
ICANN78 | AGM – GAC Communique Drafting (2 of 5)
Wednesday, October 25, 2023 – 1:30 to 3:30 HAM

DAN GLUCK:

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up to Zoom sessions using your full name. With that, I will hand the floor to GAC Chair, Nico Caballero.

NICOLAS CABALLERO:

Thank you very much, Daniel. Welcome everyone. Please, take your seats. We're going to have a full two-hour session for the communiqué drafting. I assume we will have to pause for some coffee after one hour, because in the end, we're all humans despite the fact that we do have some Superman and Wonder women among the distinguished GAC colleagues. And then, we'll have another break at 3:30, from 3:30 pm to 4:00, and then another 90-minute session for the GAC communiqué.

So, the idea for today is to concentrate on advice, that advice being previous advice and then some follow up, and issues of importance in order to make sure that we'll have enough time to review thoroughly, all the input. And by the way, let me tell you that in my humble opinion, there's way too much information packed into this communiqué, we might need to decide if we actually want to include everything that is actually there or not, but again, it's for us to decide. So, it will depend on your feedback. And so, without further ado, let's get straight to the point. Let's get to the advice section. Fabien, if you can, please. Oh, and I see the UK. Rose, please go ahead.

ROSALIND KENNYBIRCH:

Thank you so much, Chair. Rose KennyBirch from the UK. I just wanted to highlight the text on the screen on applicant support. I know that several of us, I think at least five will be attending an implementation review team meeting tomorrow morning at 9:00 AM. And given the

number of topics ahead in advice and whatnot and whilst several of us are here in the room now, I was wondering if there was any chance we could potentially start with that topic and then move on given the specific time constraint.

NICOLAS CABALLERO: Thank you so much. Thank you. You can you repeat; can you please repeat which specific topic you're talking about?

ROSALIND KENNYBIRCH: Of course. No problem, Chair. It's the applicant support program topic. Thank you.

NICOLAS CABALLERO: UK, would it be okay to do it today, but a little bit later on? Or is it an urgent matter for you?

ROSALIND KENNYBIRCH: Yeah. I would be amendable. Thanks, Chair. To do it a bit later today. But I just did want to acknowledge that time constraint to the whole room. Thank you.

NICOLAS CABALLERO: Absolutely. I'll make sure we deal with it today, but again, the idea was to start directly with advice, previews, and follow-up on advice, and then issues of importance. So, thank you again, UK. So, I'll go one by one. I'll read the different sections and subsections and so on and so forth in order to be able to, review make any necessary edits to the to

the text already provided by many different, actually many different countries. So, I'll start with GAC consensus advice to the ICANN Board. The following items of advice from the GAC to the Board have been reached on the basis of consensus and defined in the ICANN bylaws. Number 1, future runs of new gTLDs. And there's a footnote there.

FABIEN BETREMIEUX: There're no ticks in there.

NICOLAS CABALLERO: We need to, this was provided by?

FABIEN BETREMIEUX: So, yeah, and so this is Fabien Betremieux speaking from the GAC support team. So, on future rounds of new gTLD, we've lost track of who had suggested this topic under GAC consensus advice. I'll note so it would be useful to get a confirmation of members that are interested in this topic under advice, and I'll note that under issues of importance there is a number of areas being discussed. So, maybe you can seek confirmation whether there is text being prepared as advice under the issue of future runs on each other.

NICOLAS CABALLERO: Very good point, Fabien. Thank you for that. Indeed, we need to confirm if any GAC colleague is actually working on the... Brazil, Go ahead.

LUCIANO MAZZA: Oh, thank you, Nico. Just, I wanted to confirm that the first GAC that is in Pink is our suggestion based on discussions we had yesterday. I don't have a Google account. So, every time I have to log in, I'm not able log in, but I put a reference there that was a Brazil's suggestion for this. so, it appears sometimes there's anonymous, but the anonymous person is me. So, thank you.

NICOLAS CABALLERO: Perfect. Thank you, Brazil. So, you're talking about the second topic. Right? Number 2. Okay. So again, for the first one, for future rounds of new gTLDs, I'm not going to read the footnote I'm sorry. Canada, go ahead.

JASON MERRITT: Yep. I'm not a 100% positive on this, but that first item might be a catchall heading for a number of issues that may come up perhaps under advice. I'm not sure where it landed, but also in issues of importance. I think that there was just given the discussions that we had, probably a number of things, for example, calling from Brazil raised the second issue there, would probably fall under that larger catch all heading perhaps, but you might just want to leave it for now, and maybe that's what it was as for clarity.

NICOLAS CABALLERO: Thank you, Canada. So, again, the idea is in order to have a consistent structure, concentrate first on GAC advice, consensus advice, and then, issues of importance. So, we can include your drafting under any of the

two categories. So, then, I'll move on to the second because we still, do we have any text yet? No? Okay. So, then let's move on to the second.

FABIEN BETREMIEUX: You just keep it as a placeholder.

NICOLAS CABALLERO: So, it will be Canada. It will be as a placeholder as you suggested. So, we'll just leave it there and go straight to the second issue, which is GAC consensus advice and GAC early warnings on new gTLD applications, (a) the GAC advises the Board. And, again, we need to work on the wording here because it says the GAC advises the Board, and then we say the GAC took note of the Board's decision. So, I mean, I do understand the concept, but we need to work on the -- of course.

GULTEN TEPE: Luciano, could you please use the microphone?

LUCIANO MAZZA: Now. I'm sorry. I'm just saying that's the initial proposal that was inserted in the Google form, and I'm supposing now we have a conversation on that, that's it. Nobody has seen the stacks. I'm not expecting. And unless it's just writing full, it'll be difficult to have a perception of what it is about. So, thank you.

NICOLAS CABALLERO: Thank you, Brazil, for that. US, you wanted to say something?

SUSAN CHALMERS: Yes. Thank you. On this text, certainly willing to work with our colleague from Brazil and others, but I'm not sure that advice is the best location for this text. It is unclear what proposal is being made to the Board for action. I think under the advice provisions as provided for in the bylaws. So, as an original as the first, sorry, primary suggestion, we would suggest moving it to the issues of important section. Thank you.

NICOLAS CABALLERO: Thank you, US. Brazil, would that be okay with you?

LUCIANO MAZZA: No. That wouldn't be okay. I think that's the idea for the moment to as it is until we have a further discussion on the substance of this. The action is to urging the Board to be mindful of the imperative that we think it's important to make sure you have an institutional balance, within the ICANN community. That's the, let's say, actionable part of the suggestion. The other part is context, but it's important. We are, of course, prepared to discuss the language, to soften the text, to adjust it, but I think it's a bit early to decide where, within the communiqué this would fit in better, in a better way or not. So, I think it's a decision to be taken at a later stage, I would say. Thank you.

NICOLAS CABALLERO: Thank you, Brazil. So, if I understand correctly and again, in terms of the wording,

GULTEN TEPE: So, the last.

LUCIANO MAZZA: Can I suggest perhaps that we read the text or?

NICOLAS CABALLERO: Of course. I'll do it right away, but my suggestion was going to be to use the last paragraph as the introduction and then use the, well, the first, second, and third paragraph as the rationale more or less, or unless you tell me otherwise, or I can read the whole thing right now. No problems. What would you prefer, Brazil?

LUCIANO MAZZA: I think that's a possibility to have the last paragraph as the opening 1. I think that's we have to see if it makes sense reading the whole text, but I think that, that makes sense. That may make sense. Have to see, I'm not saying the text has imperfection in terms of language, so on and so forth. So, that's something you have to adjust as well. But, yes, I think that's a possibility.

GULTEN TEPE: Nico, if I may, this is Gulden speaking. We have US in the queue.

NICOLAS CABALLERO: Thank you. Susan, go ahead, please.

SUSAN CHALMERS: Yes. Thank you. Just to note that, I'm not sure that we support the logic here that institutional balance is indeed part of the problem. I think the bylaws change that happened in 2016, which does require the GAC to

provide a rationale behind its consensus advice. And also, the relative weight of the GAC and the relative weight of GAC advice to the Board and the Board making its own decisions, preserve the GAC's role and do preserve institutional balance within the ICANN Institution. So, I'm not sure that we agree with the fundamental assertion that the Board's decision to reject 30.4 compromise is that institutional balance.

NICOLAS CABALLERO: Thank you for that, USA. There's one more thing, Brazil. I just wanted to bring to your attention, the fact that this is already included also under issues of importance. So, we would have that issue with their stake on that. Text on this topic under issues of importance. That's why I wanted to start with advice and issues of importance. But yeah.

LUCIANO MAZZA: That's not my proposal. I mean, Brazil's proposal was to have it here. I don't know if this probably is another text from some other?

NICOLAS CABALLERO: Most probably. So, let me let me read the whole thing as it is right now, and then we decide where to put it and if there's agreement or not. So, it says the GAC took note of the Board's decision to approve recommendation 30.4 of the SubPro PDP final report, considering how the sense sensitive, sorry. How sensitive this issue is for GAC members? The GAC reserves its position as to the possibility of presenting alternative language proposals for the future application guidebook on the matter. The GAC is concerned that the Board decision on recommendation 30.4, taken together with independent review

procedure determinations made since 2012, which involve different aspects of GAC's consensus advice, may bear on or may be perceived as bearing on GAC's institutional role in particular in the context of the implementation of the next gTLDs program.

The GAC highlights the utmost importance it attaches to preserving the institutional balance within ICANN, notably with regard to the respective roles and competences of supporting organizations, advisory committees, and the Board. The GAC urges the Board to be mindful of the imperative that such balance is not in any way affected by the policies and frameworks, including the future Applicant guidebook. Can you scroll down, please? Including the future application guidebook adopted and implemented for the next gTLDs program. So, this is the text we have right now. Questions, comments, thoughts, we already heard from the United States. I have Denmark.

FINN PETERSEN:

Finn Petersen from Denmark. I also think we have a little difficulty with this paragraph or this a part of the common key. We are not really sure what is meant with this imbalance at least from our point when the Vienna's transition, especially the accountability part of it was fully in line with what was adopted by the community including how GAC consensus as why it should be treated by the Board and the amendment to the bylaws at that time, which percentages that was a compromised which the Board should reject any GAC advice and what should be done if it was rejected.

And so, we have a little difficulty with this. I'm also not quite sure when it stated that different parts of GAC consensus advice. I'm not sure

whether we have in these circumstances any GAC consensus advice. I do not recall that we have any GAC consensus of advice concerning recommendations 30.4. So, that there need to be certain clarification and I think perhaps the best way is to see whether we can find suitable words under importance for the GAC and not as advice to the Board. Thank you.

NICOLAS CABALLERO: Thank you, Denmark. Any other comment in this regard? So, seeing none, my proposal would be to move on and then we decide.

GULTEN TEPE: This is Gulden speaking.

NICOLAS CABALLERO: Excuse me? I'm sorry. Brazil, go ahead.

LUCIANO MAZZA: Now. Thank you, Nico, and thank you for the call and for the comments. I think as I said, that was an initial proposal. I think we might have different perceptions on a broader political context. And I think we are sometimes looking too much to the trees and not having a clear picture of the forest that is out there. I think there is a broader political issue that we should at least draw attention to the Board there might be precisions in some respects. And as I said, we can perhaps, find, drafting solutions that are more acceptable to each other colleagues. But I think the main message would be to reiterate a political message that we believe that this institutional balance is important and should

be preserved. And I it's not a given from our perspective. And I regret that colleagues take so lightly the approval of that recommendation 35.4 has been something significant, I think, not insignificant from a political perspective.

And, yes, the fact that there was a decision stake in the context of independent of procedures that states that GAC advice must be well fundamentally. Okay. That's reasonable. But, yes, that's something that affects how GAC consensus advice must be drafted and presented. So, it's not to say that does not have an impact on the way GAC manifests and expresses. it's real. And it's not a given that looking forward, we can be assured that the way the application guidebook will be fully drafted and will be implemented and so on, will be respectful of this concern.

So, we think it'd be timely at the point in time we are in the discussions of the new the framework of the new gTLD program to provide this message. And, of course, we'll follow our colleagues' consensus view on those issues and then, obviously, we're flexible in finding the best way to approach it, to frame it, or even to place it in the right place in the communiqué'. As I said, I think it was initial as initial text, but I think it deals with an issue that I think it's important. And then as we know, unless it's an advice, it has less weight as we know, but I understand the views of all your colleagues, and we are obviously flexible to adjust accordingly. Okay. Thank you.

NICOLAS CABALLERO:

Thank you so much for the flexibility, Brazil. As a matter of fact, I was going to suggest you work a little bit on the, you fine tune the text a little

bit in order to have something perhaps more acceptable for all the other GAC colleagues. I don't know about that, but at least we can try and see how it goes. Would that be okay with you? Before I give the floor, I have Canada and then the Netherlands and then the UK, but for the time being, would that be okay with you?

LUCIANO MAZZA: And, of course, we'd be open to suggestions, of course. So, yes. Thank you.

NICOLAS CABALLERO: Thank you so much, Brazil. I have Canada and then Netherlands and the UK. Canada?

JASON MERRITT: Thank you very much. Just, a point that I think is worth raising as we kind of continue this discussion and fully acknowledging the position that this is very preliminary draft text and just being discussed for the first time, but I wanted just to bring the attention to how it gets positioned in terms of the future Applicant Guidebook alternative language and this type of notion. We have to be careful because the Applicant Guidebook will be drafted based on the recommendations from the SubPro recommendations that were produced and approved by the Board. And so, the drafting of the Applicant Guidebook as part of the implementation review team, is not an exercise to sort of redevelop policy or introduce new positions or things like that. And that may or may not be what is intended here. I'm just raising it as an issue to consider that, we have to be mindful that the applicant guidebook is

it a reflection and an implementation of the SubPro recommendations.
Just flagging that. Thanks.

NICOLAS CABALLERO: Thank you, Canada. I have the Netherlands.

MARCO HOGEWONING: Thank you. Good afternoon, colleagues. It's Marco Hogewoning. I'm speaking for the Netherlands for the record. Yeah, I think I agree with what some of the other colleagues said, is and mindful of the issue of that this is an important issue for many of GAC members. I'm not sure this is the right plot in the report to address it.

And Michael Soren also goes too and I understand from the Brazilian colleague that he wants to leave a clear message and want to weigh it, but I think we should also be mindful that what we give as consensus advice to the Board, leads to actionable things for the Board. And If we just tell the Board to be mindful, I think, yeah, the Board can ask GAC consensus as far as it goes, accept that and say, yes, we will be mindful, but I don't think this is the right place or instruments to raise awareness of this what is to some members a very important point. Thank you.

NICOLAS CABALLERO: Thank you, Netherlands. I have the UK.

NIGEL HICKSON: Yes. Thank you very much, Mr. Chairman. Nigel Hickson, UK. I mean, just to be very brief. Clearly, it is an issue of importance. I think to many

GAC members, I mean, we did have a discussion on this. We did have a debate on this, and therefore, having some text under issues of importance does seem to be potentially appropriate. Of course, we will have to agree on the text, but I think our Brazilian colleague has raised important issues. I mean, there's a difference between recommendation 34 and whatever is accepted there or not accepted and the institutional balance that you address. I mean, they're linked, but there are issues. So, I think we can reflect on this text and with your good effort, so to speak, I think something under issues of importance could be important, so to speak. Thank you.

NICOLAS CABALLERO:

Thank you very much, UK, before I give the floor to Switzerland, and with all due respect, Brazil, but my opinion is also that, by reading the text, the last paragraph, the gist of it, is that the GAC urges the Board to be mindful of the imperative that such balance and so on and so forth. I don't see real GAC, but this, again, this is just my opinion. We can fine-tune the wording. I understand there's a clear intention to give a political message.

I'm not discussing that part of the of the text. But perhaps fine tuning a little bit, maybe some better wording in order to be more precise, more specific would do it, in case you actually want to give a specific advice of about some. Otherwise, like my distinguished, colleague from the Netherlands mentioned, it's like, yeah, the Boards receive this advice and they say, yeah. Okay. I will be mindful, and they do nothing. It's just an example. So, anyways, I'm sorry. I have Switzerland. Go ahead, please.

JORGE CANCIO: Thank you, Nico. Jorge Cancio for the record. Swiss government. First, let me thank you. Let me thank, Luciano and Brazil for the proposal. I think it's a very important, issue. It's also a very important issue for the whole of the GAC, I think. Beyond the differences of opinion that are not new to this committee on the specifics of 30.4.

I think that we may agree on conveying the message to the Board and I'm not wedded to issues of importance or advice that, we understand that these changes in the future Applicant Guidebook in no way shape or form prejudice the high importance attached to GAC consensus advice when it is in the connection with applications that the GAC considers don't have to proceed.

So, something in that direction might be something where we could perhaps agree because in the end, it's in the interest of all of us beyond the specific wording of 34 and what has happened with the old wording of the strong presumption. Hope this is helpful. Maybe a small group could come up with a short and crisp language on that.

NICOLAS CABALLERO: Thank you for that, Switzerland. In that sense, would it be okay, if you perhaps, and this is just a suggestion, maybe you could work together to fine tune the wording there. Would that be okay with you, Brazil? Thank you for that. And the other very important thing is, would it still be here or should we move it under issues of importance. That's another key question. And the floor is open. European Commission. Go ahead, please.

PEARSE O'DONOHUE: Thank you, Pearse O'Donohue, European Commission. On light of what has been said, on what is a very important issue, I do also agree that in over time, advice needs to be specific in what it is addressing. So, I would have thought that perhaps the first and last paragraphs, but with significantly wording the last paragraph might, provide us with tech which would be advice on what we think the Board should do in the absence of this strong presumption, which is the immediate problem that is created.

So, that's the text of the last paragraph, could be reworded to say that we want specifically the Board to pay due account of any representation from GAC with regard to specific applicant applications in light of what is explained in the first paragraph. And then perhaps we could consider having some text in the important issues in the other section, in what I understand is the wider issue that our Brazilian colleague wishes to draw attention to, which is the institutional balance and the manner in which as was explained, was by the Board yesterday they consider their relationship with the Board and the way that they deal with, GAC advice is already set in the statutes. Thank you.

NICOLAS CABALLERO: Thank you. European Commission, and I have the USA.

SUSAN CHALMERS: Thank you, Chair. And just to clarify that the Board has taken the decision which we covered during the GAC Board bilateral session regarding recommend 30 recommendation 30.4. So, I do not believe

that there is any specific actionable advice to be taken on this topic. And so, we would support to answer your question. We would support it elevating it to the issues of importance. Recognizing though as our colleague from the UK also had just said, it is an issue of importance and I think a statement under that section would be entirely appropriate. Thank you.

NICOLAS CABALLERO: Thank you very much, Brazil. Not Brazil. Sorry, US.

GULTEN TEPE: We have Egypt next on the queue.

NICOLAS CABALLERO: Egypt. Go ahead, please.

MANAL ISMAIL: Thank you, Nicole. I was just going to suggest that maybe when we receive fine tune text, it's going to be easier to decide on where to place it. If it is a concrete, ask from the Board that could go into the advice section. Otherwise, it could qualify to issues of importance to the GAC. So, maybe for the sake of time, it's better to wait until we receive the fine tune text.

NICOLAS CABALLERO: You read my mind, Manal. Thank you so much for that. Would that be okay for Brazil, European Commission, US, and Netherlands? Are we okay to move on until we have final a final version of the wording? And

I see some nodding. So, okay. So, let's do just that. Let's please move on to, can you scroll down a little bit, please, to the third topic, which is closed generics. So, let me read the whole thing and then we can discuss and fine tune.

So, this is number 3. Closed generics. (a) The GAC advises the Board; In advance of the next new gTLD round, to ensure that the forthcoming Applicant Guidebook clearly states that closed generic TLD applications will not be considered. The rationale being the GAC expresses its appreciation for the efforts of the participants in the facilitated dialogue. The GAC offers this advice in recognition of the support of the message from the chairs of the ALAC, GAC and GNSO to the of the facilitated dialogue that quote. Unless and until there is a community developed consensus policy in place, any applications for closed generic TLDs should not proceed, end quote.

A clear statement in the Applicant Guidebook will help potential applicants to avoid confusion and possibly the waste of resources. Additionally, the GAC recalled in its comment on the draft, framework for closed generics, 15 July 2023, it concerns on quote, competition issues, the overall assessment of the value of close generic TLD for the internet, the potential negative economic and social impacts and evaluation, panel.

The good faith deliberations that took place in the facilitated dialogue addressed directly the question of whether closed generics could serve a “public interest goal” as advised in the 2013 Beijing communiqué, without reaching a solution garnering consensus within the community. Therefore, the GAC is of the view that without an agreed

community agreement, it will not be possible to ensure that closed generic TLDs serve a public interest goal. The GAC further underlines the importance to promote an open digital space and is of the view that under these circumstances determining and arbitrating whether a proposed closed gTLD would meet a public interest goal, would likely create.

GULTEN TEPE:

Nico, I'm sorry to interrupt. Could you please read that it's lower for our interpreters?

NICOLAS CABALLERO:

Oh, I'm so sorry. So, I'll go back to The GAC further underlines the importance to promote an open digital space and ease of the view that under these circumstances determining and arbitrating whether a proposed closed gTLD would meet a public interest goal, would likely create significant costs without providing any corresponding benefit. I'm sorry. I feel kind of weird reading like that, but for the benefit of the translators, I'll do it. So, I'll pause there and see if there are comments or questions at this point. This text was provided by the European Commission. Any comments? Any question? Is it okay as it is? Can we move on? Any wordsmithing? And seeing none, let's move on then. To the 4th, topic.

DAN GLUCK:

There's none there.

NICOLAS CABALLERO: There's none there. There's no rationale. So, exactly. So, let's move on to follow up on previous advice. The following items reflect matters related to previous consensus advice provided to the Board. Number 1, contention sets (Auctions). In view of ALAC/GAC discussion, we might want to re reiterate advice on there not being private auctions (where there is contention set) and note that alternative should be looked at where private parties do not gain from auctions. And this was, suggested by the UK. Should we have it under issues of importance as well?

FABIEN BETREMIEUX: Already text on the tracking initiative.

NICOLAS CABALLERO: Okay. Thank you. Yeah. There is already text under issues of importance in this regard. So, I'll pause here and see if there are any questions or comments. I see Switzerland and then the UK. Switzerland. Go ahead, please.

JORGE CANCIO: Thank you. But as a naturalist proposing the text, maybe he wants to go first.

NICOLAS CABALLERO: Of course. UK?

NIGEL HICKSON: Yes. Thank you, Jorge. Yes. I this was purely put here as a placeholder. As I think when we address the issues of importance and as we go through them and I mean, it's really welcomes to see the contributions that so many people have made to these issues of importance.

I think we should always reflect as we discuss issues of importance, whether there's particular elements of that, particularly with regard to SubPro in this instance, that require advice rather than just issue is important. So, I put this here as a placeholder, but I agree given that there's text on auctions in issues of importance, we should address it there first and then depending on people's comments, then we might, well, come back to this later. Thank you.

NICOLAS CABALLERO: Thank you, UK. Switzerland?

JORGE CANCIO: Thank you, Nico. Jorge Cancio for the record. And thank you, Nacho for the clarifications. I was going to comment that, probably we don't need advice at this stage as the advice we issued is very recent from ICANN77. We have the scorecard from the Board saying that they have deferred consideration of this advice for the time being as it is still being discussed in the community. And we had the conversation with the Board. And there, they said that they have engaged an expert on the matter, and we ask them to keep us engaged and informed. And I think the text that has been prepared for issues of importance goes into that direction. And as the Board reads also and answers the issues of importance, maybe we have sufficient often anchor for that. Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. Nigel, UK, would you be okay with that?

NIGEL HICKSON: Yeah. As I said, I mean, let's move on. Yeah, please. Thank you.

NICOLAS CABALLERO: Thank you so much. So, then that will go to issues of importance. Thank you, Benedetta. So, this will be number 1 then. Enabling inclusive informed and meaningful participation in ICANN, the GAC would welcome a written status update from the Board on the activities adopted and implemented by ICANN Org pursuant to the GAC ICANN60 advice on the matter of enabling, inclusive, informed, and meaningful participation in ICANN. And this is coming from Switzerland. And I'll pause here and see if there are any comments or questions in this regard? Switzerland, go ahead, please.

JORGE CANCIO: Thank you, Nico. Jorge Cancio, Switzerland, for the record. Just to elaborate a little bit so that it's clear for our colleagues. This is a follow-up to the conversation we had with ALAC where we discussed this advice of 2017 on different means that we considered together with ALAC at that moment as useful to enable meaningful participation in ICANN. And, according to the discussion with ALAC, we are a bit unclear on what ICANN Org has done in the meantime in the 6 years. So, our first step to have more clarity with would be to task them for a brief report. And that's the gist of this follow-up advice. Thank you.

NICOLAS CABALLERO: Thank you very much, Switzerland. The floor is still open. In the meantime, let me read, in the chat room, there was a suggestion form from Mauritania, and it says possible language. The GAC advises the Board to be mindful of the GAC sensitivity related to the Board approval of the recommendation 30.4 and that the GAC reserves its position as to the possibility of presenting alternative language proposals for the future “Application Guidebook” on the matter. Sorry. It's not directly related to this topic.

I think it was, related to the-- But thank you so much for that, Mauritania. Duly noted. So, do we have agreement with the follow-up advice from I mean, with the tax provided by Switzerland? Are we okay with that? Any opposition any abstention? No. I'm joking. There's no abstention. So, are we okay to move on? And I see some noting. Thank you so much for that. So, let's move on then. And now we'll get to issues of importance. And there's a placeholder for the HLG, there. My understanding is that some text will be provided by-- No. Go ahead, Fabien.

FABIEN BETREMIEUX: So, we have identified that this was suggested by Egypt and there were also comments from Hungary on this topic. So, I wonder if there's text in preparation.

MANAL ISMAIL: Egypt. Go ahead, please. Thank you, NiCo, and thank you, Fabien. Indeed, we suggested a placeholder here, apologies for not providing

text, I can try to do this during the break. And I would like to grasp the opportunity also to make sure that everyone is informed about the relevant discussion during the capacity building workshop because not all GAC members were there, and I stand to be corrected, of course, by the colleagues of the underserved regions working group, Pua, Carol and Tracy.

And also, by our esteemed colleague from Rwanda who was available during the capacity building workshop. And we agreed that the invitation letter should be issued sometime in November, preferably during the first half of November. We also agreed that we need to work on a high-level agenda at least themes or topics so that it can be attached to the invitation in due time for the high-level government officials to block their calendars.

I'm not sure whether I overlooked anything else that needs to be brought to the attention of the wider GAC membership, so that [CROSSTALK]. Yes. And thank you, Zena, for reminding me. We also discussed that I think within two weeks, GAC members and observers need to submit the names that should be invited, whether the relevant minister or the relevant head of regulatory authority. I mean, they need to share the list of invitees within two weeks' time. So, it was worth mentioning in planetary. And, I think, also worth mentioning in issues of importance to the GAC. Particularly that we are tight on time. We normally work more than a year ahead and we have almost half the time now. So, Thank you.

NICOLAS CABALLERO: Thank you so much for that, Egypt. Indeed. By the way, is there is esteemed GAC member from Rwanda in the room? Online? No. I don't see any. Anyways, in any case, we'll have a placeholder for the HLG and let's move on. Let's move on to the second. Unless there there's any question or comment, which I don't see any. So, Let's move on. Future rounds, number 2, future rounds of new gTLDs. Excuse me. Auction mechanisms of last resort, private resolution of contention sets in new gTLDs.

The GAC takes note of the Board's decision per the September scorecard on GAC Advise to defer GAC advice on auctions in new gTLDs as policy recommendations on this topic are under discussion. The GAC further notes that the Board is engaging an expert to analyze the issue and forward to continued engagement with the Board and community on this matter prior to a Board decision. Am I reading too fast? And this is for the translators. Am I doing okay? Thank you. So, I'll continue.

GAC Consensus Advice on Early Warnings on New gTLD Applications. The GAC takes note of the Board's decision to accept recommendation guidance 30.4 of the SubPro PDP working group final report, which notes the removal of language regarding possible changes to section 3.1 of the 2012 Applicant Guidebook, which states that GAC consensus advice, quote “will create a strong presumption for the ICANN Board that the application should not be approved”, end quote. GAC members noted surprise at the rapidity with which the Board proceeded to accept this recommendation language following interstitial engagement between the GAC and the Board.

Some GAC members had proposed to soften the language rather than omitting it altogether, noting the political importance of this link of this language, which went beyond legal implications listed by ICANN org and the Board. Some GAC members articulated concerns to the Board about the omission of this language may diminish the importance of GAC advice on new gTLD applications.

Some GAC members urged the Board to consider a potential path forward, to further engage with the GAC on the political dimension expressed about this specific language and to ensure the strength of GAC advice to the ICANN Board on new gTLDs applications is maintained. And I'll stop here in order to see if there are comments or questions or edits or anything you would like to address at this point. So, again. Denmark, go ahead, please.

FINN PETERSEN:

Thank you. Finn Petersen from Denmark. A small thing. The first time there's mentioned GAC members, that is the offline as far as I can see. I think there should be some GAC members. Noted surprise. I don't think I noted any surprise.

NICOLAS CABALLERO:

Thank you for the good catch, Denmark. Any other comment? And I see Brazil. Go ahead, please.

LUCIANO MAZZA:

Thank you, Nico. Now, I just wanted to better understand what's the origin of this text. Which colleagues was the support team that

presented it because I think we have to reconcile which we thought discussion had before. And then perhaps we can have a look at this later on. And I think would be desirable if you could have some language that was not necessarily supported only by some GAC members that is unidentified and unquantifiable entity. We don't know if some members might be myself and my colleague from Australia or not.

It's not ideal and I think GAC members is more than some GAC members, but GAC members is still not the full GAC composition. So, I think we have to see if it's possible to have a language that's more widely acceptable. So, my suggestion is that we take a while, then to have a look at the text, trying to reconcile the other proposal we made and then we see the suggestion from Switzerland as well. We'll have a look at this and perhaps we can come to this text later on. Thank you.

NICOLAS CABALLERO: Thank you, Brazil. I have the US and then the UK. I'm sorry. Who? Sorry.

FABIEN BETREMIEUX: Jorge, Switzerland.

NICOLAS CABALLERO: Switzerland. I'm sorry, sir. Switzerland. Go ahead, and then I have the UK, and then the USA.

JORGE CANCIO: Thank you, Nico. Jorge Cancio. Just to clarify to Luciano and to all colleagues that this text was provided as, let's say, as a traditional way of rendering the discussion that the topic leads Jason and myself together with Benedetta, do of all the SubPro discussions and we offer that, of course, to the hands of the committee. And in my national capacity, Luciano is absolutely right. We have to see both texts in conjunction. So, perhaps we can square bracket for the time being or whatever we do here.

NICOLAS CABALLERO: Thank you, Switzerland. That was precisely my point at the beginning of the session. But, yeah, US, please go ahead. I'm sorry. I have the UK first. Ladies first. So, go ahead, please, Susan.

SUSAN CHALMERS: Thank you. Just very briefly, I also support reexamining this text in conjunction with the advice text. I just want to note that we have been using the language "some GAC members" particularly with respect to this issue because there is an acknowledged difference of opinion within the GAC, and I think it's important to note that.

Also, from our perspective, and I remember when the meetings on this were unfolding, we had two separate meetings to discuss 30.4. One was a meeting of the GAC in preparation for the Board meeting. And then we had the BGIG call a week later. So, in our view, the SubPro recommendation was provided to GAC members with notice, and we had quite some time to consider this. So, I'm not sure we necessarily

subscribe to the fact that this was a rushed decision without full transparency made by the Board. Thank you.

NICOLAS CABALLERO: Thank you, Susan. Thank you, US. I have the UK.

NIGEL HICKSON: Yes. Thank you very much, Mr. Chairman. Nigel, UK. Clearly, we need to reflect on this text in light of the discussions we had, in light of what Susan's just said, and, of course, in light of what Brazil proposed for advice text, and we need to look at this in the round. And I just wanted to note also, and I'm not just doing this because I'm sitting on the platform or anything else that, for many of us and I count myself in this like any other person sitting in this room. Many of these texts we're reading for the first time. And we're very grateful indeed for the contributions they make.

And it's only right and proper that we have this read through and as our chairman is expertly doing. But, of course, for many countries, perhaps around the room, they will be looking at this text and they might not be native English speakers, and they'll be looking at this text and trying to understand what it means. And they may well want to reflect on this overnight. They may want to contact their capitals or whatever to perhaps reflect on this. So, this isn't the last chance. I don't think we should, it's good that we read it through. It's good that we that we all understand where these different texts are going, but some of us want to come back and suggest modifications and edits. I just want to make that point.

NICOLAS CABALLERO: Thank you very much, UK. And indeed, we will have four more sessions to discuss. I mean, this is not written on stone or anything like that. We can put it in brackets and move on. So, I'm in your hands. How would you like to proceed? What I'm saying is we don't need to reach an agreement on the exact wording right now as we said before. We can discuss this over coffee or go back tomorrow and talk about it again and so on and so forth. So, if you agree, I suggest we put it in brackets for the time being and move on with the next topic. Brazil. Go ahead, please.

LUCIANO MAZZA: Very briefly. My suggestion is to do exactly as you say. We try to suggest something most likely accepting that might be difficult to have anything on this issue as some sort of advice, but we think this through. And I think it's some elements that are there in the text that we have just read are important to take on board, even if we have to resort to this some GAC members language. But I think in other aspects, we may have a broader consensus and we will try to get something to present to our colleagues. Thank you.

NICOLAS CABALLERO: Thank you, Brazil. I have the UK. Sorry, sorry. That was an old hand then. Okay. So, let's do just that, Fabien. All right. So, let's move on to diacritics in New gTLDs. Now for the benefit of the new GAC members, diacritic in this context, we mean the dot Quebec issue. I don't know if you're familiar with it, but in order to avoid any specific reference to a

country or region, we just put a different title there and call it diacritics, which is, by the way, the case. Right? So, I'll read the text as it is.

The GAC notes that a potential gap in policy has been identified on the use of diacritic characters in Latin scripts in connection with ICANN's policies on string similarity review and confusingly similar strings. The GAC strongly supports a multilingual internet free from unnecessary barriers in existing policy. The GAC looks forward to continued engagement with the GNSO Council on this issue and to reviewing the anticipated GNSO Council issue report on this topic.

And I'll pause here in order to see if there are any questions, comments, or edits you would like to make at this point. And I see China. Mr. Feng, please go ahead.

GUO FENG:

Thank you, Chair. A minor suggestion on this. We have the multilingual internet free from unnecessary blah blah. I think perhaps the Internet should be capitalized there.

NICOLAS CABALLERO:

Thank you, China. Any other comment or edit? Fabien, go ahead.

FABIEN BETREMIEUX:

So maybe just a suggestion from support staff for clarity. Given that diacritic is not a term that may be familiar to a lot of participants, and that's never featured in a communiqué, I believe. Should we clarify that this is related to Latin script, including in the title? So Latin script is

mentioned in text. We're thinking that Latin script diacritics in new gTLDs might just provide a little bit more clarity as to what the topic is.

NICOLAS CABALLERO: I agree myself. It depends on my GAC colleagues. And I have Canada.

JASON MERRITT: No. I think that's a good suggestion from Fabien. You could also just use the more common term of accents or accented characters or something along those lines. Diacritics is the correct term, it's a real term, but it's not widely seen. Just a suggestion.

NICOLAS CABALLERO: Thank you for that, Canada. Yeah. It's certainly it's not that self-descriptive.

FABIEN BETREMIEUX: So, I just inserted Latin script accent/diacritics, and we can then determine what feels best for GAC members and then just decide which of the terms we strike.

NICOLAS CABALLERO: Would that be okay for Canada? Would that be okay for the whole GAC? Any opposition? Any strong feelings against changing the title? That not being the case, I have the UK. Go ahead, please, Nigel.

NIGEL HICKSON:

Yes. Thank you. Thank you, Nick. I really was going to make the same point on whether you change the title or do something else, but I think we have to recognize that other people are going to read this communiqué, and perhaps not understand what the hell this is all about. Now I know using the actual issue here, Quebec is-- I'm not suggesting we do that, but in some way, we have to make it understandable what we're talking about. So, whether we talk about sense on words or whatever, we need to be able to put a reference in here and probably more than just in the title to what this is about. Otherwise, I think there's a danger here.

Well, first of all, people not understanding it, but also people getting confused with other types of scripts and things like that. Because this is quite a strong text that we shouldn't be held at, which is only right, but we need to make sure that it's not read in terms of IDN variant or anything like that. So yeah. Thanks.

NICOLAS CABALLERO:

As a matter of fact, I was going to suggest Canada to include, to specifically include somewhere in the text, I don't know exactly where, but to include the dot Quebec issue. It's just a suggestion.

JASON MERRITT:

We can take a look and see. I think the issue is that it's a broader-- it's an acute example that was raised that characterizes a broader gap in policy specifically dealing with Latin script languages that have accents. So, it could be applicable in French, Spanish, German, etcetera, Italian. I think raising it to the point that the issue is broader, and it is dealing

with string similarity and some of these other contextual framing, gets away from the fact that it's one specific example. There's one specific example that sort of shed light on this gap in policy.

But I think that my understanding what the community is trying to do is address this issue from a broader perspective. And so, we could maybe park it and see how the GNSO Council is looking at approaching the issue. I thought if I heard it correctly, they were looking at that issued this week at some point during their meetings to see what their next steps were. So, we could see what the next steps from there are and go from there.

NICOLAS CABALLERO:

Fair enough. Well noted. Thank you, Canada. Any other question or comment in this regard? If that is not the case, then let's move on. Can you scroll down a little bit, please? So, I'll read the text about the New gTLD Applicant Support.

The GAC welcomes efforts to take forward a successful Applicant Support Program (ASP) in various areas of the ICANN community, including through the Implementation Review Team's (IRT's) work on applicant support, and the GNSO Guidance Process Working Group (GGP) on the ASP. The GAC thanks the GGP on the ASP for the opportunity to provide a public comment and looks forward to receiving the group's final report expected in December.

The GAC also looks forward to participating in the IRT sub-track on applicant support and the "small team plus" effort to address the final report on the new gTLD Subsequent Procedures Policy Development

Process recommendation 17.2 on the ASP. The ASP is core to the success of the next new gTLD program, and the GAC recalls that the original rationale to launch a new run was too encouraged for their geographic diversification of applications in the gTLD program.

Applicant support was identified as a key topic of importance to the GAC, particularly for underrepresented and underserved regions during the ICANN78 capacity development workshop. GAC members noted the need for ICANN org to effectively communicate with GAC members about the ASP so that members can support awareness raising efforts within their countries. GAC members also highlighted the importance of using local languages to raise awareness of the program. The GAC stressed that support for applicants should extend beyond applicant fee reductions and include providing training and technical and legal assistance to potential applicants.

Training efforts should be commenced at the earliest opportunity and certainly ahead of ICANN79. In this regard, the GAC appreciated exchanges with the GNSO and the ALAC on applicant support, in particular, the comment that the ASP should cover "not just financial support, but support in other areas of both the application and the operation of a top-level domain". and the ALAC's proposal to address Recommendation 17.2 by taking "holistic approach to providing applicant support services" and utilizing an ASP incubator.

The GAC welcomes the ICANN Board's commitment to the ASP and thanks the Board for its valuable input on the ICANN77 GAC advice on the ASP. The ICANN Board stated that it plans to provide communications and engagement plans related to engaging

underrepresented and underserved regions by ICANN78, and the GAC looked forward to receiving documented plans at the earliest opportunity, including on the mini-campaigns noted at the GAC's meeting with the Board, and on how ICANN intend to support the operation of supported TLDs.

The GAC Small Team on the ASP is continuing discussions to provide relevant information to the Board, noting the GAC's engagement through the IRT ASP sub-track will help address these useful points and recalling the GAC's previous work to agree parameters on underserved regions.

And I'll pause here again in order to see-- Canada, your microphone is open. Thank you so much. I'll pause here in order to see if there are comments, questions, or edits, or anything you would like to mention at this point. And I see the UPU. Go ahead, please.

TRACY HACKSHAW:

Thank you, Nico. I'd just like to point out how comprehensive and I think very useful this text is for the community when reading this communiqué. I think the detail is necessary so that members who are reading this communiqué understand the importance of the applicant support program not only to the GAC, but also to the wider I can community. So, I really like to thank all those who participated in this, the UK, I know, who led this, Rose in particular, and all members who have contributed to this text.

And I really would like to say that I think this is one of the better communiqué text we've seen in some time that really gets to the meat

of the matter and explains an issue for the wider community to understand how useful and positive this program can be for the ICANN ecosystem. Thank you.

NICOLAS CABALLERO: Thank you very much, UPU. Any other comments, edits? Are we okay to move on? And I see some nodding. So, let's move on. Benedeta, if you could please scroll down.

GULTEN TPE: Nico, we have Trinidad and Tobago on the queue.

NICOLAS CABALLERO: Oh, thank you for that, Gulden. Trinad and Tobago, go ahead, please.

SHELLEY-ANN CLARK-HINDS: Thank you, Nico. Shelley-Ann Clark-Hinds, T&T for the record. If you would just scroll back up to the last line. I just want to join my support with what Tracy has said. I would suggest in that very last sentence, last line, "work to agree on parameters", I think. Yeah. And thanks, Rose and team for a really comprehensive text. Thanks, Nico.

NICOLAS CABALLERO: Thank you, Trinidad and Tobago. And thank you for the good catch, by the way. So, I'll just read the last sentence for the sake of time, with the edit. So, the GAC small team on the ASP is continuing discussions to provide relevant information to the Board, noting the GAC's

engagement through the IRT ASP sub-track will help address these useful points and recalling the GAC's previous work to agree on parameters on underserved regions.

So, with that, let's move on to the third point, please, which is RDRS. And I'll read the text as it is, and then we can discuss about possible edits.

It is important to emphasize that the RDRS is a temporary ad hoc arrangement. The initial pilot phase of RDRS has not adequately addressed the challenges and concerns expected during the implementation of the SSAD. Consequently, there is an urgent need to accelerate the full implementation of SSAD independent of any feedback or findings from the RDRS implementation process.

The Governmental Advisory Committee (GAC) has brought to our attention a critical concern regarding domain names for which WHOIS data is not available. Not duly verified and validated. In light of this, it is imperative that such domain names be promptly deactivated. Additionally, for domain names with complete WHOIS information, we should consider the activation within the suggested time frame of 24 hours as recommended by both GAC and SSAC. This action will help ensure the integrity and security of our domain name system.

The GAC welcomes the launch of RDRS in coming November, and the members are encouraged to inform the respective community of the launch, and if possible to provide feedback on the effectiveness of RDRS, including the role of a variety of proxy services.

And I'll pause here in order to see if there are questions or comment. I already see the US. Please, Susan, go ahead.

SUSAN CHALMERS: Thank you, Chair. I understand that the proposal in red text has been offered by our colleagues from India. Is that correct?

NICOLAS CABALLERO: That is correct. Yes.

SUSAN CHALMERS: And the proposal from, the sorry, the third paragraph. Forgive me. I cannot see who has offered that.

NICOLAS CABALLERO: From Japan.

SUSAN CHALMERS: From Japan. Okay. They're both very different in messaging. Perhaps, we might invite our colleagues from India to speak further to their proposal. I see a number of challenges with that particular text, especially deactivating domain names within 24 hours. So, I would like to hear further from our colleagues if they're willing to speak to their proposal. And of course, the same goes for Japan.

NICOLAS CABALLERO: Thank you very much for that, USA. As a matter of fact, I was about to stop right after the-- But in any case, I just had to read the whole thing as it was. I have the Netherlands, and I have Japan. Netherlands.

ALISA HEAVER: Thank you, Nico. This is Alisa Heaver for the record. Yeah. I fully agree with Susan on the different types of texts. And I just wanted to make another point about RDRS itself. It's a very beautiful abbreviation, but maybe we should briefly also mention what the abbreviation means, especially if it doesn't come up elsewhere in the text.

NICOLAS CABALLERO: Thank you so much again for the good catch, Netherlands. I have Japan.

NISHGATA NOBUHISA: Thank you, Chair. Nobu Nishigata from Japan. Since it was me that I proposed to have some text on RDRS, and then I put some text in the third paragraph. The reason is that I couldn't put the text in the very beginning of this progress. I proposed to have this, the currently the third paragraph to cut into the top. Because, as already Susan mentioned, of course, like as India says, the RDRS is still a temporary program, then we have some caveat. We couldn't expect too much.

But my point is we had to see how other colleagues react, but from Japan's perspective, we would love to welcome the deliverable after the long discussion about how we deal with the registrants' data. So, then, no matter what it is, but still, looking at some online harms which

doesn't belong to the DNS abuse, this is a tool for data party to mitigate the damage from the online harms. So, we need it. So, that I would love to emphasize this point first. And so, I would say that the GAC should be the positive in the beginning, at least.

Then, of course, I can understand some part of the India's comment, but just as Susan mentioned, it's kind of too hard. And I would say some part of the Indian fixed is not relevant to what are the RSEs. So maybe we could somehow, then we should hear more about the Indian colleagues if they're here. Thank you.

NICOLAS CABALLERO:

Thank you very much, Japan. As a matter of fact, that was exactly what I was going to propose. Is the Indian delegation in the room? Because I also see some potential issues there with the language, with the wording, with the way it is written. Maybe we can discuss that later. Thank you, Japan, for the input. Thank you, US, for the input. I have Indonesia.

ASHWIN SASTROSUBROTO:

Yeah. Thank you, Nico. Just general comments on the meeting report. Because there are so many high ICANN activities and also bylaws, making new PDP, also new policies and regulations. My proposal is very simple. Is that when you make regulations, when you make policies, perhaps you should also consider the RIA, the regulatory impact analysis that might be over seen. Sometimes we do not know what will happen if I make these regulations.

And this has to be studied particularly by the team that makes the policy and regulations. And sometimes, in Indonesia, I know we make recognition, and sometimes we do not know that in one year or two years' time suddenly we have a big problem because we forgot something of the impact analysis of that regulation. There's always good impact, and there is always bad impact because being human being, our intention is very simple, maximize the positive impact and minimize the negative impact. That's what I would like to suggest that all study group, working group that make regulation policy should consider this. Thank you.

NICOLAS CABALLERO:

Thank you so much for that, Indonesia. And as a matter of fact, again, I wish the world could work that way. Everything would be better. But in any case, I have Japan and then the United States. Japan, go ahead, please.

NISHIGATA NOBUHISA:

Oh, just some comment particularly the intervention from the Indonesian colleague. The background or maybe my thinking from Japan's perspective on the RDRS is just we may have to think back about what the internet is. I mean, that basically the internet is operated by the two courses, rough consensus and running code. Right? So, I mean, of course, I'm a government person, then I prefer the way just Indonesian colleagues said. I don't write a code, but I can write a registration in the government in Japan. So, that kind of thinking about do we have to maybe have a different mindset in the internet, do we have to adapt to it to some extent. So, then now we are going to

have the running code called RDRS. At least we have to be positive, therefore, and acknowledge that the effort and the time and dedicate things by ICANN org. Thank you.

NICOLAS CABALLERO: Thank you, Japan. I have the US.

SUSAN CHALMERS: Thank you, chair. We're supportive of the approach offered by Japan here in the communiqué. I think we should be a bit more positive and encouraging of the RDRS and encourage participation of it. We also would like to-- I think we want to suggest some language that expands upon the privacy proxy service issue. So, we will work on that and come back as soon as we can to add some more text to the communiqué. Thank you.

NICOLAS CABALLERO: Thank you very much, US. I would have loved to discuss this with the Indian delegation, but they're not in the room. But for the time being, let's do just that so that we can move on. Thank you again, Susan. So, let's just park it here and move on. So, I'll read the text for Topic 4, which is urgent requests.

GULTEN TEPE: Nico?

NICOLAS CABALLERO: Excuse me?

GULTEN TEPE: If I may. This is Gulten.

NICOLAS CABALLERO: Oh, I have Hungary. I'm sorry, Peter. I'm sorry. Go ahead please, Hungary.

PETER MAJOR: Sorry. It's just a small editorial. To be consistent that we spell out all the acronyms. So, why don't we spell out the SSAD?

NICOLAS CABALLERO: Thank you for the good catch, Hungary. And as a matter of fact, I see way too many acronyms altogether there. That's another issue, I guess, but thank you very much, Hungary. Fabien?

FABIEN BETREMIEUX: And just to comment on that. Usually, once the communiqué is approved, we go through the text, or before it is even approved, if we can, we go through a text and make sure to catch those and make sure that the acronyms are spelled out at least once when they're discussed. And so, it is to make sure that we look at the text from that perspective, as part of our editorial review.

NICOLAS CABALLERO:

Thank you, Fabien. Thank you, Hungary, again. So again, the issue will be addressed for sure, Hungary. So, I'll go ahead and read number 4, unless there are any other questions or comments? So, I'll do just that.

The GAC welcomes the Board's reaction to the letter sent on August 23rd in which the GAC asked the Board to reconsider the publication of the Consensus Registration Data Policy and expressed its public policy concerns on the proposed implementation of the Registration Data Policy for gTLDs regarding the appropriate timeline to respond to requests for registration data in select emergency circumstances, known as "urgent requests". The GAC supports the initiative of the Board to separate the topic of urgent requests from the publication of the overarching Consensus Registration Data Policy and to speedily continue discussions on the former to achieve an outcome which is acceptable to all parties.

The GAC reiterates that "the proposed outcome of up to three business (not calendar) days to respond to the narrowly defined category of "urgent" requests for the main name registration data does not serve its intended purpose" and that the use of "business" and not "calendar" days is particularly problematic in this respect as it can lead to significant delays and would vary across different jurisdictions leading to uncertainty. The GAC also recalls that in January 2023, "the ICANN org Implementation Project Team (IPT) carefully reviewed the public input received and concluded that there was "sufficient justification to revisit the policy language and to require a 24-hour response time for urgent requests".

The GAC looks forward to the early reopening of the discussions with the community, also based on the further input, which will be provided by the SSAC with the objective of "achieving an outcome that better meets the public safety considerations posed by urgent requests".

Can you scroll down a little bit, please? Thank you. So just to make sure we're on the same page, this was text proposed by the European Commission, and the text in red was proposed by India. So, I'll go on with the text. Yeah. Can you scroll down? Thank you.

In the realm of legal accountability, the Governmental Advisory Committee (GAC) underscores a pressing imperative - the expeditious culmination of the Registration Agreement (RA), Registry-Registrar Agreement (RRA), and Registrar Accreditation Agreement (RAA). This agreement should encompass a pivotal provision mandating the disclosure of WHOIS data for bona fide purposes and in the interest of the public as per request of LEAs, that is law enforcement agencies. Moreover, they must establish robust frameworks for the scrupulous verification and validation of WHOIS data, along with delineating penalties for non-compliance. Such meticulously structured agreements are essential not only for legal enforceability, but also for upholding the integrity and transparency of online information in a manner that serves the greater good.

And I'll pause here in order to see if there are comments or questions. And again, I would have loved to discuss this with the Indian delegation. Are they in the room or online? That is not the case. So, I'll pause here. Questions, comments, edits? And I see the US. USA, go ahead, please.

SUSAN CHALMERS: Thank you, Chair. We support the proposed text of the European Commission. We have collaborated with the commission to have this text, so fully supportive. Again, if we could just quickly scroll down so I can have that text in front of me. In terms of the text proposed by our colleagues from India, I think we can agree with the spirit of the text, but do you take some issue again with the wording. It would be helpful. But perhaps we can just park this and see if they're able to join us at a later time to be able to discuss. Thanks.

NICOLAS CABALLERO: Thank you. USA. I have the UK.

NIGEL HICKSON: Yes. Thank you very much, Mr. Chairman, and thank you so much for this text. And I agree with the US that perhaps we can put this Indian proposed text in square brackets. I didn't understand all of it, but obviously, when India are able to explain it to us, we might be able to understand more of it. On the other text, I think it reads really well. I just wondered whether we wanted to be in a position to urge, sorry, whether there was any sort of time frame for the work now to be taken forward to come up with the agreed language on urgent requests.

So, I know it's gone out of the RDRS. It's now gone back into the policy process, but it's just I think for many people, it was slightly confusing the way this has all been done. And I just wonder whether the language here needed to reflect that this agreement on urgent requests will now come forward, and therefore will apply across. All types will apply, not

just in the RDRS, but will apply irrespectively, when requests are made and they're of an urgent nature. Thank you.

NICOLAS CABALLERO: Thank you, UK Well noted. I have the Netherlands. Alisa, go ahead, please.

ALISA HEAVER: Thank you, Nico. Yeah. On the text of the European Commission. On substance, I fully agree with what's being proposed, but I'd like to ask if it's possible to cut a few sentences in half because a few of the sentences are like five lines long. For readability, I think it would make sense to see if we can edit that slightly. But I don't feel the urge to do that in the full group. So, if okay, we could do that along. Okay. Perfect.

NICOLAS CABALLERO: Thank you so much for that, Netherlands. I have the European Commission.

PEARSE O'DONOHUE: Thank you. Pearse O'Donohue, European Commission. To respond very briefly to the colleagues from the--

NICOLAS CABALLERO: Excuse me. Could you please speak a little bit closer to the mic?

PEARSE O'DONOHUE: Of course. To respond briefly to the colleagues, I think the suggestions made by Nigel on behalf of the UK are very reasonable and we'd be very happy to see some text along those lines. Indeed, we would wish to avoid the worst-case scenario in which the rest of the policies implemented, and we end up never having a solution to the urgent requests issued. And then, of course, as regards to the Netherlands comment, of course, we can always be shorter and also, perhaps use a few full stops from place to place. Thank you.

NICOLAS CABALLERO: Thank you very much, European Commission. Any further questions or edits or comments at this point? I see no hands? Online? Is that an old hand, Netherlands? Oh, okay. So, I guess we're good to move on. We're okay to move on. So please scroll down. Let's cover DNS Abuse. The text, again, coming from India.

In light of the escalating frequency and severity of cyberattacks leveraging domain names, the Governmental Advisory Committee has made a vital recommendation. It advises that domain names lacking complete WHOIS information should be promptly deactivated as an immediate measure. Furthermore, GAC suggests that domain names, frequently exploited by cyber attackers, could also be subject to deactivation upon a formal request from respective countries following a diligent verification process. This action entails engaging with registrars operating outside the domain's originating country. Such measures are intended to bolster cybersecurity and mitigate the risks posed by malicious online activities.

I'll pause here in order to see if we have any reactions. And I have the United States.

SUSAN CHALMERS:

Thank you, Chair. We cannot accept this text. I'm sorry. We're in no position to be able to accept this text and so we suggest it's deletion in entirety. We are working on some alternative texts with a number of other colleagues on DNS abuse that does not propose deleting domain names, that does propose some more constructive language which addresses the substance and recognizes the substance of the discussion that we've had during this ICANN meeting. Thank you.

NICOLAS CABALLERO:

Thank you very much for that, USA. Any other comments or questions or edits? And again, I stand to be corrected, but I understand that Indian delegation is not in the room or online. Is that correct? And I don't see any delegate from India. So, we'll put that in brackets. So, let's move on with Alternative Namespaces, Topic 6, and I'll read the text as it is. So, I would like to ask my distinguished GAC colleagues, who provided these texts for alternative namespaces, just out of curiosity? Thank you. Papua New Guinea, right?

RUSSEL WORUBA:

Thank you, Chair. It was your good friend, Papua New Guinea, who offered the original text. Thank you.

NICOLAS CABALLERO: Perfect. Thank you so much for that. So, I'll read it as it is. Alternative Namespaces. With a growing interest from the Governmental Advisory Committee (GAC) members attending the Capacity Development Workshops that highlighted the development of alternative namespaces and emerging identifiers, a possible GAC technical working group consisting of members with interest and/or expertise in this area should be created to work towards providing the community a possible convergent position, recommendations, or otherwise on alternate namespaces/emerging identifiers, and other relevant emerging technologies.

And I'll pause here in order to see any reaction. Thank you. So, I have the Netherlands, and then I have Switzerland. Alisa, go ahead, please.

ALISA HEAVER: Thank you. This is Alisa Heaver for the record. As I said yesterday, I really feel that it's too early to make this an issue of importance. And I've provided some text under the, well, for now section, GAC underserved regions working group. But as I said yesterday, I think that there should be something on a separate section on the capacity development workshop. So, well, yeah, I wouldn't agree on having-- Well, I don't see the need of having this text now in this section, and I would like to, at one point, discuss the other suggested text. But I'm not sure which way to go further with this. So, I'm in your hands, Mr. Chair.

NICOLAS CABALLERO: Thank you very much, Netherlands. As a matter of fact, I was going to suggest moving this to internal matters. But again, I'm in your hands as

well. So, I have Switzerland and then the UK. Go ahead, please, Switzerland.

JORGE CANCIO:

Thank you, Nico. Jorge Cancio, Switzerland, for the record. I think, although probably the spirit of the text is something we could agree with, first of all, maybe this should go to internal matters or to a different part of the communiqué. And beyond that, what strikes me a little bit as odd is that we in our communiqué say that the GAC should create a working group. Either we create it, or we don't, but we don't tell ourselves whether we should do something.

And beyond that, maybe I would try to have a shorter text highlighting that this is an important issue that we have learned about it and that there are policy implications that we consider that we will be looking into it. But I wouldn't either fix ourselves to the creation of a working group because this wasn't really discussed. And also, in addition to that, maybe a working group is not the right channel to address this. So, that's more up for discussion. So, yeah, to cut the long story short, I would highlight the importance of the issue and the willingness of the GAC of looking into it in the coming meetings and in the future, but without being so specific on how we will do it exactly. Thank you.

NICOLAS CABALLERO:

Thank you very much, Switzerland. I have the UK. Rose, please go ahead.

ROSALIND KENNYBIRCH: Thank you very much, Chair. Ross KennyBirch from the UK. Just to express support for the comments from our colleagues from the Netherlands and Switzerland on this, and to also express thanks to all those that participated in and help to build a really fantastic capacity development weekend. In that regard, I'd also like to express support for this to move to the internal matters section. It's a really important and fascinating topic. And in the spirit of which this was discussed, the capacity development workshop, this would be the appropriate place. Thanks very much.

NICOLAS CABALLERO: Thank you, UK. I have Trinidad and Tobago. Please go ahead.

SHELLEY-ANN CLARKE-HINDS: Shelley-Ann Clarke-Hinds, T&T. I think Rose just said what I wanted to say. Thank you, Nico.

NICOLAS CABALLERO: Perfect. Thank you. I have Hungary.

PETER MAJOR: Thank you, Nico. First of all, we have still alternate in the last but not one line. That's an editorial. As for the substance, I also think it should eventually go to the internal methods, saying that we should continue the capacity building in this direction and probably, it's my remark that when the time is ripe, then we should take some action.

NICOLAS CABALLERO:

Perfect. Thank you. Well noted, Hungary. Any other any other comment? So, since we still have 12 minutes, let me read number 7 in order to see if we're okay there or if we should pause for some coffee. So, I'll read number 7, which is Transparency and GNSO Statements of Interest, SOI.

So, the text reads, the GAC strongly supports transparency at ICANN and takes note of ongoing within the GNSO and the work conducted by the GNSO Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) Recommendations Report on the Review of the Statement of Interest (SOI) requirements.

The GAC expresses ongoing concerns, as noted in the GAC ICANN76 communiqué, regarding a proposed exception in the SOI that might permit GNSO participants to refrain from disclosing the identity of the entities they represent in GNSO working groups. Section 3.1 of ICANN's Bylaws state that "ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness". Transparent disclosure of interests represented in GNSO Working Groups is part of the basis of credibility and legitimacy of ICANN's multistakeholder model. The GAC looks forward to continued engagement with the GNSO, Board, and community on this issue.

And please, my apologies. I didn't make fun of the text or whoever wrote the text or anything. I'm just surprised at the surprising number of new acronyms I get to learn every day. I wasn't even familiar with the CCOICI, thing. In any case, I'll pause here to see-- I'm sorry. No. This is a serious matter. My apologies again. Do we have any edits, questions,

or comments in this regard? And I already see I have Trinidad and Tobago and then Hungary. Or those are all hands? Oh, I'm sorry. Okay. Hungary, is that a new hand? Okay. I have the UK. Nigel, please go ahead.

NIGEL HICKSON:

Yes. Thanks very much, Mr. Chairman. Nigel Hickson, UK GAC. Thank you very much for this text. We discussed this issue, of course, with the GNSO and with the ICANN Board. I think for many countries here, this is a very important issue indeed. We raised it under issues of importance in our communiqué at our last meeting. Since then, as we understand, this is a process, an internal process within the GNSO that's being discussed. And we understand that GNSO may come to a decision on whether this "loophole" that allows certain parties not to disclose their affiliations when taking part in public policy issues, that this matter might be voted on or there might be a decision on this matter within the GNSO.

So, I think depending on whether there is or what that decision might be, certainly our wish would be to see the language goes in GAC advice. We don't own only raise this as an issue of importance. That we actually give advice to the Board that we consider that Statements of Interest are absolutely imperative and that they should be applicable to all parties that engaged in the policy development process. Thank you very much.

NICOLAS CABALLERO:

Thank you, UK. Benedetta.

BENEDETTA ROSSI: This is Bernadette speaking. Just in response to Nigel's comment. I wanted to flag that the GNSO Council had held the vote, and the motion did not pass on the Statements of Interest. No, it did not.

NICOLAS CABALLERO: That's good to know. Thank you for the update, Benedetta. So, that's official information. It did not pass. Okay. Thank you so much. I have Switzerland. Go ahead, please.

JORGE CANCIO: Thank you, Nico. Jorge Cancio for the record. And thanks very much to Benedetta for this piece of news. That's, I think at least from my point of view, good news. So, it's also an opportunity for the GNSO community and Council to reconsider and to take into account what we have been saying for some time.

So, I just wanted to express my support for this language. I think it's good language. It's also opposite that it's here because it a message being conveyed to the GNSO, to the Board, to the community at large. And of course, if the vote had been in a different direction, I think, perhaps it would have been reasonable to think about GAC advice to the Board before any implementation would have taken place of a new decision.

NICOLAS CABALLERO: Sorry. You mean the GNSO Council, right?

JORGE CANCIO: What?

NICOLAS CABALLERO: You mentioned the Board, but maybe you were referring to the GNSO council, right?

JORGE CANCIO: No, I was referring to the Board.

NICOLAS CABALLERO: Oh, Board itself? Okay.

JORGE CANCIO: Yeah. If the GNSO Council had decided in a different direction, I think we would have needed to go to the Board. But as they have voted against, I think we are still with the GNSO and with the community in a dialogue. And perhaps on a lighter note, and thus we are having a coffee break very soon. I just wanted to express my relief that now I know what the CCOIC is.

NICOLAS CABALLERO: Thank you very much for that, Switzerland. You learn something new every day, as the old all saying goes, right? Any other question or comment? Any other edits? Because we're almost at the end, and we

still have five minutes, so perhaps-- I'm sorry. I'm sorry. I have the US. Go ahead, please, Susan.

SUSAN CHALMERS:

So, thank you, Chair, and thank you to Benedetta for giving us the update. My intervention only pertains to the fact that we may wish to, now that the vote is taking place, introduce some slight changes in recognition of the fact that the decision has been taken. But I don't think it changes the thrust of the text. I just think there could be minimal edits made. Just wanting to note that now, but we don't have any specific proposals at this time. Thank you.

NICOLAS CABALLERO:

Thank you very much, Susan. You mean reflecting the current situation? Okay. Understood. Thank you for that. Any other comment? If not, let me read Topic 8, which is Emergency Assistance Program, which is very short, and goes like, While the GAC acknowledges the information previously shared by the Board, the GAC reiterates its interest in having further details on criteria, dates and updates related to the Emergency Assistance Program.

Thoughts, questions, edits? Is it okay as it is? Netherlands. I'm sorry. Netherlands, go ahead, please.

ALISA HEAVER:

Sorry. I couldn't find the Zoom room anymore. I just wanted to note, when I looked up on the ICANN website, what the Emergency Assistance Program was, it said the emergency assistance program for continued

internet access. Is that the program that's meant or it is a different program? And if that one is meant, maybe we should be full in that.

NICOLAS CABALLERO: Thank you very much. Sorry. Yeah. Go ahead.

ALISA HEAVER: For continued internet access. Yeah.

NICOLAS CABALLERO: Very good catch again. Very good catch. So, are we okay? We still have five minutes. So, there's text on the HLGGM topic. Maybe we can scroll up and take a first look. It's very short as well. So, let me read it right before the coffee break. So, number 1, High-Level Governmental Meeting.

The GAC welcomes the invitation from the government of Rwanda to host the next High-Level Government Meeting (HLGM)—should be governmental, but in any case—in Kigali to be held as part of ICANN80 Policy Forum scheduled for 10-13 June 2024. GAC members agreed to start compiling the list of high-level government officials to be invited as well as agenda topics to be covered; targeting to have the invitations, along with the [preliminary/high-level] agenda issued earliest in November.

Should we leave government? Yeah, governmental. Any reaction thoughts, comments? Egypt, go ahead, please.

MANAL ISMAIL: Actually, I wrote preliminary and high-level. We need to choose one.

NICOLAS CABALLERO: That's for sure. We're going to fine-tune the text.

MANAL ISMAIL: Not leave as is. Yeah.

NICOLAS CABALLERO: Thank you, Egypt. Thank you very much. Thoughts, comments? Netherlands, go ahead, please.

ALISA HEAVER: Sorry for taking the floor again. I was just thinking as it is proposed to have the high-level governmental meeting on 9th June. Should that be reflected in a text as well somewhere?

NICOLAS CABALLERO: And again, very good catch. Yeah, I would agree, but I'm in your hands. I'm in your hands. Should we do that? An Egypt, again, go ahead.

MANAL ISMAIL: Yeah. I mean, if the date is fixed and we already know about it, then we should write it down. We need just to confirm the date. Yeah. Thank you.

NICOLAS CABALLERO: And I stand to be corrected, but my understanding is that it's already been set for June the 9th. So maybe we can include it? So, that brings us-- I'm sorry. I have the UK. Go ahead, please, Rose. And then then, Denmark.

ROSALIND KENNYBIRCH: Thank you, Chair. Rose KennyBirch from the UK. Just to note as well that if that date is captured in there as well, perhaps it's also worth capturing for colleagues' consideration. We discussed proposals to perhaps have events or discussions throughout the week or not just simply on one day, earlier this week. So perhaps if that's reflected as well. Thank you.

NICOLAS CABALLERO: Thank you, UK. Well noted. There was another hand. Denmark. I'm sorry. Go ahead.

FINN PETERSEN: Thank you. Finn Petersen from Denmark. Just to inform you, I have put a small sentence in follow-up advice concerning the cost-benefit analysis, which I raised the other day and which I found out haven't been delivered from the Board. So, at the end of the communiqué at the moment, I've proposed a short text.

NICOLAS CABALLERO: Okay. Thank you, Denmark. Perfect. So, that brings us to the end of this session. Let's have a coffee break. We'll reconvene here at 4:00

o'clock. Enjoy your break. Excuse me. Netherlands? I'm sorry. Yeah. There's a hand from, I understand this is Rwanda. Charles, is that you?

CHARLES GAHUNGU: Yes. I will also recommend if we can conclude on basically, since the date has been discussed, it will help us to start the preparations accordingly. So having the date of 9th mentioned or included in the minutes or the reports, it will be very good.

NICOLAS CABALLERO: Thank you for that, Rwanda. Enjoy your coffee break.

[END OF TRANSCRIPTION]