true reflection of how this will be used. So there will be a lot of engagement. ICANN have already described some of the material they're going to generate for us. So when that comes out, I'm sure we will be sending that out to the GAC, and it will be all about trying to get that out to each individual country to understand that this system is there and is available to be used.

On to the next slide, please. So some GAC consideration. There is some uncertainty around the adoption by the registrar. So this is a voluntary system. The registrars do not have to join the system. There's no policy behind it. It's a system to try and test that. For me, some of the good news out of some of the meetings today is there was a registrar meeting this morning, and it seemed there was a lot of positive noise coming out from that group around sign-up amongst the registrars. Likewise, we also need to get the requesters doing that, and that will be a job for us to do.

And that's all around lack of awareness. How do we get that knowledge out? How do we make people aware of what the system does, how it works, just to get that maximum usage out of it? And really, we need it

to produce that actionable data, but it's a risk. If people don't engage with it, then that might not happen. So it's something that the GNSO small team are aware of and will be watching.

So we've made a number of statements on this system and that first one, and I think I've echoed it a couple of times, is that importance to engaging in outreach about use. I think there is some good incentives for both the registries and registrars to recommend participation from their stakeholders. They will be getting data that is of a consistent manner. It'll allow them to process the requests quicker and easier and reduce their sort of time that they're having to spend on these sorts of requests and hopefully reduce the backwards and forwards when there's incomplete requests. It's very important we do log that information so we get a good understanding of how that works.

And as I said, that's all within the system, so that's really good. And last meeting in Cancun, we provided GAC advice around ensuring that confidentiality of law enforcement requests was held. We've had a number of meetings with ICANN and the GNSO small group on that. And that's moving forward really well. So they've agreed to add an ability for us to do a tick box to say that we're in law enforcement and we request confidentiality. ICANN is just checking some of the wording around how that looks with our legal department, and hopefully that will come back soon and we can sign that off together. And that will be discussed on the use of the metadata, so how it's logged.

There is a form that they're producing around the data that's been collected and how that is recorded and impacted on the sort of data analysis they're doing. So we're just in the process of analyzing that and

to properly understand what that impact is for sort of law enforcement requests going forward. And with that, I think I'm handing over on the next slide, or I got one more. Sorry, one more for me. So no, I thought that was yours.

LAUREEN KAPIN:

You see the in the moment discussions here. So there are there's still some open questions here. And in terms of next steps we're looking forward to seeing how the confidentiality interface is going to work. In terms of the confidentiality, law enforcement would like to know in advance whether the registrar will be able to maintain the confidentiality of the request, because for some certain investigations, if it isn't kept confidential, then law enforcement will cancel the request because that might compromise what is a non-public investigation. So you want to know in advance and so there needs to be a system to sort of get that, will you, won't you, and, and then have the requester decide whether they want to follow through or not.

So per the board resolution we're going to continue to try and encourage comprehensive use. Really the whole success and utility of the system is, is really going to depend on whether it is on whether it is used because if it's not used that won't generate useful data. And it also might imply rightly or wrongly that perhaps there's not a system that's needed. We actually think it's a lot more complicated than that because if people don't know about a system, they won't use it. Or if people feel that the system is not worth their effort, they won't use it. But in any event, we want to encourage as much use of the system as possible in order to gain data on perhaps what the pain points are and how to

improve it. There was also encouragement from the ICANN board to consider a PDP on how we can require registrars to use the system.

Because just as it's voluntary for requesters to use the system it's also voluntary for registrars to use the system. And that usage is also crucial to the success of the system if you don't have a lot of sources of the information, which for the most part will be registrars, not registries. But if you don't have that comprehensive usage by the folks who have the information, then again, the system isn't going to be as viable and useful. So the board urged a way to figure out if there's a policy development process that can require registrar usage. And here there's some actions that have already been acted upon. So there has been a list of potential success criteria for this system. It may be that as the system is up and running there may be perhaps more success criteria suggested, we don't know, but there has been at least a preliminary list.

And then there's going to be usage statistics that come about as the system is up and running. And again, then there will be periodic check-ins. So people who are involved in the policy development efforts here, that's the RDRS small team which the GAC is participating in. As these usage statistics come in, then there are going to be conversations and perhaps recalibration, we will have to wait and see. Next slide. So now are we on active. Privacy? Did we skip privacy? I think there's three slides on privacy proxy. There we go. The first one. Back to you, Chris.

CHRIS LEWIS-EVANS:

Thanks Laureen, and Chris Lewis-Evans for the record. So we haven't spoken about privacy proxy for some time, so we've included a helpful definition for those that it might be new to there. Why is it important

when we're talking about registration data access? So at the last ICANN meeting, we had a presentation from the PSWG where we showed that during COVID19 investigations into fraudulent domains, 65% of the sample of that involve privacy proxy services.

So that's preventing investigation into those domains with that data. So a large proportion, and that was obviously backing when COVID19 was first out, so that was a couple of no years ago. And anecdotally we've probably seen a slight increase in the utilization of privacy proxy from what we're hearing from our investigators. So really important. Laureen.

LAUREEN KAPIN:

And I just wanted to jump in because even though there's a definition up there, I just want to give people like a real-world example of why this matters. Say I am a consumer protection agency and I am investigating some malicious conduct going on in connection with the domain name. I want to find out who's behind it so I can figure out if I can request information from them, et cetera, et cetera. So I make a request, a lawful request. I get information back, but instead of giving me the registrant information, the person who actually registered and is responsible for the domain name, what I get back is the information for a service. So then I have to go through this process all over again because I have to go to that service to get at the underlying information.

And if that service is in another jurisdiction, for example, I may run into obstacles being able to get that in a timely manner if I get it at all. So just to put it in brass tack, essentially, it's another hoop to jump through to get at the underlying information. So there's nothing good or bad

about privacy proxy services. Well, I shouldn't say that. There are some good things and there are some obstacles that are created, but objectively it is another hoop and that's why there's concerns about resuming implementation of the policy recommendations that the community actually developed to give rules of the road for privacy proxy services.

CHRIS LEWIS-EVANS:

Thanks, Laureen, and Chris Lewis-Evans again. So link this back to the previous slide. Sue RDRS provides a framework that allows registration data to be processed in a manner that it ensures appropriate security of personal data and that data is processed compliant to the relevant data protection laws in the countries that is being processed. So we now have a process where we can say that actually someone's registration data is being appropriately managed and appropriately tackled under data protection laws, which so certainly wasn't the case when we first started many, many years ago, back in phase one when the WHOIS system was open to everyone and really the availability and processing wasn't compliant with the privacy laws.

So we also discussed this couple of months ago now at the GAC board Communique clarification call and we discussed that increase in the use of privacy proxy in gTLD registration data services. The need for that to be considered a part of meaningful access to registration data, considering it is such a large proportion of what we're seeing. So over 65%, if we don't have access to 65% of the data, are we really going to get good utilization at RDRS, if we are not going to get proper data, all we're going to get is go to this privacy proxy service. Why would you use

it if you've got to go to privacy proxy service? So it's really important that this is part of that and some thought goes into how we can make it part of that.

So it was considered whether we should leverage the RDRS to reinvigorate the implementation of a 2015 GNSO policy recommendations regarding privacy proxy services. And onto the next slide please. So, as I say, this goes back to sort of 2015, 2016, the actual PDP was launched and it detailed a framework for response request for disclosure from law enforcement authorities and intellectual property holders and gave some standardized requirements to relay communications from third parties to registrant. Sounds quite familiar to an RDRS.

It also identified creating a standard label for registrations that involve privacy proxy services. This is actually something that was also discussed in the EPDP. How do you make it clear to someone that is requesting data, where to go get the service, what service has been implied to it? So it's really important that that understanding is there that people can make the proper and right requests. So in our Helsinki communique in 2016 we raised concerns including confidentiality of law enforcement requests. Again, sounds quite familiar to issues that we have with RDRS. So all this joint does feel like it joins up really nicely with the RDRS, some of the proposals within that PDP sort of joined very nicely. And as I say, being able to process it in a data protection compliant way is really, really important.

During our Kobe Communique we reflected back to the board how important it was restarting. So this is a few years on and it remained

highly important. If I've gone to the next slide, because it continues on nicely. Thank you. So after 2019, we've obviously recommended that it continues in 2022 quarter four review that ICANN does they found that it was a low priority and it was suspended due to sort of monitoring the work that was ongoing within the EPDP in the Cancun Communique the last Communique we've done. We asked ICANN to look at that assessment and reprioritize it with the importance that it deserves due to the increase in impact, the increase in of use, and update us on the status of privacy proxy services and how they could be impacted and whether they could be used within the PDP.

So in the quarter one, so the next quarter ICANN org as stated, it plans to resume the implementation once the EPDP phase one implementation is complete. So that's definitely a step forward and it'll be really good to hear from ICANN around some of the other activities that they're considering and how it will engage going forward. And next slide, please. And before we go onto registration data may be another opportunity for questions.

NICOLÁS CABALLERO: Exactly. I was going...

LAUREEN KAPIN: One more slide back.

NICOLÁS CABALLERO: So let's move back one slide. Gulten, do we have any questions or comments from our distinguished g colleagues in the room or online? Gulten, is there any queue? We do?

GULTEN TEPE: We have Kavouss Arasteh representing the Iran delegation on the queue.

NICOLÁS CABALLERO: Iran, please go ahead. Iran, please go ahead. The floor is yours.

KAVOUSS ARASTEH: Chairman, I said that. Thank you very much, Laureen. Thank you very much all other colleagues on this issue, that continuous work, do you believe that there is a need to prepare something either in the form of follow action or in the form of the issue importance for GAC in regard with some of these issue including confidentiality, including printing of metadata and including the proxy policy proxy services privacy proxy services? Is it a need to remind in one of these categories, please?

LAUREEN KAPIN: Thanks, Kavouss. We're actually hoping to engage the entire GAC in that conversation. At the end and there will be time for questions, I will respond to one of the specific issues you raised, which is the confidentiality and I really appreciate you asking that question. I think in response to the GAC advice, we've had a great interaction with ICANN org and our other colleagues on the small group to really discuss what

the needs of law enforcement are and why confidentiality is important. And they've been very responsive to these discussions and so we're optimistic that actually there will not be a need for further Communique language on this.

As to the other issues I would say perhaps I think it's fair to say that it's still unclear about the specific timing and what's actually going to happen with resuming implementation of privacy proxy services. So that could be an issue we want to revisit. I very much appreciate the question, Kavouss. I also think we do have some questions in the chat. I don't know if we want to take these now.

NICOLÁS CABALLERO:

Exactly. I was going to say that. Let me read a comment from the United States government first. It says, it's nice to see constructive engagement regarding the importance of confidentiality of law enforcement requests. We appreciate the collaborative spirit of all involved in these discussions. And then we have a comment from Blaise [inaudible - 00:48:43]. I hope I pronounced the last name well. Please, is there any other tool apart from WHOIS which finds out WHOIS behind a domain name? I want to talk about a tool that can identify a fraudulent domain with all due respect. Would you like to take that question, or should I read all of them?

LAUREEN KAPIN:

No, let's do one by one.

NICOLÁS CABALLERO: All right. One by one. Please, go ahead.

CHRIS LEWIS-EVANS: So an open source tool that tells you that a registrant of a domain name, no, there's not. There is legal process that you can go through to get that data. However, part of GDPR is about having the least impactful mechanism to get the data. Legal process is certainly a higher impact than providing a registrar request service. But I'm not aware of any other mechanism to do that, unless it says on the website itself, obviously.

LAUREEN KAPIN: And that's one of the reasons why we're having all these discussions, because there isn't a great other alternative. That's why these mechanisms are so important.

NICOLÁS CABALLERO: Thank you, Chris. Thank you, Lauren. I have another question from Ken Ying from Chinese Taipei. The first one is, has the RDRS been reviewed or assessed from the perspective of the privacy laws? For example, are we sure that it will comply with GDPR? Would you like to go ahead?

CHRIS LEWIS-EVANS: So I don't want to answer for ICANN, but I am sure that they will be getting legal advice around the system and the fact it complies with data protection.

GULTEN TEPE: Thank you, Chris. Nico, this is Gulden speaking. We have T. Santosh from India delegation, and then Ken Ying from Chinese Taipei on the queue. Thank you.

NICOLÁS CABALLERO: Let me read the second question from Chinese Taipei, and then we'll go to India, and then back to Ken Ying. The second question is, requesters and the registrars are not always in the same jurisdiction, and such are the barriers for the law enforcement authorities to obtain data. How does RDRS address this issue? Lauren, please.

LAUREEN KAPIN: So one of the potential beauties of the RDRS system is that jurisdiction doesn't necessarily matter. You make the request, and you have the potential to get a response. However, it really is in the domain of the registrar to decide whether or not they are going to respond to the request, whether they assess the request to be a lawful request that is consistent with the GDPR. So it is up to the registrar. But the RDRS doesn't have exceptions, so to speak, for jurisdictions, i.e. It doesn't say, if you're in jurisdictions, no dice, you can't get this information. It's really up to the registrar to decide whether it is a lawful and proper request, and then decide how to respond.

In the ideal world, this isn't the same scenario as legal process where jurisdiction really matters. If I'm in my jurisdiction, and I'm serving a subpoena on a US entity, they must comply or face other procedures.

But if I'm trying to do that and reaching outside the US as a US civil law enforcement authority, they can say, pound sand, I don't have to listen to you because you're not the boss of me. My own authorities are. The RDRS is something very different. But again, the discretion lies within the registrars.

NICOLÁS CABALLERO: Thank you so much, Laureen. And for the sake of time, we're going to limit questions in the room and in the chat room for GAG representatives. I have India next. India, please go ahead.

T. SANTOSH: Thanks, Mr. Chair. This is T. Santosh for the record. So I will make three observations of the presentation made during this session. So one is mainly on the registrars. So registrars have to provide the details as per the RDRS. Now, there are registrars who are not ICANN registered. What about them? So second observation is regarding the privacy proxy services which ICANN provides. It is suggested that the option should be optional to a registrant. It should not be that the services is thrust upon to any registrant.

Number three, if there is no WHOIS record, how will this RDRS system provide the details of the malicious domain? That is the topic which we are going to make the representation right now. That is on WHOIS accuracy. Unless and until WHOIS accuracy is not there, how will we retrieve the data? Thank you.

NICOLÁS CABALLERO: Chris, Lauren, Ken, would you like to take that one?

CHRIS LEWIS-EVANS: Yes, so Chris Lewis-Evans for the record. On the number three around the accuracy for the WHOIS isn't there, then there is policy within ICANN to enable you to remove that domain. So it's a malicious domain and they've not provided accurate and true data, then there's policy to allow the removal of that domain. So you would then be able to engage with the registrar to get that removed and that would give you process. They might not have information themselves. So RDS will be able to report back what the registrar has in their database.

NICOLÁS CABALLERO: Do we have any other questions or comments? Gulden, chat room, are we okay? Any other questions, comments? No, if not, back to you, Lauren, please, go ahead.

LAUREEN KAPIN: Actually, I'm passing the baton to my colleague, Kenneth. I did want to briefly respond. You asked what about the registrars who are ICANN accredited registrars. There's no contract, which means there's no obligations, which means there's no compliance. So a very fair question and it's up to all of us to try and encourage as many people as we can. When I say people here, registrars to participate within ICANN and become accredited and be good citizens of the internet.

NICOLÁS CABALLERO: Ken, please, go ahead.

KENNETH MERRILL: So I'm mindful of time as well and wanting to leave some room for at least a few questions.

NICOLÁS CABALLERO: We might need five or 10 more minutes, no worries. Just go ahead.

KENNETH MERRILL: So as I mentioned earlier going over the timeline, I think it's important when it comes to accuracy to recall that the accuracy scoping team wasn't tasked with developing new policy but with assessing whether there should be changes to current ICANN policy on registration data accuracy or not. And so the scoping team was given four assignments. It's completed two of the four. Next slide, please. Sorry. So I won't go over all of those assignments. Well, the two that have been completed is that the group sort of outlined the current requirements for registrars regarding accuracy of domain name registration data and how they're enforced by ICANN. And then the second assignment was to sort of analyze different approaches for measuring accuracy.

And then recall from the first timeline slide the portions of the accuracy scoping group that have yet to take in place. Those would assess whether the current contractual obligations regarding accuracy are effective. And then finally, whether any changes should be made to the contracts to improve accuracy. And so fast forwarding to we just saw some prior GAC issues of important text on accuracy. At ICANN 75, the

scoping team finalized its write up on assignments one and two and delivered them to the GNSO, making three recommendations. First, that ICANN org should carry out a registrar survey on accuracy. Second, that work proceed to explore the option of a registrar audit.

And finally, three, that the GNSO council pause the scoping team's work only on those proposals requiring access to registration data while encouraging ICANN org's outreach to the relevant data protection authorities. As well as finalizing the data protection agreement between ICANN and the contracted parties. In November, the GNSO council adopted a motion to pause the work of the scoping team and to defer consideration of recommendations one, the survey, and two, the audit until the data protection agreement negotiations are finalized and there's feedback regarding the ability to process registration data to measure accuracy. Importantly, they also set a six month sort of shot clock on those items and said that they would circle back on the accuracy scoping team after those six months.

That was in November, so for those counting, six months was end of last month, May. And so then at ICANN76, the GAC sort of reiterated the importance of accuracy and noted the importance of revisiting the scoping team's recommendations once the DPA, the data protection agreement negotiations, are complete. And then they also echoed the need to pick this back up after those six months. There has been some development that came out sort of right towards the end of ICANN76. ICANN Org provided an update regarding its progress on data protection impact assessments and its outreach to the European Data Protection Board.

On the former, on the DPIA, ICANN Org shared that it completed a data protection impact assessment on an audit scenario, on a proactive contractual compliance audit. Sorry. Oh, yes. So this audit would look at registrar compliance under the current RAA. And critically here, ICANN noted that this scenario would comply with the GDPR. Separately, ICANN is working on another DPIA that would use a representative sample of a registration data. And this audit is interesting because in theory it would provide a little more granularity and visibility into sort of full registration data. But here it's important to note that neither of these audits would confirm the identity of the registrant nor ensure accuracy of the contact data. And, yes, so those are sort of the new events since ICANN76. And that's where things stand at the moment. So I'll stop there.

NICOLÁS CABALLERO:

Thank you very much. Ken, do we have any questions, any comments so far? Chat room, is everything all right, Gulten? And I have the United Kingdom. Nigel, please go ahead.

NIGEL HICKSON:

Yes, thank you very much. Nigel Hickson, UK. So thank you so much for these excellent updates. It's just, yes, very gratifying. On the accuracy work clearly the GNSO asked for this six months pause. The six months is up. I understand that GNSO Council will probably be considering this, and of course we can talk to the GNSO later in the week. And as I understand it, there's now no real hurdle from a sort of procedural point of view to at least doing a survey. So one would hope that perhaps this

could be taken forward. But unless I'm missing something, which I might be. Thank you very much.

NICOLÁS CABALLERO: Thank you, UK. And I understand -- we have a request online.

GULTEN TEPE: Yes, we do. Kavouss Arasteh from Iran.

NICOLÁS CABALLERO: Iran, please go ahead.

KAVOUSS ARASTEH: Thank you very much for the presentation once again. With respect to the measurement of accuracy or accuracy measurement, may I request or ask you that kindly, what is the process of that measurement? How frequently is it measured? Who measures that? And what is the steps with respect to know that at what stage of accuracy we are now? So this is something that we need to know to see whether we have made any progress or whether there is something that, and by the way, also the criteria of the accuracy. What are the criteria? Thank you. Accuracy measurement, sorry.

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

KENNETH MERRILL: Thank you, Kavouss. So this is something that was discussed at length within the accuracy scoping team. There are a number of different ways to measure accuracy. And several of the approaches were sort of laid out prior to the pause, but I think once the scoping group, or if and when the scoping group were to pick back up again, this would be something that we would be delving into more and refining or getting a sense of which approaches would be most effective at measuring the state of accuracy under the contracts.

NICOLÁS CABALLERO: Thank you very much, Ken. Back to you, Chris.

CHRIS LEWIS-EVANS: Thanks, Nico, and Chris Lewis-Evans for the record. So up on the slides now are what we consider for you guys to consider and questions for you guys around registration data. So over what we've covered and what you've heard so far, are there any public policy concerns rated in the public comment that GAC would like to highlight under the issues of importance? So I think reflecting on some of the slides that we've had, we obviously have the 24 hours for urgent requests. That's still being discussed. That remains an issue of importance for us. That's not been finalized, so I think we need to maybe watch what's going on in other sessions here in the IRT.

And then on the RDRS side, how do we encourage more robust participation from contracted parties and requesters? So we talked about some of the outreach and engagement on that. Do we need to reiterate any advice in the issues of importance for that? Regarding the

follow-up for Cancun advice on privacy proxy implementation, as Susan put in the chat, I think from the PSWG perspective, we've had really good engagement from ICANN. So I think we would like to mark that as an issue of importance and encourage that that continues, because that has been really good engagement from ICANN, but it's probably good to reflect that in there as well. And then obviously for GAC, are there any other concerns that you might have around that pilot process that's been launched? So over to you for any questions. Thank you.

LAUREEN KAPIN:

So you don't have to answer now, because there will be communique drafting and an opportunity to put draft text in the communique. So these are questions to ponder. As a guide, you may have other questions, but this is just a way to get the conversation started.

NICOLÁS CABALLERO:

And thank you so much. We need to wrap up the session. Thank you so much to Laureen, Ken, Chris, and Melina online. We're at the top of the hour. Sorry about the extra time I took from your coffee break. And actually, we don't have a coffee break. We need to start the next session, which is the preparation meeting with the ICANN board. So again, thank you so much.

SECOND PART

NICOLÁS CABALLERO: So again, this is the last session of the day before we head to the cocktail reception. And we're going to be basically touching upon the background to GAG members regarding GAG bilateral meetings at ICANN public meetings and a short review and confirm all revised GAG topics, questions and messages to the ICANN board. And with that, let me give the floor to Mr. Rob Hoggarth. Rob, the floor is yours.

ROBERT HOGGARTH: Thank you very much, Nico. Good afternoon, everyone. Yes, last 35 or 40 minutes before you have an opportunity for a break. Traditionally, and when I say traditionally now, the last six or seven years, the GAG has leveraged every public meeting to take time to meet with community groups throughout the ICANN multi-stakeholder community. We primarily see these in bilateral meetings with GNSO, the At-Large community and the CC community. The primary and most publicized and meeting of most interest is actually the GAG's meeting with the ICANN board. And many of you who've been around the GAG for a while have been irritated from time to time at the frequency of my emails every semester asking you for input on topics, on questions and on other message points that you want to reach out to and ask the board to engage in dialogue on.

This last period has not been unusual in that regard. We've continued to facilitate that process for you all. And I think what a number of you have demonstrated and given us feedback over time is you found that to be a very productive dialogue, one that is structured, one that provides a good opportunity to share not only government points of view, but to hear from the board in terms of their perspective and what

some of their plans are. And so we've gone with this topical/question and answer format, and we're continuing that with a twist, as I understand it, for the meeting that's proposed for this week. And we'll touch on that here momentarily.

So the preliminary agenda for your meeting with the board on Wednesday is going to primarily focus on GAG topics and questions. In the past, and from time to time, the board will have its own question or questions that it poses to the GAG or to other ICANN communities. For a policy forum, the board doesn't meet with the other communities, with the exception of meeting with the GAG. And so there weren't any particular questions shared for ICANN77. Consequently, the agenda has been open for the GAG to basically run things in terms of identification of topics and providing questions. Now based on the feedback that we received from all of you, and I'm sorry, Gulden, I've just been talking and not paying attention to slides. You can advance another slide or two. One more, and the next one.

So basically, this is the outline of topics that the GAG chair and vice chair team shared with the board in preparation for this meeting. Two primary topic areas were identified, the first being new gTLD subsequent rounds, and the second being privacy proxy services accreditation implementation, some of which you just heard about in the previous dialogue on this session. So what we're going to do for this session, and Gulden will quickly pull it up in a moment or two here, is I'm going to take the information that you've all shared with the board, Nico will read through it, and then you all can provide feedback in terms of whether that is still fit for purpose. I mentioned a moment ago a twist, and the twist or new innovation that some of the topic leads

proposed for this meeting is to actually share and get the board's feedback on potential communicate language as drafted so far by the drafters and topic leads on this issue.

So I think you'll see it's a rather unique approach this time around to basically share with the board some of the thoughts that exist so far and to get that feedback in sort of a live environment, which will then help inform all of your discussions the rest of the day on Wednesday. So Gulten, I don't know if we can shift to the markup document. I will hold my fingers ready to capture any changes, suggestions, or other ideas, and otherwise Nico, let you sort of walk us through the background and some of the questions. Thank you.

NICOLÁS CABALLERO:

So let me read the background here. This is regarding the first topic, new gTLD subsequent rounds. The background is, and I'll read it for you here, GAC members have noted with interest the board's recent letter regarding engagement with GAC members on GAC advice and GAC early warnings in preparation for the next round of new gTLDs. And they welcome future engagement with the board. And I'll try to read slowly for the benefit of our translators. I'm sorry if I read too fast. GAC members also continue to remain interested in broader topics pertaining to the next round of new gTLDs aligned with topics that the board is identifying as "pending" and subject to further dialogue with the GNSO council.

Consequently, this meeting, GAC members hope to draw the Board's attention to a draft GAC advice language that the GAC is working on based on the committee's previous collective comments filed back in

June 2021 in response to the GNSO New gTLD Subsequent Procedures final outputs for ICANN Board consideration. In this regard, the GAC is considering the following five elements of potential GAC Advice. GAC members are interested to hear the Board's reactions to these five potential elements of GAC advice, including potential advice language which paths the board sees feasible in order to address them in a timely manner and how the GAC can most productively engage with the board on them. Is the speed okay? This is for the translators. Are we good? Thumbs up. Next slide, please, Gulden. Are we okay? Sorry, sorry. Can you go back, Gulden? There we go. Any questions, any comments, any input on this? Anything you would like to modify, erase, add?

ROBERT HOGGARTH:

I just might like to offer a side note of appreciation for those of you who have taken the opportunity to review the document over the last couple of weeks. So that was helpful to get people's input. Recognizing this isn't the only time folks have seen this, Mr. Chair, but so that may have alleviated some of the earlier questions. Thanks.

NICOLÁS CABALLERO:

Thank you, Rob. Gulden?

GULTEN TEPE:

We have Kavouss Arasteh from Iran delegation. Raise your hand.

NICOLÁS CABALLERO:

Iran, please go ahead. The floor is yours.

KAVOUSS ARASTEH: Thank you very much. The second paragraph, the first line, it says that board's attention to the draft GAC advice. That means this advice is not yet available. Am I right or we have some draft already? Thank you.

ROBERT HOGGARTH: This is draft language that was incorporated into the documentation that staff and the topic leads shared. So yes, in terms of what has been supplied and I believe, Fabian, correct me if I'm wrong, is what's in the sample document or the existing Google collaboration document that you've all seen. Yes, thank you.

NICOLÁS CABALLERO: And which by the way is still open for edits. Gulten, next slide please. So still on topic number one, New gTLD subsequent rounds. Draft, and this is again draft GAC advice. The first one being predictability. Proposed GAC advice for consideration advises the board to ensure equitable participation on the standing predictability implementation review team, SPIRT, I think that's the pronunciation. I would pronounce PIRT, but anyways, SPIRT, that's the idea. By all interested ICANN communities on an equal footing.

Number two, registry voluntary commitments, RVCs, public interest commitments, PICs. Proposed GAC advice for consideration advises the board to ensure that any future RVCs or PICs need to be enforceable through clear contractual obligations and consequences for the failure to meet those obligations should be specified in the relevant

agreements with contracted parties. The GAC advises that additional mandatory or voluntary PICs should remain possible in order to address emerging public policy concerns. And number three, there's this applicant support. Proposed GAC advice for consideration advises the board to take steps to substantially reduce or eliminate ongoing ICANN registry fees to expand financial support for underrepresented regions. Any question or comments so far? And I have Argentina. Please, go ahead.

GABRIELA MATTAUSCH:

Thank you, chair. And I think regarding the applicant support, we agree on underserved regions and also the reduction of fees is one thing for a couple of applications that will qualify and the financial support expanded is for extra application that can raise. But this is something that we are discussing right now in the GGP, the special working group for applicant support guidelines. And so I would separate the two things. First is to ask to reduce or eliminate fees. And second, in case the support is not enough for more applications, to ask for this extra support. And the second comment is a suggestion to replace underrepresented by underserved regions. And one more question, if I may, on predictability. I would like to ask if it applies also for the applicant support program. Thank you.

NICOLÁS CABALLERO:

Thank you very much, Argentina. Well noted. Rob, you're working on it, as far as I can see, right?

ROBERT HOGGARTH: Yes.

NICOLÁS CABALLERO: For whatever reason, it's not showing there, but we're working on it. So thank you again, Argentina. Go ahead, please, Rob.

ROBERT HOGGARTH: Thank you, Mr. Chair. Just a quick observation, since this is the first time you've all done something like this, and I'm happy for one of the topic leads to sound in or provide any perspective on this. You're sharing ahead of the time with the board sort of where the direction of the advice is going. This is a unique opportunity within the open plenary session for you to do some wordsmithing. What I typically do is that I offer to the board after this prep session the slides for the actual meeting, as well as an updated version of what's previously been shared. So it's not unusual for this language to be adjusted or changed, but also recognize this is part of a broader weekly discussion that you're all having for what ultimately may go into the communicate. So we're in your hands in terms of what specific edits you want to make, recognizing that you'll have many opportunities to adjust or modify and discuss this language. Thank you.

NICOLÁS CABALLERO: And, Gulten, please note that I'm nearsighted. You're going to have to make it way bigger. Do we have any other question or comment online?

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

NICOLÁS CABALLERO: Iran, please go ahead.

KAVOUSS ARASTEH: Yes, thank you very much, Chair. I am asking myself whether some of this question was not or were not already raised with the board in the board GAC interactive group. If you look in the document that we discussed about three weeks ago, perhaps some of this poorly or partially covers this point. So do we want to raise it again because it was raised and some answer was given. It is in the record of the board. Just a question of clarification. Thank you.

ROBERT HOGGARTH: Thank you very much, Kavouss. The BGI venue is somewhat different from the venue of the full GAC and board meeting. BGIG is a smaller group. Also while there are notes taken for that event, they are not an official transcript or record. The opportunity to discuss these views in an open public meeting provides you all much more of an opportunity for that dialogue and for record keeping in terms of feedback. You potentially can hear from more board members and also potentially more GAC members who may not participate in the BGIG have an opportunity to hear and discuss. So I hope that provides some context. Thank you.

NICOLÁS CABALLERO: So I'll read with the edits. Let me read the applicant support. So the text would read, propose GAC advice for consideration, advises the board to take steps to substantially reduce or eliminate ongoing ICANN registry fees and to expand, it should read, and to expand financial support for underserved regions. Would that be good, Argentina?

GABRIELA MATTAUSCH: The target, the beneficiaries for these applicant support programs is the underserved regions in general. for the reduction of fees and also this is applicant support program benefit would be the reduction of ICANN fees. And it's targeting underserved regions. I'm explaining so we can agree on the wording. And the thing is that a specific support is fixed for an amount of applications. It's not money because it will be a fee reduction. So the thing is we are discussing in the working group that in case the financial support is not enough for qualifying applications, in case we have more applications qualifying, we need to ask for extra financial support. This is something that we are discussing right now.

And my second question was on the predictability because we are having a recommendation guidelines on this working group that might be a little bit flexible and not clear enough. So maybe it's a good idea to underline or emphasize that predictability is something very important for the applicant support program, especially because these potential applications are not prepared enough for the round.

NICOLÁS CABALLERO: Thank you, Argentina. And if I understand correctly do you have specific wording for this paragraph, for the first paragraph, or would you like to

send it later on? You don't need to do it now. You don't need to do it now, but would that be okay? Would you send some specific language so that we can add it to the draft? Would that be okay? Thank you very much, Argentina. So let me read again the third paragraph then. So it would read like, proposed GAG advice for consideration advises the board to take steps to substantially reduce or eliminate ongoing ICANN registry fees and to expand targeted financial support for qualified applications from underserved regions. Would that be okay? Any question? Any comment? And I understand there's one in the chat room. Gulden?

GULTEN TEPE: We have Jorge Cancio from Switzerland.

NICOLÁS CABALLERO: Switzerland.

GULTEN TEPE: Would you like to take the floor?

NICOLÁS CABALLERO: Sure, sure, sure. Switzerland, please go ahead.

JORGE CANCIO: Yes, thank you so much. Hello everyone. This is Jorge Cancio from Switzerland. And as one of the topic leads for new gTLDs, I've been one of the proposers of this language. I think it's important to note that this

language is a summary of what is in the community in the advice section. So we shouldn't, I think, mix both things up. We need to have our discussion on the words missing and the details of the advice whenever we talk about the advice. And tomorrow we will have an opportunity during the second session on SubPro to talk about the draft advice on new gTLDs. That's one thing and a different thing is to give to the board when we meet a flavor of what we are trying to address with the advice.

But of course we are not giving them yet the full text, but we are giving them the direction of where we are going. So in the case of predictability, it's about fair participation, fair say of all the parts of the community on applicant support. It's about reducing or eliminating the ongoing registry fees or supporting in other ways also applicants from underserved regions. But I don't think that in this session we should try to wordsmith this because after all it's just a summary of what is in the communiqué text, which will be discussed in further detail in other sessions. So I hope this is helpful in some way and may help us to be a bit more straightforward in this session and especially taking into account the limited time we have now. Thank you.

NICOLÁS CABALLERO:

Thank you so much for that. I couldn't agree more with you. But I'm in your hands. I'm the GAG chair. I'll do whatever you guys tell me to do. Let me read two things before I get back to Rob. Please note this language on the screen is considered a summary for the board's review in preparation for the session with the board. This is not the advised language. That's the first thing. And thank you, Benedetta, for pointing

this out. If GAG members have input on the draft language, the one included in the ICANN77 draft communiqué, the link was shared via email a while ago. I think it was one week ago or ten days ago. So GAG members are encouraged to provide it directly to the communiqué draft. You all have access to the Google Drive. Back to you, Rob.

ROBERT HOGGARTH: Thank you. Then to clarify, you do not want to make any changes to the existing language, maintain it as a summary. Great. I will eliminate the proposed edits. And you can go to the next slide.

GULTEN TEPE: Nico, maybe before we move on to the next slide, I see Kavouss Arasteh from Iran delegation would like to take the floor.

NICOLÁS CABALLERO: Iran, please go ahead.

KAVOUSS ARASTEH: Thank you very much. I have put my questions, your comment in the chat. So please, you can have a look if it does it fit for you not to take time off and repeat it again. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. Let me check the -- so the first question from Iran is, is underserved regions formally defined somewhere? In other words, do we have the least of those underserved countries? And I understand we

do. And it's... let me continue reading. And what signifies the qualified applicant? I suggest to retain the initial text. Thank you for that, Iran. And that's exactly what we suggested two minutes ago. Unless any other distinguished GAC colleague has a different opinion. And I don't see any. So back to you, Robert. I'm sorry. Back to me, actually.

Gulten, next slide, please. So number four, let me read number four for you. It says GAC consensus advice and GAC early warnings. Proposed GAC advice for consideration advises the board to, number one, not accept recommendation guidance 30.1 regarding the timing of GAC consensus advice on future categories of TLDs, in particular applications, oriented to disincentivizing any such advice being submitted after the finalization of the applicant guidebook.

And two, to adopt recommendation 30.6 with the inclusion of the compromise language submitted by the GAC, noting "government" issuing early warnings must include a written explanation describing why the early warning was submitted and how the applicant may address the GAC members' concerns to the extent feasible. Number five reads, auctions, mechanisms of last resort, private resolution of contention sets. Proposed GAC advice for consideration advises the board to, number one, ensure that auctions of last resort are not used in contentions between commercial and non-commercial applications, and two, to ban or strongly disincentivize private auctions.

And let me read the chat. I have a comment from Tracy Hackshaw from the UPU. The underserved regions working group has a working definition of underserved regions that has been used elsewhere in

ICANN, and there's a link over there. This is for Iran. Thank you very much, Tracy. Any questions, any comments on topics four and five?

GULTEN TEPE:

We have Luciano from Brazil delegation on the queue.

NICOLÁS CABALLERO:

Brazil, please go ahead. The floor is yours.

LUCIANO MAZZA:

Thank you, Nico. No, and bear in mind the comments that the colleagues made already that are not discussing language. I just wanted to raise one topic that I think it's connected to the draft GAC advice number four. I know, I think that's a matter to be discussed, but I think to raise, I think it would be appropriate to raise at this moment. We have one topic that I wanted to bring to the consideration of our colleagues that regards recommendation 30.4, and that is related to the early warnings and the way GAC advice is treated. I know that it's a bit controversial.

There's not consensus on this, but Brazil would like to propose a language regarding, because I think it's probably the last opportunity the GAC will have to discuss this topic before the board decides on that recommendation. And recommendation 30.4 is the one that changes the language about generic TLDs that are just geographic. And nowadays the applicant guidebook has the wording that will create, that this consensus advice will create a strong presumption for the ICANN board that the application should not be approved. And I think

that's probably the only case in track five about geographic names where there's a decision to change the applicant guidebook. And it seems to Brazil a bit contradictory.

I think that should be reconsidered and like to propose a language for this. We understand the reason. I know there's not the moment to discuss and not the moment to bring this language, but as this topic will be, we bring to the attention of the board. I just wanted to mention that we think that this issue is an issue that should be discussed. And I know the board may have strong views on this. So I want just to bring it to our consideration. Thank you.

NICOLÁS CABALLERO: Thank you, Brazil. Any other comment? Any other question? Gulten?

GULTEN TEPE: We have Iran in the queue.

NICOLÁS CABALLERO: Iran, please go ahead.

KAVOUSS ARASTEH: Thank you, Chair. I put my comment in the chat.

NICOLÁS CABALLERO: And I'll read the chat room. And it says, maybe make the introductory language stronger, saying the GAC reiterates its concern that the board not to -- Iran, could you please explain?

KAVOUSS ARASTEH: The introductory part is that reiterates its concerns or previous concerns, requesting the board not to and continue the same sentence as we have. Just the very first part, instead of for consideration of advice, we are a little bit more than consideration. Thank you.

NICOLÁS CABALLERO: Thank you, Iran. Well noted.

GULTEN TEPE: We have Jorge Cancio from Service Delegation.

NICOLÁS CABALLERO: Switzerland, go ahead, please.

JORGE CANCIO: Yes. Thank you so much, Nico, Jorge Cancio for the record. Just to clarify that this for consideration refers for consideration of the GAC, because we haven't discussed it yet. It's not for consideration of the board. So there's a difference. Just to clarify that. And to go really to the details of the wording, we have to look at the communiqué language. You can check in the link that Fabien sent some hours ago. But here in this summary, when we are saying proposed GAC advice for

consideration means for consideration of our committee, just to clarify that. Thank you.

NICOLÁS CABALLERO:

A very good point. Thank you very much, Switzerland. Well noted as well. And we have one more slide. Gulten, please. And Gulten, please remember I'm nearsighted. So please try to make it bigger. Otherwise I won't be able to read. Thank you, Gulten. Thank you so much. So finally, and this is the last slide, as far as I understand. So this is regarding the topic number two, privacy proxy services, accreditation, implementation. The background is that GAC members also have questions about the implementation of privacy proxy services accreditation, particularly following the board's 15 May 2023 acceptance of the Cancun communiqué advice on this matter. The GAC is awaiting an update on the prioritization of the review of this matter and any recent relevant developments.

And there are some GAC questions. The first one being, has the prioritization of the review changed? Second question, can the board provide an update on the status of this policy implementation which has been suspended since 2018? And the third question reads, following discussion in the GAC board, ICANN76, clarification call, is there any additional work that has been started or considered that can be shared? And again, the floor is open for questions, comments, edits. Do we have anything in the chat room, Gulten? No? Any question, any comment from the floor? If that is not the case, then back to you, Rob.

JORGE CANCIO: We have UK in the queue.

NICOLÁS CABALLERO: I'm sorry.

JORGE CANCIO: And followed by Iran delegation.

NICOLÁS CABALLERO: United Kingdom. Nigel, please go ahead.

NIGEL HICKSON: Yes, very sorry, Mr. Chair. I was just going to ask, not in relation to this slide, but just before we finish, whether we know whether the board want to ask us any questions. I apologize if I missed that correspondence.

ROBERT HOGGARTH: Thank you, Nigel. No, this time the board did not ask any questions on its own, nor has there been any official response back to sharing the preliminary information that you all just discussed. What will happen now is I'll put together the slides that reflect this input that Nico will share with the board when they come here to see you all on Wednesday. Should there be any additional questions or reactions from board members prior to that, I'll certainly communicate that to the chair and vice chairs for sharing with you as a full committee. Thank you.

NICOLÁS CABALLERO: So I don't see any other requests for the floor. I'm sorry, we have Iran. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you very much. I think the third question, if I'm not mistaken, is a following discussions in the GAC board ICANN, this is clarification, are we referring to the GAC board interactive group discussions or another? Which discussion we say? Because from that GAC board, it's only two weeks, two and a half weeks. So nothing happened during the two and a half weeks. So do we still believe that we need to retain question three? Thank you.

ROBERT HOGGARTH: Thank you. Staff did not draft the question, so I can't answer it completely. But my understanding is that this did reflect a conversation that took place a couple of months ago for the clarification call, and it was not the BGIG call. Thank you.

NICOLÁS CABALLERO: And again, as I said before we're in your hands. if you want to raise two questions or the three of them, we can do it. And we're at the top of the hour, actually 15 minutes running a little bit late. So we need to wrap up the session unless anybody has any other comment or question. We're good to go to the opening reception. Any final comment or request for the floor? If not, please, Rob, the floor is yours.

ROBERT HOGGARTH: Thank you. Just a quick observation, and this is the action of you as the chair. The chair was very gracious recognizing that this was the largest room in the venue, that we got some extra time this evening because you all graciously allowed the community to use this room tomorrow for the CEO search session. So no worries about overtime because this was actually your legitimate time. So thank you very much for that. And thank you for your generosity, Mr. Chair.

NICOLÁS CABALLERO: So once again, I'm in your hands.

GULTEN TEPE: This is Gulden speaking. I'm sorry to interrupt. Before we wrap up the session, I see Kavouss Arasteh from Iran delegation would like to take the floor. Thank you.

NICOLÁS CABALLERO: Please go ahead, Iran.

KAVOUSS ARASTEH: Thank you very much, sir. And I wish you a good cocktail and so on and so forth. But dear Rob, I don't believe that we need question three. Not putting too much pressure. Thank you. We don't need that.

NICOLÁS CABALLERO: UK, Chris, please go ahead.

CHRIS LEWIS-EVANS: Thank you, Nico. Chris Lewis-Evans for the record. Kavouss, the question number three there is in response to an item that was shared with us verbally during the GAC board clarification call where I think it was Becky Burr stated that they had considered putting privacy proxy into RDRS. So if they've talked about that, it would be good to hear if they've had any further considerations. So that question is trying to tease out. Thank you.

NICOLÁS CABALLERO: Thank you, Chris. Questions, comments? Seeing none, let's wrap up. So we have the opening reception at 5:30 and we're 10 minutes away. We'll reconvene tomorrow morning at 9 o'clock for the GAC meeting with the GNSO. Thank you very much. Enjoy the evening. The meeting is adjourned.

[END OF TRANSCRIPTION]