
ICANN80 | PF – Joint Meeting: GAC and GNSO
Tuesday, June 11, 2024 – 9:00 to 10:15 KGL

JULIA CHARVOLEN: Hello and welcome to the ICANN 80 GAC meeting with the GNSO on Tuesday the 11th of June at 7:00 UTC. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior.

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With that, I will leave the floor over to the GAC Chair, Nicolas Caballero. Thank you. Over to you.

NICOLAS CABALLERO: Thank you very much, Julia. Welcome, everyone, to the ICANN 80 GAC meeting with the GNSO Council. Welcome. Welcome, Nacho. Welcome, Greg. Welcome, everyone. I'm sorry, I don't remember your names— Susan and Paul. I'm sorry, Susan and Paul. Tomslin. I have my Vice-Chair, Christine Arida from Egypt, and we have Jorge Cancio from Switzerland.

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I hope we'll have enough time to cover all the topics for today. We'll be giving a brief report, and we apologize beforehand for not being able to prepare a full report yet regarding the HLG. But at least we'll give you a brief overview of the sessions that took place on Sunday. Then we'll dive into the SOIs (Statements Of Interest) and then new gTLDs, diacritics, and WHOIS.

So welcome again, everyone. I apologize also beforehand because I have the flu. My lazy brain is not working well this morning, so I'll do my best. So with that, let's get up.

Anything you would like to say at the beginning, Greg?

GREG DIBIASE: Just real quickly to thank you for having us here. We always appreciate the GAC's input and understanding what is a priority to the GAC.

NICOLAS CABALLERO: Absolutely. Thank you for that, Greg.

So, for the first topic, let me give the floor to Christine Arida, GAC Vice-Chair. She's going to give us a brief overview of the key takeaways of the HLG. That is the High-Level Government Meeting. Over to you, Christine.

CHRISTINE ARIDA: Thank you, Nico, and good morning, everyone. Happy to have you everyone here. So the HLG took place on June 9 for one day. It was inaugurated and chaired by Miss Paula Ingabire, Minister of

Information, Communication, Technology and Innovation of Rwanda, and. And the opening ceremony had participation from ITU, from UN ECA, of course, the ICANN Board Chair, and Nico the GAC Chair.

We had four sessions where we discussed different topics of interest to high-level participation of governments. The first was about ICANN and the multistakeholder model. In that session we discussed the evolution of the multistakeholder model, mainly within ICANN, over the last 25 years, but also we discussed a bit of the emerging technologies and how they impact future policy development, given the global Internet governance ecosystem.

In session two, we discussed cooperation and governance. And in this session we talked a bit about the main challenges the Internet community is facing. And we talked about the different cooperation governance processes and how to synergize and how to address the different challenges to avoid specifically also Internet fragmentation, which was a topic of main interest.

In session three, we talked a bit about digital inclusion and the topic of digital divide, which is of specific interest to the African continent as well, but also to many different places and in developing countries in specific. We talked about meaningful connectivity and how the different issues related to digital divide influence the holistic developmental agenda, specifically connectivity, local content, security and resilience.

And in the final session we talked a bit about how to support the development of meaningful connectivity in Africa. And we had many

presentations from different initiatives and projects and the current state of play. And we had reports on the Coalition for Digital Africa initiatives.

So I hope this helps.

NICOLAS CABALLERO: Thank you very much for that, Egypt.

Do we have any question or comment from the GNSO at this point regarding the HLG? Greg?

GREG DIBIASE: No, nothing specific. Just that we're looking forward to the report and appreciate the update.

NICOLAS CABALLERO: Perfect. We'll do just that.

So with that, let's go directly to the second agenda item, which is the statements of interest. And let me set the scene here by reading very quickly the GAC's questions. "The GAC is very appreciative of the GNSO letter on SOI, which clearly articulates the current position of the different GNSO constituencies and the status of the GNSO. The GAC is of the view that highest standards of transparency are cornerstones for the accountability and legitimacy of ICANN policy processes and would like to explore how to move forward on this dossier so that all participants in ICANN can, as appropriate, give their affiliation or that as required of their clients. The GAC looks forward to the Board taking

action on this matter in consultation with the whole community. And the questions are, what is the GNSO Council stake on such Board plans? Would the GNSO Council welcome a request from the Board to introduce requirements on transparency consistent with the ICANN bylaws?”

Greg, over to you.

GREG DIBIASE:

START HERE Thank you Nico. As described in our letter, there is some difference of opinion on the SOA issue within the GNSO.

And regarding what the Board's plans are heard there may be an ethics policy, the GNSO hasn't discussed that specifically. However, we'd say that we're always very keen to understand the Board's perspective. The more information on what the Board is thinking, especially on an issue as important as transparency, is something that we would look forward to.

So I don't think we've had time to discuss the second question as a council, but as a general matter, the more information from the Board, the better, and we look forward to that output.

NICOLAS CABALLERO:

Thank you, Greg, and thank you to the GNSO. Switzerland, please go ahead.

JORGE CANCIO:

Thank you, Nico. Just wanted to compliment this with that maybe you have seen that yesterday we had this conversation with the Board, and apparently they have moved from considering developing this code of ethics to deciding to develop it. So maybe we will follow up on this in our communicate language and set out also our expectations on that process. But I think we generally welcome that move very much from the GAC's perspective. Thank you.

NICOLAS CABALLERO:

Thank you, Switzerland.

Let me open the floor for the full GAC for any comments or questions in this regard.

I see a hand up from the United Kingdom. UK, please go ahead.

UNIDENTIFIED MALE:

Yes, thank you very much, Mr. Chairman, and good morning. And thank you for meeting with us this morning. It's always a pleasure, of course, to meet with you. And on this topic, I suspect you are as surprised as us to hear that the Board are pushing ahead with this framework for ethics, which is obviously very interesting and good news.

I suppose the one, the one detail that we obviously have to look at is how this translates into sort of actual practical rules, or how it translates into some sort of framework that would be applicable to all those that take part in policy discussions or other types of discussions across the community.

And I just wondered if you had any views on how it should be enforced or whether it will be mandatory, but it might be too early to have vs on that. Thank you very much.

GREG DIBIASE:

START HERE At this time, the GNSO hasn't had a chance to consider that question as a group yet. It is certainly something that we will consider, and we appreciate insight that comes from the Board, and we'll be considering that and following up with the GAC on any conclusions or developments from that.

NICOLAS CABALLERO:

Thank you, UK, for the question. Thank you, Greg, for the answer.

Any other comment/question? Anything you would like to address at this point regarding the second topic, SOIs?

I don't see any hand up. Nothing in the chat room. So that means that we're okay to move to the next topic, which is the GNSO Council update on singular plural issue. I'll very quickly read the background and then I'll pass it to you, Greg. “The GAC is aware of the recent progress in the pending SubPro recommendation 24.3, where the ICANN organization has formulated a preliminary approach, Strawberries and [Text], etcetera, to solicit additional input for the GNSO's deliberation. The GAC is keen to learn the GNSO's perspective on the strawperson proposal and the projected timeline for developing an approach addressing the singular/plural matter. Furthermore, the GAC wishes to reiterate ICANN's objective of mitigating string confusion. In light of

this, the GAC seeks the GNSO's stance on the following inquiries. Should ICANN disregard the potential for string confusion resulting from the singular plural issue in the absence of objection or request? If so, what are the subsequent mitigation procedures when a request is made long after both the singular and plural strings have been adopted? If not, what measures will the GNSO implement to identify and prevent the potential occurrence of the singular-plural issue?"

Over to you, Greg.

GREG DIBIASE:

Thank you, Nico. I'm going to turn it over to our SME on the subject, Paul McGrady.

PAUL MCGRADY:

Thanks, Greg. So the GNSO Council Small Team Plus is actively discussing this topic. We have had several meetings looking at the straw man and considering next steps for that. I think there is some general belief that while the strawman essentially group-sources the issue of identifying singulars and plurals instead of staff having to do it, there doesn't seem to be an immediate objection to the idea, although I will say some have expressed conditional acceptance of the big idea based upon other factors that we are considering. In other words, for some, the strawman proposal standing by itself is too heavy handed, so the Small Team Plus is discussing how we can interject new concepts into it to sort of even out those concerns.

So it's early days. The Small Team Plus, as we all know, is not decisional, and the council doesn't have our work product yet. So the council doesn't have a particular position in all this yet, other than that they're cheering for us to move along and get it done.

Some of the other elements we're considering to add to the strawman would be some sort of review mechanism that would allow singulars and plurals to proceed in the event that there was some contextual information that would indicate the likelihood of non-confusion.

Among these are obvious things like if the singular and plural is dot-mice and dot-mouse. That's obviously a contextual clue that maybe there won't be the kind of confusion that folks are concerned about.

Other contextual clues might include registrant restrictions. So, for example, if one application is a dot-brand and the other application is a community-based application, there may be enough for whatever review mechanism panel to get comfortable that the confusion there would not exist.

Again, it's very, very early days, but the catchphrase seems to be context, not content. The Board has been very clear with us that they're not interested in resolving this problem through restrictions on content. And so that is where the Small Team Plus is heading with all of that.

So that's where we are. We are working very hard to resolve this issue as quickly as possible and get some to get a recommendation to the council. So all I can say there is stay tuned. But we are working on a very quick timeframe to do that. I wish I had more details for you, but

it's very early days for the Small Team Plus. And so I would just say watch for updates and thank you for sending your subject matter experts to the Small Team Plus and having them actively participate. It is appreciated. Thank you.

NICOLAS CABALLERO: Thank you very much for that. Paul. [inaudible]. Let me read for you. “The GAC is keen to continue engaging actively in the IRT through its appointed representative, alternate and participants. And the question is, will the proposed 92,000 RSP fee affect new entrants ability to participate in the next round for new gTLDs? And if so, in what ways?” Greg?

GREG DIBIASE: Thank you, Nico. For this topic, we have Susan who's able to provide some feedback.

SUSAN PAYNE: Hi. Thanks very much for the question. So to some extent, the nature of the IRT is difficult one in the sense that you ask questions of council regarding an IRT, but once council has developed the policy and adopted it and handed it over to the Board, it then moves to being a staff responsibility to implement the policy recommendations. So that council's role is not to actively manage the implementation, but it obviously does have a role in ensuring that the implementation reflects what the policy recommendations were and to ensure that the kind of process proceeds as it should.

And so we have two liaisons to that IRT. One is myself and one is Anne-Aikman Scalise, who is just sitting in the front row there. And as I say, our role is really to make sure that the IRT runs smoothly, and particularly to make sure that there's not a misalignment between what is being proposed in the implementation and what the policy recommendation said and so on.

On something like the specific question on the RSP fee, council is not aware of any kind of misalignment between the implementation and the intent of the recommendation, or at least not currently. Obviously, this at the moment is a proposal that's coming out of the IRT. I don't think it's necessarily a final, fixed decision, but certainly currently there's no kind of council position on this topic because it hasn't been brought back to councilors as a concern where there's a misalignment between the policy and the manner in which it's being implemented.

But obviously we are aware that members of the GNSO, members of the wider community, do participate in that implementation review team. And so council obviously is aware that there have been some objections and concerns raised about the level of the fee, and so we will keep monitoring the situation. And via Ann and myself if we feel it needs to be something that is brought back to the council, then we will do so.

But I hope that sort of clarifies the kind of the nature of the relationship license.

NICOLAS CABALLERO: Thank you, Susan. Any reaction from the floor? Any questions? And I have the UK. Please go ahead.

UNIDENTIFIED FEMALE: Thank you so much, Chair, and thank you to Susan for that answer. I think, just as a follow up, I was really struck by some of the comments in the thread on the fee about potential barriers for new entrants. And I think what would be useful is perhaps (and perhaps you may be able to do so now) to illustrate some of the potential to recoup the cost. If a registry service provider passes the evaluation, what they could then go on to do might be a useful way to show some of the benefits. But I do think it is worth looking into. I know there was an article published on Domain Incite illustrating some of the concerns and really reaching out to people, for example, in underserved regions who may wish to apply and proactively illustrating what this fee would go towards and the benefits to still partaking in that evaluation. Thank you.

NICOLAS CABALLERO: Thank you, UK. Any reactions from the GNSO? Would you like to?

SUSAN PAYNE: I mean, I would say I don't have a response to that at the moment, but I think that is sort of part of the type of situation or the type of issues and discussion that's probably still taking place on this. As I said, I don't think it's a final decision on the actual fee, and, as you mentioned, there have been reservations and concerns raised at the level of the fee, particularly the impact that it might have on those from more underserved regions. But I think more generally for applicants generally, bearing in mind that this is, whilst this is obviously the fee for a registry service provider to be evaluated, to provide those services,

one would assume that a registry service provider would then be passing those fees down to their customers.

NICOLAS CABALLERO: Thank you ,UK, for the question, and, Susan, for the answer. I have the CTU next. Nigel?

NIGEL CASSIMIRE: Thank you very much, Nico. Nigel Cassimire from the Caribbean Telecommunications Union. Having my voice as one of those from underserved region, one might say, we are very much interested in getting a viable opportunity to participate in the next round. And with all these additional fees going up, notwithstanding any significant percentage reduction in application fees for if you qualify for applicant support, if this continues to happen, I mean, we would end up in a situation where even though you get a significant percentage reduction, the actual cost could be two times what it was the last time and it wouldn't really assist small markets, underserved regions, say, to take advantage of any gTLD opportunities.

Just for my clarification though, we're talking about cost recovery. I understand that ICANN wants this next round to function on the basis of cost recovery. And is this incremental cost recovery or are we paying ... My question really is, is ICANN taking on additional staff, for example, to deal with this, in which case they would incur incremental costs to run the next round, or is it that the applicants paying all these various fees and so on would be paying ICANN salaries, which would be

applicable whether or not there's a round? So I'm trying to understand or be clearer on the cost recovery principle. Thank you.

SUSAN PAYNE:

So that's certainly a difficult one for me to answer. I would say, in the IRT meeting that we had yesterday, there was an initial discussion about what the actual application fee would be as well, and we heard from staff in their current thinking on this and the sort of considerations that they have.

I would say during that session there were a number of questions from IRT members, including requests for more granularity on the costs and what is being considered in that cost recovery and how that is being broken down.

So I think we are hoping to see from the staff team some more granularity on exactly what costs are being included. But as a high level, I think probably to the extent that there are specific providers or evaluators needed, or if there were specific staff members needed to work on the project, then certainly, yes, those costs are included. To the extent to which staff who have other roles as well, the cost of them are included. I think we would probably find that there's some kind of a percentage level allocated to the program. I'm really speaking just as an assumption, and as I say, we did ask in the IRT for more clarity and granularity on some of the costs that are being allocated to the program.

NICOLAS CABALLERO: Thank you very much, Susan. CTU, is that okay? Okay, perfect. Next, I have China. Please go ahead.

WANG LANG: Thank you, Niko. And thank you, Susan. Just earlier this month, ICANN published the ISP Handbook for the potential registry support provider as a module of the larger Applicant Support Program Guidebook. As we see, the fee is a little bit high. So could GNSO colleagues elaborate a little bit more on the role and the significance of the ISP for the new gTLD applicant? Thank you.

GREG DIBIASE: Yeah, so I think this question might be better answered by ICANN. I'm not sure that GNSO knows this level of detail and kind of their thinking behind the fees as it's set by ICANN as opposed to the GNSO Council. But like Susan said, the IRT has been engaging ICANN for more granularity the basis for fees and things like that. So that's certainly input we can take back, but I think ICANN would have the answer. Does that sound right, Susan and Paul?

PAUL MCGRADY: I think that's right that they would be able to break down those fees. I think the original idea behind the RSP pre-qualification was that it was meant to make the program less expensive for applicants because they wouldn't have to spend a lot of time reevaluating the same RSP provider over and over and over again. It was a major inefficiency in the last round. And so as we all ask ICANN how they're going to break

down, with granularity, these fees, it might also be nice to ask them to show the cost efficiencies to the applicants, too, because that was the initial purpose. Not to put ICANN staff on the spot later, but I think that's a fair question. Like, if there's a significant fee for the RSPs to qualify, how has that pushed down applicant costs? Thanks.

NICOLAS CABALLERO: Thank you, Paul. Thank you, China, for the question. Any other comment or question? In the room, I don't see any hand up in the ... Oh, I have Jeff Neuman. Go ahead, please.

JEFF NEUMAN: Hello, everyone. It's good to see you guys on a big screen. I wish I was there in person. One thing I wanted to say is just to support what Susan and Paul and Greg have said, that this is really not a council issue, but more of a community issue where I think we all have input from different perspectives. There is an IRT meeting on Thursday, and someone there in the room can let you know what time. But I think that is a good meeting if you can attend to focus on more questions about the fees. And I think it may be worth perhaps at the annual meeting to have more of plenary type sessions or sessions where we can all provide feedback because I think you'll find that even though these are not council issues anymore, they're certainly community issues. And I think we as a community could all benefit from having sessions where we could all hear each other as opposed to just asking what is the council position, what is the GAC position? I think we have community

members, and I think that would be probably a really good idea for the annual meeting. Thanks.

NICOLAS CABALLERO: Thank you for that, Jeff. Any further comments or questions in the room? I have the WIPO. Go ahead.

BRIAN BECKHAM: Thank you, Chair. I wanted to just flag for the GAC's attention and the council. Paul McGrady mentioned earlier in terms of the plurals issue, the topic of dot-brands, and just would like to maybe discuss offline with the team that's looking at that the potential implications of the resolution of applications where there might be a plural of a brand and another string. Thank you.

NICOLAS CABALLERO: Thank you, WIPO. Greg?

GREG DIBIASE: I think we can note that request.

NICOLAS CABALLERO: Anything you would like to add to that or Okay, if that is not the case, then let's move on to the next. I don't see any other hand app in the chat room or in the room. So let's move to the next topic, which is resolution of contention sets. I'm not going to read the whole thing, so I'll just get to the question; the question being, does the GNSO Council

see an appropriate way forward regarding both aspects. I'm not going to read the whole thing for the sake of time.

GREG DIBIASE:

I think we're back to Paul for a response on this one.

PAUL MCGRADY:

Thanks, Greg. So the issue of private auctions was a hot topic in the SubPro PDP. There were significant diverging views on this issue, and ultimately those certain recommendations did not reach consensus. And as a result, those were not adopted by the council and were subsequently then not passed on to the Board for consideration.

So the council has not discussed this topic since that time. And so we, the council doesn't have any particular view on the matter. We do understand the Board is doing some work on this and like you, we're looking forward to hearing how that lands and if there is a potential an opportunity for input, I'm sure will rise to the occasion.

So it's a very unsatisfying answer, I think, which is this topic has not been before the council in recent days. Thanks.

NICOLAS CABALLERO:

Thank you, Paul. I have Switzerland. Please go ahead.

JORGE CANCIO:

Thank you, Nico here Jorge Cancio, in my capacity as a Swiss representative. On this issue, just to follow up that we had this

conversation yesterday with the Board, where they made reference to the blog post from Tripti where they explain a little bit the state of thinking they have now with the question of resolution of contention sets. And there are these two pieces, the one on disincentivizing private options, where they are still trying to think what the options are. And we, of course, look forward to engaging more in that discussion.

And then there's the other piece about avoiding ICANN auctions as the sole method of resolution of contention sets between what we termed in our Washington advice as commercial versus non-commercial applications. And the Board expressed yesterday more or less the thinking that it's very difficult to make that distinction or that they don't see how to do it in a meaningful way. And just to share with you that probably we will have to engage into a bylaws conversation with the Board on that. But of course, this is about finding the right solutions for the community to avoid that. Deep pockets are the ones that always take the winning lot in such situations where we have two equally valuable applications for a single string.

So what I want to say is that we would be very happy to have also GNSO views, not necessarily GNSO Council views, but views coming from the community, perhaps taking up ideas you discussed, or we discussed, during the SubPro to see how we can solve things, because this is not a GAC/Board/GNSO issue. It's an issue on how the community is able to find the best solutions, at least from my point of view. Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. Greg?

GREG DIBIASE: Thank you for that. Again, I don't think we have a clear opinion on that issue, but we can certainly take that back. Any additional comments, Paul?

NICOLAS CABALLERO: All right, thank you. I have the UK next.

NIGEL HICKSON: I'll be very brief because we've got other subjects, but as our colleague Jorge has mentioned, we had this interaction with the Board. The Board have clearly studied the nearer report and I do recommend it to anyone. It only takes half an hour to read. Well, actually 45 minutes. But it's a very good report that was commissioned by the Board. It sets out the difficulties in this area to come up with sort of logical conclusions that meet the different policy objectives.

But my point is that (and Jeff Newman put this in the chat) this is a community issue, but it's an issue that we need to resolve, I assume, fairly quickly because of the IRT process and therefore whether it can be left to Istanbul, I'm not sure. But clearly we need to have further dialogue on this. We will have dialogue with the Board because of the GAC advice process, but we need a wider community interest. The issue of joint ventures, the issue of having a fee, need to be discussed and resolved. Thank you.

NICOLAS CABALLERO: Thank you, UK. Any reactions, Greg, Paul, Susan? Are we okay to move on?

GREG DIBIASE: Yeah, I think we're okay to move on. Just thank you for that input and we'll make sure to recirculate that report among council to make sure folks are aware.

NICOLAS CABALLERO: So thank you again, Greg. For the next topic (and I don't see any other hand in the chat room or in the room), we can move on to the PICs and RVCs topic. And for that, let me give the floor to Switzerland.

JORGE CANCIO: Thank you, Nico. Jorge Cancio from Switzerland in this case, more in my point of contact between the GAC and the GNSO capacity. We had this as a fallback point, depending on how the conversation went with the Board, because as you are well aware, the Board has been looking into this thorny issue of RVCs and how they are consistent, or not, and to what extent, with the bylaws, whether there should be a bylaws change or not. And we have been having this conversation.

And yesterday we had the Board GAC interaction. Obviously I cannot speak for the Board, but what I understood is that they are parting from the position that they won't enforce, they won't accept, RVCs that restrict or regulate content, which is more or less what we have in the bylaws. But of course, the question is, okay, what does this mean? How do we create predictability, both with the applicants and with the GAC

to know, okay, when is the RVC considered to restrict or to regulate content? And I know that probably you as a council haven't discussed this in detail yet, but maybe you have some reactions on the direction that the Board is taking and also whether you agree that we need some parameters, some criteria, to have some sort of predictability for everyone in the community. Thank you.

GREG DIBIASE:

Thanks. Yeah, the council hasn't been able to look at the most recent, recent feedback from the Board yet, but we're aware of it and we're certainly going to consider how the most recent guidance could impact our work or SubPro more generally.

NICOLAS CABALLERO:

Thank you for that, Greg. Let me just make sure we don't have any more questions or comments in this regard. And I have the European Commission. Please go ahead.

PEARSE O'DONOHUE:

Thank you. As a result of that interaction with the Board yesterday, it would appear that in the area of PICs and or RVCs, the options to deal with this very important issue are becoming fewer. And it is our position, together with the EU member states, that this is, we would think, an opportunity for the council, for the GNSO, to show leadership and take the lead with regard to industry commitments, industry self-regulation, which would avoid other options, but which would give clarity, particularly before we engage in the second round of gTLDs with

regards to these commitments, with regard to what are very strong public interest issues going forward.

So that would be our wish on behalf of EU member states. We would, of course, be very happy to engage with you on how that might be done so that we can actually have a more calm environment as we move towards the second round of gTLDs. Thank you.

NICOLAS CABALLERO: Thank you. Thank you for that European Commission. Any immediate reactions from the GNSO Council?

GREG DIBIASE: No immediate reactions other than we appreciate that perspective. That's certainly something we're going to consider. I guess I'll ask if anyone else who may be closer to SubPro has any reactions.

PAUL MCGRADY: Thanks. So this topic affects the underlying work of the Small Team Plus right now on singulars and plurals because we're talking about potentially using RVCs that have registrant restrictions in them as opposed to content restrictions.

So I'll use an outrageous example, but say someone applied for dot-astronaut, and for some reason, there was some contention set we were trying to get that application out of. I think that it would turn on some way to validate that you were in fact an astronaut if it was a registrant

restriction, as opposed to saying the TLD can only have content about space travel. Does that make sense?

So we're focusing in on registration restrictions and other contexts, not content, to look into resolving the issues on singulars and plurals. But it seems to me that there's going to be some learning coming out of the Small Team Plus and how that will work. Hopefully it will work and then we'll be able to take that learning to the broader topic.

But thank you very much for that input and for the encouragement to weigh in on that and to be in dialogue with the Board on that as it evolves. Helpful. Thank you.

NICOLAS CABALLERO:

Thank you very much for that, Paul. Any further questions or comments in this regard? I don't see any hand up. I don't see any other requests for the floor. So let's move on to the next topic, which is diacritics. I will read very quickly. “The GAC wishes to request a status update on the work being done on Latin script diacritics in new gTLDs and specifically the dot-Quebec issue as it relates to fostering a multilingual and inclusive Internet, including a tentative timeline for decisions and actions.” Greg, over to you.

GREG DIBIASE:

Thank you, Nico. So the council has been exploring approaches to develop a solution to allow for an ASCII and a Latin diacritic version of a gTLD to be delegated and operated by the same registry operator. Initially, we had looked into a possible solution, leveraging one of the non-adopted SubPro recommendations to see if there was a potential solution there. However, councilors noted some potential procedural

problems with that approach. So instead, in our last meeting in May, we voted to request a preliminary issue report on the subject to outline what the issues are and give us better tools to identify an approach to move forward on this. So that was requested in May, it should be delivered by the end of June or possibly the beginning of July if there's a short delay. There will be a 40 day public comment, I believe, and then afterwards the GNSO will look into the report and hopefully find an approach to move forward on this issue.

NICOLAS CABALLERO:

Thank you again, Greg. Any comment, thoughts any reactions from the floor? I don't see any hand in the chat room, so we're okay. So thank you again for that. I'm very happy because we're doing very well in terms of timing. That means that we can move on to the urgent requests topic. Let me read it in order to give some color to the discussion here. "The GAC would welcome a status update from the GNSO Council on where we stand on this issue based on the San Juan communique in which the GAC advises the Board to act expeditiously to establish a clear process and a timeline for the delivery of a policy on urgent requests for domain name registration data. The GAC would particularly welcome some indications of what the GNSO thinks would be the most relevant approach for restarting a conversation on this topic, given that the health of the IRT work." Greg?

GREG DIBIASE:

Thank you, Nico. So the GNSO received a letter from the Board on this topic on June 3. So we haven't had time to go over it as a council, but wanted to give you kind of an overview of what is in the letter.

So the Board highlighted concerns with this recommendation. So first they noted that a timeline to respond to urgent requests for registrant data measured in business days did not seem fit for purpose and might be too long. On the other hand, they noted that any requests would need to be authenticated to protect the data subject involved. And currently there is no method for authenticating law enforcement or emergency responders globally, and such authentication could take time. So they noted kind of the concerns with this recommendation and are now asking the council for basically its thoughts on a potential way forward.

So our next steps is we are going to review this letter, assess whether we understand and agree with the Boards concerns, and then after that, kind of determine what might be the proper way forward.

There is an interesting nuance here in that it's an adopted recommendation, and there's not a clear process for amending a recommendation that has already been adopted. That's not necessarily what would be the path forward, but potentially one way.

So we appreciate the Board's input here. We have a much clearer idea of what the Board's concern is now, and we will be discussing and reporting back to the GAC.

NICOLAS CABALLERO: Thank you again, Greg. Let me, let me open the floor at this point in order to see if we have comments or reactions from my distinguished GAC colleagues. I don't see any hand in the chat room and I see the European Commission. Please go ahead.

PEARSE O'DONOHUE: Thank you. Thank you for that information. We were aware of the recent sending of the letter, but it's interesting to hear about the content. Of course, we had hoped that that contact from the Board would have taken place earlier so that we could have made progress already here at the policy forum.

However, in the consideration process that you've described to us within the council, the European Commission and EU member states would urge you to seek solutions as quickly as possible. Again, we are available to engage in discussion. But I must reiterate the position that the previously identified timeframe for responses to urgent requests is completely unacceptable for that category of urgent requests dealing with security, but particularly with human life. And as we move forward within Europe with regard to the implementation of our regulations, it is something where we hope that best practice can lead to a situation globally where these urgent requests are responded to.

Again, also, and particularly with the PSWG, there can be work done on an accreditation process, but this must not become a barrier to implementing a reasonable timeframe for urgent requests as soon as possible. Thank you.

NICOLAS CABALLERO: Thank you, European Commission. Any reactions to that?

GREG DIBIASE: No, other than to thank you for that perspective. And we will be considering that in our conversations about this topic.

NICOLAS CABALLERO: Thank you, Greg. Thank you, European Commission. Any other comments or questions? I don't see any hands. I don't see any hands in the chat room, so let's move on to the next topic, which is accuracy. I'm not going to read the whole thing, so let me just pass it on to you, Greg.

GREG DIBIASE: Sure. And yeah, maybe we don't need to read the whole thing, but by way of backgrounds, there had been an accuracy scoping team doing work within the GNSO, assessing what issues and possible policy work could be done on this topic. That scoping team had noted an issue that there wasn't a lot of data to assess the issue. There wasn't a lot of registrant data to use to assess what the issue might be, which is critical in moving forward with policy. We had paused work on the scoping team while data protection specification was negotiated between ICANN and the contracted parties. That specification is not complete, but it is very close. There's, I think, been a public comment stage, and they're in the final stages there. So we thought it was prudent to add that to our agenda in this meeting.

So in this meeting we're going to assess feedback from a recent report from ICANN that outlines some of the challenges in gathering data for

assessing accuracy and possibly other data on how registries and registrars verify accuracy.

So in our next meeting, we will be considering at least two proposals, one having to do with using historical data from ICANN audits. Another proposal from ICANN was to look closer at ccTLD practices, and then we're kind of open to other proposals counselors may bring as well.

So we're kind of in the early stage of reevaluating this work, but it is back on our agenda and we understand the importance that the community holds for this topic. So hopefully there's more updates at the next meeting as we kind of restart looking into this issue.

NICOLAS CABALLERO:

Thank you very much for that, Greg. Before I open the floor for questions in this regard, let me just get back to you with the final part, with the last sentence at the end of the paragraph, which is, "The GAC further welcomes GNSO Council's estimation on a concrete timeline for restarting the work of the accuracy scoping team." Could you please elaborate a little bit on that?

GREG DIBIASE:

Sure. I don't know if we can provide a concrete time period at this point. We are going to be looking at potential methods forward and potential ways to get data. The result of that could be something different than restarting the accuracy scoping team—a study, for example, where ... I can't say with certainty now, but I guess I can say that the issue is back on our agenda and being discussed.

NICOLAS CABALLERO: Thank you very much again, Greg, let me open the floor now for questions, comments, any thoughts we might have in the room. I don't see any hand in the chat room. One thing though, I would kindly ask you is to speak a little bit closer to the microphone for the benefit of the translators and for my own benefit, because, again maybe because of my flu I'm not able to listen very well. So thank you again. I see no hands in the chat room. And I see no hands in the room. Oh, sorry, India. Yeah, go ahead.

UNIDENTIFIED MALE: Can council expand more as to what are the challenges regarding the scoping for the accuracy of data? This issue has been going on for quite some time, and even the earlier issue of urgent requests, I think, has been going on for almost three, four years, and we are still hearing the same statement from the council as well as from the Board. So maybe give some more detail as to what are the challenges. I mean, which field of the data for the WHOIS ... I mean, we are facing challenges for accuracy. That would really help. Thank you.

GREG DIBIASE: Thank you. So part of the challenge is assessing what the issue is before moving forward with potential policy. And the scoping team in their report noted that there wasn't access to data to evaluate whether there were accuracy issues with data. So there's been work by ICANN staff and within council to identify approaches where we could have access

to data or maybe other approaches to get more information for the scoping team. Is that helpful?

NICOLAS CABALLERO: India? Would you like to react to that?

UNIDENTIFIED MALE: Not really. I think maybe in the sometime next deliberation[.] I think the GAC would expect more detailed deliberation as to what are the challenges with regard to each of the data fields, and that would really help.

GREG DIBIASE: And sorry. One more detail is that we were also looking at the data protection specification between ICANN and the contracted parties. That wasn't in place and that inhibited data sharing. So that was another consideration that the council was looking at that seems to be close to completed, but there are still challenges in accessing data under the current regulatory environment.

NICOLAS CABALLERO: Thank you, Greg. Thank you India, for the question. Any other comment? Thoughts? I don't see any hand in the room, nothing in the online chat room. So let's move on to the next topic, which is DNS abuse mitigation. “The GAC welcomes a GNSO Council update on the Contracted Party House summit and a summary of the output document developed following the meeting.” Over to you, Greg.

GREG DIBIASE: Yeah, thank you, Nico. As context, there was a Contracted Party summit in April in Paris. There is an output document of the work that was done there that was shared, I think, with UN ECA. Has that been shared with GAC as well? Great. And so I think that output kind of documents what the contracted parties are committed to working on, including continuing registration-related efforts, continuing work at combating DNS abuse.

Also at the summit, ICANN presented informed plans or provided plans for an update to their DNS abuse reporting framework. That will provide historical trends and insights and more data that can be used productively.

I think I'd also note that there's recently an ICANN blog on kind of the first two months since the new contractual amendments related to DNS abuse have been enforced. And these are all inputs and improvements that the council is considering when we do assess what the next step on DNS abuse should be.

NICOLAS CABALLERO: Thank you again, Greg. Let me open the floor again for questions, comments, thoughts in this regard. I see a hand in the chat room and this is our GAC-GNSO liaison, Mr. Jeffrey Neuman. Please go ahead.

JEFF NEUMAN: Thank you. And it's not really on the topic, but more on the CPH Summit. And I just want to personally thank the GAC members that

attended the CPH Summit. There were a number of GAC members that were there, not just to observe but to participate. And I put this in the chat, but I hope it was as valuable for the GAC members that attended as it was for the contracted parties, and I would love to see that practice continue in the years ahead. Thank you.

NICOLAS CABALLERO: Thank you very much for that, Jeff. I was there and it was very valuable indeed. So thank you for that. I have Indonesia next. Please go ahead.

UNIDENTIFIED MALE: Thank you. Can I ask one more thing? We are talking about the generic top-level domain or GNSO or so on. I wonder if GNSO also discussed the second level of the new gTLD, for example, because [for the] gTLD, you make the process or, [for] the second level, you just leave it to the registry or something like that. What happens if the second level is causing a problem? Whatever is the problem, we can talk about it later. But GNSO also looks at the second-level domain? Thank you.

GREG DIBIASE: Yeah, I think discussions about DNS abuse at the second-level domains was definitely discussed. You know, we're talking about DNS abuse broadly both from the registrar perspective and the registry perspective. So yeah, I think that was something that was addressed and the Contracted Party House is committed to continuing to discuss.

NICOLAS CABALLERO: Thank you Greg. Thank you Indonesia for the question. I have the UK next.

NIGEL HICKSON: Yes, thank you very much, Mr. Chairman, and thank you for the discussions on this. And I personally would also like to thank the Contracted Party House for their welcome at the Paris meeting and for the excellent discussions we had there. And clearly it is something which I think allows for further dialogue that we don't always have time for in this fora.

I just wondered (and I do apologize, Mr. Chairman), are we going on to RDRS or should we be discussing that here or can I make a comment on it here?

NICOLAS CABALLERO: Not sure that's on the agenda for today. Greg, correct me if I'm wrong.

GREG DIBIASE: So yeah, the RDRS is not currently on the council's agenda because it's not policy. But you know, I think I'd know. Sorry, did you have a question?

NIGEL HICKSON: No. I mean, look, I'm not trying to ask a detailed question, but I just want to give an observation because this was discussed with the Contracted Party House at the summit and I mean, clearly it's very interesting what is taking place. I know there's a lot of work by the

Public Safety Working Group within the GAC on analyzing the effects of the trial, so to speak, and what's taking place.

But I just wondered (and I think this is a wider GNSO matter) what the GNSO is doing to try and encourage those registrars. I think there's about 400 that are not part of the pilot at the moment to take part in this. Thank you.

GREG DIBIASE:

Thanks, Nigel. Although not specifically a GNSO ... Well, there was outreach efforts more generally when the trial began. And then I know the registrar stakeholders specifically has done outreach and education to its members, encouraging them to participate. And then I guess I'd also note in relation to the GNSO, there is an RDRS standing committee that is taking in feedback on the current system and continually trying to improve it.

NICOLAS CABALLERO:

Thank you, UK. Thank you, Greg. Any further questions, thoughts, comments? No hands in the chat room. I don't see any hand in the room, which means that we're doing amazingly well in terms of timing. So we got to the AOB section of our ... Sorry, sorry. I have India. India, go ahead.

UNIDENTIFIED MALE:

On DNS abuse mitigation, we keep hearing that we need to observe security and all, and DNSSEC has been ... That guidance has been given by ICANN. I mean, we asked the Board yesterday. Still, the adoption of

DNSSEC is very low. I understand that, yes, there's a cost involved to it and we cannot make it mandatory, but at least for the organizations, what is the view of the council? I mean, should it be made mandatory for the organizations, left to the individuals if they want to adopt it or not? But any organization website, since many citizens or public would be approaching them—should they not have the predictability that they are approaching the website they are intending to approach?

GREG DIBIASE: I'm not sure that's something that council has been discussing at least recently. So I apologize. I can take that back, but I do not have a clear answer.

NICOLAS CABALLERO: Thank you, India. Thank you, Greg. I have China next.

GUO FENG: Thank you very much. Actually, my intervention is not related to this DNS abuse mitigation. Perhaps it's more related to the AOB. So I appreciate that GNSO colleagues can come here to have a conversation with the GAC. I would like to take this opportunity to ask GNSO colleagues a question that I am interested in. My question is, what is your evaluation on the number of applications for the new gTLDs in the next round? I mean, have you ever been discussing this within the GNSO? Do you anticipate the number of applications will be larger than the first round or smaller? Thank you very much.

GREG DIBIASE: I do not know the answer to that. Susan, Paul, any thoughts?

SUSAN PAYNE: This is a personal response, not a GNSO one, obviously. I mean, I think it's a really difficult question. There are any number of us who are aware of applicants who want one or more TLD. Many people are aware of a number of applicants, but there's no sort of collective list. And that's unsurprising for a number of reasons, I think. I mean, firstly, applicants don't necessarily tend to go on the record and say that they're planning to apply because there's then a risk that they find themselves with a conflicting application and a contention set that they may not have found themselves in if they hadn't gone on the record. So there's a real nervousness about going public.

But also from the experience of my own colleagues who are speaking to potential applicants, things like what the cost is are a factor. And if the cost is this particular level, then maybe they would apply for two. If it was at this level, maybe they would only apply for one, or they would not be able to apply for any.

So there is still sort of a lot of moving parts, I think, when you are speaking to individual companies about it. But obviously, as we see the sections of the guidebook coming together and more information being available, and as we start getting more clarity on things like what the fees levels are, companies and organizations and communities are at least better able to make a decision.

But I don't think anyone can say with certainty what the number of applicants will be. We're all really somewhat guessing, and this is, I

think, one of the problems that the ICANN staff who are doing the implementation work highlighted yesterday, which is that in order for the program to be cost recovery, they are guessing as well as to what the level of the fee is and trying to find a sweet spot between an estimated number of applicants and therefore what the fee level could be that would bring in the necessary cost recovery.

PAUL MCGRADY:

Again, this is personal observations, not council stuff. I got this completely wrong in the last round. People came up to me and said, how many applications do you think there'll be? And I said, ah, two or 300, maybe. And there were 1700. And so this is notoriously hard to guess.

I will say there is one phenomenon that has jumped out at me that's of interest. And that is those that are going on record (a lot of them) tend to be in the Web3 space, or what we call the crypto domain names. And there appears to be a movement to wrap many of those into the ICANN ecosystem, which from a brand owner standpoint I think is a great improvement, because presumably those will come with the UDRP and other benefits of the ICANN ecosystem.

It's also kind of nice to be reminded that the ICANN ecosystem is the A standard in this space. And so to have this sort of nascent industry, that sort of wild west feeling, talking about bringing itself into the ICANN umbrella, I think is a good thing.

And so I think watching that space, for those who are announcing, may give us some indication on the total numbers. But what we can say, I

think, with some certainty, is that there does appear to be demand, which is good news. Thanks.

NICOLAS CABALLERO: Thank you very much, Greg, Paul and Susan. China, are you okay with the answer? Any further comment? No?

GUO FENG: Thank you very much. Thank you.

NICOLAS CABALLERO: Perfect. I don't have any other requests for the floor so far. That's an old hand, right, China? Okay. So any further questions, comments, thoughts?

We can basically then go to AOB. Anything you would like to mention at this point under AOB? We have four minutes before coffee break. And I can't believe it. We did so well in terms of timing.

Well, then I'm very happy to give you back four minutes of your very valuable time. Thank you so much, Paul, Susan, Nacho and Greg. Thank you to the GNSO Council. Thank you, Christine and Tomlin. Thank you, Switzerland. Thank you, everyone. Enjoy your excellent Rwandan coffee. By the way, the GAC needs to be back in the room at 10:30.

[END OF TRANSCRIPTION]