ICANN69 | Virtual Annual General - GAC Communique Drafting 1
Wednesday, October 21, 2020 - 12:30 to 14:00 CEST

GULTEN TEPE: Welcome, my name is Gulten Tepe with the GAC support team. Recognizing these are public sessions and other members of the ICANN community may be in attendance. GAC leadership and support staff encourage all of you who are GAC representatives and delegates to type names and affiliations in the chat pod to keep accurate attendance as well as for comments and questions to be read out loud. If you would like to ask a question or make comment, please type in chat and start sentence as noted in the chat.

Interpretations will include all six UN languages and Portuguese and conducted using Zoom and the Congress Rental network. If you wish to speak, once the session facilitator calls your name, please unmute and take the floor. Remember state your name and the language if other than English. When speaking, make sure to mute all other devices, including the CRN application.

Finally, this session, like all other ICANN activities, is governed by the ICANN expected standards of behavior.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

In case of a disruption, the support team will have to mute all microphones. Both recording and transcript will be available on the ICANN69 page. Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulten, and welcome back everyone. This is the first of four scheduled sessions related to communique drafting. This session is scheduled for 90 minutes. But let me give it to Robert Hoggarth to formally announce the [indistinct] results.

(Please stand by...)

ROBERT HOGGARTH: Good morning, good afternoon, and good evening, all of our careful -- we realized that in the drafting communique process that we needed to shift the agenda around a little bit so to provide the announcement -- the results have been announced to the GAC membership via the GAC email list, you will recall seeing my email last week but wanted to make the public announcement recognizing we would have observers during the meeting.

So to give you a summary of what took place over the course of the last several months, as we ended the ICANN68 meeting, opened a seven-day nomination period for the nominations of the 2020 GAC leadership election. Those nominations were accepted for GAC chair as well as GAC vice chairs. By the time the nomination period closed on 2 September, ended up with five nominations, received one for the GAC chair position and four for the GAC vice chair positions. Based on the operating principles of the GAC, we had fewer or equal to nominations for the period and positions so no need for a ballots process this calendar year.

The five nominees in their positions are as follows: Nominee for the GAC chair was Manal Ismail, the four nominees for GAC vice chairs were Jorge Cancio, Pär Brumark, Pua Hunter, and Rodrigue Guiguemde. Since there were fewer nominees than positions, all the nominations accepted without the need for election, so we look to you as the GAC to by acclamation accept this as the new leadership team for the GAC that will take its seat at the end of the next ICANN public meeting that the GAC holds its meeting, and that will be at ICANN70 in March of next year. That concluds my report, Manal, and

congratulations to all the nominees as well as the nominators.

MANAL ISMAIL, GAC CHAIR: Thank you, Rob, and looking forward to continuing with the vice chairs and starting to work with the new vice chairs. With this, if we can have the communique on the screen... and I hope you all had the chance to look at the Google Doc and go through it once more. We are using the Google Doc to collaboratively compile the GAC communique. I hope we have received the missing language. I believe we were expecting something from the underserved regions working group from Pua and also the PSWG working group from [indiscernible] so if we have received any new text, let's start with the new text and then we can have another complete iteration of the whole communique. But for now...

Okay. So I see the GAC travel support roles. And I believe we received this from the underserved regions working group. So is this to be pieced under the title of GAC travel support tools or should it be moved to the working group's part? I mean with the PSWG? But anyway, let's read it first. (Audio breaking) [reading] [refer to slide]

PUA HUNTER, GAC VICE-CHAIR: Thank you, Manal. Good morning, good afternoon, and good evening everyone --

MANAL ISMAIL, GAC CHAIR: Pua, if you can please speak more close to the mic? I can hardly hear you.

PUA HUNTER, GAC VICE-CHAIR: Okay. Hello, can you hear me now?

MANAL ISMAIL, GAC CHAIR: Yes, Pua, much better. Thank you.

PUA HUNTER, GAC VICE-CHAIR: Thank you. This is Pua Hunter, for the transcript. I just want to seek clarification regarding my email update on behalf of the underserved regions working group to [indiscernible] clarification on the email updates an official intervention from the underserved regions working group for the endorsement of the travel support rules. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Pua. I'm sorry, so is the text you provided over email? Is it different from what is projected on the screen.

PUA HUNTER, GAC VICE-CHAIR: No. The text -- the updates I sent via email also includes the request of proposal for the endorsement of the travel support rules. So I just wanted to find out whether that is sufficient for the GAC's travel support rules to be endorsed during this meeting.

MANAL ISMAIL, GAC CHAIR: Thank you, Pua. So can we have the text on the underserved regions working group that Pua shared over email?

PUA HUNTER, GAC VICE-CHAIR: Sorry, Manal, I'm not wanting to provide the whole update from my email. The part I provided was just to be sure it's captured in the communique [indiscernible] to endorse the GAC travel support rules.

MANAL ISMAIL, GAC CHAIR: Okay. I hope I got it right. So you're okay with the text on the screen but you want to make sure that the GAC notes that this is proposed for endorsement, right?

PUA HUNTER, GAC VICE-CHAIR: Correct.

MANAL ISMAIL, GAC CHAIR: Which is also written within the text on the screen, okay.

PUA HUNTER, GAC VICE-CHAIR: Thank you.

MANAL ISMAIL, GAC CHAIR: Thanks, Pua. So I think it's clear from the text that the new GAC travel support rules are now being proposed for endorsement by the GAC. But I think we will endorse them over email later for everyone to have the time to look at them. I think you circulated it earlier but I'm not sure whether GAC members have been able to look into them and are ready to endorse them, so just confirming that you are looking for a formal endorsement by sometime after the meeting, right?

PUA HUNTER, GAC VICE-CHAIR: Yes, thank you.

MANAL ISMAIL, GAC CHAIR: Okay. Noted. Thank you, Pua, and please take note of an additional task that we need to accomplish after ICANN69 and endorse the new GAC travel support rules. Thank you very much, Pua.

So any new text that we have received or any changes or updates that we need to start with? I can see none. Thank you for reflecting the election results. So let me read it out loud as well: The GAC elected Manal Ismail, chair for the term starting after ICANN 70, March 2021 and ending at the close of ICANN73, March 2022 -- 23, right? Okay. The GAC elected as GAC vice chairs -- we have the list of names. Rodrigue Guiguemde, Pua Hunter, Pär Brumark, and Jorge Cancio. I also proposed yesterday we look at the text follow-up on previous GAC advice.

So is it okay to move anything that is not an explicit previous GAC advice to the section topics or issues of importance to the GAC? Again, the rationale for this proposal is avoiding any new text under follow-up on previous GAC advice. I think if the text is new, then it's

not follow-up on previous GAC advice, and it may cause confusion. So any (no audio).

GULTEN TEPE: Hello everyone. Manal just disconnected from the line. We will resume as soon as she's back. Thank you very much for your patience.

(Please stand by...)

MANAL ISMAIL, GAC CHAIR: I'm very sorry, I got disconnected. Can you please confirm that you hear me now?

GULTEN TEPE: Welcome back, Manal, yes, we can hear you now.

MANAL ISMAIL, GAC CHAIR: Thank you, Gulten. So I was asking whether it's acceptable that we move text from follow-up on previous GAC advice to issues of importance to the GAC in order to remain focused on explicit language from previous GAC advice. Again, for the ease of recording and logging and

EN

following up on our GAC advice to the board. Just opening the participants list. I'm sorry, Vernita, please; I can see your hand is up.

VERNITA HARRIS: Hello, Manal, how are you?

GULTEN TEPE: Vernita, so sorry to interrupt, there is an echo on your line. You might want to unmute your application or additional device if there is any.

VERNITA HARRIS: Hi, Gulten, is that better?

GULTEN TEPE: Yes, much better now. Thank you, Vernita.

VERNITA HARRIS: Hi, Manal, yes, we would agree with your approach to moving the text from the follow-up advice to section 4. Thank you.

MANAL ISMAIL, GAC CHAIR:	Thank you very much, Vernita. Any other comments? I hope also that we can receive a confirmation from the drafters of this text, I'm not sure who exactly but I hope -- looks like everyone is okay. So if this is the case, I think -- and I see Georgios in the chat confirming that we are okay with moving the text. So thank you very much, Georgios for the confirmation and the flexibility.
	So if there are further requests for the floor, I think we can do a second read of the communique and then maybe take an early break, allow Laureen and anyone else who will be working on the PSWG text to get this drafted and then we can reconvene obviously, looks like we will be finalizing the communique early, but I want to preempt the situation. So for now let's go back to the beginning of the communique, one final read. I see Laureen's hand up. Go ahead.
LAUREEN KAPIN:	(No audio) sorry, a quick question. I know in our prior communiques there was some hesitancy to issue any GAC advice, and I'm sorry if I missed it but I don't recall what the present inclination was for ICANN69 on this issue.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Laureen. And I have received the same hesitation to include GAC advice, and frankly, I was looking forward to posing this question during the wrap up session when we start our discussion on planning of future meetings. There is the survey prepared by ICANN, but there are also a few things that may be GAC specific or related to the GAC work that we need to discuss and explicitly agree upon and make sure we're taking conscious decisions on anything we do.

I know we started with ICANN, the Cancun ICANN that went virtual in a rush, and then we had a little bit more time to plan for the second meeting that went virtual of Kuala Lumpur -- but all the time we were working on temporary basis. Now with this online setup being repeated for Hamburg and look likes continuing for some time, just to make sure we have a sustainable and conscious decision on how we would like to proceed and whether we are okay with maybe providing GAC advice inter-sessionally, allowing more time for discussions through exchange of letters with the board or do we want to start providing advice through the communique during the meeting or through the communique but started earlier than the meeting?

EN

I mean, we have a variety of options and we have never discussed this explicitly. So happy to also start this discussion earlier than the wrap up session tomorrow since we have the time now, but first let me ask for this communique in this meeting. I understand we are not providing GAC consensus advice but let me open the floor for any immediate reactions. I can see France, Vincent please, go ahead.

FRANCE: I'm sorry, can you hear me now? Apologies. Well, I start the discussion because France has been rather vocal during the last meetings about the possibility of adopting consensus advice, and our general position is still the same, we believe that if we feel the need we shall not refrain from negotiating and perhaps adopting consensus advice, but we do understand that not all representatives, not all countries, are in the best position for different reasons to negotiate efficiently and fairly the advice.

So in the present case -- while that's still our general position but in the present case we don't think there is a need for consensus advice but we are looking forward for the discussion that you are talking about, Manal, and that

ICANN|69
VIRTUAL ANNUAL GENERAL

EN

you have actually just opened, and because indeed we could and should find other ways to negotiate GAC consensus advice adapted to the current situation that is promised to last. So we are looking forward to discussing it with all of you and finding new solutions. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Vincent, and looking forward to this discussion too. But to answer your question, Laureen, I think at least for this meeting we will not be able to change on the fly so for this meeting we won't be providing consensus GAC advice but we should be open to discuss this tomorrow and -- I'm just thinking on the fly as well that if we have ample time today with the communique shaping up, maybe we can start this discussion today.

Just reading Jorge in the chat: Agree with Vincent regarding keeping the door open for GAC advice. Maybe we can learn from our experiences in EPDP and SubPro for develing GAC consensus positions. Thank you, Jorge.

So just to plan accordingly, Laureen, when can we expect the text on the PSWG? I mean how long do you need and... if we go through one reading and then pause for a

ICANN|69
VIRTUAL ANNUAL GENERAL

break, can we receive the text by the time of the following session? Okay. Thank you for confirming, Laureen, in the chat. So let me go through the communique. Vincent, new hand?

FRANCE:

Yes, actually, it is, Manal; for once it I didn't forget. I would like to suggest that before we start reading the whole communique again, I would like to suggest a small change to the text that was proposed by the United States on the DNS abuse that is rather at the end I believe -- well, the four issues of importance to the GAC. DNS abuse, the text is quite good, in our eyes, but I would like to suggest that we add just a word at the end, well almost just a word, the last sentence reads that the GAC is ready to work with the rest of ICANN, including through proposals to improve policies and/or improve contract provisions. It would perhaps be a good idea to add enforcement. Because Laureen and Chris rightfully [indiscernible] that enforcement is an important issue and in France our brand and intellectual property holders are quite dissatisfied with enforcement of registry or registrar contracts with ICANN org, so we think enforcement would [indiscernible] actions proposed by

the US. So I propose this to you. I think it would be useful. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, France. So since the text was proposed by the US, I'm just looking for US confirmation on this addition? And I see Denmark agreeing in the chat. And also Switzerland, that is in line with GAC submission to SubPro, and also Paul, UK, agree with Vincent, good idea. So I hope this is acceptable. I see it acceptable to European Commission, thank you, Georgios. And Vernita, US also agrees and Annaliese from Australia. So thank you everyone, and thanks, France, for the suggestion. And Netherlands also agreeing. Any other comments, suggestions, fine tuning? Okay. If not, then let's make one final read, and this will be only subject to reading receiving the PSWG working group language later but I think we're good to approve the rest of the text.

So this is the GAC communique, ICANN69 virtual annual general meeting. The GAC ICANN69 communique was drafted and agreed remotely during the ICANN69 virtual annual general meeting. The communique was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC members and

EN

observers to consider it before publication, bearing in mind the special circumstances of a virtual meeting. Again, we have this placeholder and it will remain there until the end of the 48 hours. It reads no objections were raised during the agreed time frame before publication. Under introduction we have the governmental advisory committee, GAC, of the Internet corporation front assigned names and numbers, met by remote participation [reading] ICANN69 was transitioned from in person meeting.

GULTEN TEPE: We just received a couple of complaints from our interpreters. Can we ask that you read a little bit slower?

MANAL ISMAIL, GAC CHAIR: Thanks, Gulten, and apologies to the interpreters. I will go slower. So we will insert the final number after the counts, the final number of GAC members, a number of GAC observers attendedd the meeting. The GAC meeting was conducted as part of the ICANN69 virtual annual general meeting, all GAC plenary and working group sessions were conducted as open meetings. Under inter constituency activities and community engagement, we

ICANN|69
VIRTUAL ANNUAL GENERAL

have first our meeting with ICANN board, it reads the GAC met with the ICANN board and discussed subsequent round of new gTLD including public interest commitments, PICS in new gTLD contracts and follow up on Montreal cCT t advice.

Second, domain 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 lastly 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 aspects of the ongoing effort to enhance the effectiveness of the ICANN multi-stakeholder model, a topic suggested by the board. ICANN board's responses to the GAC's questions and statements are available in the transcript of the GAC ICANN board meeting appended to this document.

The second bilateral we have is the meeting with the at-large advisory committee, the ALAC. The GAC met with members of the ALAC and discussed EPDP Phase 2, new gTLD subsequent procedures, and educating end users about DNS abuse. On cross community discussions, the text reads: GAC members participated in relevant cross

community sessions scheduled as part of ICANN69, including on the consideration of the issues of DNS abuse and the impact to end users and public safety of WHOIS changes under GDPR.

Now moving to internal matters, first the GAC membership, there is currently 178 GAC member states and territories and 38 other organizations. And just a question, why are the numbers highlighted? Are we expecting to still verify the numbers?

FABIEN BETREMIEUX: Manal, this is Fabien. So yes, by default we keep it highlighted to make sure we have the accurate count, so we will just confirm in the GAC support team that those are indeed the final numbers and we will remove the highlighting.

MANAL ISMAIL, GAC CHAIR: Okay. Perfect, thank you. Next is the GAC elections. And the GAC elected Manal Ismail Egypt as chair for the term starting after ICANN 70, March 2021 and ending at the close of ICANN 76, March 2023. The GAC elected as GAC vice chairs for the term starting after ICANN 70 March 2021 and ending at the close of ICANN 73, March 2023,

Rodrigue Guiguemde from Burkina Faso, Pua Hunter from Cook Islands, and Pär Brumark, Niue, and Jorge Cancio, Switzerland.

Under GAC working groups, we are appending the text from the PSWG, and scrolling down we have the GAC leadership, the GAC thanks Ms. Olga Cavalli for her service to the GAC as vice chair and chair of both the GAC working group to examine the GAC's participation in NomCom and the GAC working group to examine the protection of geographic names in any future expansion of gTLD and wishes her well for the future in her new position as an appointee of the GNSO Council.

Under operational matters, we have workstream 2 accountability, GAC plans to implement recommendations, and the text for this reads: The GAC's session explored options for implementation of the work stream 2 accountability recommendations applicable to the committee. Co-chairs. Human rights and international law working group and GAC support staff shared information on the progress toward completing an inventory tool that will enable GAC members to confirm and assess over 40 specific recommendations, assign accountability for establishing plans to develop

recommendations for GAC review, and track the status of the implementation efforts.

The human rights and international law working group co-chairs explained that the working group plans to proceed with a preliminary specific focus on the GAC's implementation of the new ICANN human rights core value, along with the consideration of Work Stream 2 diversity recommendations. The GAC travel support rules, the underserved regions working group was tasked by the GAC to review and update the 2017 GAC travel support rules, tsr, as underserved regions working group members are considered to be the primary beneficiaries of travel support to ICANN meetings. The underserved regions working group reviewed the tsr, ensuring it was consistent with the new ICANN travel guidelines, taking into account feedback received from GAC members the new GAC travel support rules 2020 are now proposed for endorsement by the GAC.

And I'm sorry to ask again. Why is this highlighted? Are we going to insert the link to the GAC travel support rules? Thank you, Fabien, for confirming. Just reading Pua in the chat: Please amend last sentence to read, is now proposed. I think I will leave it to native speakers.

We are talking about rules in plural? Can someone help, whether this should be is or are? So let's leave it as is until we just reading the document itself. But we're not saying the document, I think if we said the new GAC travel support rules document, maybe it would have been singular, and I see Rob confirming that it is are, so I hope, Pua you agree we can leave it as displayed on the screen, referring to rules which is plural. Thank you for confirming, Pua.

So under issues of importance to the GAC, we have the subsequent rounds of new gTLDs. The text reads the GAC discussed subsequent round of new gTLDs following the publication of the subsequent round of new gTLDs PDP working group, in short SubPro PDP working group draft final report. The GAC engaged in discussions with the SubPro PDP work group co-chairs on recent developments in the PDP working group. Their initial reactions on the GAC consensus comment filed on September 29th and letters submitted by the ICANN board and ICANN org to the PDP working group.

The GAC thanked the SubPro PDP co-chairs for their engagement and cooperation with the GAC throughout the course of the finalization of the draft final report and

recognized the tremendous efforts of all the ICANN community members participating in the SubPro PDP working group. The GAC noted general alignment between various ICANN board comments to the PDP working group and GAC consensus input to the PDP working group draft final report on topics such as predictability, closed generics, community applications, applicant support, and auctions of last resort.

Some GAC members highlighted specific items of importance to the SubPro PDP working group co-chairs, including a discussion on disparate framework, recalled their view that the strong presumption language regarding GAC consensus advice should be retained in the applicant guidebook. The GAC recalled the importance of addressing DNS abuse mitigation measures. The SubPro PDP co-chairs reviewed 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 could be delivered to the ICANN board in q1 of 2021. The PDP work group is presently in an initial stage of the review process for the 50 + comments received during the public comment period. GAC topic leads invited GAC members and observers to join in the GAC

efforts regarding SupPro in the coming months and identified the various opportunities of potential GAC input in the forthcoming months spanning from input to the PDP working group so the GNSO Council or to the board as soon as the final report is submitted to it.

Moving now to text on DNS abuse, the GAC has taken note of the GNSO subsequent procedures working group determination that DNS abuse issues should be addressed in a holistic manner you 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 of the ICANN CEO which explicitly sites ongoing 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 cc, trt and the RDS 2rt and continuing through several cross community sessions and more recent abuse on the framework, the GAC believes there is a solid express of board 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 and enforcement in relation to curbing DNS abuse.

Third topic under issues of importance to the GAC - sorry just reading Luisa in the chat. An editorial comment. There should be an and before recalled on SubPro text. Thank you. Yeah, I agree and I stopped there after the on the SPIRT framework and recalled their view that the -- two sentences above the highlighted text. So there should be and here. Thank you for confirming my hesitation, Luisa.

So the third topic, access to gTLD registration data, and reads in line with its previous advice, the GAC has emphasized that the need to maintain WHOIS access to the fullest extent 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 GDPR, and its disclosure does not violate individual privacy. Therefore, legal person data shouldn't be redacted from the SSAD or any service that provides access to gTLD registration data.

In addition, the GAC reiterates that registration data should be made more accurate. This is -- the Abu Dhabi communique which recalled the GAC principles [reading] recognizing the need no accurate registration data and between quotations, gTLD WHOIS services should provide sufficient and accurate data about domain name registrations and registrants subject to national safeguards for individuals' privacy, end quote.

Finally, the GAC reiterates its statement from the Abu Dhabi communique that any successor to the WHOIS service must meet the need of business, other organizations and users in combating fraud, complying with relevant laws, and safeguarding the interests of the public. Therefore, the GAC welcomed the further analysis

of the financial sustainability of the SSAD proposed by the GNSO to ensure that costs of the system are appropriate to its -- I'm sorry, yeah, Fabien, if you can help me out.

FABIEN BETREMIEUX: Yes, you had flagged on the first reading this -- the end of the sentence which reads [reading] to its utility to its users, so in brackets, I understand that the US government proposed an alternative which would be to modify the sentence so I will just do this on the fly here.

MANAL ISMAIL, GAC CHAIR: So while you do this, Fabien, allow me to give the floor to Georgios.

EUROPEAN COMMISSION: Yes, hello. Georgios Tselentis, European Commission, for the record. I would like if possible, if you allow me to go back on the previous paragraph with regards what we say there about accuracy, the last sentence in the parentheses read subject to national safeguards for individuals' privacy, and I think it's not only the safeguard for individuals, the international, I think we should meet

the national because the exercise we are performing inside the PDP goes for safeguards even beyond that. And then probably --

MANAL ISMAIL, GAC CHAIR: Georgios, if you can pause for a second, I will get back to this sentence now. Maybe we can finish what Fabien is typing as well.

EUROPEAN COMMISSION: Apologies. Sorry.

MANAL ISMAIL, GAC CHAIR: No, I gave you the floor but I thought it was on the same point so I will get back to this. So I'm just trying to see where to start reading. Therefore the GAC welcomes the further analysis of the financial sustainability of the SSAD proposed by the GNSO to ensure that costs of the system are not so high that they discourage use of the SSAD. The GAC agrees that this cost and benefit analysis must be completed before the ICANN board consideration the EPDP Phase 2 recommendations. So thanks, US, for the proposal and thank you Fabien for reflecting this on the fly.

And now back to you, Georgios, sorry I interrupted you. And I see Laureen also in the chat saying that she believes this is a quote from the 2007 principles. And it's in quotations. Are you okay with that, Georgios.

EUROPEAN COMMISSION: I see also Laureen's intervention, and I think maybe we should double that, that if it is a quotation but nevertheless I'm okay with mentioning the safeguard but would like to not limit it to national safeguard because all the exercise we have done in the PDP is also there and goes beyond that, and also what I wanted to say is that maybe it would make sense to add what we have been saying, although we said this repeatedly that the accuracy principle is something which is very essential for the GDPR, and data should be accurate for the purpose for which they are processed. So I know that this is repeating a very -- a point that has been raised every time, but if we want to make the case that why registration data should be made accurate, I think we have to repeat that again.

MANAL ISMAIL, GAC CHAIR: So any --

EUROPEAN COMMISSION:	I can try to add a sentence inside the text and leave it for consideration afterwards for not stopping now the flow.

MANAL ISMAIL, GAC CHAIR:	Thank you very much, Georgios, and yeah, let's -- we can during the next session we can revisit this text to insert the sentence you are proposing and to confirm that the text between quotations is already an extract of the 2007 principles and hence probably we cannot or otherwise we can replace it with the accuracy code from GAC minority statement as Laureen proposes. So I have Jorge and Fabien. Jorge please go ahead.

SWITZERLAND:	Thank you, Manal. This is Jorge Cancio, Switzerland, for the record. On the sentence regarding the costs of the system, I think there is a way to simplify it further I will say it quickly and then read it slower if it makes sense. So it would go like the following: But costs of the system do not discourage use of the SSAD instead of the rest of the wording. Because with the present wording, we are implying to a certain extent that the costs might already be high, and what we are just saying is that they are not so high that they discourage the use. I think it's simpler

and more general to say just that the costs of the system do not discourage use of the SSAD, and I see that Fabien has caught the wording proposal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge, it makes perfect sense to me and I see also Egypt agreeing in the chat, and I hope the US do not mind this fine tuning of their helpful proposal. And I see the US confirming and also France agreeing with Jorge's proposal. So thank you very much. Fabien please, go ahead.

FABIEN BETREMIEUX: Thank you, Manal. This is Fabien Betremieux speaking. Was going to refer to a conversation I'm aware of regarding the accuracy part of the text, this third paragraph here in this section but Laureen commented in the chat, I understand there is a proposal to modify [indiscernible] the text and I would maybe suggest that it modified offline in between the sessions for clarity as there seem to be several potential ways of editing the text and sounds like it would be hard to do live on the screen at this point. So just want to make sure you are aware of that.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien. Yeah, fair point. So I think we will be wrapping up soon and taking a longer break and give everyone more time to fine tune the text and during the following session we can definitely revisit this part of the text to make sure everyone is on the same page. So thank you so now moving to the following part of the text just reading Spain in the chat agreeing with Jorge, and I also would keep appropriate or proportionate. So before scrolling down, SSAD proposed -- sorry, the SSAD system proposed by the GNSO to ensure that costs of the system are proportionate and do not discourage. Does this reflect your suggestion, Spain? Maria? Okay. Thank you for confirming. And again, any objections to maintaining appropriate? And I see UK, Paul. Please go ahead.

UNITED KINGDOM: Thank you, Manal. I would like to suggest one small change, which is to say the costs of using the system, not the costs of the system but the costs of using the system. Thank you.

MANAL ISMAIL, GAC CHAIR:	Thank you very much, Paul. I see excellent enhancements every time we read the text. So any further requests for the floor? Okay. If not, then let's move on and as I said, we will be revisiting this text one more time during the following session. Nothing under consensus GAC advice, and now -- and nothing under follow-up on previous GAC advice. Okay. Then --
FABIEN BETREMIEUX:	Sorry to interrupt, this is Fabien Betremieux speaking again. If you don't mind my going back to the text on access to gTLD registration data, wanted to be sure it captured Spain's suggestion accurately. We had the wording appropriate, so in the comments in the chat there was a suggestion to [indiscernible] or potentially use proportionate, and in your reading I think you pronounced the two words. Just want to be sure we're leaving the discussion with the correct text as far as Spain's proposal. So just wanted to know whether it's appropriate only or appropriate and proportionate or one or the other. Sorry to have you go back to this.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien, for trying to be as accurate as possible.   I understood Spain was proposing one, either-or, and I see Maria in the chat confirming that it is okay like this. So only one option.

FABIEN BETREMIEUX: Thank you.

MANAL ISMAIL, GAC CHAIR: But before scrolling down, I see Jorge posing a question to the small team. Is it a decided thing that users will fund the access to SSAD, i.e. covering the costs by registration price is no option, and I see Chris and Jorge recommendation is no direct costs will be bore by registrants. Jorge, please.

SWITZERLAND: Yes, thank you Manal. Jorge Cancio, Switzerland for the record, and sorry for chiming in so much into one of the topics which are not of my core expertise, but I was thinking that at least here in Switzerland we are refurbishing our WHOIS system and we have decided that the price of the new access system will be covered by

registration prices, the cost will be covered by registration prices.

And I was recalling that we had made something, some comment in that direction, I think the minority statement, so if we were to draft this piece of our communique as it is now, we are giving the impression, we are implying to a certain extent, that we are accepting a price paid by the user of the system, and I think this is not necessarily the case, that it's only one of the options of funding the system. So I think that we should choose a more general wording without making over simplification, so I will perhaps defer to the small group, to Chris who responded to my question on the chat, to see how we can word this so that what we would say is that the cost of the system overall has to be proportionate and it has to be appropriate, and it hasn't, shouldn't discourage the use of the system. But we shouldn't be implying that the costs will be funded by the user of the system, because that is not a settled thing. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge, and frankly, I didn't read it this way. I thought the usage of the system. But anyway, we have Laureen and then Georgios.

LAUREEN KAPIN: I just wanted to thank Jorge for raising this point. Because that is something that hits exactly upon the concern here and it is discussed in more detail the minority statement that the recommendations restricting the funding from registrants may actually result in a too high a cost. And you are absolutely right, we don't want to imply that the GAC position is that it would be appropriate only to charge end users, in fact that's why we have the concern with the financial sustainability.

That said, I too didn't read it this way but now that you have raised the issue I think perhaps that members of the GAC small group should go back and read these sentences with an eye toward removing that implication to the extent there is so that we're not inadvertently undermining our position.

MANAL ISMAIL, GAC CHAIR: Thank you Laureen. Georgios please.

EUROPEAN COMMISSION:	Yes, thank you. Just to remind also that in the final report, the reason mentioned, we are mentioning also that we understand that the system should be financially self-sufficient, that no additional fees should be beared by the registrants, and also we highlight there are already concerns there may be hidden cost for the registrant as they are ultimately the source of the ICANN's or the contracted party's revenue in this sense.

So even if we ask -- like the question we asked to the board, whether some of the system cost is going to be beared by ICANN or by any of the other actors, then it has this nuance that it could ultimately fall upon the shoulder of the registrants. So I don't know how to phrase this, but this is more or less also the concern that we have there, and probably we need to, as they suggested, think about a better formulation. Thanks. |
| MANAL ISMAIL, GAC CHAIR: | Thank you very much, Georgios. So I hope when we pause that members of the small group and Jorge, of course, if you would like to get involved, can get back to us with a formulation that has no doubt, as Laureen said -- I didn't read it this way the first time but now that Jorge flagged this, it's [indiscernible] so let's make sure it |

doesn't have any double meaning. And thanks, Fabien, for sharing the link in the chat.

And before getting to Laureen's comments, I just don't want to miss what Denmark put in the chat. So Finn was asking that we change in addition the GAC reiterates that registration data should be made more accurate to -- in addition, the GAC reiterates that the registration data should be accurate. So just trying to find where this is in the text. Thank you Fabien for locating the text and putting square brackets around.

Any objections to the proposal of Denmark? I see a + 100 from Jorge, so thanks, Finn. And I see Chris' hand up, and then we will get to Laureen's comments in the chat. Chris, please go ahead.

CHRIS LEWIS-EVANS: Thank you, Manal. Chris Lewis-Evans. Just on the made more accurate part, totally agree with Finn that more accurate is a true reflection of what we're trying to capture, and I think as Georgios' intervention earlier that we want to change that whole sentence so it includes the message that the EU have been saying over the last couple GAC meetings around the data should be accurate

for the purposes for which it is being processed. So if it's okay, maybe myself and Georgios can work on that and suggest something for next time.

MANAL ISMAIL, GAC CHAIR:	Thank you very much, Chris. This would be extremely helpful, thanks. Now reading Laureen in the chat. Wondering if adding proportionate to all stakeholders including ICANN after proportionate would solve the problem. Sorry, after appropriate. So this is back to the SSAD text. Therefore the GAC welcomes the further analysis of the financial sustainability of the SSAD proposed by the GNSO to ensure that costs of using between brackets its system are proportionate -- sorry, are appropriate and proportionate to all stakeholders, including ICANN. So this is a proposal for now that is reflected on the screen. If there are any immediate reactions please let me know. If not, then think it over and we will be revisiting this text after the break.

Just reading Georgios also in the chat. We have the between quotations consistent with the GDPR it is essential that data accuracy and quality is ensured in relation to the purpose for which the data are processed. And this is from the minority report. So any immediate

EN

reactions to the text as it is displayed on the screen? And there is also the text proposed by Georgios with the minor typo so we need to remove they.

FABIEN BETREMIEUX: This is Fabien speaking. So I understand that Georgios is reading his previous comment, and I understand the comment has been a reference to text that there is [indiscernible] already existed the minority statement [reading] report, so maybe that is no discussion and consideration as the small group is working to edit the [indistinct], if I'm not mistaken.

MANAL ISMAIL, GAC CHAIR: Thank you Fabien.   And I see Georgios' hand up. Georgios, please.

EUROPEAN COMMISSION: This is correct, I just wanted to highlight on the proposal of Laureen to take text from the minority report, I think this is a proposal of the text I wanted to include to pass the message that the data are -- should be accurate for the purpose for which they are processed. And I'm happy

ICANN|69
VIRTUAL ANNUAL GENERAL

to work further on the text and then give the proposal later on.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Georgios. So I think with this, we can scroll down and await the refined version from members of the small group after the break. I think we have nothing missing except the next meeting. So the text now reads the GAC is scheduled to meet next during the ICANN70 community forum, and we have opted to strike through in Cancun, Mexico and the dates since we're not sure whether the meeting will take place in person or virtually, and we don't want to preempt ICANN and the board's decision but also not sure of the exact dates because not sure whether it will be one week or slightly more. So we don't want to commit to certain dates that are not yet nailed down, so just bringing this to everyone's attention.

And with this, let me ask members of the small group if you would like to have a slightly longer break. We are scheduled to reconvene -- just checking the schedule. We're scheduled to reconvene at 14:30 Hamburg time and 12:30 UTC, so it's going to be slightly more than half an hour, but I'm happy to give everyone an hour so that

we receive the updated text on WHOIS and the EPDP part but also on the PSWG. So can you please confirm how much time you need and whether an hour from now would be reasonable?

I see Laureen confirming that an hour would be great. And support staff, I think we're flexible, is it okay to start the session later than scheduled, right? Any problems? We're all remote now. And Jorge: Time enough to gather in the cafeteria. It's a double purpose break now, for everyone to stretch and take a break but also for our generous drafters to get us the text on the PSWG and the EPDP part.

So thank you very much, everyone. Please enjoy, and let's convene at 1500 Hamburg time, 1300 UTC. Thank you everyone. The meeting is adjourned.

[END OF TRANSCRIPT]