
ICANN78 | AGM – GAC Communique Drafting (4 of 5)
Thursday, October 26, 2023 – 9:00 to 10:00 HAM

DAN GLUCK:

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using your full name. With that, I hand the floor over to GAC chair, Nico Caballero.

NICOLAS CABALLERO:

Thank you very much, Daniel. Good morning and good afternoon and good evening for those online. I hope you had time to enjoy a beautiful Hamburg and the very good coffee and tea they have. Not to mention all the drinks, of course. Welcome to the 4th GAC Communique Drafting Session. This session is going to be running for 60 minutes, and then we'll have right after the coffee break, another communique drafting session for 90 minutes. I just want you to bear in mind that the ones the tech disagreed, will have I mean, the final reading would take at least 40, 45 minutes in case everything goes well and in case we're all happy with the outcomes, which I fully expect to be the case, by the way.

So, let's try to be optimistic right from the beginning. So, with that, one little housekeeping detail is that we're going to be closing the Google editing of the documents in a little while. Let's say, like, 30 minutes or something in order to be able to keep track and control the last changes just to make sure we're all on the same page and we don't have any kind of unpleasant surprises.

So, yesterday we left off with the RDRS issue. So, we're going to go back right there. So, if everybody agrees, we'll move on from topic number three, which is Registration Data Request Service, RDRS, and I'll just concentrate on the first paragraph. I'm sorry. To the second. Yeah. To the second because we had already agreed on the first paragraph. Of course, unless you tell me otherwise. So, I'll go straight to the second paragraph, read, see if we all agree or if there are any changes or edits,

or anything you consider fit. And we'll go on from there. Sure. Go ahead, Fabien. Okay. I have Iran, and then back to you, Fabien. Iran, go ahead, please.

KAVOUSS ARASTEH:

Yeah. Thank you very much, Chair. Good morning to you and to everybody. Just a suggestion. Please kindly consider. Do we need such a lengthy text or it could be more shorter? I know some pen holders put this pen very good. We are grateful to him or her, but I think do we really need such a very, very lengthy and descriptive text. Paragraph one is okay, but now we're coming paragraph two and so on and so forth. Just suggestions. Thank you.

NICOLAS CABALLERO:

Thank you very much for the suggestion, Iran. As a matter of fact, I totally agree with you. The shorter, the better, in my humble opinion, short and sweet is always a good thing. But we need to agree because there might be important details that might have been added by our distinguished, GAC colleagues. So, but again, I'm in your hands. We can write a full Shakespearean, 200 pages communique or we can concentrate on the details. I'm in your hands, as I said before. So, with that, let me give the floor to Fabien Betremieux for some housekeeping details.

FABIEN BETREMIEUX:

Thank you, Nico. This is Fabien Betremieux from the GAC support team. So, just to clarify that the text we have in this section, the first three paragraphs I believe are provided by or were provided by the US and a

number of other contributors. And below those three paragraphs, there are two different paragraphs, which I believe were submitted by India. Those two paragraphs at the bottom were not discussed yesterday because the GAC representatives from India were not present in the room. So, that's why we focused our discussion on the text provided by the other groups of Draft. That's what we're reviewing at the moment. And so, I believe we will consider then the two other paragraphs once we've been able to look at those.

NICOLAS CABALLERO:

Okay. So, having said that, I'll go straight to the second to paragraph. So, the text reads; Other factors that will impact usage relate to whether users submitting legitimate requests received data relating to the underlying registrant as opposed to information related to a privacy or proxy service. Currently, many leading Registrars provide privacy/proxy services to registrants by default. ICANN org's Operational Design assessment (ODA) of the SSAD analyzed the potential adverse impacts on that system noting that "SSAD requestors may have a negative experience using the system if the data they seek is protected by a privacy or proxy service". The assessment also observed that "Requestors may feel confused or frustrated with the system. if they don't receive the registrant data they seek due to proxy or privacy service use and that this risks significant user confusion and or dissatisfaction".

The GAC highlights these risks because Registrars, including those that provide privacy/proxy services, directly for the, registrar customers will have discretion on how to respond to requests. The GAC observes that

RDRS's success depends in part on how satisfied users are with the system with positive experiences promoting repeat usage. Finally, the GAC also encourages users of the system to provide feedback on the effectiveness of the RDRS. So, I'll stop there.

And if you scroll down a little bit, please. We have some text. I believe the text in red was provided by India yesterday, but since India was not in the room, we didn't have the opportunity to discuss. And that's why we concentrated on the paragraphs above. So, I'll pause there and see if there are any comments, any questions, or any suggestions on how to move forward. India, would you like to refer to the two paragraphs you provided and how to incorporate that text into the main text or you are okay the way it is. And I have Iran on the queue. Iran, go ahead, please.

KAVOUSS ARASTEH:

Thank you, sir. I think maybe, respectfully request USA to shorten that big paragraph two of that, paragraph three is okay. About paragraph two, the GAC highlights is okay. But that paragraph in the middle, I think I don't want to get involved that, but maybe everything there could be given in one or two lines, but too many details, just a request invitation. My distinguished friend, Laureen, or someone from USA may kindly consider. In the meantime, you go to the remaining part of the Indian proposal and leave that to Laureen perhaps to come with a very short paragraph, second paragraph and so on. I'll just make it shorter if possible. Thank you.

NICOLAS CABALLERO:

Thank you, Iran, for the suggestion. I have Japan.

NISHIGATA NOBUHISA: Hi. Good morning there. This is Nobuhisa Nishigata from Japan speaking for record. And then just I'm talking to Kavouss, and thank you for the suggestion. But, I mean, my original proposal was that's very short, but they elaborated and then this is, I would say quite rightly deflecting the discussion we had with, like, during the DNS Abuse, I mean, the session the previously so. And then, it looks long as you said, but then some portions of the ticks are in a quote. So, in a substance means, and then I don't think this paragraph is long or inappropriate in terms of the length. So, let's just comment back to the Kavouss and then, like, love to hear how you think about. Thanks.

NICOLAS CABALLERO: Thank you, Japan. I have the European Commission, Martina, please.

MARTINA BARBERO: Thank you very much, Chair. I'm Martina Barbero for the record. I agree with my colleague from Japan. I think it's a good paragraph and their quotes. I mean, I'm not against the idea of shortening with, but I think it's good, it captures and gives enough detail for what we discussed. And I think that the quotes had some value in explaining the first paragraph. But, of course, if there's a strong feeling that this needs to be shortened, we can discuss.

NICOLAS CABALLERO: Thank you very much, European Commission. Any other comment? Edit or suggestion? So, I don't think I need to read it again unless there's

a new proposal to shorten the paragraph. If that is the case, I'll go ahead, otherwise, we'll move on. Do you agree? And I see some nodding. Okay. So, let's move on. Can you scroll down, please? A little bit.

GULTEN TEPE: Nico, before we move on, I see Mauritania's raised hand.

NICOLAS CABALLERO: Thank you, Gulten. Mauritania, go ahead, please.

MOHAMED EL MOCTAR: Thank you, chairman. This is Mohamed El Moctar. Sorry. For the purposes of the communique of the GAC, I see that paragraph two of the US part is more of an analysis of what's going on and is not really in the spirit of a communique. It provides a bit more background and analysis of what is behind the justification. Thank you, Mr. Chairman.

NICOLAS CABALLERO: Thank you, Mauritanian. Yes, you're right. But this is under issues of importance. We're not giving advice in this case or anything. But again, I'm in your hands. US, would you like to comment on that or we can just move on. I mean, if you have strong feelings about this, Mauritania, you can suggest alternative text. Otherwise, I really suggest we move on. But I'm in your hands. India?

T. SANTHOSH: Good morning, colleagues. This is Santosh for the record. So, I need a clarification in these two paragraphs. So, are we supporting the proxy and privacy services which will be affecting the RDRS as well as SSAD. Just a clarification. Thank you.

NICOLAS CABALLERO: US, go ahead, please.

SUSAN CHALMERS: Yes. Good morning everybody and thank you for the question. The point of these two paragraphs is to expand on the original text from our Japanese colleague, but really to highlight the problem of the absence of privacy proxy policy within the RDRS. When you submit request through the RDRS, if most of those requests will be responded to with privacy proxy data, there is a concern that the system is not serving kind of a meaningful purpose for those requestors, and so that is the impetus of the two paragraphs here is to highlight that risk.

NICOLAS CABALLERO: Thank you. US. India, are you okay with the...I mean, is there understanding there? Thank you. Okay. So, seeing no other requests for the floor. I'll move on. And go to the next. Sorry.

SUSHIL PAL: So, the paragraph three also essentially say the same thing. I think.

NICOLAS CABALLERO: Excuse me,

SUSHIL PAL: I think in para three.

NICOLAS CABALLERO: India, go ahead.

SUSHIL PAL: Sorry. I'm just, the para two and para three, I think they're essentially saying the same thing especially the second half of the para two and para three. So, maybe and then, I mean, we are okay with the content there, but only in the interest of brevity, if US may like to respond.

SUSAN CHALMERS: If folks would like to suggest edits to the text that retains the point of the text, and streamlines that text, then we would welcome those suggestions since the chair had requested before. Thank you.

NICOLAS CABALLERO: Thank you very much, US. Yes. That's precisely my suggestion. So, if you have alternative text for this, India, you're more than welcome to provide it, and then we could discuss it. And I have Japan and then Iran. Japan, go ahead, please.

NISHIGATA NOBUHISA: Oh, thanks. I'll be quick, but just I had to say a couple things to the Indian colleague. I mean, that these two paragraphs in the number two, the number three is not saying the same thing. It's totally different thing. The second paragraph is more about the proxy services that we

have discussed in previous session, plus in terms of the effectiveness of the RDRS then this is at the point that we have to keep watching after the launch. So, it's going to be the good kind of flagging us or for the watching notify depend development of these things or use or deployment, those kinds of things.

So, then the last one is more like particularly, I stick to have the end part of the third paragraph starting by the final part. It's more like a kind of we are just encouraged to do, then the Japan is happy to do these kinds of things. Once the RDRS is launched, then inform our Japanese internet communique of this launch and then, like, we're happy to do the feedback to the account. So, if other colleagues, the distinguished colleague can join us, then I'll be happy to do that. Thank you very much.

NICOLAS CABALLERO: Thank you very much, Japan. I have the European Commission. Sorry. I didn't see your hand. And then Iran and then the UK. European Commission. Go ahead, please.

MARTINA BARBERO: Thank you very much, Nico. I agree with my colleague from Japan. I think the two paragraphs do not repeat the same thing, but actually build on each other quite nicely. I think it's a good in a sense that we explain what the problem is. And then we clarify what's the GAC position and what are the risks that we highlight, but also what we encourage users of the system and registrars to do.

And I think the problem of being shorter or deleting the second paragraph is that it would be a bit unclear than what we advocate for. So, I understand it's a long text. I understand we want more texting possible, but I also see the difficulty or rephrasing in a way that wouldn't miss the point. But happy to contribute, see if there are alternative language, happy to discuss that, of course.

NICOLAS CABALLERO: Thank you very much. I have the UK. Iran, you are next, but I don't see your hand there anymore. So, UK, go ahead, please.

NIGEL HICKSON: Yes. Thank you very much, Mr. Chairman. I didn't want to butt in, Nigel Hickson, UK GAC, but really talking as a vice chair here of the GAC. And our chairman is ever polite. But as he noted, we have limited time. We have limited opportunity to agree some very important texts that we have here, and we have later on in our communique that reflect the important discussions we've had.

So, I think although, you do, obviously, everyone has the absolute right to suggest edits, these paragraphs do seem to reflect discussions that we did have during these meeting on privacy proxy services. The next couple of paragraphs proposed, I think from our distinguished colleagues from India, I think are more difficult. And perhaps we might discuss these in a break or something like this. But I think it's too early to say these things in these two paragraphs. First of all, we don't know that the RDRS is a failure really, or and secondly, the paragraph concerning deletion of names. I don't think we discussed. I'm not

saying it's not a legitimate concern, but we didn't discuss it during this meeting. So, I think it is not appropriate at this time, perhaps. Thank you.

NICOLAS CABALLERO: Thank you very much, UK. Not only that we didn't discuss, we didn't reach agreement as far as I understand, and I stand to be corrected here. But, in any case, India, go ahead, please.

SUSHIL PAL: Responding to the US paragraph, I think I said I'm okay with the content only for the sake of brevity, I said so. If the house agrees, then the assess the last line of second paragraph in the interest of brevity. I'm not against the content again because rather than quoting the assessment, I mean, the committee need not be repeating what the SSAD assessment already has said. So, the last line, the assessment also observed that this, I think that can be taken away, but if the house feels so we have no deadlines on retaining them.

Regarding our comment, we did not get any feedback as how RDRS is addressing the present system of SSAD because maybe at all, it's completely voluntary. And noting that was a brief to the house which can give a comfort that we can look at the language if it sounds very harsh or if it prejudices the conclusion as to what the outcomes of RDRS would be. As regards, our third paragraph, the content is important to us. The placement, I don't know. I mean, whether it was discussed or not, I don't know, but the concern which we want to highlight before

the house is that, we face most of these often, the DNS which are utilized for the cyber-attacks using botnets.

Those do not have the complete WHOIS details. We still have a long way to go regarding coming to an agreement, regarding the agreement of RA and RRA, which mandates and ensures that all domain names which are registered have the WHOIS data available with them. As of now, the present creation of a DNS is a very simple thing. And, I mean, you can create a DNS in a minute, within seconds without even offering complete what we call as a know your customer's details, I mean, there are not even details available, but you can create a DNS and there were the potential risk lies.

So, at least someone in GAC should look at it and take some action at least about those DNS which do not have the complete details so that whenever the issue of accountability or cyber-attacks come, I think we should have some way to address them. That is the concern. The placement and all, you can look at that separately.

NICOLAS CABALLERO: Thank you. India. I have the US.

SUSAN CHALMERS: Thank you. And thank you to our colleague from India for that intervention and expressing those points and concerns. I think it bears mentioning that the text that has been proposed by India might not fully take into account the various ongoing work different within the ICANN communique on this subject including the procedural posture of some of those decisions. And so, I would like to give the floor to my

colleague from the FTC who has been tracking this quite closely and she can expand upon that.

LAUREEN KAPIN:

Thank you. And as I said in my presentation this is very complicated, and ICANN processes are very complicated. And I myself struggle sometimes to figure out where things are. So, I want to talk about this just in terms of timing. The Phase 2 recommendations, the SSAD that you referred to in your comment, that is essentially on hold. And that has not been approved by the Board.

So, it's a little bit in this paused category. And instead, what has been decided to do is come up with the pilot program which is the RDRS. It's unclear whether that will fulfill its intended goals. We certainly hope so. The goal is to try and figure out how much this system would be used so that the Board can decide whether to approve or disapprove or send back the Phase 2 recommendations. It is completely voluntary. So, you're right to be concerned with what will happen and how people will respond because that is going to be up to the registrar once a request conveyed to them.

And indeed, it's up to the registrar to decide whether they want to participate at all, and it's up to requestors to decide whether to use the system. So, at a high level, your concerns about, well, what do we do about these serious harms going on generally it's fully appreciated. It's just procedurally, it's very difficult to be able to, I'll say move to the end game here because we're still in the middle of things. I hope that, that's helpful. As I said, sometimes even I struggle to figure out the complexities of the process, but it seems to me that we need to focus

our points on what's going on right now in the process and what's right. So, again, I hope that's helpful.

NICOLAS CABALLERO: Thank you very much, Laureen, US. I have Iran and then India. Iran, go ahead, please.

KAVOUSS ARASTEH: Thank you, sir. I think if you allow me, I go to the second paragraph from India. Please say, yeah, the second part of this, the GAC, the government advisory committee has brought to our attention. Who is our attention? Maybe India saying that Jack brought to the attention of whom at our, who is our attention? Oh, that is something. And then talking about the activation and said that if when for WHOIS, when the information is not available, should be deactivated when the information is also available should be deactivated. There is a little bit of the discussion. What we really want to be deactivated. And then making clear that we would not normally use a personal pronoun, our or yours or maybe or day and so on and so forth. Maybe need a little bit of drafting or redrafting and clarification about the deactivation, what you want to deactivate. Thank you.

NICOLAS CABALLERO: Thank you, Iran. India?

SUSHIL PAL: Thank you, the colleagues from US, Susan, and, Laureen. That's the concern. I think, yes, what we want to say is that the phase two of SSAD

has been put on hold which, first of all, I'm a newcomer. I'll repeat that. So, pardon me, that's it. And that is what we want to highlight that that's a Board decision. That's not what GAC feels. GAC communique may not repeat the same thing what Board has decided. Our concern is that the request from the law enforcement authorities, as in when they are made in the public interest or in a larger security interest whatever. I mean, in that case the request should be honored.

It should be provided with a defined time frame. I mean, if the Board has agreed or has shown the intention of agreeing to providing those informations within 24 hours, what is the merit of agreeing to that if there is no mechanism to even do that? I think the SSAD provides the mechanism, I mean, pardon my ignorance if I'm not able to connect that. But If, as I understood from the conversation, the Board has in principle has shown the inclination to agree to providing the information within 24 hours. But then it has to be mechanism. And that mechanism is the SSAD thing. And if the SSAD thing itself had put on hold, I mean, where are we heading? I mean, that concern has to be brought out.

We are not too much on the language of I mean, that we have the flexibility subjective, everybody's agreeing to it, but we want to clearly highlight the fact that this system for establishing and taking care of the request by the law enforcement agencies should be expedited and not put on hold. Board may have put it on hold, but GAC committee must expressly underline the importance of it. And that's how it should go. That's for the second paragraph.

The third paragraph. , Iran, thank you for pointing it out. I think that language can be looked at. I think, to our attention, I think, yeah, that maybe have been wrongly worded. But what we want to be deactivated is I'll again repeat, does those domain names for which WHOIS data is not available. GAC must express its concern again that they are a call of concern because those are the domain names which are utilized for the cyber attacks.

If we can create domain names on the go within a minute, I mean, should we not have the same system for deactivating once those details are not there? I mean, can we open a bank account in a bank without having providing my personal details? We cannot. But I can open a domain name without even giving any details? So, I think I've highlighted the concern. The language parts. It in fact, as for the drafting guidelines, I think that can be reworked. I think that's what Lauren wants.

NICOLAS CABALLERO: I have the US. Go ahead, please.

LAUREEN KAPIN: Thank you for those concerns, which indeed we share these concerns. And in fact, I would like to separate out what I think are two distinct issues, because what I heard you discussing in the context of the system for access and disclosure. I'm going to try and avoid acronyms because I hate acronyms. They're hard to understand. I know Nico shares this view. That is a separate issue that really relates more to urgent requests.

And in fact, there's a separate part of the communique language which we haven't gotten to, which deals with urgent requests. And my suggestion would be perhaps we need to deal with this issue in that part of the communique to deal with the urgent requests, which of course, we have highlighted as the GAC that the proposal in terms of timelines for urgent requests was not fit for purpose. It was not appropriate in terms of timing for an emergency request and the Board has actually agreed with that. And that is why they have paused it. So, in the urgent request text, I think we can deal with that issue by highlighting how important this issue is and also our hope that the work on urgent requests can be dealt with effectively and quickly because of the importance of the topic.

So, that would be my suggestion. The other suggestion I would make is, perhaps during the break, we could have a conversation and that could be helpful also. Again, because so many things really deal with, the procedures in place for dealing with issues from urgent requests to as you're talking about accuracy issues, know your customer issues. That's what I'm hearing you talk about. And as is often the case, there's actually a work going on policy work going on in those areas too. So, maybe a conversation during the break would be helpful.

NICOLAS CABALLERO:

Thank you so very much for that, Laureen, US. I was going to suggest that India, maybe you can talk about the details and the nuances and everything during coffee break. We had ample time yesterday discussing this and some other issues and so maybe you can catch up

during coffee break if you don't mind. Thank you for the flexibility. And I have Iran, go ahead.

KAVOUSS ARASTEH:

Yes, sir. I think that's a good suggestion that the two parts of our Indian colleagues from the substance is okay. Maybe the place is not here. The place is where we discuss the issue of the urgent request and so on and so forth. It maybe moves to go there. And more of it they need some sort of editing to make it quite clear and to say that which one we would like to deactivate. I don't think that for WHOIS information, which is complete. We don't want to deactivate. So, the only one that our colleague from India wants to deactivate the ones for which information is not complete. So, we need a little bit of drafting and thinking that the vision is a good place in the communique to put this to paragraph and that may be during the break. Thank you.

NICOLAS CABALLERO:

Thank you very much, Iran. Any other comment or suggestion? So, then let's move on. Let's park this. And we'll continue right after the coffee break in order to see if there's agreement. Cause otherwise, we would be stuck here discussing for, like, two more hours and so let's scroll down, please. Let's get to the HLGGM because urgent requests DNS abuse and RDRS are somehow related, my humble opinion is that there's value in in those coffee break conversations so that everybody can be on the same page and catch up. So, again, I'll read the whole paragraph. Sorry. Excuse me. Yeah. Fabien, go ahead.

FABIEN BETREMIEUX: Thank you, Nico. This is Fabien Betremieux from the GAC support team just to highlight that there are a number of pieces of text here we've received. So, I believe the first part here, this paragraph highlighted on the screen is the original proposal. From Egypt with several amendments. You may recall discussion of that paragraph yesterday. Then there was an alternative offered by the Netherlands. Then there is a sentence, specific sentence offered by Germany, and then there's a second alternative for the paragraph from Rwanda, as I understand. So, this is what we have on the text right now.

NICOLAS CABALLERO: Thank you very much for the housekeeping details. Fabien. By the way, Egypt, Manal has already told me that she's fine with whatever final version, the GAC comes up with. So, but she'll be back in the room. She had to attend some other meeting but she'll be back soon. I'll go ahead with the reading and then we'll fine tune together. So number 1, high level, governmental meeting, government, sorry, government meeting, HLG. M.

The GAC welcomes the invitation from the government of Rwanda to host the next the high-level government meeting, HLG. M in Kigali on 9th June 2024, with potential opportunities for participation throughout the ICANN80 policy forum scheduled for 10-13, June 2024. GAC members agreed to advise the GAC support staff and share additional high-level, high-level officials in your government. I don't understand this. So let me go back, I'm sorry. There's there seems to be a mistake or something here.

So GAC members agreed to advise the GAC support staff and share additional high-level officials in your government you think should be invited to as well as agenda topics to be covered targeting to have the invitations along with the agenda topics issued in November. So that's what it says there. I'm not entirely sure the wording is fine, but anyways, let me read the alternative offer by the Netherlands.

The GAC welcomes the offer from the government of Rwanda to host the next High-Level Governmental Meeting (HLGM) in Kigali on 9 June 2024. This meeting will be held ahead of the ICANN80 policy forum scheduled for 10-13, June 2024, offering potential opportunities for participation throughout this meeting. The GAC agreed to have a further call to discuss and identify topics of interest to be covered during the HLGM. GAC representatives are also invited to inform the Rwandese hosts of the contact details for and names of the high-level representatives to be invited at the earliest convenience, for the invitations to be sent in November alongside with a proposed agenda.

So that's the proposal from the Netherlands. And there's one alternative to the first sentence of by Germany that reads, the GAC welcomes invitation from the government of Rwanda to the next high-level government meeting in Kigali on 9, June 2024, and so on and so forth. And in the end, that was accepted by the Netherlands as the first sentence.

Then there's a second alternative provided by Mr. Charles from Rwanda that reads, The GAC welcomes the invitation from the government of Rwanda to host the next High-Level Governmental Meeting (HLGM) in Kigali on 9 June 2024. This meeting will be held ahead of the ICANN80

policy forum scheduled for 10-13, June 2024. Offering potential opportunities for participation throughout this meeting.

The GAC agreed to have a further follow-up HLG meeting early November to finalize the list of topics to include with the invitations. GAC representatives are also invited to support and inform the Rwandese hosts the contact details for and names of the high-level officials in your government, you think should be invited at the earliest convenience for the invitations to be sent in November.

So that's where we are. We have three different very similar, but slightly different proposals. Where should we go? I'm in your hands, the floor is open and I have Iran and I have the Netherlands. Iran, go ahead, please.

KAVOUSS ARASTEH:

Thank you, sir. I think that the text from Netherlands is acceptable together with the first sentence proposed by Germany. So, we take that one and then with respect to the one that takes also is almost similar to the Dutch and text. But what I suggest that maybe not to discuss either of them, both of them are okay because we inviting Dutch and Rwanda during the break to get together and to have one alternative which covers both. I think they are very close, and then it could be easily done. Most of them are the same.

The first sentence of both are very similar and exact and no need any change. The second part is invitation and preparation. That may be a little bit of thing. I think I have much preference or not much more preference for Dutch, but I don't want to the disappointing our

colleague from Rwanda. So for the second sentence of both Dutch and Rwanda, I suggest that only for second sentence, they get together and try to come up with one single sentence or not sentence, one single paragraph which covers both of them. There's a little bit of difference between the two, but Dutch in my view is preferable. Thank you.

NICOLAS CABALLERO: Thank you very much, Iran, and I'm starting to get worried because you read my mind once again. So that might be an issue. Thank you again for that. Thank you again for that, Iran. I have the Netherlands. Go ahead, please.

MARCO HOGEWONING: Thank you, Mr. Chairman. Good morning colleagues. For the record, it's Marco speaking on behalf of Netherlands. Happy to hear such a broad support for our alternative text as you indicated, I've also spoken with Manal, who is in support of these alternative. As you said, I think we can easily adopt the alternative offered by Germany just to explain briefly, I went for offer as not to get more confusion between invitation and invitation. But I'm happy to accommodate that and, of course, also, happy to talk to our colleague from Rwanda in the break and settle on the second sentence if, that's the way forward you prefer.

NICOLAS CABALLERO: Thank you very much, Netherlands. So, let's do just that. And again, for the sake of time, let's move on I suggest we cover follow-up on advice in order to have enough time to discuss all topics. And then we go back after the coffee break and after the conversations, the much-needed

conversations about the details already discussed, we can go back and give a full reading to the to the fully agreed paragraphs. So, yeah, go ahead, Fabien.

FABIEN BETREMIEUX: This is Fabien Betremieux from the GAC support team just to remind ourselves that the first follow-up on previous advice was read and approved. So the one that is opened is the second one. There was a request for additional information as to the status of the ICANN56 GAC, Helsinki communique advice and I believe that was provided with the proponent of that text. And so there needs to be further consideration as to whether keeping these texts, changing it. So, that's where we are.

NICOLAS CABALLERO: So, I'll read it as it is. Thank you for that, Fabien. I'll read it as it is. And then with who by the way, who was the proposal was coming from? From which country?

FABIEN BETREMIEUX: It was it was discussed by Sweden, I believe and proposed by Denmark. Is that correct?

NICOLAS CABALLERO: Thank you for that. So, I'll read it as it is, and we'll go from there. So, number two, subsequent round rounds of new gTLDs. The text reads. The GAC recalls its advice to the Board in the ICANN56 GAC Helsinki communique, 30, June 2016 that, "An objective and independent analysis of costs and benefits should be conducted beforehand,

drawing on experience with and outcomes from the recent round." Such analysis has yet to take place. The GAC is looking forward to receiving the analysis at the earliest opportunity and ahead of ICANN79. So, that's where we are. Comments, questions, edits? Denmark, go ahead, please.

FINN PETERSEN:

Thank you, Mr. Chair. Finn Petersen from Denmark. I raised the question in one of the first sessions, well, I could get a reference to that report. And there have been certain emails I think was Switzerland who asked for what have happened since that. I'm a bit confused because it seems like the Board have closed the case, but I cannot find the analysis. And I haven't at this moment got a link to where I can find it. It should apparently be a part of the CCT review.

I will guess that when we have come up with an advice which they have accepted, that would be an analysis. I know that I or some years ago, asked the Board during one of the sessions, when it will come and I was told that it was underway at that time, and it was not connected to the CCT review. I was not able to find the reference. I know it was Avri who answered it at that time. So I'm a bit confused. The Board have accepted it. Well, the report, the analysis. That's the only thing I'm looking for. If there aren't any report or analysis, then I think we have a bigger problem. Thank you.

NICOLAS CABALLERO:

Thank you for that, Denmark. That was my understanding as well. But I'm a little bit confusing just like you. My understanding was that it was

somehow absorbed within the CCT review process, but as you pointed out, at least to my knowledge there's no official information about that unless and I stand to be corrected here. I would love to have the right answer. I have, Brazil and then the UK. Sorry. The UK. UK, go ahead, please.

NIGEL HICKSON:

So yes, thank you very much, Nigel Hickson from UK. Yeah, I think essentially here, there's no harm I mean, whatever the process that's taken place, whatever the considerations that have been made by the ICANN org the ICANN Board, we still haven't had this report. So, I think this request is sound. The only the only factual issue might be that perhaps we should delete the sentence that says such analysis has yet to take place because perhaps it has taken place, but we haven't seen the end result. So, with that change, I think this text is absolutely fine. Thank you.

NICOLAS CABALLERO:

Thank you very much. UK. Any other comment, question? If that is not the case, then let's move on. Sorry. Go ahead, Finn.

FINN PETERSEN:

I just want to confirm the status of the text. So then is there an agreement on the UK proposal that removing such analysis as he says, you have to take place and then approve of the text is what? is this the direction?

NICOLAS CABALLERO: And I see nodding. No opposition. I have Brazil. Go ahead, please.

LUCIANO MAZZA: Oh, thank you, Chair. I don't know if we agree with this suggestion. I think it's a serious topic. My question is if, in addition to leaving the text, just request, I would suggest more informal basis that we take a more active attitude to this and perhaps to request the support team to look for this and to engage or the chair itself to engage in dialogue with the Board or the diagnostic to understand if there is such a report and where it is, because I think it begs belief that such a report does not exist. So it's possible there to somewhere or some something equivalent to this document is out there. I would just suggest a more active, searching processing relation to such document. Thank you.

NICOLAS CABALLERO: Thank you, Brazil. I have Iran.

KAVOUSS ARASTEH: Now, thank you, Nico. I think during the PDP on the subsequent round, this issue was discussed at length, and the communique asked that could GAC provide criteria for such custom benefit analysis. So we have not responded to that. If you refer to that again, I think the same situation comes. What are the criteria to be used for this cost and benefit analysis? I suggest that maybe one of the two top leaders, yes, leaders on the topic either Jorge or our colleague from Canada, look at those conversations that we had during the PDP and saying that what are the questions? Otherwise, repeating the same thing, and there would be the same answer. Please provide criteria to discuss and

benefit analysis. So if you want to have any results, you have to follow-up what they have asked us. Thank you.

NICOLAS CABALLERO: Thank you very much, Iran, well noted. Any other comment or question? Switzerland. Go ahead, please.

JORGE CANCIO: Thank you, Nico. Jorge Cancio for the record. As we have been [inaudible 00:52:33] and without prejudice to what Jason may say. I think we are talking here about something different, which is an advice from the GAC to the Board where we apparently don't have a clear answer. And I think, Finn has a good point here. And what I would like to avoid is that we get again, on specific answer or a reference to a CCT document or whatever.

So really, the GAC advice was accepted by the Board. So, they had an understanding that they would be doing it. And we still lack clear or convincing answer to that. I don't know whether we would like to include some wording in that direction that so far, we lack clear answer or that we are confused. Don't think confused is a good text for the communique. But at least to say, so far, we like a clear answer to that communique of something that would be clear to us. And in any case, in the last sentence, instead of the analysis, I would say something like said analysis or such analysis to be more specific to really make clear that we are referring to the specific analysis we asked for like 7 years ago. Thank you.

NICOLAS CABALLERO: Thank you very much, Switzerland. I'll read it, and then we'll see if everybody agrees. So the GAC recalls its advice to the Board in the ICANN56 GAC Helsinki communique, 30th June 2016, that "an objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round". The GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN79. So that's what we have. Do we have agreement on this text? And I see some nodding. Fabien, go ahead.

FABIEN BETREMIEUX: And just a suggestion from support staff as far as the title of this section, the original heading in the ICANN56 communique was future gTLD policies and procedures. In the follow-up on that advice, in the ICANN70 communique, it was titled differently. It was CCT review and subsequent rounds of new gTLDs, and in this communique, as it relates to subsequent rounds of new gTLDs, we've used the heading of future round of new gTLD. So we're wondering if there needs to be consideration to that heading here. For this section to be consistent. So it's just something we suggest to be considered.

NICOLAS CABALLERO: Thank you for that, Fabien. Indeed, a very good point, because otherwise it would be extremely confusing to perform digital archaeology in the future the way we're doing today with similar situations. I have Iran. Go ahead, please.

KAVOUSS ARASTEH: Thanks, Nico. I think the issue we raised in 2016 may not be valid today. Because at that time, we wanted custom benefit analysis, but now after seven years, so many issues have been resolved or has been proceeded. So it may not be the same topics that we want to follow. I don't know what the one to get. We are closed to the second round at the 2025. The Applicant Guidebook on 2026 is something that what do you want this text, custom benefit analysis to be used for what purpose and how it would have the impact on the availability of the second round. So we should be very clear what we raised in seven years may not be valid today. So we can be careful. Thank you.

NICOLAS CABALLERO: Thank you very much for that, Iran. My answer right away would be an answer after seven years. That would help, I guess. Denmark?

FINN PETERSEN: Thank you. Finn Petersen. I think that there's several things here. First of all, we came up with and advise and the Board accepted it. And then it should be delivered. If not, then that should be a procedure with the Board according to the bylaws. Where they should engage with us to find the mutual executive solution. That's the formal part, but from our time we actually think that it is good to have these things because I know I will probably have to talk at home on this. And it's important to see what is the benefit I would hope and expect that will be some benefit, but I also know that there are certain reservations, especially for holders of rights and I know a one big company in Denmark who I went to the parliament with for 7 years ago, said 8, 10 years ago, they

had enormous costs in protecting their trademarks. So it will certainly be valid to have that analysis. Thank you.

NICOLAS CABALLERO: Thank you for that, Denmark. Any other comment? Switzerland?

JORGE CANCIO: Thank you, Nico. Jorge Cancio Switzerland. For the record, so first of all, let me support what Finn just said. I'm just thinking about my minister asking me for such a cost benefit analysis and can be three pages, 10 pages, or 20 pages. But I cannot send him a collection of 20 links to different reports from different years from ICANN, where the links are broken most of the time, or you don't know which is the final version because as we discussed, there's no real understandable documentation information system.

I completely concur with that. And of course, it's an advice we made. And if the information is out there and many analyses have been done and I agree with that. So why don't they really get a couple of people and summarize that in information into something that is readable and digestible, and which is usable for our political masters for instance, or for CEOs from companies, etcetera. So just to concur with that. And coming back to the thought I shared before, perhaps it would be good, but obviously, only if this is acceptable to the rest of colleagues to include a sentence before the last sentence that would say something like that, and I will go on dictation speed.

NICOLAS CABALLERO: Go ahead, please.

JORGE CANCIO: So far, the GAC is not aware of the availability of such analysis called for by the GAC. Full stop. And then the last sentence. The GAC is looking forward, blah blah blah. Hope that is helpful. Thank you.

NICOLAS CABALLERO: Thank you very much, Switzerland. So, I'll just read that last sentence right after the quotation marks for the sake of time because it's already coffee break time. So it would really like; so far, the GAC is not aware of the availability of such analysis called for by the GAC. The GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN79. I would have suggested a reference to the 7-year period or 8-year period, but maybe that's way too strong. I don't know. But anyways, I'm in your hands. Is it okay as it is before we break for some good coffee? And I see nodding thumbs up. So we'll be back here at 10:30. Thank you.

[END OF TRANSCRIPTION]