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ICANN78 | AGM – Joint Session: ICANN Board and GAC  
Tuesday, October 24, 2023 – 1:30 to 2:30 HAM

GULTEN TEPE:

Recording in progress. Hello and welcome to the ICANN 78 GAC meeting with the ICANN board session being held on Tuesday, 24th of October at 11:30 UTC. My name is Gulden Tepe Oksuzoglu and I'm the remote participation manager for this session. 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 only be read aloud if put in the proper form. Interpretation for this session will include six UN languages and Portuguese. Please click on the interpretation icon in Zoom and select the language you will listen to during this session. If you wish to speak, please raise your hand in the Zoom room, and once the session facilitator calls upon your name, kindly unmute your microphone and take the floor. Before speaking, ensure you have selected the language you will speak from the interpretation menu. Please state your name for the record and the language you will speak if speaking a language other than English. When speaking, be sure to mute all other devices and notifications. Please speak clearly and at a reasonable pace to allow for accurate interpretation. To view the real-time transcription, click on the close caption button in the Zoom toolbar. To ensure transparency of participation in ICANN's multi-stakeholder model, we ask that you sign into Zoom sessions using your full name. With that, I will hand the floor over to GAC chair, Nicolas Caballero.

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NICOLAS CABALLERO: Thank you very much, Gulten. Welcome, everyone, to the GAC joint meeting with the ICANN board. I have the great pleasure of introducing my board colleagues, Danko Jevtovic, Jim Galvin, Becky Burr, Tripti Sinha, Sally, and my vice chairs, Nigel from the UK, Zeina Bou Harb from Lebanon, and Wang Lang from China. Welcome, everyone. Let me just go over the agenda topics very quickly.

First, we'll review the GAC topic questions and questions that were shared in advance of the meeting with the board. Then we'll discuss the GAC answers to the selected board questions, and then we'll have a hopefully interesting AOB session and then some closing remarks. The three topics that we agreed are the new GTLD program next rounds, DNS abuse, and registration data policy. This session will run from 1:30 to 2:30 PM, roughly speaking, 60 minutes, if everything goes well with the time management, I mean. So without further ado, let me welcome you again. Tripti, any opening remarks?

TRIPTI SINHA: Thank you, Nico. And thank you, GAC members. We're delighted to be here today. This is one of our meetings that we look forward to having an honest, constructive dialogue with members of the GAC so that we can consider your opinions and weigh it into our policymaking. So we look forward to a good discussion. Thank you, Nico.

NICOLAS CABALLERO: Thank you very much. Tripti, Sally, any opening remarks?

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**SALLY COSTERTON:** Thank you, Nico. I'm looking forward to a good discussion, and I'm here with two hats on. I'm obviously on the board, but I'm also the interim president and CFO of ICANN. So as we go through the discussion, if we get to operational topics that relate to and how is the organization going to do this or this, then I'm at your disposal, either yours, Nico, or anybody else. Thank you.

**NICOLAS CABALLERO:** Thank you very much, Sally. So without further ado, let me go directly to the questions. So question number one, this is regarding, obviously, the new GTLD program next rounds. The GAC questions are as follows. Number one, the GAC welcomes an update from the board on its understanding of the status of closed generic GTLDs following the GAC GNSO ALAC chair's decision to halt the facilitated dialogue on closed generics as outlined in the letter to the facilitated dialogue group on 7 August 2023 and subsequent correspondence. Tripti?

**TRIPTI SINHA:** Thank you for the question. Becky Burr will take that one for us.

**BECKY BURR:** Thanks, and greetings, everyone. This is Becky Burr. On the closed generics, we understand that the GAC and the ALAC representatives to the community discussions have agreed that-- and actually, the GNSO has also agreed that there's no consensus at this point, and that the GAC and ALAC have said they're comfortable proceeding without any changes and leaving closed generics off the table for the time being. We've received or are receiving correspondence from the GNSO council

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that agrees that there's no consensus that can be reached. The GNSO council does not take a position on what should happen next and what the position going forward, and that's based on a procedural view about what the GNSO council is authorized to do. So at this point, the board has to take that information back and make a determination about which way to proceed. We haven't done that yet, but we do have the input from the GAC and ALAC and the GNSO on that point.

NICOLAS CABALLERO: Thank you very much, Becky. My apologies to the rest of my distinguished board colleagues-- Catherine, Matthew, Edmon, Harald, Avri, Sarah, Chris, Sajid, Katrina, and Patricio. My apologies. So with that, any comments? Any further question? I mean, regarding topic number one, I mean, regarding the first question. Are we OK to move on? I have Switzerland. Go ahead, please.

JORGE CANCIO: Thank you, Nico, Jorge Cancio, Switzerland, for the record. Speaking here also in my capacity as a participant in the facilitated dialogue, so I just wanted to go into the record that although we didn't achieve a common solution, the experience was really very positive. And we had very good constructive dialogue within the facilitated group. So I just wanted to acknowledge that and thank the board for the initiative of triggering that facilitated dialogue. Thank also, of course, the facilitator, Melissa, all the other staff involved. And although this time and because there are other priorities, we didn't achieve this agreed framework, it is, I think, a positive precedent of multistakeholder cooperation. And I just wanted to note that. Thank you.

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

KAVOUSS ARASTEH: Yes, thank you. Thank you very much. I echo what Jorge mentioned. My question to the distinguished board member and the chairman of the board that what text will appear in the new applicant guidebook, the text of the 2012 or any other text taking into account that there is no consensus? And I believe that there would not be any consensus even in the future. Thank you.

NICOLAS CABALLERO: Thank you, Iran. Tripti, would you-- Becky, Becky, go ahead, please.

BECKY BURR: Thank you. And greetings, Kavouss. We don't know at this point. The board has received the input from the facilitated dialogue, and we will be considering that. I don't know what the answer is, and I won't know what the answer is until the board has a discussion about it. But we will, of course, take into consideration all of the input that we've received. And we are very grateful that the community was willing to come together in this facilitated dialogue and very happy to hear that it was a successful effort.

KAVOUSS ARASTEH: Distinguished chair, would you allow a small follow-up question?

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NICOLAS CABALLERO: Go ahead, please.

KAVOUSS ARASTEH: Yeah. I hope that the board would kindly share whatever they would wish to decide with GAC in one of our board GAC meetings before being formally published. Is that correct, or is that valid, or is that taken into account?

BECKY BURR: I'm not sure how we will do this. We will make our decision public as we always do. And I'm not sure what the timing is, but there won't be any secrets. And we will give you as much heads up as we possibly can.

NICOLAS CABALLERO: Thank you, Iran. Thank you, Becky. Any further questions, comments in the room or online? I don't see any hands. So let me read the second question. The GAC takes note of the board's decision as outlined in the September 2023 scorecard, Subsequent Procedures PDP, 10 September 2023, pertaining to topic 30 and quote, that the board review the concerns voiced by GAC members in the ICANN 77 GAC communique. On recommendation 30.4, the board notes that the ICANN bylaws section 12.2(a) details all relevant procedures concerning GAC consensus advice and that this section of the ICANN bylaws determines how the board engages with GAC consensus advice, not language included in a future applicant guidebook. Accordingly, the board moves to adopt this recommendation, noting that it doesn't in any way prejudice or impact the processes regarding board consideration of GAC consensus advice, detailed in bylaws section

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12.2(a) end quote, and reaffirms the GAC's concerns with the suppression of the language in recommendation 30.4. Tripti? Becky, go ahead, please.

BECKY BURR:

Thank you. First, let me say that the board is well aware that this is a very sensitive topic with the GAC. And the decision that we took to accept the recommendation of the GNSO council on this was not made in contradiction to that sensitivity, but actually to reflect that sensitivity. And I'll try to explain that. The bylaws establish the way in which the board is obligated to consider GAC advice. And those bylaws provisions do put GAC advice in a very special place, which is to say, we have to accept GAC advice unless there's a supermajority on the board. If we determine to reject GAC advice, we have to first enter into a dialogue with the GAC with the goal of finding an mutually acceptable solution. So the bylaws do contain a degree of deference to the GAC that's special and is not granted to any other advisory committees. There were binding decisions by the independent review panel in the last round of gTLDs that held that the board could not simply defer to GAC advice without actually looking at that advice carefully and determining that it was supported by a sound public policy basis. We understand that the GAC is happy to provide detailed explanations for its advice and early warnings. And we actually have had some very good experiences with that on one recent IRP. We came back to the GAC and asked for an explanation, which the GAC provided. And we were able to move forward on that basis. Our concern with putting the additional language that the GAC had asked for, or that some members of the GAC had asked for, into the applicant guidebook was that it actually raised

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an opportunity for somebody who was unhappy to raise an objection that the board had violated its bylaws by providing some kind of deference that was not provided for in the bylaws, and that the board was not fulfilling its obligation to consider and determine that there was a sound public policy basis for its decision. So we actually think that including that language would have been detrimental to the GAC's position, and it would have increased the opportunity for disputes. So although I do understand, we all understand the sensitivity about it, we really believe that the way we are proceeding is the best way to proceed consistent with the bylaws and consistent with the special provisions related to GAC advice in the bylaws.

NICOLAS CABALLERO: Thank you very much, Becky. Before I give the floor to Iran and Brazil, let me also welcome my distinguished board colleagues, Maarten Botterman and Leon Sanchez. Iran, the floor is yours, and then I have Brazil.

KAVOUSS ARASTEH: Yeah, thank you very much, Becky. I think the bylaw text that you referred to existed before, and the text in the applicant guidebook also existed, and there has been no difficulty at all. Should we do not have any new GTLD, these two texts, they were living with each other with a good cohabitation. So I have difficulty to agree with the logic that you mentioned. I'm sorry. Please accept my apology that I have the right to give my comment. However, in one of the GAC board meeting, I suggested that we could soften the language in the applicant guidebook, and just two hours before this meeting, I have read that text



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for the GAC members, and I read it again. The GAC early warning consensus advice, now the changes is, could trigger the presumption for the ICANN board that the application may not be approved by the board, provided that a valid and justifiable rationale is submitted with such early advice. So soften the language. Still, we are within the bylaw. We say that could trigger, but not saying it a strong presumption. I say that may not be approved. So I think they are consistent with the bylaw. I am a lawyer, and I know what I'm talking about, and I think it is not inconsistent. So I think for at least for us, I'm not talking on behalf of the entire GAC, it's very important to maintain some sort of this softened language in the applicant guidebook. Thank you. And I maintain the position of Iran. Thank you.

NICOLAS CABALLERO: Thank you, Iran. Becky Tripti, would you like to-- before I give the floor to Brazil, would you like to answer?

TRIPTI SINHA: Let me just say, Kavouss, that I very much respect your right to maintain that position. And I think it just comes down to the fact that if somebody has the ability to claim that there was deference beyond that which is provided in the bylaws, we would have a dispute in our ways. And we actually have had disputes with respect to that in two or three IRP cases.

NICOLAS CABALLERO: Thank you, Becky. Thank you, Iran. Brazil, go ahead, please.

LUCIANO MAZZA DE ANDRADE: Thank you, Luciano from Brazil, for the record. Now, thank you very much for engaging on this topic. And we read very carefully the arguments that were put forward regarding this decision. I think we were just a bit surprised by how quickly this decision was taken. I know this issue may be around for some time, but we had that indication of being a matter of concern, of interest to GAC only during the last meeting. And very quickly now, between two meetings, between GAC and the board, this decision was taken. And I think Brazil was a bit surprised that it was seen as a need to have this done so quickly. I fully understand the legal arguments that have been presented. I think they are sound. They make sense. And I don't question the advice that the board receives from your legal team. But I think there are arguments that could be made. I won't go into-- as Iran mentioned, I think a presumption is rebuttable. It's not a presumption that is absolute. So I think there might be ways to reconcile those positions. I think there's a point where the board mentions that, well, the bylaws already determine what are the set of competencies and how the institutions relate to each other. And that applies to everything. I think for several reasons, the GTLD program is an area of particular concern for many members. I don't think it's unreasonable to have specific rules for specific issues if they can be reconciled, the general rules that preside over the competencies of every institution within the ICANN system. So I think from a legal perspective, there are ways to address this. I think the board was, perhaps, from our percept, a bit too quick in finding a way to get rid of this topic. Perhaps we might find ways to have some sort of language. But perhaps it's still possible to find some sort of

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language in the guidebook referring to this issue. But I believe also there's a broader political element here as well. And I think we refer to determinations that the review panel has made over time about what a consensus advice should have or should not have. If you take this into consideration, and also now this decision to remove this text from the applicant guidebook, the concern we have is that if this cannot be read and perceived as abandoning somehow the institutional balance of competencies between the institutions within the ICANN system. And I think, as I mentioned to colleagues before, one might have the feeling that the GAC is worse off now in the next round than it were institutionally in 2012. Even if it's only a political perception, I think that it might be interesting to address this issue politically as well, even in terms of political messaging in that regard. So that would be my comments. Thank you.

NICOLAS CABALLERO: Thank you for the comments. Brazil, you have any specific question?

LUCIANO MAZZA DE ANDRADE: I think it's essentially a comment. I'd like to have a reaction to that comment. Yes. My question is why it was so important to have the decision taken so quickly.

NICOLAS CABALLERO: Thank you. Becky, would you like to go ahead?

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BECKY BURR:

Yes, and thank you very much for your input. Let me just reiterate. The board felt that this was the best way. And this is based on advice. The board felt that this was the best way to preserve the GAC's role and the deference that the GAC is due under the bylaws. So we proceeded on that basis. We had to make a judgment call. We did have some discussions with the GAC, both in a call with the board GAC interaction group and then in the post-ICANN 77 call. And we are moving deliberately with respect to the new GTLD recommendations. And when we reached the point that we felt this was the best way forward, respecting the GAC's authority, we proceeded to move. I do take your point about the political issues. And as I said, we are very conscious that this is a sensitive issue for some members of the GAC.

NICOLAS CABALLERO:

Thank you for that, Becky. Just in case, Brazil, I didn't mean to judge your comment. For your benefit, just wanted to make sure that you didn't have any specific question.

LUCIANO MAZZA DE ANDRADE: No, it's clear. Thanks so much for clarifying.

NICOLAS CABALLERO:

So do we have any other comment or question in the room? Or I see none online. So that would take us to the next topic, unless you tell me otherwise. I don't see any hands. So the second topic is DNS abuse. And the GAC question is, will the board consider organizing a listening session on the desirable scope of policy development to further inform

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the updated registry agreement and registrar accreditation agreement?  
Tripti?

TRIPTI SINHA:

Thank you, Nico. The board takes the DNS abuse very seriously. We've got a group that looks at this topic. And I'm going to turn it over to Jim, who will first start the discussion.

JIM GALVIN:

Thank you, Tripti. James Galvin, for the record. And yes, continuing on with what Becky just said, it's important to say up front that the board is very much aligned with the GAC's concern about advancing attention and mitigation for DNS abuse. It certainly is a high priority topic. And with that in mind, we're very appreciative of the advancement that registries and registrars have moved along in creating the amendments that have been produced. In record time. We often speak to ourselves about things being slow in ICANN. But the pace of five months, and ICANN Org and contracted parties negotiated a set of amendments. And those are out for vote right now. The board does believe, along with many in the community, that those are very beneficial. And they will set an important baseline for all of us as we move forward. We should not overlook the fact, though, that the voting is a pretty important step in this process. And there's quite a threshold that has to be achieved. So we do want to encourage folks, especially registrars and registries, to vote. And any influence that you have in those in your communities, and encouraging them to vote would be a good help. It's important to do that so we can move this along.

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With regard to your specific question, thank you very much for following up on your excellent suggestion to propose how to move forward with policy development processes and a listening session. I think it's important to also remind ourselves that the council, although they did not assume that policy development would take place, there is a commitment to move forward with examining the topic carefully. And that is something that was stated by the council and the small team. And we look forward to those efforts. And we look forward to that particular step progressing after the amendment process has closed and we have a starting point. And that would be an appropriate time to examine the question of a listening session as a way to influence and otherwise discuss with the council how to move forward on policy development. That's it. Thank you.

NICOLAS CABALLERO: Thank you, Jim. Any comment? Any question? In the room, online, in this regard? UK. Nigel, go ahead, please.

NIGEL HICKSON: Yes, thank you very much, Mr. Chair. Nigel Hickson, UK GAC. Just to thank the board for that response. I think I can speak for all members of the GAC that we're following the contract amendment process very carefully. I mean, it is something that, as you know from our previous discussion on this issue, that we're very keen to see implemented. But as we commented in relation to the contract amendments, we do see this as a first but very important step that the contract amendments are adopted. And thereafter, we would indeed like to see a fairly sort of efficient process whereby there were targeted and small and beautiful,

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I think someone said once, policy process deliberations on specific issues concerning DNS abuse such as botnets and whatever. So it's really welcoming that the board would be willing to take place in such a dialogue. Thank you.

NICOLAS CABALLERO: Thank you, UK. Thoughts, questions, any other comment? And I see none. So let's move on to the next topic, which is registration data policy. And the GAC question is, what are the ICANN board's current plans regarding the timeline issue of responding to urgent requests and the future publication of the registration data consensus policy? Tripti?

TRIPTI SINHA: Thank you, Nico. The board has had some very in-depth conversations on this topic. And I'm going to turn it over to Becky. But rest assured, we've had some serious discussions regarding urgent requests.

BECKY BURR: Yes. In fact, just by way of background and to get to the question that the GAC also had with respect to the integrity of the comment process, initially, the recommendation was that registrars would have X business days to respond to requests for information in response to situations posing an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation. In the comment period, the GAC made clear its views that business days was not an appropriate length of time. There has been back and forth. And the coming out of the IRT was a proposal that we move this to generally 24 hours, but in no case longer than two business days plus a possibility of one. And I

understand that there was some confusion in the IRT about what had been agreed to. So when we received the GAC's input in August, we basically said, 24 hours plus two days plus one day is not fit for purpose. The board took a look at this. And in fact, we agree that when you are facing a situation where there's an imminent threat of life, serious bodily harm, infrastructure, or child exploitation, we really need to think about how those requests get dealt with. And of course, in the normal course within a jurisdiction, law enforcement will have relationships with registrars that are doing business, established to do business, and doing significant business in the jurisdiction. And there is direct communication channels. But of course, there are not direct communication channels in all places. And we understood this urgent request system to really be intended to address that. As we started looking at this, it also occurred to us that in the context where those direct communications relations are not in place, there is going to be a need in the local jurisdiction to authenticate and validate the request as it comes from law enforcement. If you don't have that relationship with law enforcement and your registrar, you're going to have to go determine that you're getting a request from a real bona fide law enforcement agency in a different jurisdiction. And that could take some time. So the bottom line was when this all came to the board, when your letter came asking that we move forward with issuing the registration data consensus policy without section 10.6, our inclination is to agree with that. We would like to move the registration data policy forward, the discussion forward on that. But we do think it is appropriate to have further discussions on that particular piece. We need to reach out to the GNSO council and figure out how to do this. We are in a somewhat awkward-- well, a unique or novel situation where



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the board has accepted a policy recommendation and is now saying, we're not certain that we are comfortable with this. So the next steps will be interacting with the GNSO council. But I can tell you that the board had a long discussion about this the other day and agreed that the appropriate way to move forward was to publish the policy absent without the 10.6 section on responding to urgent requests timeline.

NICOLAS CABALLERO: Thank you very much, Becky. I have Iran. Go ahead, please.

KAVOUSS ARASTEH: Thank you very much, Becky, for explanation. You mentioned that the deadline is 24 hours to 48 hours. In fact, 48 hours is two working days. Do you have any example that any action or reaction has been taken within that deadline? Any example up to now? Or it is just a simple theory?

BECKY BARR: Well, I was talking about the proposed deadline and what was agreed on, at least. And I'm trying to be careful about this because I understand that there was some confusion and maybe some miscommunication about what people were agreeing to. But the compromise position was that the timeline should be generally 24 hours. But in appropriate circumstances, there could be an extension of up to two business days and then the possibility of a third business day is what was disputed and what brought this to the board's immediate attention. This policy isn't in place. It doesn't exist now. It is a policy recommendation in the EPDP phase one policy. So no, I do not have any concrete examples because

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it is a policy that's not in place. And what we were talking about was implementation of a policy.

NICOLAS CABALLERO: Thank you very much, Becky. Thank you, Iran. I have the USA. Susan, go ahead, please.

SUSAN CHALMERS: Thank you, Chair. We appreciate that this was a case of first impression, if you will, procedurally speaking. And I just wanted to note our thanks and that we welcome the board's decision to separate the urgent request issue from the rest of the consensus policy. We look forward to engaging in next steps. Thank you.

NICOLAS CABALLERO: Thank you, USA. Any other question or comment on this topic before we move on? And I don't see anything online either. So let's move on to the next topic, which is basically board questions. Let me turn this over to you,

TRIPTI SINHA: Tripti. Thank you, Nico. So the board, as you know, is embarking on the early stages of writing our next strategic plan. And this strategic plan will run from FY '26 to '30. So the question is, what are key strategic issues in the ICANN ecosystem that we should be addressing in this next plan from the perspective of the GAC, and of course, why?

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NICOLAS CABALLERO: Any GAC member would like to take the floor at this point? Or should I just read the answer that is right in front of everyone? I mean, I'm OK to do that, but unless anybody would like to take the floor. So I'll go ahead. GAC members would welcome a dialogue with board members where ICANN also indicates which priorities they will have, especially regarding internet governance development during 2024, 2025. In particular, GAC members are interested in ICANN plans, positions, and intentions with respect to the Global Digital Compact and the WSIS+20 review process. Any further comment? Anything else you would like to add? And I don't see anything online. Any other comment in the room? And I have Portugal. Please go ahead.

ANANEVES: Thank you very much. I just would like to mention that in discussing the GDC and mostly the GDC, the technical community is not mentioned so many times. So I would like to know what the thinking is for the time being from the board members bearing this in mind. So normally in the remit of the GDC, we're talking about the private sector, public sector, and civil society. And Portugal, for instance, is mentioning all the time that we have to involve technical community, academia, and civil society, bearing in mind that civil society is a different thing under the Tunis agenda and that the multistakeholder approach is very mature for the time nowadays. So we think that maybe it's a step back on what we achieved so far. So I think that we could have this kind of discussion here and not to be-- I don't know if shy is the right word. But I think it's the moment to talk in a very open way on what is going on. Thank you.

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NICOLAS CABALLERO: Thank you. Portugal, Tripti, would you like to?

TRIPTI SINHA: So yes, with regard to the Global Digital Compact, we are indeed concerned that the technical community is not included in that. And from the perspective of the WSIS, when the Tunis agenda was confirmed and then reconfirmed in 2015 and now up for review in 2025, it clearly spelled out that the multistakeholder community included the technical community, governments, businesses, academia, civil society. So that is a concern for us. And we're hoping that that will evolve and modify to be more inclusive because it is a highly select group of individuals, of constituencies that would be under this particular umbrella. So it is indeed concerning. But we're hoping that the WSIS+20 will reconfirm the Tunis agenda. And we will continue to sharpen the multistakeholder model as defined and be more than just - with more outcomes, if you will.

NICOLAS CABALLERO: Thank you very much, Tripti, for that. I have the UK. Nigel?

NIGEL HICKSON: Yes, thank you very much, Nico. Just to say a couple of things. One, to note the excellent geopolitical session that ICANN hosted at this forum yesterday and the commitment shown by ICANN during that session to engage in these processes as part of the technical community and also the call in that session yesterday by a number of participants that it will be so useful for the technical community to come together and do something like they did before with the Montevideo statement some

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years ago in committing themselves to these processes at the UN. We think the ICANN has an important role to play, both in the forthcoming dialogue on the Global Digital Compact, which will lead up to the Summit of the Future in September next year, but also in particular on the WSIS process, which will be discussed both at the UN Commission on Science and Technology for Development, which our distinguished colleague from Portugal chairs—And ICANN will be able to take part in discussions on that next year—but also at the WSIS forum as well that the ITU and other UN agencies host, where there will be a high-level ministerial discussion on the WSIS+20 process. Thank you.

NICOLAS CABALLERO: Thank you very much, UK. I have Switzerland.

JORGE CANCIO: Thank you, Nico, Jorge Cancio, Swiss government, for the record. I just wanted to briefly comment that it is very important that you continue engaging in these global conversations. So we are happy that you were very active in Kyoto, in the IGF, and that you are engaging, as Veni Markovski explained to us and his team. So that's a good point. I think it's also important for all of us, I guess, that we develop a positive narrative, a positive explanation of all what the multistakeholder approach in different flavors, in different fashions, is really offering the world, in this case with ICANN, making sure that the DNS operates well during the pandemic, during so many challenges. So just to say that sometimes we tend to-- or some colleagues tend to have a defensive approach. And we have so much more to offer, a positive view of how the multistakeholder process works. And as we are speaking here, we

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are having negotiations back in New York on, amongst other things, the ICT4D resolution of the UN General Assembly. So it's really something also for all colleagues here in the room from the GAC to be aware, to connect very well with all the different ministries and departments, because sometimes it's not the same people who are here and those who are leading discussions in New York, but which have an effect on what we do here. So just to make that point. Thank you.

NICOLAS CABALLERO: Thank you. Before I give the floor to Tripti, I have Iran. Then I have a board member, Edmon Chung. And then I have the Netherlands. Tripti?

TRIPTI SINHA: Thank you. Thank you. In response to what you just said, I would like to share with you that-- first, thank you for your comment about our participation in Kyoto. Yes, we had a very large delegation there. This topic has been elevated inside of ICANN, both at the board level as well as inside the organization. The board is making this an extremely high priority. We are deeply engaged in this. And this is also now a priority on the interim CEO's goals for FY24. And Veni, as you know, is the interim head of global government engagement. And he, as you know, we couldn't have a better person in that role. And he is deeply involved in this. And we're taking this very seriously. And I don't believe we need to necessarily defend the model. The model speaks for itself and has served us well. And it can certainly do better. And I believe, in my personal opinion, multilateralism also has a role to play. When you look at the United Nations SDG goals, many of them are better fulfilled via multilateralism versus multistakeholderism. But when it comes to

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governing the internet, at least the layer that we operate in, which is the technical infrastructure, and in particular, if you were to scope it down to what ICANN is involved in, which is the unique identifier systems, this is indeed the best model that works best for it. But we are truly fully engaged. And thank you for your comments.

NICOLAS CABALLERO: Thank you, Tripti. I have Iran. And then I have board member Edmon Chung. And then I have the Netherlands. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you very much. I think I fully agree with the chairman of the board that we do not defend multistakeholder. Multilateral is another approach. And multistakeholder, even if not formally agreed by some people, they have agreed on the fact that it does not need any defend and so on. So let us not divert the discussion on that one. And with respect to the position and intentions, I understand from these two words means contribution of ICANN. Like many other stakeholders, we don't want to have a particular position or giving a particular point to the ICANN. They are accepted in 2010 by ITU to contribute on a mutual basis. And they can contribute without any particular distinction. I hesitate to say that multistakeholder is the best model. It is a model. It is a model ICANN model. I don't want to associate any adjective to that, worse or best or so on and so forth. That is a model for the time being. It is continued. And let us not discuss these things, WSIS and so on and so forth. There are many stakeholders. And ICANN is one of them. Thank you.

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NICOLAS CABALLERO: Thank you, Iran. Edmon, please go ahead.

EDMON CHUNG: Edmon here. So building on what Tripti and Jorge was saying, I think it's actually quite consistent with some of the conversations that the board had with other community groups earlier today, is to present a positive approach. And I think that's a very important aspect. So looking at the response from GAC, I think at least especially the first sentence, I believe the board members would be happy to engage in that kind of dialogue. And we should probably think about what the next steps is. So kind of get together in team ICANN to approach the GDC and the WSIS+20.

NICOLAS CABALLERO: Thank you very much, Edmon. Well noted. I have the Netherlands.

ALISA HEAVER: Yes, thank you. Yeah, the CEO ICANN goal on creating communications and engagement strategy, as we mentioned a few times, do we have a timeline on when this strategy should be finalized? We can't take as much time as we take often for a PDP or an EPDP because then we're already past 2025. Thanks.

NICOLAS CABALLERO: Sally, would you like to take that one?



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SALLY COSTERTON: Thank you. Excellent. Excellent question. We do. And I haven't got the CEO document at my fingertips in this meeting, which is I'm just kicking myself, because we've spelled out the deliverables as a series of milestones under the goal itself. So I will make sure that that is brought to the GAC's visibility through the list. Thank you.

NICOLAS CABALLERO: Thank you, Sally. Thank you, Netherlands. Any other comment? Any other question online or in the room? And I have Hungary. Please go ahead.

PETER MAJOR: Thank you, Nico. First of all, I would like to thank Tripti for her remarks concerning WSIS+20. And I'm happy to tell you that Sally is going to participate, unfortunately, remotely only of the inter-sessional meeting. She will be on the panel of the WSIS+20 discussion. So I'm really happy, the engagement from the ICANN. And I hope it's going to be continued. Thank you.

NICOLAS CABALLERO: Thank you very much, Hungary. Sally, anything to add to that?

SALLY COSTERTON: I'm delighted we can participate. And I'm looking forward to it. And thank you very much for the invitation. I think it's a great opportunity.

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NICOLAS CABALLERO: Thoughts, comments, any other question? Seeing none, I'm very happy, extremely happy to tell you that we'll have 10 full minutes for AOB. I can't believe this. But yeah, finally, we have enough time to talk about any other business. If I recall correctly, Switzerland, you wanted to mention something that I don't remember right now. But you can go ahead. I remember you asked me. So please go ahead.

JORGE CANCIO: Thank you, Nico. Thank you for putting me on the spot. Basically, I think something that perhaps some other colleague would like to raise as well to your attention is that we have been discussing internally, but also with the GNSO in our bilateral, the question of the SOIs, the statements of interest. Because apparently, the GNSO is working on recommendations on the matter. And there is still an open question whether the transparency of the interests represented by people engaging in GNSO PDPs is really a given. And so we are really concerned. We already included some language in our ICANN 76 communique. And probably we will again include some language here. And as this is really a fundamental issue for the credibility and the legitimacy of the PDPs, which are a basis of our multistakeholder model here in ICANN, we wanted to raise this to your attention. Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. Tripti?

TRIPTI SINHA: Thank you very much for the question. Yes, we're fully aware of this discussion that's occurring. And as you know, one of the fundamental

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principles that we uphold happens to be transparency, especially when it comes to ratifying policy that's developed by the community and comes up to the board. We want to ensure that there's full transparency in who participated and that they are devoid of any kinds of conflicts or self-interest. So we are following the discussion very closely. We would welcome such a policy. And we're also engaging-- ICANN org, general counsel's office will also be looking to see how we can facilitate the discussion and contribute towards that particular topic. But we are following it closely.

NICOLAS CABALLERO: Thank you, Switzerland. Thank you, Tripti. Any other question, comment, any thoughts? We still have a full seven minutes for any other business. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you very much, chair of the board. I think, as you have observed in many, many policy development, the government, GAC, has always been in the minority. That is the difficulty that we face. In spite of all efforts, we made the minority. And what we were forced to express minority statement. I know that the board has taken it to account to the extent possible. But we would like to request, if not recommend, the board to take full account of this minority statement from GAC or ALAC and any others that are in minority. And unfortunately, the structure of the situation does not allow us to have sufficient support and so on and so forth. Because for various reasons, either we don't participate or less participate with less number of the people, or we are overridden by the others. So please can we fully address the minority statement, in

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particular, the sensitive cases. You have done that. But we encourage you, request you, invite you to do further enforcement of the take into account the minority statement in many cases. Thank you.

NICOLAS CABALLERO: Thank you, Iran.

TRIPTI SINHA: Thank you very much for sharing your opinion. We will certainly take it into consideration.

NICOLAS CABALLERO: Thank you. Thank you, Iran. Thank you, Tripti. I have Switzerland. I have the UK. And then the UK again. So Switzerland, go ahead.

JORGE CANCIO: OK, thank you, Nico. Jorge Gancio, Switzerland again. And very sorry to take the floor so many times. But there is another issue that has arisen in the last conversations within the GAC and also with ALAC. And it is about the status of the advice we delivered to you in Washington on SubPro regarding the auctions. You remember we made an advice regarding auctions as a contention set resolution mechanism that we advised against using them in contention sets between commercial and non-commercial applications. That was one piece. And the other piece was about desensitizing or banning so-called private auctions. And as in the scorecard of September, if I remember correctly, you said that you were deferring that because it was still under discussion. I just

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wanted to go back to this and see whether that status has changed and see what is the way forward. Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. Becky?

BECKY BURR: So ICANN is going to or has engaged experts on this to look at the auction. I think the board is sympathetic to concerns about private auctions. And we do have some difficulty with, is there a clear distinction between for-profit and not-for-profit applications in terms of the global public interest? I think that's a little complicated. But the bottom line here is we want expert advice on contention sets. And we will wait until we get that to act on that.

TRIPTI SINHA: Thank you very much, Becky. I have Nigel from the UK. Then I have Ros from the UK. And then I will have to close the queue because we're basically running out of time. Nigel, go ahead, please.

NIGEL HICKSON: Thank you very much. I mean, just to save time, I'll pass over to Ros. I was going to raise the same issue as our distinguished colleague from Switzerland has raised. And just to note, we had an excellent session with ALAC earlier where they had some very interesting ideas on this very, very important issue. But over to my colleague, Ros.

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ROSALIND KENNYBIRCH: Thanks. Just participating on behalf of the work I've been leading with Argentina on applicant support. Just looking back at the board scorecard clarifying questions for GAC advice at ICANN 77, I noted that ICANN plans to provide communications and engagement plans related to engaging underrepresented and underserved regions by ICANN 78. So I was just hoping for an update on that. And completely appreciate we don't have much time. But an overview would be really excellent. Thanks so much.

NICOLAS CABALLERO: Thank you, UK. Sally, would you take that one?

SALLY COSTERTON: I'm so sorry, Ros. My attention was distracted by my machine pinging. Could you just summarize, please?

ROSALIND KENNYBIRCH: Yeah, no problem. So essentially, the board had previously written at the last ICANN that ICANN plans to provide communications and engagement plans related to engaging underrepresented and underserved regions on applicant support by ICANN 78. So I just wanted to take the opportunity to ask for a quick overview. Thank you.

SALLY COSTERTON: Oh, thank you very much. Yes, we have been engaging in a series of mini campaigns-- I think is the best way of putting it-- in a specific set of countries over the last four or five months in order to raise awareness of the next round, get input on questions around the applicant support

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program, and discuss universal acceptance. So what I'll do is, in order to save time, because I know we're out of time on this meeting, I will ask the team to update with the blog on what we've been doing and what we've been hearing. And we've been doing this in partnership very much. You mentioned the At-Large, Nigel, with our partners on the ground in the RALOs as well. So there's been quite a lot of activity and discussion. And we have a project team inside the organization who is leading on the evolution of the proposal of what should go into the ASP itself. So I will take that action.

NICOLAS CABALLERO: Thank you. Thank you very much, UK. Thank you, Sally. I have Iran and [inaudible] up. But we're over time already, so I'll give you 30 seconds each one. Go ahead, please.

KAVOUSS ARASTEH: Thank you very much. With respect to the suggestion of Nigel, we have not come to any agreement to proceed with the new approach proposed that implementation be converted into application. This should be analyzed carefully, pros and cons. So I don't think that we could think-- we maintain our GAC advice in Washington, DC and others, and we would not change the position at this stage at all.

NICOLAS CABALLERO: Thank you. Thank you, Iran. I have [inaudible] And then I have to close the session, basically. [inaudible] go ahead.

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UNIDENTIFIED SPEAKER: Thank you very much. I'd like to turn to another question regarding ICANN deals with names and numbers, right? So in the interest of supporting underserved regions, I think that names, we have no problem. ccTLD is there. But IP numbers, especially IPv4, the scarcity of that is a problem. Does the board have some plan of dealing with this? For example, in the next round, would you consider allocating small portions of the proceeds to help fund certain numbers of IPv4 for small administration? Thank you.

TRIPTI SINHA: Thank you. I hope I understood your question correctly. But one, there's exhaustion of v4, but also this comes out of the purview of the RIRs. And ICANN does not fund IP address allocations. And if we haven't answered your question, by all means, feel free to reach out after the end of this meeting. Thank you.

NICOLAS CABALLERO: So we have to close the session. Thank you very much to the board. Thank you, distinguished GAG colleagues.

**[END OF TRANSCRIPTION]**