
ICANN84 | AGM – Joint Meeting: GAC and GNSO
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JULIA CHARVOLEN

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If you would like to speak during the session, please raise your hand in the zoom room. Please state your name for the record and the language you will be speaking when speaking a language other than English. And please speak at a reasonable pace to allow for accurate interpretation. I will now hand the floor over to Marco. Marco, thank you and over to you.

MARCO HOGEWONING

Thank you. Yes, everybody, welcome to the GAC meeting with the GNSO Council. I think I hope Nico is still on his way here so maybe we can start off with a quick introduction around across the table and we'll wait for Nico to hopefully make it.

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PAUL MCGRADY

Hi there, I'm Paul McGrady. I am the nominating committee appointee to the GNSO Council for the Non-Contracted Parties House for two or three more days and I will be talking a little bit about where the accuracy Small Team came down on its findings. Thanks.

SEBASTIEN DUCOS

Hi, I'm Sebastien Ducos. I'm the GNSO Council liaison to the GAC and I will also be today talking about RDRS.

TOMSLIN SAMME-NLAR

Thank you. I'm Tomslin, and I'm one of the interim co-chairs of the GNSO with Nacho.

JENNIFER CHUNG

Hi, my name is Jen Chung. I am one of the Registry Stakeholder Group councilors and also the lead on DNS Abuse.

THOMAS RICKERT

My name is Thomas Rickert. I'm the GNSO councilor, one of the GNSO councilors for the ISPCP, and I'm the council liaison to the IRT registration data.

MARCO HOGEWONING

Thank you, all, and for the GSO guests who don't know me, my name is Marco and I'm the GAC representative for the Netherlands,

and I'm one of the GAC vice chairs. We have quite a packed agenda and a lot of interesting discussions, so without further ado, I'd like to hand it forward to the GNSO chair for the opening remarks.

TOMSLIN SAMME-NLAR

Thanks, Marco. So we are happy to be here today to have this bilateral that we have at every ICANN meeting with the GAC and we got some questions that we'll be looking at today and we have some responses and we also have some questions to discuss with the GAC today. But before I go straight into the questions, I'd like to ask my co-chair if he has anything to say.

NACHO AMADOZ

Nothing to add. Thank you for the opportunity to be here again with you and we'll hope to go through the topics in a way that is informative to the GAC.

TOMSLIN SAMME-NLAR

Okay, thanks. So we will go to addressing the questions that we got from the GAC. The first question on the screen is the question on RDRS and we have Sebastien who will be leading us on this.

SEBASTIEN DUCOS

Thank you. So I'm here just for this moment. I'm also the chair of the RDRS Standing Committee. So you've sent us questions about the RDRS. It was just a few weeks ago and so we had just closed the comment period and we were planning this week to review all the

comments received, including yours. I think that there were 15 or 17 comments received. Pretty much all parts of the community issued their comment. So first of all, thank you. Thank you very much for that.

As I've said in the previous session, this is also a group that you actively participated in. We're sending our way Gabriel Andrews from the PSWG who was extremely efficient and we thank him and thank you for that participation. Very much appreciated. So we have taken on board your comments. We were supposed to have four different sessions this week to go through all the comments. I'm happy to say that we were able to clear all the comments yesterday, so after only two sessions.

The new document has just been circulated with the Standing Committee and we've agreed to go through a second round of consensus call on it, which I expect to happen in the next week or so. There wasn't any major change to the document. Most comments actually conformed to discussions that we had had during the sessions. There was a strong discussion yesterday with regards to keeping RDRS altogether.

There was a part of the community that was seeing not enough use in it to justify the cost of maintaining it alive, even if it wasn't further developed for the time being. But in the end, we all agreed that the initial recommendation to keep it running is maintained. I'm not going to go through the whole list of recommendations. I'm happy to discuss that with anybody outside.

The report is public anyway and again you've commented on it. But so this after short consensus call is going to go back to the GNSO Council and will be used in our discussion with the board on where to go further. In broad lines without, and I'll have a crystal ball into the future, but in broad lines we will have the tool that has been developed being maintained for the time being. As soon as we can agree on a path with the Board, we will go back into a review of the SSAD recommendation.

I don't want to presuppose the form if it's a full PDP or smaller group, but that's what we're going to do. Align those with what we've found and what we're recommending in the in our report. It will be another group, it'll be a policy, it'll be a different type of exercise. So again, I don't want to preempt. I want to make sure that that group has full space to be able to develop what they need to develop and etc. And that's about it.

You will see, they've already sort of pre-announced it, you will see at the end of the week in the board session that they will have to vote for the continuation of the budget on RDRS because we had a budget to maintain it until November. My understanding is that they will also announce at that point a gap analysis that they have required or requested from staff. I don't know if they further discuss if you've met with them or if they further discuss that here, but they will present that.

This is going to be a document that will be open for Public Comment and I strongly encourage all the parties involved to

comment on that. It'll be very useful in our task of revisiting the policy in the few months. That's about all unless we have questions.

NICOLAS CABALLERO

Thank you so much for that Sebastien. Let me open the floor for comments or questions at this point. I don't see any hand online. Any hand in the room? Any question or comment? Okay seeing none, back to you or is it Thomas or Tomslin? Tomslin, over to you.

TOMSLIN SAMME-NLAR

Thank you, Nico.

NICOLAS CABALLERO

Sorry, sorry, just one second. We have the European Commission. Please go ahead.

GEMMA CAROLILLO

Thank you very much. Gemma Carolillo from the European Commission. Just quickly to thank the GNSO for the report and we understand that there are diverse views in the community. We had the opportunity a bit to have a look at the results of the Public Comment and the different submissions. You will have seen the submission from the GAC is consistent with the one we previously exposed in terms of the importance for the GAC to make sure that we have as soon as possible a stable tool.

We believe in the RDRS. We have given this pilot good faith I would say and we have from our side supported outreach towards stakeholders, law enforcement to encourage use. I really want to make the point that if it's not made clear what very soon what's happening with RDRS, people will not invest time and effort and resources in the tool.

You will see more and more requesters withdrawing, I mean more and more registrars withdrawing which is a point of concern for us, but also requesters just stopping submitting requests which doesn't mean there is no interest. So it's important that clarity is achieved and we have also advocated consistently.

There are some targeted improvements that could be made without waiting for the very perfect final solution to be found. Every system needs to be upgraded so we would believe that the quick upgrade would also boost confidence in the tool. Thank you.

SEBASTIEN DUCOS

Thank you for the question. So I've spent quite amount of time on this in the last four years, so you're preaching to the choir. I would love to see some improvements too. This will have to be discussed with the GAC, sorry the Board, as evidently ICANN so far is financing all that and so it's their remit. I think that everybody's pretty much convinced that we should. There will be strong discussions as to what and when and with what priority.

Everybody has a slightly different idea on that, but again apart from one group yesterday that seemed to be opposed to spending more money on this until we had a more final solution, I think everybody is looking at seeing it continue being used. As to the decline, and suddenly there's an echo, as to the decline we've all seen it, the stats are public, there is the decline indeed both from the registrars, a few have left including some of the bigger players, and from the requester community.

This is the sort of tool that is going to require a whole lot more marketing and awareness and I agree with you, it's very difficult until you have something final to create that awareness. It is understood and taken into account. At some point we will have to restart that awareness altogether and it's a shame that we're losing that traction for a few months, but there's a process also that we need to follow. Thank you.

NICOLAS CABALLERO

Thank you for that. Sebastien, before I give the floor to Tomslin, any other comment or question? India, please go ahead.

SUSHIL PAL

Thank you Nico, I think the reason which is being given by Sebastien, I mean that was primarily the reason that the SSAD was kind of put on the shelf and with that very objective the RDRS was started because that was highly resource intensive and that was the reason that the pilot for the RDRS was started and now when

the RDRS has reached a certain stage, even though it has voluntary, I think we're hearing this new voice of putting this even on the shelf, then do we have any other modality which we have as an alternative or it's kind of we say that we gave a heck to the data sharing. I mean we give a damn.

I mean that's what, is that the solution? Because we completely support what EU has expressed that that there's a need for more targeted improvement and even when the voice was actually building to make it more, even there's a, I think in the last GAC communiqué also, there was a clear consensus, at least in the GAC, that it should be made compulsory and mandatory, right, and also to request the ccTLDs to join this, at least on the voluntary basis. If you don't do this, ccTLDs will be, I mean, you're forcing countries to kind of resort their own bilateral mechanism, but that will be a waste of effort and a lot of more energy than what we'll be spending on maintaining the RDRS. Thank you.

SEBASTIEN DUCOS

So thank you very much. I want to be very diplomatic and careful about the mandatory participation in this. One of the major issues that has been raised on this is, it is already an obligation of registrars by contract to offer a process to receive requests and go through the process of reviewing this request and decide to disclose or not. That exists by contract.

Some of the operators have already been operating for years, systems that are actually, for them, a lot more efficient. They

match their business a lot better than RDRS will ever, and what we're trying to impose is for them to use two systems together. Now, there is a proposal to develop some APIs. There might be one solution to mesh the two. Some are simply, the systems are too different. And we have proposed as a recommendation, would suggest is to make RDRS the central single point of entrance.

If an operator has a system that is equivalent or better, then we will use RDRS to direct in a smooth way the requester to that system for them to pass on the request. We may then need to agree on returning some stats or things like that, but so that from a requester point of view, this is a smooth transition, that they don't have to go somewhere else and rediscover something else.

Otherwise, we're going to get into a fight for years where people are going to say, I have a contractor obligation already to do this, and you're asking me to double my work and double, I've already invested in systems and you're asking me to, so we need to also try to work collaboratively to make sure that the requesters have the smoothest possible path to be able to proceed to issue those requests.

And at the same time, that on the other side, we're not burdening the registrar community beyond the necessity. Now, as for ccTLDs, yes, there's also a recommendation in the, it's been discussed in the group. I think we're very open to it. It will require further development for technical reasons due to the fact that ccTLD community uses a lot more who is than RDAP, which is now the

standard in the gTLD community. We're looking forward to these discussions with the ccNSO, with you, to make sure that we can encourage them, but that can only be a voluntary basis, of course. These are not under ICANN contract.

SUSHIL PAL

I'm sorry, Nico, I'll just take a minute. I mean, whatever software I know, I think even RDRS would be based upon the API mechanism only. There is no other way except RDRS. If you look at it, it will only be a, I mean, the single API which you share to all the countries and all other country formulate the API to be consumed by the RDRS system as it is, and then you just have a dashboard. That's it.

That would give some visibility to the ICANN if ICANN thinks that it is actually in the business of monitoring registrars, right? If you want to completely surrender that, I mean, up to you, I think. I mean, I don't buy that point that RDRS as a software is so time-consuming, I mean, expensive or resource-consuming. I don't buy that. I mean, that's a sidestepping from actually the reason, the challenge would be, I think, I mean, let's draw from the experiences of the registrars who have actually implemented it successfully. I mean, how are they authenticating the LEAs? I mean, let's replicate that itself. We have no problem.

SEBASTIEN DUCOS

Thank you. I'll have to take that back for further discussion, obviously. It's not, it's my decision, but point taken. Thank you.

NICOLAS CABALLERO

Thank you so much, India. Thank you, Sebastien. I would just add that a good idea would be to use Open Source in order to avoid any kind of problem with, but again, I'm just a GAC chair. My opinion is irrelevant here because your opinion is what matters. I'm just suggesting that FOSS software would be a good solution for everybody. Now, corporations are going to hate me for sure if they don't already do, but I don't care, you know. So I have the US next and then Netherlands. USA, please go ahead.

OWEN FLETCHER

Hi, thank you. I'm Owen Fletcher. I'm the United States GAC alternate. I just wanted to say that our position is ICANN should maintain a permanent centralized mechanism to facilitate requests to gTLD registrars for disclosure of domain registration data and such a streamlined mechanism will be useful for legitimate purposes including law enforcement. Thanks.

NICOLAS CABALLERO

Thank you, USA. I have Netherlands next.

MARCO HOGEWONING

Thank you, Nico. With all respect, Sebastien, and thank you for taking so much time to answering it, but I'm getting a bit confused here whether we're faced with a policy challenge or whether this is simply a matter of lacking any interoperable standards. It might be worth, if both are the case, and that might also be to look into those

work streams because if it's really just a matter of lacking standards, maybe we should work on that.

NICOLAS CABALLERO

Thank you very much for that. Netherlands, I think it's both, but again, Tomslin, sorry to keep you waiting, unless Sebastien, you would like to say anything?

SEBASTIEN DUCOS

No, no, you're absolutely right, and it was part of the discussion of the standing committee. There were some groups that were suggesting indeed to keep it to standards, let the market then develop the tools instead of having ICANN develop. It's part of the discussion, it's part of the report, too.

It's also part of the discussion to know if ICANN should be developing anything or should we outsource that to vendors. Beyond the remit of our discussion, that lays right now in the hands of the Board, and I think that it's fair to say also that the board has left ICANN. org to take that sort of decision, so discussions to have with them, too.

NICOLAS CABALLERO

Thank you again, Sebastien. Just one more thing. Imagine if the TCP/IP protocol had been patented or BGP or, I don't know, RPKI or anything. Would we have the Internet we have today in that case? And that's why I insist on the fact that it would be good to develop some sort of open-source solution in order to avoid any kind of

lock-in situation. Well, we could talk about that for hours, but again, I'm just the GAC chair. I'll give the floor to Tomslin. I'm sorry to keep you waiting. Please go ahead.

TOMSLIN SAMME-NLAR

Thanks, Nico, and thanks, GAC colleagues, for those questions. Once those recommendations or the findings in the report come to the Council, the Council will look at them. Going to the next question we had from our GAC colleagues was on Urgent Requests and law enforcement authentication, and for this one we have Thomas to lead.

THOMAS RICKERT

Thank you so much, Tomslin, and thanks so much, Nico and colleagues, for having us today. Thank you for the question on the IRT with respect to Urgent Requests, and today I'm going to address actually three items.

Two items you have brought up, and that is the timeline and the authentication mechanism, the question of policy required or not, but then we have chosen or we've added a third point, and that is relevant to both the IRT and the registration data policy as well as to the discussion that we just had about the RDRS, and that is about the underlying jurisdictional considerations when it comes to disclosure requests.

Now, to the first point, the Urgent Request timeline. We would like to take the opportunity to thank the GAC for its work on the IRT to

resolve the issue of Urgent Requests. We now have a paper that is out for Public Comment. We also share the GAG's satisfaction with the compromise found in shortcut, shorthand, and within up to 24 hours a response needs to be provided with the possibility of extending this to 72 hours under exceptional circumstances, so that is great. On the second point, the authentication, you ask whether it is necessary to develop policy on that point.

Now, in the IRT we had two points of contention, one on the timeline and one on authentication of law enforcement authorities as a prerequisite of expedited assessment of incoming requests through contracted parties. The question of policy and implementation and the demarcation between the two is historically an issue for the GNSO that needs to be handled with utmost diligence.

If something is policy, and a consensus policy in particular, it is binding for all contracted parties with far-reaching consequences. Now, the issue of timeline, there is explicit language in the EPDP Phase 1 recommendations that the timeline is a matter of implementation, so there is no question surrounding the timeline whether that's policy or implementation. For the authentication part, there is no such note in the EPDP Phase 1 recommendations.

Also, I should clarify that there is no decision yet that policy needs to be made, but it seems straightforward that we ask during the Public Comment period whether the community thinks that policy needs to be made or not on this matter. The IRT and subsequently

the GNSO Council will take the comments into consideration when determining a way forward.

Now, let me take this opportunity to reiterate to all of you that the Public Comment period on the Urgent Request paper is open until December 15th, so please do chime in, submit a comment, and that will give you the opportunity to make your voice heard on the question whether or not authentication requires policy work or not, because that's an explicit question that is mentioned in the Public Comment.

Now, to the third point, the broader jurisdictional issue, the GNSO Council would like to bring up this related questions, namely jurisdictional considerations. You will remember for those that have followed the discussions in the IRT that the IRT has drafted the following language. The consideration of a disclosure request under section 10.4 may include factors other than the rationale and the basis of the request provided by the requesting party, including, for example, jurisdictional considerations or other factors required by applicable law.

Registrars and registry operators are expected to include the factors considered in a review and any response required under section 10.6.4 if any such factor contributed to the denial of a disclosure request. Now, this reads straightforward, but it can be very, very complicated. Let me illustrate this. If the requesting law enforcement authority is in the same jurisdiction as the contracted

party, either registry or the registrar, the assessment of the disclosure request is likely not complex.

However, if a law enforcement requests, the legitimacy of disclosure may be a challenge if the parties are based in different jurisdictions. This is true for Urgent Requests, as well as for requests that are not urgent. I will be talking for a few minutes about a paper that the European Data Protection Board has put out, but certainly we recognize that there are other jurisdictions and other limitations and other laws that need to be taken into consideration.

But the European Data Protection Board, in its guidance, that's guidance two out of 2024, which was published in June 2025, so it's pretty recent, as one stakeholder has put out this document that's pretty instructive when it comes to outlining the possibilities and the limitations of handling disclosure requests.

The European Data Protection Board states, and I quote, “in situations where there is an international agreement, such as a mutual legal assistance treaty, EMLAT, EU companies should generally refuse direct requests and refer the requesting third country authority to an existing mutual legal assistance treaty or agreement”. Then, the European Data Protection Board continues to say that there's the possibility of finding another legal basis for disclosure, going through the various articles that you find in Article 6.1 of the GDPR, but it also states that these require a case-by-case assessment.

Then there is a third route. The European Data Protection Board points out possibilities of non-domestic law enforcement authorities requesting data from private entities not using the EMLAT process, which goes from law enforcement to law enforcement, according to the second additional protocol to the Convention on Cybercrime on Enhanced Cooperation and Disclosure of Electronic Evidence, the Budapest Convention, so that might be an option. Also, it is quoted as another example, the upcoming e-evidence regulation.

Now, we recognize that we're working in a global environment, so the contracted parties may or may not be subject to such international treaties, and they may need to follow different laws. We also recognize that each contracted party must determine its disclosure risks and responsibilities under applicable law, including human rights considerations. However, based on what I outlined, we consider it important to clarify that a non-disclosure is not a matter of the system not working or contracted parties being unwilling to help, but disclosures could be unlawful in certain cases.

Additionally, we consider it important to point out that these complexities, because they don't only impact the discussion on Urgent Requests or the handling of disclosure requests in general, but they also impact how do we deal with the RDRS. So the low disclosure rates may also have their reasons in jurisdictional limitations.

In order to process disclosure requests in an expeditious manner, contracted parties would benefit from legal certainty. However, ICANN and its community cannot resolve all jurisdictional. The GAC and the PSWG can play an important role in discussing and potentially facilitating the legal discourse on the handling of cross-border disclosure requests. We recommend that the GAC, possibly through the PSWG authentication group, invite interested IRT members and other stakeholders to discuss the jurisdictional issues that go beyond the question of urgency and authentication, namely a discussion on the lawfulness of processing disclosure requests and the limitations that exist for contracted parties.

NICOLAS CABALLERO

Thank you, Thomas. Thank you very much. Comments or questions for Thomas at this point before we give the floor, I understand, to Tomslin again or is it or is it Nacho? Oh, European Commission, please go ahead.

GEMMA CAROLILLO

Thank you, Nico. Gemma Carolillo from the European Commission. So, first of all, on the issue of Urgent Requests, I think we have complimented each other from the GAC and the GNSO, so I won't be repeating that as where we stand with the IRT work. It is my understanding, but I would see confirmation from Thomas that the GNSO does not have a definitive opinion on what is happening with the authentication work, which is a bit concerning from our side because, as you know, people in this group and in the GNSO have

discussed at length, including with the Board, and had agreed that the authentication track would be part of implementation, so that the timeline would be worked out in the IRT and that authentication would proceed in parallel.

Somebody else has a different opinion yet, but I don't know whether I should continue or leave it to the wisdom of third parties. So, if it is correct, my understanding is that the GNSO does not have a clear view yet on how we should proceed, which is concerning because we feel we are in the hands of the GNSO and the Board as bodies who are responsible for the policymaking. So, how do we get out of this? First point.

Second, on the jurisdiction. Thank you very much for bringing this important topic to our attention. From the perspective of the European Commission, we are very much, you can imagine, familiar with what is happening with the European Data Protection Board and the reports and the opinions that are being issued. We believe that this is a very important matter, but that this concerns all sorts of requests. This is not a specific issue concerning Urgent Requests, that we do not think that ICANN policies as such could solve the intricacies of international cross-jurisdiction matters.

And in this case, we support the open language that is in the ICANN policy, which states that law shall be applicable and it will be applied according to what is the different jurisdictions, because we do not think that this place could solve such complicated issues.

And it's very good that you pointed out to the last part of the opinion of the Data Protection Board, which singles out a series of international agreements, including the second additional protocol to the Budapest Convention, which actually facilitate direct collaboration between law enforcement and private actors, which it's quite a step forward, although not all countries in the world are covered, of course. Thank you.

THOMAS RICKERT

Thank you so much. And Gemma, I can't resist saying when you said that you're in the hands of the GNSO, you're in capable hands. Joking aside, the reason why you did not yet get an opinion from the GNSO Council on whether the authentication part is a matter of policy or implementation, is that the change in the policy document or in the document that is now for Public Comment, the change was made in the very last minute.

You will remember that this is a new implementation, note K, for those who want to look it up, that was inserted just two or three days before the document was put out for Public Comment. I note that you have sent a comment on behalf of the GAC to the IRT list at the time, but in the meantime, there was no time for the GNSO Council to have a proper discussion around this topic.

So we are going to await the outcome of the Public Comment, and then subsequently the GNSO Council will form a view on this and report back to the GAC. On the second point that you made on the jurisdictional issue, the reason why we brought it up is twofold.

One, those who are reading the registration data policy, including the insertion on Urgent Requests, but also with the jurisdictional considerations, might think, and I think legitimately think, that if this policy in place and if law enforcement authorities can submit requests via using this policy, that this will lead to disclosure.

We had the same discussion in the course of the IDRS debate, where a lot of stakeholders in this group, and you know, you are the expert, so let's just imagine how folks that are not familiar with the systems would read this. They think if they submit a request through the IDRS, they would get a response in the affirmative and not a denial. And therefore, we think it's important to be transparent about what the possibilities for contracted parties are, what the ICANN community can achieve with this policymaking, and you rightfully said that these jurisdictional issues can't be resolved by ICANN.

But we do think that the GAC and the PSWG can play an important role in advancing this discussion, and if it's only to help everyone navigate this jungle of different legal requirements applying to different parts of the world and to different contracted parties. So it's an invitation for you to start a discussion, which we are happy to join, so that we can maybe facilitate the handling of the jurisdictional complexities.

NICOLAS CABALLERO

Thank you for that, Thomas. I have two hands up, one from Eswatini and the other one from India. Eswatini, please go ahead.

ANDREAS DLAMINI

Thank you, Chair. Andreas Dlamini is my name from the kingdom of Eswatini. I've got a question on the jurisdictional question that you put in your presentation. I'm wondering whether ICANN is running away from a responsibility when it comes to the contract with the contracted parties here in terms of providing data to law enforcement, because to say this will depend on the legal settings of each country.

The problem is, if it is a developing country seeking information from a registrar in a developed country, there is that inequality that comes with just being a developing country and a developed country, such that really it may not be taken seriously if it is coming from a smaller country to a big country.

So law enforcement suffers in that respect, whereas if this was enforced in the contract with ICANN, that it is the responsibility of the contracted party to provide information to law enforcement, it would be much better rather than leaving it to jurisdictional legal settings. Thank you.

THOMAS RICKERT

Thank you so much for the question, and I think that your question illustrates that there might be a need for having a more in-depth discussion on these topics. ICANN cannot contractually oblige a

contracted party to do things that would not be lawful under their local laws or the applicable laws in their jurisdiction.

So that's the limitation that we already had under the old WHOIS regime, where we had an exception procedure whereby if you couldn't provide WHOIS as it was required by ICANN standards, you could ask for an exception, but we also have that as a general principle in everything that ICANN is doing. So I think it is I would not concur with you that ICANN is falling short of its commitments or of its contractual obligations, but it's a legal reality that ICANN and its contracted parties need to face.

But I guess that your question shows that there is a need for finding ways to be more efficient in the collaboration between law enforcement authorities and contracted parties, and there should not be any different treatment between country A and country B, so there should not be any differences depending on the origination of the law enforcement requests.

And I guess that one of the beauties, if we could make things like the RDRS work better, is that once law enforcement authorities are authenticated through the mechanism that the PWG is currently working on, then it would be far easier to work in a collaborative fashion across all jurisdictions.

NICOLAS CABALLERO

Thank you very much. Eswatini for the question, Thomas for the answer. I have India. Please keep in mind we only have 10 more minutes.

SUSHIL PAL

Two minutes.

NICOLAS CABALLERO

No, no, no, go ahead, no problem, no problem.

SUSHIL PAL

Thank you, Nico. Let me compliment the GNSO for this IIT for coming out with 24 hours' timeline, although it came after two years of that. And please keep in mind that this also stays only in the letter. This will not become operational without the authentication mechanism. So that actually underlines the importance of, because you know, as Nico keep on saying that we with what phase we go back to the government, right? We go back to the government that we say, hey, we got it 24 hours, then, but it doesn't become operational because there is no authentication mechanism. So it's important that that process needs to be expedited as soon as possible. That's number one.

And secondly, seconding your option on the RDRS, I was wondering, I mean, so long as I was hoping that the Urgent Request would be running on the platform of the RDRS, right? If not, then are the government expected to kind of send out the request to thousands of registrars? So I mean, it's actually, so that further

underlines that you know, how RDRS is needed and it cannot be done away with, because it serves not only the purpose of sharing information, but also handling the urgent. I think Urgent Requests will be handled through that platform itself. Thank you.

SEBASTIEN DUCOS

Yeah, and it was never the plan for RDRS to be handling Urgent Requests. We may develop policy towards that, but at this stage, and considered also by the PSWG, inappropriate for those types of requests.

SUSHIL PAL

Agreed for the plan, but it's basically the same thing it's asking for the details, that's it. I mean, it's the same request, I mean, only it's coming from the...

SEBASTIEN DUCOS

I understand the logic of it, but as discussed with the PSWG and under the guidance of the PSWG that handles those Urgent Requests, it was decided that RDRS in its present state, I'm not talking about the future and the policy and further development, but RDRS in this bit is not fit for purpose.

NICOLAS CABALLERO

Thank you, India. Thank you, Sebastien. I have the US next. Gabe, please go ahead.

GABRIEL ANDREWS

Hi, thank you. Can you hear me okay?

NICOLAS CABALLERO

No, not really. Can you turn up the volume a little bit?

GABRIEL ANDREWS

I just wish to read out loud a comment I was making in the chat, just for clarification of the work on law enforcement authentication mechanisms that would involve either existing or aspirational law enforcement portals.

We are indeed expecting to have those portals connect to the RDRS and then that would enable the authentication to be triaged with the request to the appropriate data holders. All of that, of course, is the planned work, it is not implemented yet, but that is the direction that we're going.

If that is done in a manner that might satisfy the community, then perhaps that would enable the RDRS to be viewed as capable of handling Urgent Requests in a manner that it doesn't currently have the capability to do, but that's a broader discussion than just the mechanism itself of authentication, which I spoke to just now. Thank you.

NICOLAS CABALLERO

Thank you for that, US. Thomas, Sebastien, anything you'd like to add? No? We're good? Okay, thank you so much. The floor is still

open. I don't see any hand in the room. I don't have any hand online, so Tomslin, the floor is yours.

TOMSLIN SAMME-NLAR

Thanks, Nico. So we'll go to the next topic and set up question and that's on accuracy, so for that I'll hand it over to Paul.

PAUL MCGRADY

Thank you, Tom. Paul McGrady here. I will be with you later in the week and we are short on time and so I might do something sort of really fast to introduce where we are, if that's okay, and then I know we have one more agenda item after me, so if I...

NICOLAS CABALLERO

Paul, no worries, you have 15 minutes, so that should be fine.

PAUL MCGRADY

Oh, terrific. All right, I thought we were, we only had five minutes left total or ten minutes left total. Great, well then I'll go real slow, all right? I was just trying to be accommodating. Sorry about that.

Okay, so we are talking about accuracy and the outcomes from the council's accuracy Small Team and where those sit and the GAC asked questions with regard to recommendations number one and three, so we're focusing in on those today.

Recommendation number one has to do with the verification of registrant data and the speed at which that is done. There were

some indications from some studies that showed that the faster that's done, the lower the amount of malicious registrations coming out of the process and with regard to that, the accuracy Small Team thought that was a very important idea, captured that in our recommendations to council that it needed to be further looked at and studied and because we think that it is highly tied with the malicious domain name issue to DNS Abuse, that issue has been fed into our DNS Abuse Small Team to take from here and may,

I mean, I don't want to presuppose the outcome of that process, but it would not surprise me if it becomes one of the topics that are sort of put into the line to be looked at by DNS Abuse policymaking processes. As you may know, we have we had a session earlier today talking about sort of the two big issues that council is considering kicking off PDPs on and those had to do with API access for the large number of registrations. I'm afraid to say the word bulk.

I think bulk is a bad word now, so I won't say bulk anymore. And then the other issue escapes me, but this issue wasn't on that list, but it is in our process and is making its way through the process and its kind of a big idea. And so we, I guess the report to the GAC is we've not lost it and we're working towards coming to conclusions on that.

The second issue had to do is recommendation number three and that has to do with clear educational materials, not only for ICANN

insiders, but especially for registrants about the importance of maintaining accurate registration information and the safety of that data and how ICANN ensures the safety of that registrant data.

And we are, again, at the beginning of the process of developing those kinds of things, but we had sort of a leap forward with the contracted parties asking staff to begin that process and staff has already developed a helpful one-pager on that. And so, again, the report is that we are moving forward on that particular outcome of the accuracy Small Team.

And then sort of the meta question has to do with our recommendation four, which is, are we done with accuracy, right? Have we solved accuracy? And the answer is we haven't solved accuracy completely, even if we do these things.

There is more work to be done in recommendation four from the accuracy Small Team, acknowledge that, and so the accuracy work will continue in council and we won't be done until we're done, but we're moving on the things that we've identified that can be done. And I have been told I have three minutes and I am done speaking, so that three minutes is for you all to ask me questions and be nice, okay?

NICOLAS CABALLERO

Thank you, Paul. Greatly appreciate it. Questions, comments for Paul at this point? And I see the U.S. Please go ahead, Owen.

OWEN FLETCHER

Thank you, Nico. Hi, this is Owen Fletcher again, United States alternate GAC representative. We welcome the GNSO's support for the idea that the GAC previously expressed interest in regarding examining the 15-day timeline. We suggest that registrars should be required to complete those validation steps for registrant contact information before a newly registered domain can become accessible through the DNS or before a domain transfer could be completed.

Also, thanks for your update on the fourth recommendation from the Small Team about whether to what happens with the accuracy scoping team and what happens next with the Small Team. For us, we just feel that the ICANN community should have an active forum in which discussions can continue about other possible next steps on accuracy and those discussions should be open to community members, including interested GAC members. Thank you.

PAUL MCGRADY

Thank you for that. We will take that back and take a look at how the Small Team is functioning and how we best accommodate inputs from everyone who has concern here.

NICOLAS CABALLERO

Thank you, U.S. I have the European Commission next.

MARTINA BARBERO

Thank you very much, Nico. This is Martina Barbero, European Commission for the records. Besides supporting what my

colleague from the U.S. has said about validation to be carried out before delegation or transfer of the domain name, I just also wanted to acknowledge and thanks for informing us about the next steps on recommendation number one.

And so we understand this is now brought to the DNS, a Small Team of the GNSOs, so as a topic lead and together with their colleagues from U.S. and Japan, I think we definitely look forward to discussing this with the colleagues from the GNSO and see what we can elaborate on together to continue progressing on this important topic for the GAC. Thank you.

PAUL MCGRADY

Thank you very much. We are stronger together. Thank you.

NICOLAS CABALLERO

Thank you, European Commission. India, please.

SUSHIL PAL

Thank you. I mean, we commend for this constructive work, but we just only want to highlight that rather than looking at the reduction of the timeline, I think it should be made simultaneous. That is the only submission we have.

PAUL MCGRADY

Thank you.

SUSHIL PAL

The accuracy of data should be made simultaneous before the domains become active. I mean, you should not allow any anonymous or a person to register the domains and then weaponize it for malicious use and then get away. Thank you.

NICOLAS CABALLERO

Thank you very much. Thank you. So with that, let me give the floor to Tomslin. Over to you.

TOMSLIN SAMME-NLAR

Thanks, Nico. So we'll just quickly go to the DNS Abuse question and for that I'll hand it over to Jen.

JENNIFER CHUNG

Thank you, Tomslin. Thank you, Nico and GAC colleagues. I'm going to take a leaf out of Paul's book. I think we had a very productive 90-minute session earlier today where we had the whole community talk about what they thought about the preliminary report from the DNS Abuse Small Team from the council, but we do want to thank very much the GAC for its Public Comment on the preliminary issue report.

We really appreciate the continued engagement, especially from the GAC topic leads on this important topic and the very constructive nature of this input.

Currently, the staff is in the process of preparing the Public Comment summary report and it will compile and analyze all of the

submissions that we received during this comment period, of course, including the detailed feedback from the GAC. I'm going to go a little bit just briefly from the session this morning and I think we also had GAC topic leads there. We also had the PSWG colleague there and it was a very good discussion with the community and from that and also the written input.

We can say there's an overall support for the DGA to pursue very focused policy development on the priority topics, the unrestricted API access for bulk registrations and associated domain checks, both reviewed as presenting the most immediate potential to reducing systemic DNS Abuse and a lot of the commenters also supported continued exploration of the DGA, the Domain Generation Algorithm attack coordination with varying opinions on whether it should proceed as consensus policymaking or a best practice initiatives.

I think this morning we also explored a bit more on the nuances of what that would mean. A lot of people also commented on the PDP structure. In fact, all of these comments we moved to the beginning of the session this morning. We had a very constructive discussion on parallel processes, subsequent processes, how resourcing can be made available, how we can look to streamline effectively while considering very important questions without leaving out important steps as well.

There's also the comments about other issues identified in the report, specifically in our recommendation for topics that a lot of

SOACs, SGs and Cs think are priority as well. These that could be considered for subsequent policy development processes, such as the verification of contact data and a recourse mechanism have also been noted as primary or priority topics for such work.

So after the publication of the summary report, staff will update the issue report where appropriate and also reflect all the input that's received, both from the written input submitted during the comment period and of course all the input this morning during the community session.

Going back on the input gathered during the session this morning, we also had a series of polls, I think, to gauge the, I guess, the heat map or what the community thinks should be going on, especially in regards to articulating correctly the framing of the charter, the draft charter of the PDPs, as well as refining our final report. So the council will be able to consider the staff-prepared issue report, the draft charter, if the PDPs are initiated and will also have the opportunity to consider whether this charter requires amendments prior to adoption.

So all of this input that we received, both written and also this morning, is very, very important for us to consider this subsequently. The issue report's role is not to decide or prescribe any solutions to the issues, but to outline the possibilities. So the report would consider the nature of potential solutions for each gap, whether it calls for consensus policy, so big C, big P, the

contractual requirement, or whether it can be handled by best practices or other appropriate work products.

So due to the list of issues and also the research that's available out there, the report can also reference and help establish a starting point for these further very important considerations. With regards to what will happen to other issues in the report, the DNS Abuse Small Team provided the recommendation to the GNSO council, so recommendation four, that these priority topics will be proposed for subsequent possible policy development processes or appropriate work.

And next steps on these will also be discussed at council level and depend on progress made in the current efforts. I'm going to stop here and hand it back to Nico for any questions.

NICOLAS CABALLERO

Thank you so much for that, Jennifer. That was quick, quick and straight to the point. Thank you so much. I saw your hand up, USA. Please go ahead.

SUSAN CHALMERS

Yes, thank you. Susan Chalmers, GAC representative for the United States. In addition to the talking points that you see on the screen, just a note of thanks, the GNSO DNS Abuse Small Team really did produce reporting outputs on an accelerated schedule and we really do applaud the decision of the council to move forward on DNS Abuse for a PDP. So thank you.

NICOLAS CABALLERO

Thank you so much, USA. Any other comment or question? I don't see any hand on line. That's an all hand, USA, right? Okay. Anybody in the room apart from those noises in the background? All right, back to you, Thomson.

TOMSLIN SAMME-NLAR

Thanks, Nico. And I think that that brings us to the end of the questions that came from the GAC and from the GNSO we had a question for the GAC and the question was or is as Human Rights are a foundational part of our work, no policy development process is complete without an assessment of its potential Human Rights implications. We were wondering if GAC colleagues could share how you operationalize this commitment in your work. We will be interested to learn from your approach as we are implementing human rights impact assessment in every policy development process moving forward.

NICOLAS CABALLERO

Thank you for the question, Tomslin. So the floor is open.

MARCO HOGEWONING

Yeah, there's nobody. I know that we have another session with the NCSG coming up. Later in the schedule, so maybe it's way too deferred. I don't know where we are time-wise, but I think we're out of time. I have Sebastien here.

SEBASTIEN DUCOS

Yes, just a suggestion here because we're asking a question about your procedures and operatization. Could we ask for an answer maybe on this in writing? I would assume that staff would probably be in a bit of a capacity to do this with the concerned parties within the GAC.

NICOLAS CABALLERO

That's actually a very good idea, but before we do that, we have two requests for the floor. Switzerland and then India. Switzerland, please go ahead.

JORGE CANCIO

Thank you, Nico. Jorge Cancio, Switzerland, for the record. Just on this question, not to leave it completely unanswered here, although we may have the discussion with the NCSG and maybe our colleagues from the Human Rights and International Law Working Group were not ready to give an answer at this moment, but I know they are preparing for the NCSG meeting.

And putting my old hat off as co-chair of that Human Rights and International Law Working Group, which I used to chair and co-chair many years ago. Just to share with you that we welcome very much that the Human Rights International, Human Rights Impact Assessment is included now for the first time, as I understand, in the forthcoming PDPs. And this fits in very well with the conclusion we had in the discussions we conducted in the GAC five years ago.

I remember the Montreal meeting. We concluded with the idea that the best way forward, in fact, is that we concentrate on having not different moments where we assess Human Rights Impact, because it's a really important task that we have to do in a very thoughtful manner. but that we really include it into the different PDPs of the different SOs, and notably, of course, in the GNSO PDPs.

But I think I'll leave it by that, and I'll defer to the current co-chairs of the Human Rights and International Law Working Group, who I guess will engage in a discussion during the bilats with the NCSG. Thank you.

NICOLAS CABALLERO

Thank you, Switzerland. I have Canada and then I need to close the queue. Canada, please go ahead.

DAVID BEDARD

Thank you, Chair. This is David Bedard for GAC Canada. And this is just to acknowledge the importance of, the GAC recognizes the importance of balancing public safety and the human rights to life, liberty, security with the protection of privacy rights. And that we do think that human rights implication should be considered at the outset of any policy discussion.

So we do have this discussion, as my colleague Jorge from Switzerland alluded to. We do have this discussion with the NCSG,

but we look forward to continuing our discussion on this. Thank you.

NICOLAS CABALLERO

Thank you so much, Canada. And thank you so much to the GNSO Council. Sorry for running a little bit late. We're five minutes over time. Thank you, Tomslin, Jennifer, Nacho, Thomas. Thank you so much. Sebastien and the GNSO Council. That's all we have time. I'm sorry, I didn't see Paul. He was right behind you. Sorry, Paul. So we're all good now, right?

Okay. So thank you so much, and we'll continue conversations as usual intersessionally. Thank you so much. The session is adjourned. Please be back in the room. We're going to have a 30-minute coffee break. Well, 25-minute. 25-minute coffee break, and then we'll have a session with the ASO. Thank you.

[END OF TRANSCRIPTION]