
ICANN69 | Virtual Annual General – GAC Communiqué Review Point
Tuesday, October 20, 2020 - 16:30 to 17:30 CEST

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and good morning good afternoon good evening everyone, welcome back to our last session today. I hope you enjoyed your break. We now have, we have 60 minutes to review our plan regarding the communique check any communique drafts we have already received, and assign pen holders for missing parts before we start with the communique I would like to give the floor to Olga Cavalli a GAC representative of Argentina to update the GAC and review developments so over to you please Olga.

OLGA CAVALLI: Hello colleagues from rainy Buenos Aires.

It's Spring-time and cold and I hope you are all save and in good health. As you may have seen in the recent communications from ICANN, I have been appointed as NonCom appointee in the GNSO this is very interesting. I found this an opportunity in February when the world was in a different position and all things were going to develop differently so I'm excited and happy that I have been selected and it's an honor but at the same time I have to step down being GAC vice-chair. Manal has

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already a new group of vice-chairs those who were already appointed and the new one so she will have a fantastic help for her next month of work and year so I wish you all the best in this new stage in the GAC activities, and in relation with the GAC I will work with my colleagues from the national government to a smooth transfer of all the information.

I will be around for all of you if you need any information about the working group that I used to chair, Work Track 5 and any other information that I may have. You can get in touch with me at any time. It's been a great honor being GAC vice-chair. Honor working with you all especially and especially thanks to Manal, the best chair and the best resource the GAC could ever have. I know her for many, many years she was there when I started in the GAC in early 2006 or something like that -- I don't even recall. I miss you all. I miss meetings I miss the energy of our meetings and I miss your friendship so I will be around. Not go far away and I hope to meet you in person in the near future. Stay safe, and be careful with your health, and good luck to all of you.

MANAL ISMAIL, GAC CHAIR: Thank you, Olga. We will surely miss knew the GAC. Your contributions to the GAC through your long time service are invaluable and thank you for offering to help if we need your advice. Glad to know you can still continue -- we can still

continue to collaborate though in a different capacity now and happy to have someone from the GAC now represented on the GNSO council. I hope this would further enhance our relationship with the GNSO in addition of course to the already established mechanisms, but again, can't thank you enough for all your contributions to the GAC, and you will be missed at all levels, as an active GAC member, as -- and active member of the leadership team as well, and also at the personal level. As you mentioned we served on the GAC for long together, and I personally had the pleasure to work with you Olga throughout those years and will miss you but glad to know you will be around and we will stay in touch personally and professionally.

OLGA CAVALLI:

For sure I will be around. Whatever you need just drop me an e-mail and I will be happy to help and thank you Manal. You are the best chair you know that and the best chair that we could have, and the best resource thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you Olga. So I see we have the communique already on the screen and also circulated on the GAC mailing list the URL was circulated. Thank you, Fabien.

So just a quick review of the time-line and responsibilities. I think by now we are already in step 3 maybe, so by October 20th, which is today, GAC members and GAC working groups to continue to identify potential topics for the GAC communiqué, and by tomorrow, GAC topic leads are invited to provide text summarizing their proceeding, and GAC support staff are to draft text of non-advice sections of the communiqué. And GAC chair and vice-chairs, representatives and observers are invited to suggest topics and possible draft language for issues ever importance to the GAC, or GAC consensus advice or follow up on consensus advice. And as we now do, or during the virtual meetings, by Saturday, 24th so we are allowing 48 hours.

GAC members are to review final GAC communiqué text and express any final concerns, if any, via e-mail, and absent any objections to proceed the GAC communiqué would be considered adopted and published by Saturday, end of day UTC. That said this is the guidelines to make your familiar with the Google doc. I hope you benefited from the -- from this diagram, and I don't think I have to go through it. I hope you've already used it to insert your text in the Google doc. If we can, yeah please move forward.

I think now we can go through one full iteration and then identify what is next. So let me go to the reading of what we

have at the end right now so the GAC, ICANN69 communiqué was drafted and agreed remote let during the ICANN69 virtual annual general receiving the communiqué Ka circulated to the GAC immediately after the meeting to provide an opportunity for all GAC members and observers to consider it before publication. Bearing in mind the special circumstances of a virtual meeting. And we now have a place holder, no objections were raised during the agreed time-frame before publication. So this is of course pending that we receive no objections and then we proceed, but at such time this sentence will be there.

Under introduction the governmental advisory committee, GAC, of the Internet corporation for a signed names and numbers ICANN met via remote participation from 19 to 22 October 2020. Per ICANN Board resolutions on 11 June 2020 in response to the public health emergency of international concern posted by the global outbreak -- I'm sorry, posed by the global outbreak of COVID-19, ICANN69 was transitioned from an in person meeting in Hamburg Germany to a remote participation only ICANN meeting. And then we will insert the number of GAC members and number of observers who attended the meeting.

The GAC meeting was conducted as part of ICANN69 virtual annual general meeting. All GAC plenary and working group sessions were conducted as open meetings. Under

interconstituancy activities and community engagement first meeting with the Board the GAC met with the ICANN Board, and discussed subsequent rounds of new gTLDs including public interest commitments in new gTLD contracts and follow up on GAC Montreal CCT review advice. DoH main name registration data, WHOIS matters particularly related to the GNSO EPDP Phase 2 effort and follow up. Third ATRT3 final report recommendation applicable to the GAC, and 4th and final an ICANN org proposal for a new operational design phase relating to the implementation of approved gTLD policies.

The GAC and the Board also discussed aspect -- also discussed aspects of the ongoing efforts to enhance the effectiveness of the ICANN multistakeholder model the topic suggested by the Board. ICANN Board responses to the GAC's questions and statements are available in the transcript of the GAC ICANN Board meeting appended to this document.

Next we have the -- our second bilateral which is meeting with the ALAC, this will take place tomorrow morning so again subject to any fine tunes from tomorrow, we will have in the communique the GAC met with members of the ALAC and discussed EPDP Phase 2 new go gTLD subsequent procedures and educating end users about DNS abuse. This is the agenda of tomorrow's meeting. Then we have cross-community

discussions. GAC members participated in relevant cross-community sessions scheduled as part of ICANN69. Including on the consideration of the issues of DNS abuse and impacts to end users and public safety of WHOIS changes under GDPR.

Then on internal matters, under GAC membership there are currently 178 GAC member states and territories and 38 observer organizations. Under GAC elections the GAC confirmed its elected candidates for the GAC chair and GAC vice-chair positions for the term starting after ICANN70, March 2021, and ending at the close of ICANN 73 March 2022. And we will be listing the GAC chair and vice-chairs per the e-mail you already received with this announcement.

Under GAC working groups we have a place holder here for the GAC Public Safety Working Group, so I hope we will be receiving someone is holding the pen within the group and we will be receiving the text soon.

Under GAC leadership the GAC thanks Ms. Olga Cavalli, Argentina for her service to the GAC as vice chair and vice chair of both the GAC working group to examine the GAC's participation in NomCom and to examine the protection of geographic names in any further expansion of gTLDs, and wishes her well for the future in her new position as an appointee to the GNSO council.

So again, this is due thanks to our outgoing vice chair, Luisa is also term limited by since the terms of the vice-chairs end in March, so due thanks also will anybody the communicate, but in due time. And thanks Laureen for confirming in the chat that the PSWG will be providing communicate language.

Under GAC operational matters, first we have Work Stream 2 accountability. GAC plans to implement recommendations. The GAC's session explored options for implementation of the Work Stream 2 accountability recommendations applicable to the committee. Co-chairs of the international rights and international law working group and GAC support staff shared information on the progress towards completing an inventory tool that will enable GAC members to confirm and assess over 40 specific recommendations, a sign accountability for establishing plans to develop recommendations of GAC review and track the status of the implementation efforts.

The human rights international many law working group co-chairs explains that the working group plans to proceed with a preliminary specific folks on the GAC's implementation of the new ICANN human rights core value along with the consideration of Work Stream 2 diversity recommendations.

And just reading the chat, I can see Pua also saying that underserved regions working group women send an update via

e-mail, and tech for the communique. So thank you Pua. Now moving to issues of importance to the GAC, we have subsequent round of new gTLDs, and it reads "the GAC discussed subsequent rounds of new gTLDs following the publication of the subsequent round of new gTLDs PDP working group, initial final report, the GAC engaged in discussions with the SubPro PDP working group co-chairs and review developments in the PDP working group. Their initial reactions on the GAC consensus comments, filed on September 29th, and letters submitted by the Board and ICANN org to the PDP working group.

The GAC thanked the SubPro PDP co-chairs for their engagement and co-operation with the GAC throughout the course of the finally satisfactory of the draft final report. And recognized the tremendous effort of all the obstruction community members participating in the somebody pro PDP working group. The GAC noted general assignment between various ICANN Board comments to the PDP working group and consensus to the working group to the draft final report on topics such as predictability. Closed generics. Community applications, applicant support, and options of last resort.

Some GAC members highlighted specific items of importance to the SubPro PDP co-chairs including a discussion on the SPIRT framework, recalled the view that the strong presumption

language recording their consensus advice should be retained in the applicant guide look. And recalled the importance of addressing DNS abuse mitigation measures.

The SubPro PDP co-chairs review the updated Work Plan, confirming that the PDP is expected to deliver the final report to the GNSO council by the end of December 2020 with the assumption that the final report would be delivered to the ICANN Board in Q1 of 2021.

The PDP working group is presently in an initial stage of the review process for the 50 plus comments received during the public comment period. GAC topic leads invited GAC members on owners to join in the GAC effort regarding SubPro in the coming months and identified the various opportunities of potential GAC input in the forthcoming months spanning from inputs to the PDP working group, to the GNSO council or to the goal, as soon as the final report is submitted to it.

So this is on subsequent procedures. Now moving to the DNS abuse, the GAC has taken note of the GNSO subsequent procedures working group determination that the GAC -- that DNS abuse issues should be addressed in a holistic manner such that any proposed approach or methodology for addressing DNS abuse would be applicable to both existing and new gTLDs.

The GAC has also taken note of the recently posted rationale for the ICANN Board decision to extend the contract for the ICANN CEO, which explicitly cites on going work in the community on DNS abuse, that could lead to policy recommendations.

The GAC appreciates the ICANN Board's recognition of the importance of further work on this issue. From the GAC's perspective the momentum has been increasingly building, for concrete action as the community has progressively engaged in constructive dialogue to advance work on a shared goal.

The mitigation of DNS abuse. Beginning with the recommendations from the ccTRT and the SSR2 review team and continuing through several cross-community sessions and more recent work and the DNS abuse framework the GAC believes there is now a solid expression of broad support for concrete steps to be taken to address the core components of effective DNS abuse mitigation.

The GAC stands ready to work with the ICANN Board and the community to advance this shared goal, including through proposals to improve policies, and or improve contract provisions related to curbing DNS abuse. So I believe this is the text we received from the U.S. And I don't think we have anything else but if we can just scroll down, there is the section for GAC consensus advice to the Board, and the follow-up on

previous GAC advice, so currently we don't have anything UN Convention census GAC advice under follow up on previous GAC advice we have the following items reflect matters related to previous consensus advice, provided to the Board.

First its access to a gTLD registration data. In line with its previous advice the GAC has emphasized the need to maintain WHOIS access to the fullest he can accident possible under the law. Specifically the GAC reiterates its previous advice including from the San Juan communique that the data of legal and natural persons should be distinguished from one another, and that public access to WHOIS data of legal entities should be restored. Legal person data is not protected by the GGTR and its disclosure does not violate individual privacy.

Therefore, legal person data should not be redacted from the SSAD or any service that provides access to the gTLD registration data. In addition, the GAC reiterates that registration data should be made more accurate, this is consistent with the GAC's advice in its 2017 Abu Dhabi communique which recalled the 2007 GAC principles regarding the... recognizing the need for accurate registration data. And "gTLD WHOIS services should provide sufficient and accurate data about domain name registrations and registrants subject to national safeguard for individuals privacy".

Finally, the GAC reiterates its statement from the Abu Dhabi communique that any successor to the WLOIS service must meet the needs of business, must meet the need of "businesses, other organizations and users in combating fraud, complying with relevant clause and safeguarding the interests of the public".

Therefore the GAC welcomes the further analysis of the financial sustainability of the proposed SSAD -- proposed by the GNSO to ensure that costs of the system are appropriate to its utility to its users. I think we need to fix the language here. We have 2 proposed. I think its redundant. Of the proposed SSAD by the GNSO. Or of the SSAD proposed by the GNSO. We need to remove one of the -- and I think to its utility to its users doesn't read well to me but I will leave it to native speakers.

Last sentence the GAC agrees that this cost and benefit analysis must be completed before the ICANN Board considers the EPDP Phase 2 recommendations. So do we have anything else in the communique? It's about next meeting. The GAC is scheduled to meet next during the ICANN70 community forum in Cancun Mexico, on 20 to 25 March, 2021 so this is a complete iteration of what we have at hand right now and let me open the floor now for any comments, remarks flags of text we should be expecting, I now have Laureen for the PSWG and Pua for the underserved

regions working group anything else that that we have discussed and is not reflected?

Jorge please I'm sorry, go ahead.

SWITZERLAND: Hello everyone this is Jorge Cancio from Switzerland. I just happened to spot one minor tweak in the subsequent round's language, but I don't know if you want to discuss this now or if I can change it and we discuss it tomorrow because its just a minor change.

MANAL ISMAIL, GAC CHAIR: If it's a minor change that you would like to propose right away, please do. If you want to take some time and bring it back tomorrow, I mean it's up to you.

SWITZERLAND: Yes then a -- it's a minor change because it refers to language where we are speaking of some GAC members so we're -- I think Benedetta spotted the right place where we say some GAC members highlighted specific items of importance and recalled the view and instead of recalled the view that this could give the perception that this is consensus view. We should say recalled their view because it's a view of at least some GAC members. So

just to be fair with everybody I think this would improve the language.

MANAL ISMAIL, GAC CHAIR: Thank you very much Jorge. And I see also Denmark in the chat. Finn saying thanks Jorge this is an important change for Denmark. And he supports it. Any other comments? So, if we can scroll down to the follow-up on previous GAC advice, and I'm just wondering whether this is too much text to be inserted under follow up? I mean don't we usually when we follow up and previous GAC advice reference this advice not to confuse things further. I don't obvious to the text but maybe most of the text could go under topics of importance to the GAC and we keep here just recalling certain advices and referencing previous GAC advice, and so on. Any agreement or objections? Jorge is this an old hand? Okay so happy to, happy to leave it for people to sleep over it, and we can discuss tomorrow, I mean if I'm not sure if we have the drafters here with us during this session or not, so at least we need their explicit agreement before we move the text around.

The reason I'm saying this because we now normally archive and log GAC advice to the Board, so this would be -- if it is new language then it's difficult to allocate under follow up for previous GAC advice, and at the same time it doesn't say GAC

advice to the Board so it's difficult to insert it under GAC advice to the Board, so that's why I was in favor of just referencing what we are reiterating if we are following up and a previous advice, so I leave it at this, and we can surely revisit during the coming sessions.

We still have 4 sessions to finalize the drafting of the communique. Most importantly any missing titles or any missing topics that we need to flag now and maybe assign pen holders for tomorrow? Brian, please go ahead.

BRIAN BECKHAM:

I have a question what's on the screen the access to registration data. If I'm not mistaken on at least one phone call that I recall -- maybe there are more places this came up -- but you believe the representative Georgios confirmed to a question from ICANN by Goran that the GDPR required accuracy so I wonder if in terms of parity a with the first paragraph the text mentions legal person data not being protected by the GDPR, if it may make sense to also mention something similar with respect to the data accuracy paragraph following? I'm sorry, I don't have any particular text in mind. It was just a question for symmetry of the language. Thank you and Laureen is this to Brian's comment.

LAUREEN KAPIN: It is. I would just point out that we do have text in our minority statement that we certainly could shorten that I think makes, makes this point about the GDPR requiring data accuracy, and that would be relatively easy to incorporate so that would be helpful.

MANAL ISMAIL GAC CHAIR: Thank you, Laureen. Very helpful indeed. And I see support from Noha, from Egypt. I think this was in relation to moving the bulk of the text under issues of importance to the GAC so thank you Noha, just noting this. Thank you for confirming. So any other comments Laureen? I believe this is the same hand?

LAUREEN KAPIN: Sorry forgot to put it down. Apologies.

MANAL ISMAIL, GAC CHAIR: It happens to everyone.

Just reading the chat from Suzanne RADELL I would like to propose a -- the final sentence in the paragraphs regarding the SubPro write up, which characterizes the GAC's views on DNS abuse as reflecting "some -- GAC members however the subsequent paragraph on DNS abuse is drafted as reflecting the view of the GAC as a whole.

Please let me know if any one disagrees with this reading of the text. My mistake it's in the paragraph above the final paragraph. So can we highlight -- yes please. So it says some GAC members highlighted specific items of importance to the SubPro PDP working group co-chairs including a discussion on the SPIRT framework, recalled their view that the strong assumption language regarding GAC consensus advice should be maintained in if the Applicant Guide Book and recalled the importance of addressing DNS abuse mitigation measures.

So, yes, it is this final phase again reading the chat -- yet this is this final phase that seems inconsistent now about the paragraph below on DNS abuse. So yeah we could separate the sentence as suggested by Jorge and Louisa in the chat. So can we try -- yeah to end the sentence here and start a new sentence, and Suzanne if you can please confirm that this address is your -- the good point you raised. Thank you for confirming. Suzanne I'm just now reading Laureen, for accuracy text, as the GAC has previously emphasized the accuracy of domain name registration data is fundamental to both the GDPR and the goal of maintaining a secure and resilient DNS.

The GDPR as well as other data protection regimes and ICANN as registrar accreditation agreement require data accuracy on such accuracy is critical to ICANN's mandate of ensuring the security

stability reliability and resiliency of the DNS. Thank you, Laureen, for quickly digging and then getting back to us with the text. Also, good to know its from the GAC minority report, which is -- which means it's already an agreed text.

So Fabian let me know if we can capture this for the point Bryan raised earlier.

FABIEN BETREMIEUX: Manal, this is Fabien.

MANAL ISMAIL, GAC CHAIR: Yes, please go ahead.

FABIEN BETREMIEUX: I captured the text in a comment that it is attached to the highlighted sentence in the paragraph for now, until the mitigation is made in the text for you.

MANAL ISMAIL, GAC CHAIR: Thank you Fabian. It's -- yeah just to make sure we have the text, and we don't do the exercise twice.

So any other comments on this? On the parts we've read? And any other missing sections or titles? Again I note we are

appending text on PSWG and underserved regions working group, and a proposal from the chair to move text from follow up on previous GAC advice to topics of importance to the GAC apart from the parts that reference existing advice or previous GAC advice on the topic. So, if there is nothing else to discuss for now, I see no requests for the floor, we can certainly end early.

Just allowing some time for everyone to make up their mind that they would like to request the floor and if not then allow me to thank everybody, this concludes our meetings for today. We will be reconvening tomorrow at 900 Hamburg time. 700UTC for our meeting with the ALAC.

Please be prompt and allow time to connect to the Zoom room, and to the real-time interpretation platform. And please be reminded that the GAC leadership will make themselves available from 1545 to 1615UTC for those challenged by the meeting time zone and would like to catch up with any of the sessions they have missed. I would also invite topic leads who can and would like to speak to their topics to feel free to join.

This concludes our meeting for today, have a good rest of the day, the meeting is adjourned.

Thank you.

[END OF TRANSCRIPT]