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ICANN79 | CF – GAC Communique Drafting Work Session (1 of 7)  
Tuesday, March 5, 2024 – 1:15 to 2:30 SJU

GULTEN TEPE:

Hello, and welcome to the GAC Communiqué Drafting Session on Tuesday, 5th of March, at 1715 UTC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of behavior. During the session, questions or comments submitted in the chat will be read aloud if put in the proper form. Please remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. And please make sure to mute all other devices when you're speaking. You may access all available features for this session in the Zoom toolbar. With that, I will hand the floor over to GAC Chair, Nicolas Caballero. Over to you, Nico.

NICOLAS CABALLERO:

Thank you very much, Gulten. Welcome, everyone. Welcome back to our first communiqué session. This session will run for 75 minutes. Then we'll have some well-deserved coffee break at 2:30. And right after that, we'll have, as I said before, the meeting with the ICANN Board. So, for the first communiqué session, the idea is to go over the whole list of items, so to say, identify any potential issues, and by the way, give enough time for the delegations to send their inputs. We have already received some input from many different countries.

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Thank you so much for that. We'll have a look at each one of them in a little while. So, with that, let's begin. Benedetta, if you may go ahead with the slides. Let's start right from the beginning. Who's sharing? Is it Gulden? Yeah. Or Daniel. Please go ahead and share the slides. I'm sorry. It's the communiqué, not the slides. Good point. Yeah.

BENEDETTA ROSSI:

Hello, everyone. This is Benedetta speaking for the record. So, as you can see on the screen, we've got the ICANN79 draft communiqué. If you can stay there, please. Can you please zoom in a little bit more? Because I think that it might be difficult to view on the-- Now you can. Okay. Let's leave it like that for now. Maybe 130 or something. Yeah, that's better. So here you can see the proposed timeline and the responsibilities of the communiqué drafting. Just a quick refresher for those of you who may be less familiar with the various steps. So, we reviewed at a very high-level pace the other day already a little bit the process and how to provide input to the communiqué document.

Right now, we're actually on, Tuesday, the 5th of March, we don't have that on the screen, so Day 4. The GAC members can still continue to identify potential topics for the communiqué. And GAC leadership agreed, and I think this was already discussed at ICANN78, for tomorrow being the initial deadline for editing of the communiqué by GAC members. Basically, the suggested mode will be closed as of 8:00 p. m. local time here in Puerto Rico.

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NICOLAS CABALLERO: One very important detail. Sorry to interrupt you, Benedetta, but it's on the point. That doesn't mean that GAC representatives won't be able to submit any more edits after 8:00 p. m. tomorrow, by no means. The only thing is that we will stop-- I mean, not stop, we would prevent, let's say, editing the document directly there on the Google Doc master document, so to say. Everything will have to go through GAC staff in order to avoid any kind of typos or any kind of errors or anything during the drafting. Back to you, Benedetta. Sorry to interrupt.

BENEDETTA ROSSI: Thank you, Nico, and thank you for clarifying. And during the sessions, of course, you will be able to continue to review the communiqué and to edit it. The point is to not maybe do it offline, especially for text that was already reviewed. I think that's the key. And we still have, I believe, six more sessions for communiqué drafting. And then once the communiqué will be considered finalized, you'll have a 72-hour review period. That's become practice since the hybrid meetings, since the COVID-19 pandemic. So, during that time, GAC members will be able to review the finalized communiqué and come forward with any potential objections to the text. There wouldn't be, during that time, any wordsmithing anymore, unless it's very minor edits or for typos.

NICOLAS CABALLERO: And one important thing. Six more communiqué sessions, if needed be. Hopefully, we'll get done by the fifth session, which is my hunch. But if that is not the case, then we'll use the six full sessions. Back to you, Benedetta.

BENEDETTA ROSSI:

Thank you very much, Nico. And here on the screen again, we reviewed this the other day already, but we have the guidelines for providing input in the communiqué. A quick reminder, please, please, please make sure that you identify yourself in the Google Doc. If you come up as anonymous, that can happen, at least please add a comment to make sure you identify your delegation so that we know who is providing the text. We have this at the moment. We have a couple of areas on the communiqué that have texts submitted by anonymous, so it's a little bit confusing. So, I think that's it for this section.

Gulten, if you can scroll down, please. And then we can go through, Nico, if you want to do that, go through the various sections of the communiqué.

NICOLAS CABALLERO:

I'll do it. So, as I said before, I'll read the whole thing and then we will dive into the details and the editing, and the nuances and we'll have discussions. Hopefully not so long discussions. But let's see how it goes. So, I'll read the whole thing. You can stop me, of course, anywhere you want. As I said before, the idea is to have a general overview of the document and only then-- I mean, as a matter of fact, we will have to do it that way because there are still parts in which we still need input from you. So, let me start reading. I'll read from the beginning and then, yeah, go ahead. So, I'll be reading only the parts in which we already have text for the sake of time and in order to be a little bit more efficient. So, if you can scroll down, please, Gulten. Let's just

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read the introduction and then we'll check the-- Can you scroll up a little bit? Yeah.

So, this is the introduction as we typically write there, the Governmental Advisory Committee of the Internet Corporation for Assigned Names and Numbers, ICANN, met in San Juan, Puerto Rico in a hybrid setting, including remote participation from 2 to 7 March 2024. XXXX GAC members-- I think it's 62 or 63. I don't know the exact number yet, but we'll put the exact number as soon as we get it. GAC members and whatever number of observers attended the meeting. The GAC meeting was conducted as part of the ICANN79 Community Forum. All GAC plenary and working group sessions were conducted as open meetings, as we usually do.

Can you scroll down a little bit, please, Gulden? Thank you. So, we're okay with this part. We don't need input with Section 2. So, please scroll down. Here, we will talk about the ALAC meetings, the ASO, the GNSO, and we're still waiting for text and for inputs on this. Same thing for the meeting with the CPH, the Contracted Parties House. We'll also mention the meeting with the NomCom and the UASG, some cross-community discussions, and so on and so forth. So, we're good at this point here. I wouldn't like to spend too much time there. And then, we'll discuss internal matters as we typically do. GAC membership. There are currently 182 GAC member states and territories and 39 observer organizations. That number hasn't changed since, I believe, ICANN77 or ICANN76. I don't recall at this moment.

As regarding GAC leadership, we will mention some internal matters there. The GAC thanked its outgoing Vice-Chairs, Ola Bergstrom from

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Sweden and Francis Olivier Cubahiro, I believe that's correct pronunciation, from Burundi for their valuable support and contributions to the GAC. The end of the ICANN79 meeting marks the start of a new term for the incoming GAC chair and vice-chairs team. Nico Caballero, that is myself, from Paraguay, chair. Wang Lang from China, vice-chair. Thiago Dal-Toe from Colombia, vice-chair. Christine Arida (Egypt), vice-chair. Zeina Bou Harb from Lebanon, and Nigel Hickson from the United Kingdom, vice-chair. So, as you can see regular typical mention.

And then, we'll refer to the GAC working groups. as you can see, we still need text there. We still need your input. We still need input from the pen holders, beginning with the PSWG, the Public Safety Working Group. We're waiting for their input here. I understand, Benedetta, and correct me if I'm wrong, but I understand we have already received some draft there. Is that the case? Not yet?

BENEDETTA ROSSI: Not yet.

NICOLAS CABALLERO: Okay. So, this is just a reminder to the PSWG to please start sending some draft text to include here. And the same thing for the GAC Underserved Regions Working Group. Please kindly send your draft text as soon as possible. And then, we'll talk about GAC operational matters. There's a special mention to the strategic planning. And the draft text we have here reads as follows.

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The GAC discussed the development of the GAC Strategic Plan and agreed on an initial set-- And we're not going to use here, as you can see, we're not going to be using here the word adopted yet, given the fact that there's not 100% agreement as of today. I wish that were the case. That not being the case, we will have to say the GAC Strategic Plan and agreed on an initial set of priority areas and corresponding GAC Strategic Objectives, which is what so far we agreed the other day. I think it was the day before yesterday. Please correct me if I'm wrong, but in any case. So, I'll continue. The GAC will continue developing an initial set of expected outcomes for each of these objectives in consultation with the GAC topic leads, GAC chair and vice-chairs for further consideration by ICANN80.

So, there it is. This is the very generic, very kind of like a 10,000 feet overview. I wish it could be way more precise, way more specific, but this is what we have agreed so far. Again, any suggestions will be more than welcome. Having said that, can you scroll down a little bit? Then we will talk about the high-level government meeting preparation and we're also-- I believe Benedetta, we already have some draft there. Is that correct? Prepared by the Rwanda government and from some other other GAC members. Is that correct?

BENEDETTA ROSSI:

For the HLGGM preparation, I believe that GAC support was going to draft some initial language. I see Rob nodding. So that we've included this as a placeholder for the moment, just as a sort of headline to note that this will be included, but we don't have it yet. But we do then have text that is under development for issues of importance and GAC advice.

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NICOLAS CABALLERO: Perfect. Yeah. So again, so we'll have some text--

GULTEN TEPE: This is Gulden speaking. I'm sorry to interrupt. We have Egypt in the queue.

NICOLAS CABALLERO: Okay. Egypt, please go ahead.

MANAL ISMAIL: Sorry, Nico. I hope it's the appropriate moment to intervene on the strategic plan, if I may.

NICOLAS CABALLERO: Of course. I would be very happy to stop there and allocate the next 60 minutes to that discussion. So more than welcome. Please go ahead.

MANAL ISMAIL: Not more than six seconds. I just wanted to ask about the process to add topics to the-- I note you said initial set and you're drafting this is consciously because we agreed to add to the list. But I was wondering whether we are going to add directly, I mean, now, or we need to-- I mean, what's the process to update?



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NICOLAS CABALLERO: Very good question. And the answer is, I don't know, because it's for us to decide and it's for us to lead the way. This is like new territory where kind of like the pioneers here. And so, it's up to us to decide how to move forward. I would say we were discussing this with the team before, with the leadership team that is the regional vice-chairs. In my humble opinion, I don't really think that that list of eight or nine topics is the real the most important issue here, but I would put more energy, patience, and efforts to the process itself. Because today it could be IPv6, IPv4, artificial intelligence, or the role of governments in ICANN or any other thing, but how we deal with those issues, the methodology and so on and so forth. I mean, that's, in my opinion, the most important thing, but I stand to be corrected. Go ahead, please.

MANAL ISMAIL: So, Egypt speaking again. And not correcting. Let me be more maybe specific. There was a proposal from Egypt to add the discussion on RIRs. I'm not sure whether this has been accepted and can go directly now to the strategic plan or needs more discussion so that then we need to postpone it and bring it back later. I was just asking about the process. Are we done with this?

NICOLAS CABALLERO: Thank you for the question and the comment, Egypt. As a matter of fact, I haven't seen so far any opposition to your suggestion. So, lacking any specific opposition from-- I didn't see anything in the room or online, so I guess we can just go ahead and add it unless anybody in the room or online, unless any other distinguished GAC member tells us

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otherwise. But again, as I said before, it's up to us to develop the right methodology and the right approach. Please go ahead.

MANAL ISMAIL: Happy to draft text if you wish, but I see also a queue is forming, so I don't want to keep everyone else from intervening. Thank you.

NICOLAS CABALLERO: No problems. Thank you so much for that, Egypt. Actually, that queue is Iran. Go ahead, please.

KAVOUSS ARASTEH: Yes. Thank you very much. You asked about the process, what we do between now and ICANN80. Am I right or not?

NICOLAS CABALLERO: You are right. Not necessarily ICANN80, Iran. If you allow me to finish, please, Iran, if you please allow me to finish. What I was saying is that we don't necessarily need to leave everything for ICANN 80 in Kigali. We're going to be extremely busy in Kigali dealing with the HLG. So, my idea was to somehow adopt whatever to advance as much as we can right before ICANN80. But again, this is just my humble opinion. We'll decide whatever consensus we might or might not reach. Please go ahead, Iran. Sorry to interrupt you.

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KAVOUSS ARASTEH: Thank you very much. No problem. You can interrupt me at any time. You are the Chair of the GAC. I am not in a position to say that we agree something at ICANN GAC79. We have to look at the matter. We should not hurry up. It's something new, important, innovative, and I fully agree that that was a good example. But we have to start the work in a way that is look like other. I have a question. Maybe you answered that question. Does any other constituency in the ICANN has the strategic plan?

NICOLAS CABALLERO: I believe the GNSO does. I'm not an expert in the field, but I believe. Yeah, yeah. So, thank you, UK. Yes, that's confirmed. The GNSO has a strategic plan and most probably some other constituencies as well. But I think that's not very relevant in our case. As a matter of fact, I don't really care whatever the GNSO does or doesn't do. It's, again, for us to decide the best way forward, the most efficient way forward, I would say. Again, instead of being reactive all the time, which is some sort of burden we naturally have. But the idea, again, is to be better prepared to provide timely advice in the most efficient way. That's the baseline. Please go ahead, Iran. Sorry to interrupt you again.

KAVOUSS ARASTEH: Thank you very much. No problem. I think I'm not saying that we should follow GNSO. We should be the leader. I don't know. But I said that whether someone has, because that may be good to also look at the structure of it. That's all. But not saying that we follow them. If they don't have, we may have. If we don't know to be-- I don't want to be following anyone. But I see that the strategic plan should have mission,

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should have vision, should have a strategic goal, should have objectives and activities and so on and so forth. And then we should do that one.

I once again suggest that perhaps if there is no pressure, we should wait a little bit and we should do something between now and next time, whether next time would be GAC80 or whatever time. Still, we have to follow something which has some logic. I have not seen any other organization that have the strategic plan as a strategy by us. So, I think that we should follow the situation that they started the overall framework, then they should have vision, should have mission, should have a strategic goal, should have objectives and should have activities. This is a hierarchy. But if you don't agree with me, that is up to you. Thank you.

NICOLAS CABALLERO:

Thank you, Iran. As a matter of fact, I do agree with you. And the idea was to go maybe not in that exact order, but the idea was precisely to include all those items you correctly mentioned. How we do it, again, is up for us to decide. I had the idea, I had the hope that we could reach agreement here during the San Juan meeting, but apparently that will not be the case, unfortunately. But yeah, I'm okay if we can have something robust by ICANN80 in Kigali. I have the UK. Please go ahead.

NIGEL HICKSON:

Yes, thank you very much, Mr. Chairman. I'll be very brief. Nigel Hickson, UK. On this strategic plan element, I would concur that I think given the amount of resource that's gone into this, the discussions

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we've had on a couple of occasions, not least this week, the valuable input that GAC members have given on this. I think we should perhaps do two things. We should take up the generous offer by the distinguished delegate from Egypt to add a further objective in. And then that would be perhaps seen by all GAC members and perhaps approved as soon as is feasible.

And then during our inter-sessional discussions, which of course we do have. We have discussions, of course, in these meetings, but we also have inter-sessional correspondence. We agree the strategic plan so that when our ministers and senior officials meet in Kigali, they can see where we are going as a GAC. I think this is very important. It shows our commitment to a number of different objectives, the efficiency and the importance that we place on these different objectives. So, I would really endorse the Chair's plea that we adopt them as soon as possible. Thank you.

NICOLAS CABALLERO:

Thank you very much for that, UK. I have the Netherlands. Before I give the floor to the Netherlands, let me just mention one practical observation. I don't think it would be good for us as GAC representatives to get to Kigali for the HLG meeting and having to answer a question from your ministers there about the strategic planning. If we happen to have one, or at least an annual plan, or some sort of guide handbook, however we want to call it, that could potentially be an issue. We don't need to mention that to them, of course. We don't need to tell them, oh, we don't have such a tool, right? But in any case, I really, really think it would be a good idea the sooner

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the better. How we do it, how we get there, again, is for us to discuss. Netherlands, please go ahead.

MARCO HOGEWONING:

Thank you, Mr. Chairman. Well, the UK already said quite a lot. I'm a bit confused now as to whether we are actually back to discussing the topic of having a strategic plan, and if so, what should be in it versus whether we are drafting. Reflecting back on the text on the strategic plan, it's obvious that that does not seem to reflect the current feelings within the GAC on the strategic plan. As to the offer from our Egyptian colleague, of course, happy to welcome any textual additions regarding the IP address space matters, but I suggest we take that to the list and indeed look at what can be proposed.

As far as the matter of actual drafting, I think what the UK just proposed in terms of follow up makes sense, so maybe it's worth sort of now crafting text that reflects that we will work on this matter up towards the ICANN80 meeting via either correspondence or an interim session. Thank you.

NICOLAS CABALLERO:

Thank you very much for that, Netherlands, and thank you, UK, for the suggestions. I totally agree. Any opposition? Is everyone okay with the way forward? Sorry, Egypt. Go ahead, please.

CHRISTINE ARIDA:

Thank you, Mr. Chair. Christine Arida from Egypt for the record. Actually, I was looking again at what is written in the draft communique,

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and I do not see that we are actually saying that we agreed to a strategic plan. We're just saying that we discussed the development of a GAC strategic plan and that we agreed to an initial set of priority areas and corresponding GAC strategic objectives.

So, taking that by the word, I'm not sure, do we have objection to the priority areas? Do we have objection to the strategic objectives as an initial list that is subject to addition as proposed by my colleague from Egypt and also endorsed by a colleague from UK? But what I don't understand, are we against the discussion for a strategic plan? I mean, I'm looking again at the text, and I don't see what's wrong with the text. If someone can enlighten me. Thank you.

NICOLAS CABALLERO: Thank you for that, Egypt. Is that the case? Does anybody have a problem with the way the draft wording is drafted, so to say? I have the UK and then Iran. UK, please go ahead.

GULTEN TEPE: Nigel, is that an old hand?

NIGEL HICKSON: Oh, I'm sorry.

NICOLAS CABALLERO: Then I have Iran. Iran, go ahead, please.

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KAVOUS ARASTEH:

Thank you very much. I don't want to be seen as an opponent to a strategic plan. I want to say that the way I have heard from you, distinguished Chair, yesterday, normally the strategic plan in any organisation does not go beyond five years, because the situation is changing very rapidly. So, whether you have three years or four years or five years, I have no difficulty.

If you want to add 'to approve at this meeting' after adding something proposed by Egypt or others as a priority, I have no problem. Or a strategic goal, provided that, one, we do not have any period for validity of that more than five years. Two, we establish a procedure that we could amend that according to the situation. Not totally, but gradually, or improvement, and so on and so forth, based on the development, something of that. If you're talking of DNS, you have to say what progress you have in DNS, we are talking of XYZ. So, that would be something in all organisation's annual improvement or adjustment, I would say. Not improvement, adjustment is allowed and is practical.

So, two conditions. One, not more than five years, and two, having a process that we could adjust that every year, or I would say periodically. I leave it to the discussion whether periodically means every year or every two years, and so on and so forth. Otherwise, I have no problem. I know that you want to have something to show to the government that you have a strategic plan. I don't want to oppose to that.

NICOLAS CABALLERO:

Thank you so much, Iran. As a matter of fact, I totally agree with you. The original plan was for four years in order to coincide with the Chair's



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tenure, whoever the chair is in the future, right? Again, the original idea was not to show anything to our governments in Kigali. The original idea was to be reasonable, be logical, and be able to work in a more efficient way. Again, no criticism implied for what has been done so far. But also, building up a little bit on what you mentioned regarding Kigali, that that would be an additional benefit of having the plan as soon as possible.

Again, we're not in a hurry. There's no urgency to finish it. But again, we don't need a three-year PDP process to develop this, in my opinion. Again, I stand to be corrected. Again, thank you. Going back to your points, yes, the idea is to have a four-year strategic plan in order to coincide with the Chair's tenure. The tenure is for two years, of course, but the Chair could be re-elected. Not sure will be the case this time, but we need to think about the future. I'll stop there and see if we have any other reaction, comment, suggestion.

GULTEN TEPE:

Thank you, Nico. We received a remark in the chat pod from Egypt that follows as, happy to draft proposed language for addition to the strategic plan and see whether it would be accepted by GAC colleagues, and we can take it from there. Thank you, Manal. And Papua New Guinea is in the queue.

NICOLAS CABALLERO:

Thank you for that, Gulten. Papua New Guinea, please go ahead.

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**RUSSELL WORUBA:** I thank the Chair and distinguished colleagues. I think we'll take up the offer by our good colleague from Egypt. We'll need to guide as to the text stating the need for a strategic plan, why, if that is not clear in the text, how we undertake the strategic plan. I believe that's the contention here. So, we should make some clarity around that and then having it done by June in ICANN80. Just a suggestion, Chair. Thank you.

**NICOLAS CABALLERO:** Thank you so much for that, Papua New Guinea. For the sake of time, why don't we move on and we go on to review where there is text in the communiqué and see where there are items identified for issues of importance and advice in order to be more efficient. Would you agree to that? Does it sound logical? I see some nodding, so let's do just that. Can we scroll down, please? Let me give the floor to Benedetta for that.

**BENEDETTA ROSSI:** Thank you very much, Nico. Here on the screen, you can see the issues of importance. We received some proposed text by the US European Commission in Japan, I believe. That's what you can see on the screen. That's the first item that has been tentatively identified as an issue of importance. Gulden, if you can move down, a little bit, so we can see the next item identified for-- The next heading. There you go.

You can see the next one is cost-benefit analysis of the New gTLD program. We don't have text yet, but it is being developed by Denmark, the US, and the UK. Then we have registry voluntary commitments and public interest commitments in New gTLDs identified by the US and the

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UK, who are developing some text there. The fourth topic of issue of importance that has been suggested is by Switzerland, I believe. It's by the UK, WHOIS/RDRS. I don't know if we have any pen holders identified, or Nigel, if that's just a suggestion or if that's something that the UK is working on. I'm not sure if you have anything that you would like to note at this stage, but that's currently being, is just identified.

Then we have the transparency and GNSO statements of interest, which is identified by Switzerland. There's draft text there. There was also an anonymous member, well, not anonymous member, but anonymous user on Google Doc who had initially identified this under follow up to GAC advice. So, this was moved up because there was no previous advice on transparency and GNSO statements of interest. And then finally, the last issue of interest that is currently identified is the statement on the AfriNIC issue, which was brought forward by Egypt.

NICOLAS CABALLERO: So let me stop you there, Benedetta. Thank you so much. Let me open the floor for questions and comments again. And I have Iran. Please go ahead.

KAVOUSS ARASTEH: Thank you very much. If I am intervening more than what you expect, please let me know. I will be shut up and would not intervene anymore.

NICOLAS CABALLERO: Please go ahead. No problem whatsoever.

KAVOUSS ARASTEH:

I have difficulty with two issues. Issue number two, or topic two and topic three. Topic two, cost and benefit analysis. I don't know what will happen. The Board has replied something, and I heard that people are saying that there has been no process, appropriate process to do that. I don't know. We have to wait to see what will be the text.

But with respect to number three, I have no difficulty with PICs/RVCs, provided that we do not propose changes to the fundamental bylaw. We are not yet there. We are not yet there. One of the panelists yesterday said that we have to ask ICANN Board to interpret its bylaw. I'm sorry, bylaw does not belong to ICANN. Bylaw belongs to the community, and bylaw has been agreed by the community legislator. ICANN is executing entity and separation of responsibility. The executing entity would not touch the legislative terms.

So, I don't agree that we asked ICANN or somebody saying that please interpret your bylaw, and then please invite someone who knows of that. If there is any modification to the bylaw, first we should reach that point. We have not yet reached that point, and we have to see. Unless everything is exhausted, and we have no other alternative than modifying the ICANN bylaw fundamental, then we go there. But we are not there. These are the two comments for your kind attention. Thank you.

NICOLAS CABALLERO:

Thank you so much for that, Iran. Well noted, indeed. I have the USA. Please go ahead, Susan.

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SUSAN CHALMERS: Thank you, Chair, and thank you, Iran, for your intervention. Just to clarify. Well, we're helping to draft this text, and it is certainly not our intention to express any position on the bylaw's change in this communique. The purpose of the text will be to reflect the discussion that was had at ICANN, and that is purely the only ambition for this communique. If the GAC does want to weigh in on this issue, I'll just note, if you'll just forgive me to speak for just a few more seconds, we should have a discussion on this. A discussion, a substantive discussion on this is required, and so we will certainly be following up. There are many issues to discuss as part of this topic, and so we look forward to engaging with you in that discussion. Thank you.

NICOLAS CABALLERO: Thank you so much for that, Iran. Thank you, USA. As I said before, we're just giving an overview, giving a general read to the whole text, and then we'll be taking care of the details. And thank you again for your comments. So, can you scroll down, please, Gulden? Please, back to you, Benedetta.

BENEDETTA ROSSI: Thank you very much, Nico. The next item is GAC Advice to the Board. We have one item so far identified. Currently on the text, you'll see, it just says anonymous. So, I'm not sure who initially submitted this. However, this has been identified by the UK and has been developed, there's text that's being developed by the GAC small group on applicant support, so we should be receiving it shortly. And that's for advice to

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the Board. And I see that we have a new item that I hadn't seen yet, which is-- If you scroll down a little bit, please, Gulden.

NICOLAS CABALLERO: Hold on just one second. Can you stay there? We have two hands up. I have Iran and then the UK.

KAVOUSS ARASTEH: Yes, Chair. Thank you very much. I have no difficulty to talk about applicant support, but what we want to say in our GAC Advice to the Board that we have not said before and what they have given to us, although some people say it is not official, but at least that was GAC and Board meeting. What else do we want to say to be categorized as advice? I am of the opinion we have given all advice that was necessary. I have no problem to follow-up action, but giving an advice what else we want to say that which has not been said before. So, we should look at whether it is advice or is it follow-up actions. Thank you.

NICOLAS CABALLERO: Good point, Iran. Thank you. Thank you for that. UK, go ahead.

NIGEL HICKSON: Yes. Thank you, Mr. Chairman. Yeah, just two points and I agree with you. I think for this first session, it's a good idea to explore where we're putting certain issues. And we haven't got the text, of course, for all the elements yet. So, it's no point going into the detail, but at the moment, we're identifying issues of importance and we're reflecting

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our discussions. And of course, we're still to have a discussion with the Board. We're still to have a discussion with the GNSO.

And in light of those discussions, member countries of the GAC might well want to either identify new issues of importance that are discussed with the Board and the GNSO, or they might want to elevate issues of importance to GAC Advice. We have to see what happens in those discussions. So, I think we have to be flexible in this regard. As regards the applicant support, their advice is being drafted, that's being consulted with the small team that was set up to input into the applicant support mechanisms, both the IRT mechanisms and the guidance group. And that text, I think, will be available later this afternoon. So, we should certainly have that in our regard. Thank you.

NICOLAS CABALLERO:

Thank you for that, UK. And as a matter of fact, I recommend we go back to this point right after the meeting with the ICANN Board during the second communique session, if you agree, in order to be able to move forward and review the other areas. Would that be good for everyone? And I see some nodding in the room, which is helpful. So, thank you so much for that. Back to you, Benedetta.

BENEDETTA ROSSI:

Thank you, Nico. If we can scroll down a little bit. Thank you, Gulten. You can see the second item that is currently identified as potential advice to the Board, and it's on urgent requests, and it's brought forward by the European Commission. We don't have any text yet. It's just been identified. And then if we can continue, unless-- I don't see

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any hands. Yeah, if you can move down. Perfect. Thank you, Gulden. On follow up to previous advice, we had the transparency and statement of interest. This should be removed because I think that it's been added at the top.

NICOLAS CABALLERO: I was going to say that. Yeah, I was going to say that. We're going to make sure we also mentioned the letter I sent to the ICANN Board chair, Tripti Sinha, there. Maybe provide a link or something for better understanding.

BENEDETTA ARASTEH: And then we get to the end, really.

NICOLAS CABALLERO: Hold on, hold on. Sorry. We have Iran again. Go ahead.

KAVOUSS ARASTEH: Thank you very much, Chair. I think you have rightly mentioned that after discussion with the Board and GNSO, we might have some elements to bring into the communique, and so on and so forth. And some of the discussions with the ICANN Board may provide some clarity of some of the points that will help us. But I do not understand the term urgent. What is the urgency? Which are the topics that we need? All of our GAC Advice is, I would say, of course, urgent. We have nothing to talk about the strategy of the advice. It's urgent. That means something is a problem.



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So, I don't know whether we categorize something as urgent and the other as not urgent. DNS Abuse also is urgent. So, everything is urgent. I don't think that. So, I request distinguished colleagues from the European Commission, when we draft, not to put the adjective of urgent. Put what the subject they want to discuss, and we will prepare to discuss that and comment on that at a later stage. Thank you.

NICOLAS CABALLERO: Thank you for that, Iran. European Commission, would you like to answer to that? The floor is yours.

MARTINA BARBERO: Thank you very much, Chair. This is Martina Barbero, European Commission for the record. And thank you to the delegate from Iran for the question. So, the term urgent request refers to a specific subset of the registration data policy that has been discussed. If you recall, this was a part of the overarching new registration data policy, and there was an exchange of letters this summer between the GAC and the Board. The GNSO also weighed in because there was a difficulty in finding a solution to this specific matter.

So, just to clarify that this is not referring to a generic name of some specific request that would be more urgent than other, but it's really the name, the label of the specific type of request that would fall under the registration data policy. And those are defined as requests that relate to matters of life and death, child endangerment, risk to critical infrastructure. There is a definition for that. So, just to avoid any confusion, this is something that there's a specific term, and as per the

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topic of applicant support, we will wait for the discussion with the Board to see exactly what we could suggest in terms of text.

NICOLAS CABALLERO: Thank you very much, European Commission, for the clarification. Benedetta?

BENEDETTA ROSSI: Thank you, Nico. Just to clarify, in terms of consistency, it may be worth aligning with the title that was included in the ICANN78 communique, which was urgent requests for disclosure of registration data. I see the European Commission nodding. If that's okay, I'll edit that so at least it's clear.

NICOLAS CABALLERO: Would that be okay with you, European Commission? Okay, perfect. So, let's do just that. So, let's move on. Back to you, Benedetta.

BENEDETTA ROSSI: I think that brings us to the end of just a quick review. I don't know how much time we have left. We still have time. If you want to go back to actually review some of the texts that we have. Usually, we start with the more controversial topics, like the issues of importance or advice. We have text on DNS Abuse, if you would like to maybe start with that.

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NICOLAS CABALLERO: Yes, let's read that. Thank you. So, I'll read the whole paragraph and then we'll do the fine-tuning, the editing, if needed be, right? So, the GAC welcomes the addition of new DNS abuse obligations for Contracted Parties, which become effective in April. The GAC appreciated hearing from ICANN Org's Compliance unit about plans for auditing and enforcing the amendments, as well as from the US Government on consumer fraud trends, including email fraud and phishing attempts.

The GAC also welcomed a presentation from a third party on the topic of DNS abuse measurement, during which several terms that are included in the new amendments, "actionable evidence", "prompt action", and requirement to "stop and or otherwise disrupt", were discussed. The GAC acknowledged the recommendation that to support effective enforcement, the community would need to establish minimum evidential thresholds and standards for "actionable evidence". Such standards should be consistently applied. Regarding "prompt action", reference was made to SAC115, which outlines a 96-hour minimum standard.

To develop a clear appreciation of what "stop and or otherwise disrupt" means, it was recommended that the information Contracted Parties provide on enforcement actions taken include the action taken as well as the considerations that lead to it. The GAC also acknowledged the importance of quality of the abuse reports and that good reporting practices need to be further developed and widely disseminated, shared? There's a mistake there. Widely shared or widely disseminated, but anyways, it says disseminated, shared. I don't understand what that means.

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The GAC considered what a reasonable time frame for assessing the impact of the obligations might be. Some suggested six months. However, there remains a general expectation that significant progress occur in advance of the next round new gTLD applications. The GAC will track reports from ICANN Compliance on DNS abuse enforcement. Finally, the GAC explored options for what prospective work on DNS abuse might entail, recalling some topics (such as guidance on key terms or capacity building to disseminate best practices beyond the contract's baseline) previously identified as potential areas to address before the new round of gTLDs and expressing the interest to reconnect with other parts of the community on these matters.

So, this is what we have. Thank you to the ones who provided the drafted the text. Do we have any problem with that as it is? Any opinion in the room or online? I have Switzerland. Please go ahead.

JORGE CANCIO:

Thank you, Nico, and thanks very much to colleagues who have proposed this text. Just a minor issue. I think it would be good to try to simplify a little bit the sentences, make them shorter and more understandable because they are quite long sometimes. Yeah. I think especially in the last paragraph, there's one sentence which is like five lines and it's difficult to read.

NICOLAS CABALLERO:

Would you like to provide some alternate? No? All right, but thanks for the observation. In any case, I have Iran online. Please go ahead.

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KAVOUSS ARASTEH: Thank you, Chair. One point is totally editorial. When we say April, we should put April, 2024. That is very minor issue. Second, normally in the communique, we do not mention name of any country. We could say GAC member, we could say some GAC member, and some is a word is uncountable. Could be one, could be two, could be three. So, normally, we should not refer to the name of the country in the communique. Thirdly, I fully agree with Jorge that if the sentence is too long, we could break it and make it more simpler, more understandable, and also to facilitate the discussion between Board and GAC later on. After any communique, they come back to us and ask for clarification. Thank you.

NICOLAS CABALLERO: Thank you, Iran. We're working on it. Thank you, Switzerland as well. As you can see, we're performing the fine-tuning right on the spot. So, Benedetta, go ahead.

BENEDETTA ROSSI: Thank you, Nico. Just to clarify Iran's question, is it the first paragraph that you're referring to where it's mentioned as well as from the US government on consumer fraud trends, so on and so forth? Is that where a specific GAC member is identified?

NICOLAS CABALLERO: Iran, please go ahead.

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KAVOUSS ARASTEH: Yes, thank you very much. I don't want to be misinterpreted. I have full respect to the contribution from US and from any country, but what I said is normally. When I say normally we do not refer to particular country name. We say some or one, that's all, but has nothing to do with a specific country. I hope that this will not be misinterpreted at all. Thank you.

NICOLAS CABALLERO: Thank you for that, Iran, and I have precisely the USA next. Please go ahead, Susan.

SUSAN CHALMERS: I think there's absolutely no objection whatsoever to replace the term US government to a GAC member. And just, well, while I have the mic, I'm wondering if it'd be okay to, in the words, email fraud, just to use the words, including fraud facilitated via email, just a little nit. And thank you to our colleague from Switzerland for making the text more readable in the third paragraph. Much appreciated. Also, happy to use the word shared, instead of disseminated and delete that. That was a typo. Our apologies.

NICOLAS CABALLERO: Thank you very much for that, US. Thank you, Iran. Thank you, Switzerland. Any other comment or question in the room, online? That's an old hand, right, US? Okay. Perfect. So, let's read it again, and for that, I will ask-- Sorry, Benedetta. Okay. Iran, go ahead, please.

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KAVOUSS ARASTEH: Thank you very much, distinguished Chair. I don't want to compete with the US in English language, but there is a difference between disseminated and shared. Disseminated is a wider distribution, and so on and so forth. Shared, it may be shared with one, or two, or three, but if it does not cause any problem, I prefer to retain or maintain the word disseminated rather than share. Thank you.

NICOLAS CABALLERO: US, what would you prefer, shared or disseminated? Do you have any special preference?

SUSAN CHALMERS: We have no strong preference. We're happy to support use of the word disseminated instead of shared. Thank you.

NICOLAS CABALLERO: Perfect. Thank you so much, Susan. So, let's erase then shared, and keep disseminated. Any other comment? Brazil, go ahead, please.

JORGE CANCIO: Just a question. When it comes to paragraph, I think it's the third paragraph, "GAC considered". It's just a question. I didn't follow the whole discussion. Did we consider all this, or just to have a clear understanding from our colleagues, is that it's perceived as something that the GAC really considered, or was part of the presentations? Sometimes, I have an issue with, let's say, the subject of the sentence,

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because we are before basing our assessment on the presentation, and then the agent becomes the GAC. I have no problem with the text whatsoever. Just to be clear that we are really saying that the GAC took those, not actions, but this.

NICOLAS CABALLERO: So, would you be okay, Brazil, if we put discussed instead of that phrase?

JORGE CANCIO: Look, I don't have an issue with the verb, just to point to this aspect. If our colleagues understand that's something that's really actively considered by GAC, or just something that was raised during the presentations that were made on this topic, just to make clear that there are two different tracks on this. But I don't have an issue with anything that is there in terms of the substance, just to make sure we're all on the same page.

NICOLAS CABALLERO: Thank you very much for that, Brazil. I have Iran and then the United States, but I think we run the risk of getting into a philosophical discussion about-- I mean, if something is raised during our sessions, anybody could say, oh yeah, we discussed that or not. But anyways, Iran and then the US, please go ahead.



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KAVOUSS ARASTEH: Thank you very much. I think that it was not only by the presenter. I have commented on this period and a few other people, so I have no problem to say discussed or considered, but I think they were considered was correct. But if somebody wants to change it, discussed, I have no difficulty. Thank you.

NICOLAS CABALLERO: Thank you, Iran. Brazil, are you okay with that? Okay, and I see two thumbs up. Thank you so much. US, please go ahead.

SUSNA CHALMERS: Yeah. Just to support the intervention of our colleague from Iran, as I was up on the podium, I remember proposing the timeframe question, and I think we discussed it not only with Compliance, but also the Contracted Parties. And just because I was zeroed in on that question, I can say that we did discuss it or consider it, either way. Thanks.

NICOLAS CABALLERO: Okay. Can you scroll up a little bit, please, Gulden? So, let's read the paragraph again for the sake of clarity. And for that, I will have the help of my distinguished colleague from the UK with a perfect Shakespearean English. Please go ahead, Nigel. The floor is yours.

NIGEL HICKSON: Thank you very much. And I was going to do it in an Irish accent, but I won't. And of course, this isn't the final read through by any means. I mean, I'm not speaking for the Chair here, but I'm keen to emphasise

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that there are people that might be in other sessions that will want to want to have a look at this text over the next 36 hours or whatever. Anyway, here we go.

DNS abuse. The GAC welcomes the addition of new DNS abuse obligations for Contracted Parties, which became effective in April 2024. The GAC appreciated hearing from ICANN Org's Compliance unit about plans for auditing and enforcing the amendments, as well as from a GAC member on consumer fraud trends, including fraud facilitated by email and phishing attempts.

The GAC also welcomed a presentation from a third party on the topic of DNS abuse measurement, during which several terms that are included in the new amendments, actionable evidence, prompt action, and a requirement to stop and/or otherwise disrupt were discussed. The GAC acknowledged the recommendation that to support effective enforcement, the community would need to establish minimum evidential thresholds and standards for actionable evidence. Such standards should be consistently applied.

Regarding prompt action, reference was made to SAC115, which outlines a 96-hour minimum standard. To develop a clear appreciation of what stop and/or otherwise disrupt means, it was recommended that the information Contracted Parties provide on enforcement actions taken include the action taken as well as the considerations that lead to it. The GAC also acknowledged the importance of quality of the abuse reports and that good reporting practices need to be further developed and widely shared.

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The GAC discussed what a reasonable timeframe for assessing the impact of obligations might be. Some suggested six months. However, there remains a general expectation that significant progress occur in advance of the next round. And it should be probably of the next of the new gTLD round or the next round of gTLD applications. Yes, we can probably delete the new. Of the next round of gTLD applications.

The GAC will track reports from ICANN Compliance on DNS abuse enforcement. The GAC also explored options of what prospective work on DNS abuse might entail, recalling some topics (such as guidance on key terms or capacity building to disseminate best practice beyond the contract's baseline) previously identified as potential areas to address before the new round of gTLDs. Finally, the GAC expressing its interest to reconnect with other parts of the community on these matters. Expressing, yeah. Finally the GAC expressing its interest or finally the GAC expressed its interest or--

NICOLAS CABALLERO:

ED at the end, right? Expressed interest to reconnect or something like that. There's also a little mistake, a little editing we need in the first paragraph. It says become, it should say became, I guess. Can you go? Yeah, there you go. Which it says welcomes the addition of new DNS abuse obligations for Contracted Parties, which will become, okay, which will become effective. Yeah, yeah, yeah. Thank you.

So, there it is. Comments, questions? Are we okay with this paragraph? And I don't see any hand up. So that means that will be seven minutes in advance for our coffee break and for our preparation for the meeting with the ICANN Board. Benedetta, please go ahead.

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BENEDETTA ROSSI: I was trying to make you work longer, but there's a short text if you want to take advantage of the seven minutes to review still under issues of importance submitted by Switzerland on transparency and the GNSO statements of interest. If you'd like to--

NICOLAS CABALLERO: Yeah, yeah. Thank you for that.

BENEDETTA ROSSI: Item number five. Gulten, please.

NICOLAS CABALLERO: All right. I'll go ahead and read it. Transparency and GNSO Statements of Interest. The GAC discussed the matter of Transparency and Statements of Interest, recalled concerns expressed in its ICANN76 and ICANN78 Communiques and stresses-- Shouldn't be stressed. Anyways. And stresses the central relevance of fullest transparency in this regard as a crucial precondition for accountability and legitimacy in ICANN policy development processes. It is noted that on February 28th, the GAC Chair issued a letter on the matter to the Chair of the ICANN Board. And there will be a link there. The GAC looks forward to continued engagement with the GNSO Board and community on this issue. Comments, questions, any feedback? Australia, please go ahead.

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IAN SHELDON: Thanks. Ian, GAC Australia. I'm just running a small point. If it should be full transparency rather than fullest transparency. It's just a minor gripe.

NICOLAS CABALLERO: Well, noted. Thank you, Australia. I have Iran.

KAVOUS ARASTEH: Thank you very much, Chair. I was at the same point, but I still have difficulty with putting full or fully, so on and so forth. Transparency is transparency. We don't categorize them. Transparency as not full as wrong. We need transparency. We don't need to put full transparency because this is something subjective. In the view of some people, transparency may be full, and some others, so we don't need the adjective full. Thank you.

NICOLAS CABALLERO: Can we go back to that paragraph? Thank you. And I have to admit that I fully agree with you. Speaking of full, fullest, I fully agree with you, Iran, because as a matter of fact, they were talking about 0.03%, or they were giving a number. I don't remember exactly, but it would be good to talk about transparency as a whole. I would say as a single word. It would read and stressed the central relevance of transparency in this regard, et cetera, et cetera.

Any other comment or feedback? I don't see any hand up. I don't see any requests for the floor online, which means that the session is closed. You will have three extra minutes to enjoy the coffee break.

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We'll reconvene at, let me see, at 3:00 p. m. , 3:00 o'clock for the meeting with the ICANN Board. Thank you very much. Enjoy coffee.

**[END OF TRANSCRIPTION]**