
ICANN80 | PF – Joint Meeting: ICANN Board and GAC
Monday, June 10, 2024 - 13:45 to 15:00 KGL

JULIA CHARVOLEN:

Hello and welcome to the ICANN80 ICANN Board and GAC meeting on Monday, 10 June at 11:45 UTC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in the chat will be read aloud if put in the proper form.

Remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation, and please make sure to mute all other devices when you are speaking. You may access all available features for this session in the Zoom toolbar. With that, I will leave the floor over to Nicolas Caballero. Thank you, and over to you, Nico.

NICOLAS CABALLERO:

Thank you very much for that, Julia. Welcome, everyone, to the GAC Joint Meeting with the ICANN Board. I have the great pleasure to introduce you to the Board. We have Wes, we have Alan Barrett, Becky Burr, Tripti Sinha, Danko, and Jim. Of course, we have Sally Costerton. We have Maarten Botterman sitting right there. Katrina Sataki, Christian Kaufman, Harald Alvestrand, Patricio Poblete over there. We have Sajid Rahman, Chris Chapman, Chris Buckridge, Catherine Adeya, and Mr. Finn Peterson. No, he's not a member of the Board. I'm joking.

So welcome, everyone. I'm sorry, I'm not doing so well today. My throat is not helping me that much. We have a lot of interesting and I would say not controversial, but very important topics to discuss today with the Board. So without further ado, let me give the floor to Tripti Sinha, Chair of the Board of Directors. Tripti, over to you.

TRIPTI SINHA:

Thank you, Nico. Sadly, I cannot follow his comedic routine, but suffice to say, this is going to be a bland, you know, statement that says we love being here. We really do. We love these exchanges. I cannot be as funny as Nico is, but without further ado, Nico, let's just run the agenda.

NICOLAS CABALLERO:

So the first topic we have is GNSO statements of interest. For the sake of time, you don't need me to read the whole list, so we'll just get there. So let me read the question for the Board, Tripti, and then you decide who takes the question. In view of recent discussions between the GAC and Board, can you share the current state of thinking within the Board's on transparency rules applicable to SOIs, that is, statements of interest (ethics code idea) throughout the multi-stakeholder community?

TRIPTI SINHA:

Thank you, Nico. I just wanted to preface this by saying this is a very important topic for the Board. We are firmly behind transparency. And as you know, this has been built into the ethos and culture of the

ICANN ecosystem and community. And Becky Burr will address this. I'll turn it over to Becky.

BECKY BURR:

Thank you. And first of all, let me say the Board would like to thank the GAC for its continued interest in this subject. It is very much a shared interest, and we hope that you will continue to be vigilant about this. I'm pleased to report that the Board has asked ICANN Org to draft an ethics policy to address these issues among other things. And we hope to bring that in short order to the community for discussion. So we have moved from the, "We are considering whether an ethics policy is appropriate," to "We have decided an ethics policy is appropriate," and asked Org to prepare a draft for our review.

NICOLAS CABALLERO:

Thank you very much, Becky. Do we have questions from the floor regarding the first topic? Let me check the chat. And I see USA. Please go ahead, Susan.

SUSAN CHALMERS:

Thank you, Chair. And it's great to hear this update. The United States welcomes this update. Transparency is fundamental to good governance. And it's not only crucial to ICANN's legitimacy, but it's also enshrined in the bylaws. We will follow the development of the new ethics policy with interest. Thank you so much.

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

JORGE CANCIO: Thank you so much, Nico. And hello, everyone. Jorge Cancio, Swiss government, for the record. So thanks very much, Becky, and to the Board, for taking this forward. And I just wanted to ask you whether you have given any parameters to Org to draft this ethics code and whether you could give us a sneak preview of those. Thank you.

BECKY BURR: Well, I don't want to give sneak previews, but I think we have said before that the Board agrees with the GAC that in order for the multistakeholder model, the integrity of the multistakeholder model to be upheld, transparency is required. You need to know who you're talking to and whose views they represent. So I am willing to give you that much of a sneak preview to say, I think we're on the same page with the GAC.

NICOLAS CABALLERO: Thank you very much, Becky. Thank you, Switzerland, for the question. Any other questions or comments in this regard? I don't see any hand up. Please move to the next slide. Thank you. So I'll read the next question and then I'll give you the floor again, Tripti. Can the Board provide an update on its work regarding the consideration of the committee's ICANN77 (Washington DC) advice

on resolution of contention sets -- and there's the link, page 12 -- including the potential engagement of an expert? Over to you, Tripti.

TRIPTI SINHA:

Thank you, Nico. An important question, and Alan Barrett will take this one. He is one of our subject matter experts on the Board on this topic. Alan?

ALAN BARRETT:

Thank you, this is Alan Barrett. Yeah, the Board greatly appreciates the GAC's interest in this topic, which has also been the subject of much discussion within the Board. We'd like to refer to a recent blog post under Tripti Sinha's name dated the 3rd of June, 2024, in which this matter is addressed. So the Board has received advice from both the GAC and the ALAC, advising that we should ban or disincentivize private auctions or other private monetary means of resolution of contention sets. But on the other hand, the Sub Pro PDP suggests that joint ventures should be allowed as a means of resolving contention sets. And so the Board is trying to balance these two somewhat opposing views.

The Board does agree that private auctions should be disincentivized, but we recognize that this is not a straightforward task. And we also recognize that joint ventures may involve a transfer of funds or transfer of other items of value. So the Board engaged a consulting firm called NERA (N-E-R-A) to advise on possible solutions to this, possible ways that we could achieve as many of these competing

goals as possible. And the report from NERA is linked from the blog post that I mentioned earlier. That's the blog post dated the 3rd of June 2024.

Now, another aspect of the GAC's advice was that commercial and non-commercial applicants should not end up in the same contention set, or at least should not compete against each other in resolution. And the GAC suggested drawing of lots as a possible means of achieving that. The Board has been advised that drawing lots would most likely be prohibited under US law. So we can't do that. And also, the Board does not see a good way of distinguishing between commercial and non-commercial applicants. So we're not sure how we can do that. Our current thought is that we will probably not attempt to do that.

So we do want to disincentivize private auctions, but probably not distinguish between commercial and non-commercial applicants. And the Board has continued to discuss this at the Board workshop that we held a few days ago, just before the ICANN80 meeting. And we do expect to provide an update in the coming weeks, setting out some of our discussions during the workshop. Thank you.

NICOLAS CABALLERO:

Thank you very much for that, Alan. Questions, comments from the floor or online? And I have the United Kingdom. Please go ahead.

NIGEL HICKSON:

Yes, thank you very much, Mr. Chairman. Nigel Hickson. Thank you so much, Alan, for the updates. As you know, it's a topic of concern to the GAC, but also to the wider community. And we'll be having discussions with the GNSO and ALAC on this issue later in the week. And with our ALAC colleagues, as you know, they were particularly concerned about the situation we found ourselves in in 2012, where the majority of contention sets were resolved through private auction rather than going through ICANN as the auction of last resort. The paper that you mentioned, I've read -- by your consultants -- which I thought was excellent. I thought the blog gave a very fair summary of that paper, and it's good to know that you discussed the various options at your board workshop this week.

Obviously, we look forward to further information on that. But I think the GAC will want to look further at how we can go forward and resolve this issue in a timely manner, given the IRT process. It certainly looked, from the analysis, that this isn't simple, but forming joint ventures as a requirement might be somewhat problematic and might result in the same sort of private negotiation, whether it be over share dealings or other types of equities as we found in the private auction. But certainly, we look forward to further engagement with the Board on what the results were of your discussions earlier in the week. Thank you.

NICOLAS CABALLERO:

Thank you, UK, for that. Is there a specific question apart from the comments? Okay. Thank you, UK. I see Switzerland.

JORGE CANCIO:

Thank you, Nico. Jorge Cancio, Swiss government, for the record. So thanks very much for that information, for that update. And further to what Nigel was mentioning, and on the specific advice on commercial versus non-commercial applications, I wonder whether the Board has analyzed ways to reconcile this definition -- more colloquial definition that the GAC used in its advice on commercial and non-commercial? Because, in the end, it's a matter of concern if we have a system of auctions, especially if it works the same way as in the 2012 round. Because, of course, it favors the applicants with large resources over other applicants whose applications might be as worthwhile as the commercial or the more commercial applications.

So, yeah, instead of taking this as a very binary question, this is not defined or whatever, whether you have looked really into the substance of the problem. That's the first question. And the second is related to that, of course, if you are not going to follow the advice, when do we expect to engage into the process of trying to find mutually-acceptable solutions? Thank you.

NICOLAS CABALLERO:

Thank you, Switzerland. Tripti. I'm sorry, Becky.

BECKY BURR:

Thank you. You're absolutely right. It's not really that it's hard to tell whether an application is from a commercial applicant or a non-commercial applicant. That's going to be clear from the corporate

forum. What's difficult is precisely what you pointed out, which is a more beneficial application. We could think of lots of commercial applications that would be very important to a particular community and perhaps more important than a non-commercial application. So it was really the "choosing winners and losers" piece of that that was troublesome to the Board. So we have looked at the substance and that really accounts for our concerns about being able to do something sensible here.

You are absolutely right. The GAC has given us advice on this. And before we make any final decision, we will initiate the bylaws required consultation with the GAC. So there's more to come on this. This is not the final word. We know we have an obligation to attempt to find a mutually acceptable solution with the GAC. And we also understand that if we are to reject GAC advice in the end, we need to do it by a super majority. So there's more discussion to come on this.

NICOLAS CABALLERO: Thank you, Switzerland. Thank you, UK. And thank you, Becky, for the answer. I have India, and then we need to close the queue at this point.

SUSHIL PAL: Just a thought, will it not be a good idea to actually separate? Because it was said that the proposal is not to separate or segregate the commercial and the non-commercial. Will it not be a good idea to treat them differently? Because then, if you treat them differently,

then the commercial one can definitely go on a bidding basis or auction basis. And for the non-commercial ones, I think maybe some other route can be thought of. With regards to the issue of determining whether it's a commercial or not, it can be done depending upon the registration process in their country of jurisdiction. I think we all have our laws under which the non-commercial one and commercial registrations are done.

So based upon that, I think that it's possible to figure out whether this application is for commercial purposes or not. And if it is found that it's a malafide, it can always be rejected or kind of a -- the amount can be forfeited and the whole thing can be terminated completely. So, I mean, the point is for the commercial ones, we should definitely treat the two separately. Don't drop them in that same basket. That would be a wrong approach. And for the commercial one, go for auction. And for the non-commercial one, I think that can be discussed in the larger forum.

BECKY BURR:

Yeah, you're absolutely right that it's perfectly possible to determine whether something is commercial or non-commercial. That's easy, and it would be determined under the law of the country. What we're struggling with, and what we will have further discussions with you, is distinguishing on a binary basis that non-commercial applications are always more beneficial, or deserves special treatment, than commercial applications. Because, you know, we're talking about a commercial application and a non-commercial application. But just

to be clear, we're not closing the door here. We will have serious and substantive discussions with the GAC on precisely these points.

NICOLAS CABALLERO: Thank you, Becky. Thank you, India, for the comment.

SUSHIL PAL: It depends on how you determine what is beneficial. I mean, how do you define the beneficial part of it?

BECKY BURR: I think you're asking a different question. Are you saying treat commercial and non-commercial differently? The question of an auction or a contention set always comes up in the case of two applications for the same string. So if there's one non-commercial application and one commercial application, we can't treat them differently. We have to resolve them together, unless we say we're automatically going to pick a non-commercial application over a commercial application.

NICOLAS CABALLERO: India, are you okay with the answer? Anything to add?

SUSHIL PAL: We'll discuss it. The point is, they should be treated differently. There could be issues. Maybe I'm not able to figure it out as of now.

BECKY BURR: I think we should have a longer conversation in the context of how contention sets resolve so that we're clearly understanding each other.

NICOLAS CABALLERO: Thank you again, India. Thank you, Becky and Tripti for the answers. Please, let's move on to the next slide. So this is about public interest PICs and RVCs, basically. During the recent Board/GAC Interaction Group (BGIG) conversation last month, the GAC recalls that Board members anticipated they would have more news on their high-level approach to RVCs and PICs by Kigali. Can the Board provide an update on its current approach to this important topic? That's the first question. Also, the Board mentioned the potential option to share a summary of recent legal analysis work. Can that still be done?

SUSAN CHALMERS: Thank you, Nico. The Board has had extensive discussions on this topic with the community and amongst ourselves as well. And again, Becky Burr is the expert on this. So I'm going to turn it back to Becky.

BECKY BURR: I promise to stop talking soon. So, we do have news on this. First, let me say we really appreciate the GAC's participation in the consultation. Both in the form of the paper that the GAC put in and the participation of the GAC representatives from the UK and

Columbia in our San Juan plenary. We got a lot of important information and food for thought. And as we indicated, the Board was looking at the legal issues there to determine whether, under our bylaws, we were permitted to accept and enforce registry voluntary commitments related to the restriction of content.

On Saturday, at our Board meeting, the Board has resolved that we can't and that we will not accept into the contracts the new registry agreements commitments that involve the restriction of content. I want to be clear that that does not preclude registries from making commitments and creating outside processes to enforce those commitments. But from an ICANN perspective, it was the legal conclusion that we would likely not be permitted under law to enforce content-restricting commitments.

Now, we know that many people suggested that the enforcement could be outsourced in the sense that ICANN would identify a third party that would evaluate the conduct and make a determination as to whether the conduct was consistent or not consistent with the commitment that was made regarding content. When we looked at the legal case law precedent, which, of course, is not precisely analogous because ICANN is pretty sui generis, but there is case law that is highly relevant related to, for example, third party enforcement that implicates First Amendment free speech and free association commitments in the United States where these disputes would be resolved.

And it was our conclusion that we would very likely not be permitted to enforce those commitments. And the seriousness of having one IRP where a content-related restriction was struck down can't be overstated. Because our IRPs create precedent, we could have a situation where all of the voluntary commitments related to content were invalidated sort of all at once and all of the commitments that we have made to you, GAC, with respect to resolving GAC objections would go out the window. We don't want that to happen. And we don't think anybody wants that to happen or that that's the right thing to happen.

As to sharing the legal analysis, I think you won't be surprised to hear that we're not going to provide our legal advice. But the Board paper and the information, the resolution itself and the information accompanying the resolution does describe the analysis that I've just summarized. So it will be available pretty shortly. There's a time limit on how fast the Board papers have to go out. So I think in the next several days, you will see the resolution and the analysis on that point.

NICOLAS CABALLERO:

Thank you very much, Becky, for that very detailed explanation. Let me see if we have questions in this regard. Any questions from the room? I don't see any hands up regarding PICs and RVCs. I don't see any hand in the chat room either. So that means that we're okay. I'm sorry, I'm sorry. I have India, go ahead.

SUSHIL PAL: I think the issue regarding whether there should be any level of content moderation or if it's permitted by ICANN bylaws or not. Is that right?

BECKY BURR: So there are some ways that you can limit what people do that ICANN would be able to enforce. ICANN would be able to enforce, for example, a commitment that says only licensed banks can register in .bank. And we could enforce that without looking at the content. We would be looking at licenses. If we look at content, then we run into the prohibition in the bylaws.

SUSHIL PAL: I think the issue of content, you know, which are hosted by intermediaries and the safe hub provision which are applicable to the intermediaries, those are also relevant here and maybe ICANN should relook as to how the content is moderated by the intermediaries while enjoying the safe hub of provision permitted by most of the countries. I completely understand that ICANN should not get into the content of the various websites.

But once there is a clear order, the issue is actually on whose judgment does ICANN direct the concerned website holder that the content is not right and you need to take it down. Maybe if the court of a country, if that be the notifier, then should ICANN not at least ask the relevant website holder that your content needs to be taken down? Or even then we want to completely keep our hands off. And

that's what he said. That's where accountability and trust comes into picture. And maybe ICANN needs to relook at that. I completely understand that ICANN should not do it on notification by any single user or by any single party. But if the courts of a country do that, I think maybe ICANN should look at that.

BECKY BURR:

I think we're talking about slightly different things, or maybe we are. If a court of competent jurisdiction in a country determines that an entity within its jurisdiction is violating its laws, ICANN can enforce that because in all of the contracts, registries and registrars are required to comply with the applicable law. So if a court in India decides that a registry in India or a registry that it has jurisdiction over, has violated laws, that's a different thing than what we're talking about here.

SUSHIL PAL:

If it is under the jurisdiction of India, then there is no problem at all. But what if the content posted by a website which is not in Indian government jurisdiction, but if still the highest court of the country rules that this content is not right and directs the concerned website to be taken down, should it not be a part of the RVCs or the...

BECKY BURR:

So first of all, let me say I am not ICANN's lawyer. I don't know if John is here and he wants to opine on this, because I don't even play ICANN's lawyer on television. There are fixed rules about when those

laws apply. There are choice of laws, and those kinds of things. All I'm saying is that ICANN's bylaws specifically prohibit it from regulating content. It says, straight out, "ICANN shall not regulate content." And so, if a court that had jurisdiction over a registry or registrar issued a binding finding, that would be one thing. But if it is ICANN determining whether the content is legal globally, ICANN does not have the authority to do that.

NICOLAS CABALLERO: Thank you very much.

SUSHIL PAL: Just one thing. Just one thing.

NICOLAS CABALLERO: Excuse me, excuse me. I have the UK, I have Indonesia, and then we'll get back to you, India. UK, please go ahead.

NIGEL HICKSON: Yes, thank you, Mr. Chairman. Nigel Hickson. I'll try and be very brief. Firstly, thank you so much for this clarification, because I think it is a very important step forward. Thank you so much for this update. I think it's very important and very timely, and I assume that there will be some sort of communication in writing, obviously in due course and as appropriate. The two brief points I wanted to make, first of all, that I assume that this won't be grandfathered in that the existing

RVCs that were entered into in good faith after the 2012 round will still be in place. That's the first point.

The second point is that this will obviously, or potentially, affect the way that names are considered in this application round. So in the scenario where an application is made for an entity -- and we gave some good examples at the last meeting for applications for color, and we're very happy that a name color could be accepted as long as there were no registrants that wanted to register yellow color or whatever.

Now, in those circumstances, obviously, if the GAC issues advice or whatever on a content-related matter, that's different from the enforcement of a content-related issue. So it may end up restricting, obviously, the ability of that applicant to be able to have any business, so to speak, or being able to actually fulfill the agreement. And so in those circumstances, as you said, Becky, one could then rely on the registry, one could come to an agreement with the registry. Although, one assumes that wouldn't be any of ICANN's business, so to speak. It would be between the registry and the registrants that would fulfill that requirement. Thank you.

BECKY BURR:

So first, this absolutely will not affect the existing contracts. All of the public interest commitments in those contracts have been grandfathered in. It also will not affect the mandatory public interest commitments, those will go forward as well. You are correct that this could affect the way applications are considered because if the GAC

provided well-founded recommendation that the application not proceed unless certain mitigation steps were taken, and ICANN was unable to ensure that it could enforce those mitigation steps, it would then be a question of whether the applicant could find some external enforcement mechanism that satisfied the GAC's concerns.

So, yes, this could have an effect on how the applications are considered. We're not saying we're ignoring GAC advice on these things. We're just saying we take to heart, very seriously, our obligation to enforce registry voluntary commitments that appear in ICANN contracts. We won't accept them if we can't enforce them and we believe that we would not be permitted to enforce content-restrictive voluntary commitments.

NICOLAS CABALLERO: Thank you, Becky. I have Indonesia.

ASHWIN SASONGKO SASTROSUBROTO: Thank you, Nico. Yeah, because you mentioned the legal system and court decisions and so on. I would like to ask a simple question. In 2012, one of the companies applied for gTLD of .islam and .halal. It then goes to the alternate dispute resolutions and after five years or so, it was then rejected or denied. Well, I do not know exactly why the decision took so long. But my question is, if in the second round, the same name was applied again, but not by a company, say, an Islamic organization, will it be considered again or

automatically rejected? Because that time it was only a Board decision to reject it, not a court decision. Thank you.

BECKY BURR:

Thank you for the question. Each application is considered on its own merits. If another application came in and the GAC objected to it, we would follow the procedure for reviewing the GAC objections. So this doesn't mean, for example, that we will ignore GAC recommendations based on the content of this. And as we did in that case, I think we did follow the advice of the GAC on that recommendation. So we will still consider all GAC objections in full on their merits.

But if there was some resolution, that's if the GAC said only permit this if X content does not appear, we would have to say, "We can't enforce that," and then make a determination about whether we were going to accept GAC or advice, knowing that the mitigation that had been proposed wasn't possible for us. So there's no automatic disqualification, but nothing about what I have said modifies or alters or diminishes our obligation to consider GAC public policy advice and take that into consideration in making our decision.

ASHWIN SASONGKO SASTROSUBROTO: Okay, thank you. My comment is that I hope the decision will not take so long. Like previously, I think more than five years before finally it was objected to. And five years is very long, you know. I mean. It can be shortened, one year perhaps. Thank you.

NICOLAS CABALLERO: Thank you again, Indonesia. Thank you, Becky. I have Grenada, the US, and Switzerland. Grenada, please go ahead.

VINCENT ROBERTS: Yeah, thanks very much. That's Gren-ay-da. With regard to content, at present, there is an increase in the spread of child sexual abuse materials (CSAM), on the internet. And the United Nations Office on Drug and Crime, they're seeing it more and more challenging to deal with this issue. Are we satisfied that we have adequate policies in place to deal with preventing the misuse of domain names in the spread of CSAM? And if not, is there anything we can do to establish a policy to prevent the abuse of domain names in that regard?

BECKY BURR: So, I don't think we will ever be in a position to say we have adequate policies on CSAM. It's an endlessly changing challenge, the introduction of AI and AI CSAM is incredible. It's also global. I know that the contracted parties are continuing to work on this issue. I think we will be thinking about this, working on it, refining our approach forever. So if you're going to ask me to say we have adequate policies, I'm going to say no, because you have to run to keep up with this stuff. But we are very committed to it.

NICOLAS CABALLERO: Thank you, Becky. I have the USA next.

SUSAN CHALMERS:

Thank you so much, Chair, and thank you to the Board for clarity on this decision. It has been a very complex topic. We had a great session in San Juan on this topic exactly, we understand how complex it is. And so it's nice to have some finality in terms of going forward. I think the question here now is implementation, as it were. So the GAC will obviously need to talk about this decision, and when we're faced with an application reviewing the text of the application, understanding how it will apply to the application. Finally, I have just a very practical question, which is whether the applicant guidebook will have any guidance pertaining to this question when it is produced.

BECKY BURR:

I assume that we will be very clear about what kinds of registry voluntary commitments we will accept and not accept. I don't know if that's going to be in the guidebook or someplace else, but we will have to provide clarity to applicants so that they know precisely what is going on, so that the GAC understands precisely what the limits of our ability to mitigate GAC concerns through contractual provisions, and so that applicants can be creative about finding other mitigation methodologies or tools that they might want to use to address GAC concerns. I think it's very important to understand that this doesn't prevent an applicant from finding alternate ways to address GAC concerns.

NICOLAS CABALLERO: Thank you, US, for the question. I have Switzerland.

JORGE CANCIO: Thank you. Jorge Cancio, Swiss government, for the record. So basically, Susan took my point and I think Becky answered the question. Because really, the conundrum is to know, okay, when is RVC restricting or regulating content? That is really the big question. And if we can circumvent that, of course, for legitimate purposes. It's good to have guidance, be it in a Board resolution, be it in the applicant guidebook or somewhere, so that we don't enter into RVCs that are not enforceable. Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. I have Iran next.

HOSSEIN MIRZAPOUR: As this is the first time I'm taking part in this session, my name is Hossein Mirzapour and I represent Iran. Thank you, Chair and the Board for this important discussion. Back to the comment by a colleague from Indonesia about the application which took more than five years, I think, to be rejected finally. I would like to know if there is any initiative, plan, or just an idea to study this whole procedure to make it shorter as much as possible. We know very well that sometimes to convince all stakeholders is impossible and it takes much time, but agility is very important as well. That was my question, thank you.

BECKY BURR:

Thank you, and I think it's a very good question. The IRPs, which is, I believe, the methodology through which this was resolved. do take a long time. We're very much aware of it. And there are two ways to address that, although I can't promise that either of them will completely eliminate the problem. The first is to have a more efficient IRP process, which we have been working on for several years. We're about to stand up a standing panel of judges who evaluate independent review applications. We hope that will bring a level of expertise to the process that will simplify and streamline it.

The other point is that IRP decisions are now precedential. So when a decision comes down, even if it takes five years, it creates precedent that informs us going forward and may help resolve challenges more quickly. And then the final thing is to be clear about the application process and make sure that we have fewer disputes about how applications are considered and evaluated.

All three of those things are things that we've been working on. The applicant guidebook will very much be a product of lessons learned in the last round. All of that will be taken into consideration. And the hope is that we end up with far fewer disputes that an applicant for a contentious name will know going into the application process, what the issues are, what the objections might be, where they're likely to succeed or not succeed in challenges. So, does that guarantee a quicker solution? No, it should help. And I very much hope it does.

NICOLAS CABALLERO: Thank you, Becky. Thank you, Iran, for the question. Before we move on to topic number four, India, I interrupted you. Do you want to go back? No? You're okay? Okay. Unless there's any other question, I don't see any hand up. I don't see any hand in the chat room either. So, please move on to the next topic, which is named Collisions.

The Board previously advised the GAC that it was looking forward to analysis and feedback from the Security and Stability Advisory Committee (SSAC) regarding the findings and recommendations presented within the Name Collision Analysis Project (NCAP) Study Two and the proposed Name Collision Risk Assessment Framework. Now that the SSAC's analysis has been published, which is SAC 124, can the Board share some initial reactions and whether the report met Board expectations? Tripti?

TRIPTI SINHA: Thank you, Nico. The Board appreciates the work that has been done on this topic and this has been done for a few years now, and SSEC has put a lot of time and energy and come up with some very good work and findings. And Jim Galvin, who is our liaison from the SSEC to the Board will lead this topic. Jim.

JAMES GALVIN: Thank you, Tripti. And thank you for the question. As Tripti was saying, the Board certainly shares your commitment and attention to tracking what happens with name collisions. We are very much aware of the operational dependency for resolving name collision issues

before the next round. So it's certainly a priority topic for us. The Board has only just received the SSAC recommendations.

And it's important to note that the first one of the SSAC recommendations was to wholly and fully support the final report from the discussion group, the NCAP discussion group study. So as is the normal course of things, the Board is currently waiting for that advice to be reviewed and then brought to it in order to consider this. So it's a work in progress. It's too soon to say anything in particular about it. But we'll have something to say soon, I'm sure. Thank you.

NICOLAS CABALLERO:

Thank you, Jim. Any question, any comment from the floor? I don't see any hands in the chat room. I don't see any requests for the floor. So that means that we can move on to topic number five which is DNS Resiliency. And the question is, what steps are being taken by the Board to ensure the security and resiliency of the DNS system against emerging threats such as large-scale cyberattacks, distributed denial of service (DDOS), and other threats? Tripti?

TRIPTI SINHA:

Thank you, Nico. A very broad question, but my colleague, Wes, is going to tackle this one. Go ahead, Wes.

WES HARDAKER:

All right. Thank you very much. And first off, you know, thank you for the question. As always, it's good to revisit sort of where we are with

respect to DNS resilience and security. It's a very important topic for the Board as well. It is a very large topic with many components and the answer, of course, is equally as large. I'll give a high-level answer, but feel free to ask any follow-up questions if you wish further detail about any particular topic. The entire DNS ecosystem is under control actually of multiple organizations. ICANN is responsible for coordination of the route and the delegations to the TLDs.

Specifically, ICANN's core mission and mandate is to ensure the stable and secure operation of the Internet's unique identifier systems, which includes the DNS route. The IETF is responsible for the DNS protocol itself. Both organizations work closely together and there are multiple liaisons between the IETF and ICANN to ensure communication continues about all important developments. In fact, three members of the current ICANN Board are long time participants in the IETF as well.

It is impossible to quickly list all the ways in which ICANN is undertaking efforts to ensure the security and resilience of the DNS, but I'll list some examples. First off, with respect to security, there's multiple aspects of security, of course. Integrity is about whether somebody can give me false information. I think most people know, and the GAC knows, that DNSSEC has been widely deployed within ICANN's purview to ensure that DNS data is not tampered with.

ICANN's RSSAC and RZERC both work in coordinating to ensure that DNSSEC protection mechanisms are updated over time. There's also legal investigations that are relevant to the DNS. That includes the

topic that we just talked about with RVCs. ICANN has close relationships with many law enforcement and CERC agencies to deal with legal investigations. And RDRS has been deployed that specifically is here to help mitigate the communication complexity associated with illegal investigations.

Resiliency is another important topic mentioned in the question. The DNS route is potentially the most resilient and over provision DNS service on the planet, 1800 instances and no global failures since its inception. Within the IETF, the DNS protocol is constantly being updated to reflect new best practices and to ensure that the DNS itself is resilient. As an example, a recently published update to the protocol allows resolvers to use data longer than intended when the needed authoritative server is not reachable, making the system more resilient. ICANN staff have been actively engaged in this and other efforts as well.

In summary, the DNS resiliency and security is a critical problem space that is being actively worked on by many organizations, including ICANN, the IETF, law enforcement, and CERCs. And ICANN has strong ties to all of these organizations and works closely with them. If there's questions, I'd be happy to take them.

NICOLAS CABALLERO: Thank you so much, Wes, for this detailed and nuanced explanation. Maarten, go ahead.

MAARTEN BOTTERMAN: Yeah, just to add all the things that Wes said very clearly, but also if we look at the new strategic plan -- and we will present it in outline on Thursday to the full community -- you will see that we continue to pay attention to this essential part of being able to fulfill our mission. So it will be a continuous attention also going forward, short term and long term.

NICOLAS CABALLERO: Thank you very much, Maarten. Do we have any questions in this regard? I see India. Go ahead, please.

SUSHIL PAL: I mean, the DNS, I appreciate that ICANN has provided for the DNS, but the DNS adoption is still pretty low. It's not even in a single digit. What does ICANN or the Board have to say on that?

MAARTEN BOTTERMAN: That is a good question. Thank you. DNSSEC adoption at the root and the TLD level was actually very high. I and another colleague run a measurement study that actually analyzes the prevalence of DNSSEC on the planet. There's over 20 million signed domains, according to our survey, at this point, and a lot is used to secure email. Now, there are a lot more than 20 million domains and, of course, we would love it to be higher. ICANN has undertaken publicity efforts as well as research projects to try and promote the further deployment of DNSSEC, but it does require the industry at large to help take that over. And that's not in ICANN's purview to enforce that.

NICOLAS CABALLERO: Thank you, India. Thank you, Wes. I have the Netherlands and then Indonesia.

MARCO HOGEWONING: Thank you, Mr. Chairman. I'll be brief. Thank you, Wes, also for highlighting the importance of DNSSEC and the rollout. The operator of our top-level domain has recently started experimenting with post-quantum cryptography on DNSSEC. The results, on one hand, are promising. On the other hand, I was a bit concerned with the timelines they sketched on rolling this out and also given the crucial point of the root DNS service into this system. Is there already any plan, or what is the strategy on the Board in trying to ensure that at least at the ICANN level the DNSSEC will be quantum safe in due course?

MAARTEN BOTTERMAN: That is an excellent question. The protocol itself needs to be carefully updated to handle quantum cryptography, which requires a lot more data with the size of the keys. That is being studied within the IETF, which, you know, the protocol is outside the purview of ICANN directly. That being said, I believe OCTO is also working on looking into how quantum cryptography will affect ICANN's related purviews, including the root. But you're right, there's a race. Which will win, the quantum computers or protocol developments? And I don't have a direct answer for that. But it is in our topic list of things to study.

NICOLAS CABALLERO: Thank you. I have Indonesia next.

ASHWIN SASONGKO SASTROSUBROTO: Thank you for the presentation on cyber security, which is quite important today. Well, my question is very simple. Is there any discussion in cyber security relating to not only the DNSSEC and so on, but also with the security standard like ISO/IEC 27001, for example. Is there any discussion on the relation of this ISO/IEC standard? Because many countries are members of ISO and also IEC. Thank you.

MAARTEN BOTTERMAN: That is a good question that I'm not sure I actually have the answer to. It's not an area I'm familiar with. If there are any Board members that that know of the ISO 7001 standard better than I do, otherwise, we may have to come back to you with an answer at a later date.

NICOLAS CABALLERO: We'll come back with an answer for that, Indonesia.

ASHWIN SASONGKO SASTROSUBROTO: Okay. No problem.

NICOLAS CABALLERO: Thank you very much. I don't see any other hand up regarding DNS resiliency. That being the case, let's move on to the next topic, which is New DNS Technologies. And the question reads, how will the potential economic impacts of new DNS technologies, such as blockchain and alternative root systems, be addressed from the point of view of the Board?

TRIPTI SINHA: Thank you, Nico, for the question. This is a very important topic. ICANN Org and the Board keep our finger on the pulse of evolving technologies. And indeed, there are many. So Jim Galvin will lead this discussion. Jim?

JAMES GALVIN: Thank you, Tripti. And like DNS resiliency, this topic is also a very important strategic topic for the ICANN organization. We have, over time, done many things with respect to new DNS technologies. You may recall ICANN Org's blog about Buyer Beware: Not All Domain Names Are Created Equally. This is an important consideration with these alternate technologies like blockchain that use the syntax of a domain name in their particular technologies, thus creating their own form of confusion, name collisions in particular.

In addition, OCTO has produced a paper describing name collision issues, in fact, with alternate namespaces. We certainly have seen public announcements from companies that are taking advantage of some of these alternate technologies and imagining or proposing an

intention to integrate two or more namespace technologies with the DNS system that we propose and that we manage and maintain.

So from a technology perspective, at least historically, we visibly have been paying attention to these things. We are aware of them. We do track them, as does Org. With respect to the future in this space, you should notice in the current draft of the next five-year strategic plan - - which will be outlined and you'll see in a future session this week, and certainly will be much more visible later on -- is an explicit call out to pay attention to and be concerned about new technologies, track them, identify them, and consider what their impact is more directly on the DNS as we use it and employ it in support of the Internet.

From a policy perspective, it's also useful to point out that we do have ICP-3. It's one of those policies that's often forgotten and not called out explicitly, but it is an underpinning document for ICANN and its mission and purpose, because it does remind us that we have a commitment to a single authoritative route in the public interest. So it's important for us to be careful and acknowledge and identify alternate technologies, which might have an impact on that, and we certainly take that very seriously. We're also aware that that document is more than 20 years old. And so we are certainly considering the appropriateness of potentially reviewing and updating that document, especially as alternate technologies become more prevalent, more visible and available to us.

From an economic point of view, we see both risks and opportunities. We certainly don't want to reject any new technologies, but you

know, it really is too soon to tell whether there'll be any significant economic impact about these things and whether or not we need to be directly concerned about it. But we are very carefully paying attention to them. And as a regular part of our funding forecast process, we do take a wide look at all of these kinds of market forces and consider how they factor into our future and how we should reflect them in what we propose to do. So I hope that's responsive to the question. Thank you.

NICOLAS CABALLERO: Thank you, Jim. Would you like to add anything, Danko?

DANKO JEVTOVIC: Yes, thank you, Nico. Just prompted by Jim's last comment. So his intervention was more technically oriented, but I do have a bit of comment on the potential impact because blockchain often connected to cryptocurrencies are generally generating new asset classes. And if you look at the DNS and domain name market, it's not only a market for the registrars, there are also domain investors or people who are buying domain names because they can make it as a business or they have a stock of domain names.

So obviously, there are different asset classes but there are new technologies like new DNS technologies. And also, these blockchain domain names are creating new investment opportunities for people who are currently investing in the DNS market. So those things also could have an impact that is not only directly technical for the DNS

system but for markets. And for us, this is very important because in our funding projections, we are looking at the DNS market and we are slowly coming into a situation that the growth of the DNS market has slowed significantly. And this is something that is very much on the Board's strategic agenda, but also on the Board's practical agenda because it impacts funding. And obviously, we need funding in order to successfully fulfill our mission that we do. Thank you.

NICOLAS CABALLERO: Thank you very much, Danko. Thank you, Jim, for another detailed explanation. Questions, comments, anything you would like to ask at this point? The gentleman over there, please go ahead.

NANA KOFI ASAFU-AIDOO: Yes. Thank you very much, Mr. Chair. I'm Nana Kofi Asafu-Aidoo from Ghana. And the Ghana community and the government of Ghana are very keen to explore these new DNS technologies such as the blockchain and alternative root systems, and also to introduce more registrars in the space. Unfortunately, due to ongoing delegation issues, we have not been able to move forward with some of these projects.

And as a matter of fact, we have some support coming in from the World Bank through the GDAP project, which we are still not able to leverage effectively due to these delegation issues that we are experiencing. So the question that I wanted to put forth is, what are

some of the ways that we can explore through the GAC to accelerate this process? Thank you very much.

NICOLAS CABALLERO: Thank you, Ghana, for the question. And sorry, I just couldn't see you. Tripti? Sorry, Wes will take that question. Wes?

WES HARDAKER: Thank you. One thing to note is the IETF has published a RFC for where to publish alternate namespaces underneath, under .alt in particular, that has now been reserved as a space where people can publish their own information. Actually, Nico, I was going to respond with something else, but the reality is users need to be able to communicate with domain names that they can transmit around the world and can be used anywhere. And one of the issues with an alternate namespace is that it's not globally unique anymore if there are different systems that need to be consulted and some systems exist regionally.

So that becomes an issue and is one of the reasons that both the IETF and ICANN have published statements about the necessity for a globally unique single namespace route. I and others are in conversations with people that are trying to figure out how to resolve this situation. There are people actively in discussion trying to figure out how we can avoid conflicts between multiple namespaces. I certainly cannot promise that will work and that the resolutions will -

- it's technically challenging, but there are lots of people thinking about it out in the industry at large.

NICOLAS CABALLERO: Thank you very much, Wes. I have the UK next.

NIGEL HICKSON: Yes, thank you very much, Mr. Chair. And thank you indeed, Wes, for your detailed explanation. A very quick question, if I may. I mean, I can understand all the work that's going on and I know we've had discussions in GAC capacity-building sessions before, and there's a lot of information on this. And OCTO is always brilliant in publishing information, so we do get great updates. I suppose one thing I was concerned about is because I got a question in my normal day-to-day work, which first of all, I didn't understand, but then I sort of understood. And it really was to do with confusion in the marketplace.

I'm not saying there's anything wrong in this, of course, that some of the registrars are now dealing with blockchain names and promoting them, and that's a commercial decision. But, of course, a blockchain name -- and it might have wide support, and if it's supported by a browser perhaps in the future, then it would have wide scale applicability, but it has no protection in terms of the normal contractual obligations, which people perhaps think of when they buy a name from a gTLD registry. So I just wondered about that information side. Thanks.

JAMES GALVIN:

Thank you, Nigel, for the question and the comment. You're right, the problem with alternate namespaces is they have their own governance structure to the extent they have a governance structure. This is why I brought up ICP-3 as an important underpinning for ICANN. We put a lot of effort into trying to manage a globally unique naming system, globally unique identifier system. Alternate technologies have this problem that they fundamentally create user confusion, especially if they use names that look like domain names but they're used differently in their system. That is a problem that creates user confusion, or in our terms, we would call that name collisions.

And so to the extent that these other technologies become more common, this will become an increasing problem. Don't yet have an answer for what we may or may not do about that. I mean, certainly we don't have any control over new technologies. This is a fundamental tenet of the internet. People get to experiment and try things. So this is why it's important for us to identify them, track them, pay attention to them, consider them. And that, for right now, is the best that we can do.

NICOLAS CABALLERO:

Thank you, UK. Thank you, Jim, for the explanation. We need to wrap up the session. We had some more issues to discuss, but we're going to have to discuss them intersessionally. Before we close, though, let

me give the floor back to Tripti and Becky. You had something to mention, right, Tripti? Please go ahead.

TRIPTI SINHA: Yes, Becky would like to add some more on the CSAM discussion. Go ahead.

BECKY BURR: Yes, so just to add to your discussion and give you a sense of some of the initiatives, the Public Interest Registry has partnered with the Internet Watch Foundation and is sponsoring free memberships for all registries and registrars to get domain hopping lists. So lists of sites, second-level domains that hop from one top level to another with CSAM material and other services in here and alerts about the presence of CSAM. So we are seeing some interesting and innovative work within the contracted party community to really support global attention to CSAM and to containing CSAM. I just wanted to bring that to your attention as an example of some of the work.

NICOLAS CABALLERO: Thank you very much, Becky. Thank you so much, Tripti, any final words? Anything you would like to mention?

TRIPTI SINHA: I'd just like to thank you, Nico, for organizing this. We always enjoy this exchange of ideas and answering your questions, and at least for

a very healthy discussion. So we look forward to the next one. Thank you very much.

NICOLAS CABALLERO: Thank you very much, everyone. Sorry, I have the UK.

ROSALIND KENNYBIRCH: Thank you, Nico. I wonder if there is time for a question on applicant support, given that was a bulk of the discussion today, if GAC members wouldn't mind giving three minutes. Would that be possible, to ask a question on the applicants support program?

NICOLAS CABALLERO: Yes, we can go ahead, Rose, but please keep it short. Go ahead, please.

ROSALIND KENNYBIRCH: Thank you. Firstly, a thank you is in order to ICANN Org staff for presenting earlier today on the ASP. We heard that a determination for how much funding ICANN will put towards a PR firm to help carry out ASP outreach will not be publicized. However, are you able to share the overall sum ICANN has budgeted for the ASP outreach and engagement strategy?

Secondly, we heard that applicants through the ASP will be reviewed through a first-come, first-served basis. How could that impact on underserved regions who may need extra time to prepare their

application using translation services, and how might ICANN mitigate against the potential risks of that approach to ensure that underserved regions remain a core focus of the program? Thank you.

BECKY BURR:

Thank you very much. In the interest of time, let me just say that the Board did take action on this. And I think you will be seeing numbers being socialized in the very near future so I'm not going to jump the gun on that. But details, we have accepted the policy recommendations regarding applicant support and have approved a framework for the approach to applicant support that would also include the amount of funding, both funding via application fees and funding from ICANN resources separately.

NICOLAS CABALLERO:

Thank you very much, Becky. Thank you, UK. I'm closing the session now. We'll have a coffee break now and the next session will be at 3:30, which is WSIS+20. Thank you very much. Thank you to the Board, and thank you for your questions and your participation. Enjoy your coffee.

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