
BEIJING – Joint Meeting of the GAC and the ICANN Board

Tuesday, April 09, 2013 – 16:45 to 18:00

ICANN – Beijing, People’s Republic of China

HEATHER DRYDEN:

Good afternoon, everyone.

We need to make a bit more room at the front table, please, for our Board colleagues. Not everybody is seated. So I am -- Ah, there's one over there, pleasantly located between Mexico and Lithuania. So that's a great neighborhood over there. And to the right....

Okay. All right. Proximity to Bulgaria over here and Switzerland. Very good.

Okay.

Thank you. And we have one, perhaps, here. Perhaps we have everybody seated at this point.

Great!

Excellent. All right. I think we have everybody ready to go.

All right. So thank you to the Board for coming to meet with us. We have a number of topics that we want to raise with you and some questions, and one that I know was identified as well by the Board for discussion in this session.

So I'll just run through what they are, and then we can get started.

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I know that we typically run out of time in these sessions, but let's get through what we can.

So the first thing that we would like to raise are some questions or concerns that we have around how exactly the public interest commitment specifications would work, and some of the dispute resolution aspects of that in particular.

And then we have a question about the application for dot IDN in relation to those PIC specs.

Then we would like to discuss IGO protections, and more on gTLDs. We would like to raise this issue of string confusion or string contention with singular and plural top-level domains of essentially the same name, as I say, in the singular and plural form.

As well, we have a question about the process to be followed regarding establishing level of governmental support for a geo name and how that is addressed in the process and how that gets reported on, whether that's meant to be the geographic panel or something else. So we have a specific question in relation to that aspect of the process as well.

We will ask about the April 23rd date and how that relates to the IDNs that have been prioritized and are meant to proceed through the process, so it's really a timeline question, I believe, in relation to that.

Then we would just like to raise the registrar accreditation agreement, and some of the things that we heard earlier from law enforcement this week, and we would like to reinforce some of the advice we have given to the Board previously on that topic. And there may be things that you are able to update us about as far as those negotiations are concerned.

Then we would like to raise ethics and conflict of interest and what is progress on that particular issue.

Then we have identified the IOC and Red Cross.

And as well, we understand that new hubs have been set up, so we'd like to ask about the creation of those and how those decisions were made.

And then, time permitting, to talk about the ATRT 2, but we do recognize that we have quite a full agenda.

So we're going to be busy.

But before we go ahead with public interest commitments, someone had suggested to me that I just make a few comments about what the GAC is doing regarding gTLD advice, particularly for sensitive or controversial names.

I'm hearing as well that there's been a bit of confusion about what we are doing and how we're approaching it.

So in essence, we have two parts to this agenda, and the first one is based on categories. So we would provide advice, specifically safeguard -- what we're calling safeguard advice for those categories. And along with that, we would aim to provide an indicative list of strings that we think would be relevant to that safeguard advice.

And then the second part of our agenda is listing potential objections. So applications for objection where the GAC would consider and discuss advising on a consensus basis to not act upon a particular application or if it is equal to being a string, then that string.

So just a few points there since we have the opportunity, and I hope that is at least of some use to those that have questions about our process, which we're in mid process on. It's ongoing.

Okay.

So, Steve, did you want to comment before we proceed?

STEVE CROCKER:

That's a very long list. I despair of getting through half of it, much less all of it.

My reaction in listening to this is I would like to shuffle the order, and so my response is we'll take hubs for a hundred and see -- which would be a lot easier than some of these.

So joking aside, you're going to have to pick somewhere between a quarter and a half of these in the hour that we have, I think.

HEATHER DRYDEN:

Thank you, Steve. So I have tried to organize them in some sense of priority. So let's just start at the beginning and see how far we get. Yeah? All right.

So public interest commitment specifications. I will look to my GAC creation to ask some questions or raise some concerns with the Board at this time.

Norway, please.

NORWAY:

Yes, thank you, Chair. I have one specific question to one specific application which then leads to one general question, then specifically regarding the PIC specs. That's regarding the application for dot IDN.

According to the guidebook, Section 2.2.1.4.1, this is alpha three-letter code in the ISO3166 list for Indonesia.

So my question is according to the guidebook, this application should have been rejected. That's not allowed with the three-letter codes.

That is the first sort of factual information.

In the PIC spec for the application, it says that it has been put in a change request for changing the string to dot Internet instead of dot IDN.

So my question is is it possible in the application process to change string?

And in that case, because in the status information on the Web page, the dot IDN application still stands as in evaluation. And so if it's allowed with change requests and changing the strings, the next follow-on question is that that will change the process of evaluation of applicants, because to my knowledge, it has not been posted that there is an application for dot Internet, as such.

So will there be a new early warning period, time period for that? And what basis should sort of, for example, the GAC base the advice on, for example, that string?

So that's my sort of first specific question and the two sort of follow-up general questions.

Thank you.

STEVE CROCKER: You have the mic?

CHRISTINE WILLETT: Yes. Is this on?

Hello.

STEVE CROCKER: So Christine Willett will answer.

CHRISTINE WILLETT: Thank you, Steve. This is Christine Willett.

So the dot IDN application was an applicant support application, went through our applicant support process. And that application was not successful in the applicant support review. So that made that application ineligible for further review in the initial evaluation or other aspects of the program.

So that would end the evaluation of that application at that point.

HEATHER DRYDEN: Thank you.

Okay.

STEVE CROCKER: And let me ask what I think is the obvious follow-up. What's the appearance of the dot Internet and is there confusion there?

CHRISTINE WILLETT: I don't know that we have a string applied for dot Internet. I'm looking to my team.

Do we have a string applied for dot Internet? No.

HEATHER DRYDEN: Norway.

NORWAY: Yes. Just a comment on the answer, then.

So, then, because then I would just expect in the status list for the dot IDN that it says "rejected" or something, because that would then be more explainable for -- because as it stands now, it looks like it's still a valid application still in process. So that's -- Thank you.

CHRISTINE WILLETT: So the applicant has been notified. There was an announcement and we published the results for that application.

We are expecting that that applicant will withdraw and funds paid will be returned.

But you're right, the status could be updated to reflect the current status.

Thank you.

HEATHER DRYDEN:

Thank you, Christine and Norway.

So next I have Denmark and then Australia.

DENMARK:

Thank you, Chair, and thank you to ICANN for clarifying that particular case. And I think that case also exemplifies another concern that we have, which is these applications continue to be more and more complicated. And the PIC specs actually adds to that because now we have several documents in which the applicant is stating their intents or the conditions and commitments they want to apply to. But it's a little bit confusing for governments to actually identify what text is the most important. Is their priority between the different documents? And we will have the application of January 2012, and then we have PIC specs of March 5th, if I remember the date correctly, and in the end we will also have a contract between ICANN and the registry.

So it will be difficult not only for governments but also for other stakeholders to know where they should find the commitments of the applicant.

So that's a concern I have.

Thank you.

HEATHER DRYDEN:

Thank you, Denmark.

Christine, would you like to respond to that?

CHRISTINE WILLETT:

Hello. Thank you, Heather.

The PIC specifications were developed and designed in response to the GAC early warnings to offer the applicants an opportunity to clarify the specific commitments they were making to the community in the public interest.

So understanding that the applications are quite long, very lengthy with many attachments, many documents, the intention was that the PIC specification would offer the applicant a very concise way to specify exactly what they were committing to and would enable the GAC members to review those commitments in light of the early warnings that had been received.

HEATHER DRYDEN:

Thank you, Christine.

Next I have Australia.

AUSTRALIA:

Thank you very much, and hello, everyone. We have a packed room yet again.

So I have a couple of more general questions about the PIC specifications and the surrounding processes. In particular, I'm interested in the standings for raising a dispute about a PIC issue.

On my reading, it appears that there is a threshold for someone to have standing to raise a dispute. I think the term is "material harm" or "material damage."

What I'm interested in is the ability of governments or others to be able to raise concerns if a PIC isn't lived up to, potentially on behalf of someone else.

So, for example, a government may wish to raise a concern on behalf of its constituents if a public interest commitment is not being lived up to. And I'm interested to hear if that is possible and has been considered.

The second one relates to cost. As far as I'm aware, I haven't seen any estimates of costs associated with going through a PIC dispute resolution process, but I understand it's modeled on other processes, and the costs, whilst less than taking a legal remedy, may be significant for a consumer to pursue. So I'm wondering if any thought has gone into that.

And the third one I think goes to the points which have been raised by my colleagues, and it goes to the issue of certainty.

One of the reasons that the GAC raised the question of holding applicants to their commitments was that it seemed to us to be uncertain, the status of what now appear to be assurances or -- I'm not sure what the correct word is -- of what was in the mission and purpose and related statements in the applications was not cleared.

We now have the PIC process. I'm interested to understand the ability to modify PICs down the track. I understand they are only fixed for time and then it's possible to change them.

I'm interested in if much thought has gone into how that would go about. And for applications where governments express concerns or others are likely to have concerns, because we're talking about public interest commitments, how those might be taken into account in any subsequent changes to those commitments.

So three broad areas. I appreciate if we don't get an immediate answer, but I am genuinely interested in understanding how the thinking has gone into this.

HEATHER DRYDEN:

Thank you, Australia.

I think Cherine as chair of the gTLD committee is going to respond.

CHERINE CHALABY:

There it is. It's working. Okay.

Thank you for your comment. I think I will answer one part, and Chris will answer the second part, particularly the potential modification to the PICs.

The question about the GAC ability to raise complaints, particularly in cases where there's no evidence of material harm and regarding the cost and regarding certainties, I think we are really very understanding and sympathetic to that.

We haven't got an answer now, but we must find a way of supporting the GAC in achieving this objective.

So that's all I could say at this moment, and we will ask staff to think about that.

So we will find a way.

Chris, do you want to talk about the PICs?

CHRIS DISSPAIN:

My apologies.

Peter, I missed the second question. I'm just going to go to the third which is the ongoing commitments to the PICs.

So the situation is that the public interest commitment becomes a contractual obligation under the terms of the process. And ICANN has specific processes in place to deal with changes to registry contracts. So any change to the contract would need to go through that process.

Now, there is no specific part of that process that refers -- a request that says they refer -- a request for change must be referred to the GAC, but it's a public process. And I think really trying to lay a process on top of process on top of process makes it quite hard.

So this is an existing process. There are certainly public comment. Everything is published, so that should be fine.

And our apologies, but what -- the second question, could you maybe repeat?

AUSTRALIA: It was to do. It was related to the first. And it related to the issue of cost. If -- had any thought gone into the issue of cost and whether there may be an disincentive for the average consumer in pursuing the dispute resolution process.

CHRIS DISSPAIN: Cost is a double-edged sword. You have to have it to recover costs. And it does act, to some extent, as a disincentive and often is intended to act, to some extent, as a disincentive in order to prevent vexatious clients. But the answer is yes. We have thought about the cost, and there has to be a cost. So, otherwise, it would just be a free for all. But I don't know whether Christine wants to comment on that specific issue. You don't have to.

HEATHER DRYDEN: So I have Denmark with a follow-up and then EU Commission.

DENMARK: Thank you, Chair. And apologies for taking the floor again. But I think the GAC needs to understand the status of the different documents.

If I understood Christine correctly then, when governments and other stakeholders should maybe look at the PICs and disregard the applications of January 2012. Maybe you could clarify then. Thank you.

HEATHER DRYDEN: Thank you, Denmark. Christine.

CHRISTINE WILLETT: Sure. So the application overall represents the intention of the applicant in how they intend to operate the TLD. So I think all of the application is for review and consideration. The public interest commitments are calling out specifically what portions of that application the applicant is committing to as well as any additional commitments the applicant is choosing to make, which may not be in the application explicitly.

So, to your point, I think both documents are worthy of review. But, in regards to any early warnings received, the PIC specification was intended to -- as the mechanism to address those early warnings.

HEATHER DRYDEN: Thank you, Christine. EU Commission.

EUROPEAN COMMISSION: Thank you, Chair. I'm not entirely sure this is necessary. But, since we're on record and just to ensure that model expectations are clear, Mr. Chalaby referred to the fact that the GAC might have complaints and in so doing use the public interest commitment dispute resolution process. I just want to be clear that, if we had complaints, it would be a government or public authority to use the public interest commitment dispute resolution system. So this is on record. Thank you.

CHERINE CHALABY: Correct.

EUROPEAN COMMISSION: Thank you.

HEATHER DRYDEN: Thank you. Are there any other comments or questions from the GAC side? No. Okay. All right.

So let's move on to the next issue, which is protection of IGO names and acronyms, specifically, protections at the second level in the current round. And you might be aware that the GAC provided a list and some criteria quite recently. And then we received a correspondence back from the board asking for further clarification on three points.

And so this is just as much an agenda item being proposed by the board as it is the GAC's.

I will ask Chris, who has been leading this on the board side, to lead us off on this topic. Thank you.

CHRIS DISSPAIN: Thank you. I hope you'll bear with me everybody as I go through a series of steps in order to reach a conclusion.

First of all, I'd like to deal initially with a couple of supposed facts are floating around that are not correct. First is that the board has protected an acronym, that being IOC. That is not correct. The protection afforded to the Red Cross and the Olympics are their names, not any acronyms.

Secondly, there are some suggestions that our resolution, the board's resolution of the 26th of November on IGOs already makes a decision that we will protect names and acronyms. That is also not correct.

The resolution actually says the board requests the GNSO to advise the board by no later than 28th of February if it's aware of any concern such as with global public interest, that the board should take into account in making its decision about whether to include second level protections for certain IGO names and acronyms.

So, turning now to your advice, in respect to the advice to protect the actual names of IGOs, that's problematic because it contains square brackets in respect to languages and also lacks any suggested process or advised process in respect to our review. It mentions a 3-year review but doesn't go any further than that. So that's problematic, from our point in view.

And, respect to the advice on acronyms, that is also problematic. A number of reasons are set out in our letter to you. I know that there is - - that your advice refers to -- and I'm paraphrasing here -- but reserving the acronyms, but allowing the relevant IGO to give consent to a registration. From a principle point of view, this would mean, as a couple of examples, that the Church of England would require the approval of the Council of Europe to register COE.church. It means that the government of Canada to require the approval the Andean community to register CAN dot anything. And it means that the International Standards Organization would require the approval of the International Sugar Organization to register ISO dot anything.

Now, even if this is what you intended in principle, the implementation of this advice is extremely problematic.

Some examples: Who would each IGO who make a decision about providing consent? How long would each IGO have to provide the consent? Would no reply be equivalent to consent? What criteria would be used to decide whether to consent or not? Who would draft those criteria? What -- would the criteria be consistent across all IGOs, or would consent simply be granted at the whim of an IGO?

The board believes that all of these issues make it extremely difficult, if not impossible, to accept the advice as-is. Rather than rejecting the advice, we seek an acknowledgment from the GAC in its communique that there are issues that need to be worked through. And we seek an agreement with the GAC that they will work with the board and staff on those issues from now until Durban when the board will make a final decision. Thank you.

HEATHER DRYDEN:

Thank you for that, Chris. Okay. So this is a clear request of the GAC. Would anyone in the GAC like to comment now? And we can discuss this as a GAC after this meeting as well, of course.

Okay. All right.

So let's move further along in the agenda. So more on gTLDs. We have a question relating to singular and plural forms of, essentially, the same word as a top-level domain. So, Australia, could you perhaps get us started, please.

AUSTRALIA:

Thank you, Chair.

So we've heard some preliminary discussions about the results of the string contention sets where it appears that plural forms of words are not considered to be in contention with the singular. So car and cars and so on.

And, whilst I don't have any great detailed knowledge about the exact tests or criteria which we use for string confusion or string contention reason, it appears to us that there is potential for there to be consumer confusion between strings of this type. We have heard some discussions in the community that others seem to share this interest. And, simply to start the discussion with a question to the board about whether the board shares this interest, potential concern, and whether any thought has gone into it at this stage.

HEATHER DRYDEN:

Thank you for that Australia. Cherine will respond. Thank you.

CHERINE CHALABY:

Thank you for bringing this point. As you know, the independent panel looked at these strings and decided that there was no contention, per se.

Now the question is where does this go from here? I think, as far as the board is concerned, with the new gTLD committee, this is it. I mean, we're not going to second guess the independent panel. But, really, the ball is now in your court whether the GAC wish to give advice on this

issue. But we -- as far as I know, we have no intention of going against the independent panel's advice, decisions. sorry.

CHRIS DISSPAIN:

Just wanted to add one thing, which is to make sure that you're very clear that the panel was looking at visual similarity. So the very thing that I think you think could be a problem -- you're, of course, entitled to draw your own conclusions -- but the very thing that I think you think might be a problem is the very thing that the panel looked at and decided that they did not believe that those names were -- that there was visual confusion. That's the advice that -- that's why they're not in the contention set, because they looked at them. Okay?

HEATHER DRYDEN:

Thank you. Okay.

So next we have a question coming from Kenya regarding the process for establishing whether an applicant has met the requirements for support from governments for a geo name application. So, Kenya, if you could please.

KENYA:

Thank you, Heather.

As you're all aware, the African Union Commission has a mandate from all the 54 African heads of states, ministers, and the governments to establish a dot Africa TLD as evidenced in the application documentation that has been submitted to date.

As you may be aware, there's another application. Originally, it was for dot dot Africa. While the application remained dot dot Africa, the applicant's guidebook section 2218 at that time did not define that other application as a geographic name. But, after ICANN provided a window for amendment, it made it identical and in direct competition with the African Union Commission endorsed application. And, therefore, it is applicable to geo names criteria, including government support.

Now, again, as you'll all aware, over 41 African governments are compliant with the criteria required. And we followed all the required procedures, including endorsement letters. We've participated in the recent role coming number 307 on the list. In addition 16 governments, including the African Union Commission, created GAC early warnings.

Now, Africa is a clearly designated geographic region as defined in the UNESCO, to quote, composition and geographical continental regions and selected economic and other groups. So the designation of an African TLD as a geographic name is, therefore, technically and procedurally correct. So this process must be subjected to sufficient checks and balances for the protection of the interest of the African continent and African governments and the Pan-African community.

So we would like to, myself and my colleagues -- and I think my African Union member is going to -- African Union Commission is also going to say something about this would like to express concern of what we consider to be a very rather slow pace in resolving this issue.

Our expectation was that the geo panel would have by now clarified some of these concerns, but this has not been the case to date. And we

consider this delay as a form of interference on the African Union Commission's mandate from our heads of states, from our ministers and governments, for the African Regional Project.

We also consider this as persistent interference with the time delays making it very difficult. And the issue is likely to have very substantive political, economic, and social implications for Africa.

So we'd like to understand what the delay is, what the process is, where it's stuck, and how soon we can expect this issue to be resolved. Thank you.

HEATHER DRYDEN:

Thank you, Kenya, African Union Commission, please.

AFRICAN UNION COMMISSION:

Thank you, Madam Chair. And welcome to the board, and thank you for this opportunity to interact with you.

I have a list of a lot of things to congratulate you for and to commend your work with regard to the making ICANN a better place for participation for all members.

But time will not allow me to go through all of that, so I will just summarize again and tell you thank you for everything you have done so far, specifically, within the African continent.

I would just like to summarize what Alice has just said as not only the representative of Kenya as a member state but also one of the AUC representatives.

The issue in front of us is very simple. The African Union has been requested by the users, the community -- it's not actually a political decision that has been initially taken -- to take care and to implement and to set up the dot Africa. So we went through a process, actually, from the community to the ministers from the ministers to the ministers of foreign affairs and from the ministers of foreign affairs to the heads of states. And the decision has been adopted unilaterally within the continent to take care and to implement that project.

Now, the question in front of us is very simple. We -- according to the guidebook, the condition -- the condition is to have 60% support from the member states. We get that. I don't think that anybody can again get another 60% from that. We don't have 120%.

Having said that, this year being the year of the 50th anniversary of the African Union in the OAU and people are looking for symbols of integrations and achievements and symbols that are very important, Africa is actually questioning itself why this dot Africa process, as she said, is not really moving as it should be? We were expecting that, since the old applicant did not have that 60%, it should have dismissed. And then we continue the process. Because we are wasting time, resources, and support from all the communities, from the business, and we are wasting a lot of resources and time. And, therefore, we would like really to know where this is going and how soon, as she said, will it be implemented.

Again, thank you very much and thank you for everything you have done so far since Dakar until now. You have achieved a lot of things

within Africa. But, again, time won't permit that. I will take it up later on with you. Thank you very much.

HEATHER DRYDEN:

Thank you very much for that elaboration, AUC.

So Cherine, please.

CHERINE CHALABY:

Let me start by thanking our African colleagues for bringing this issue to the table. And we do understand the strong support that you just expressed.

However, from the board perspective, I think it would be inappropriate for us to comment on a particular application at this point. But let me say -- and I'll ask staff if they want to add any comments. But we don't believe there is delay, any fundamental delays. And the reason for that is that the geo testing is done at the initial evaluation stage as part of the initial evaluation. It's not another step that's going to be taken afterwards. It's done at the same time or before. So, therefore, we don't believe that there is a built-in delay in the system because of that.

I'll now ask Christine or staff if they want to add anything to my comment.

AKRAM ATALLAH:

Well, this is Akram. We do not comment on particular applications. And the applications are going through the process. And, since their priority has not hit where we are in the process, they are not being

delayed or being accelerated either way. So, when the priority of the application comes in the initial evaluation, the results will be announced for the appropriate application at the right time. Thank you.

HEATHER DRYDEN: Thank you, Akram.

Switzerland, please.

SWITZERLAND: Thank you, Madam Chair. And sorry for coming in late. But I have just a question regarding to your comments on the IGO -- on the reaction of the IGO proposal, if I'm allowed to ask a question. It might be a little naive, my question.

Given -- and being happy that ICANN seems to have been able to find a solution with the trademark clearinghouse on dealing with thousands or even millions of trademarks on a second level, it is difficult for me to understand why it should not be possible to develop something similar for about 200 names or ICANN names of IGOs. So maybe the trademark clearinghouse could be an inspiration to develop something similar in that regard. Thank you.

HEATHER DRYDEN: Okay. Thank you. I think your question has been noted. All right. So I think we can move on.

I'm looking at Brazil to ask a question about the -- ah. Okay. Which topic, New Zealand?

NEW ZEALAND: Thank you, Heather. In the light of the concern expressed by our representatives of Africa, I think we're entitled to a better indication of just where dot Africa is, both applications are in the process, so that we have some indication of timing associated with the decisions. Thank you.

>> 307. We're doing 20 --

CHRISTINE WILLETT: I can address the one dot Africa application has priority number 307. The other previously original D-O-T Africa application has priority number 1,005. And, as of last Friday, we just published initial evaluation results through priority number 108. 1-0-8. And we're publishing -- we've been publishing 30 a week ramping to 50 a week. These evaluations are still in the initial evaluation process.

CHRIS DISSPAIN: Sorry, Christine. If you can just address the question of contention sets being lifted to the highest priority number.

CHRISTINE WILLETT: So certainly. The contention sets are not being -- results for strings in contention are not being pulled together. When we announced the prioritization draw and that proposal was put forth, the idea of consolidating contention sets was set aside. And initial evaluation results are being -- evaluations are being done in priority order, and results are being published based on priority number solely.

HEATHER DRYDEN: Okay. Thank you for that answer. I see the AUC asking for the floor. But it might be worth stating first -- and I think you are perceiving this. But there is a great deal of sympathy in the GAC for our African colleagues and their concerns around this application. So do not mistake the degree of concern shared among colleagues here in the GAC.

Okay. AUC, please.

AFRICAN UNION COMMISSION: Thank you very much for that statement, and we take it as something we can bank on something. Just a question to Christine simply to me. I am number 308. Should I wait for the number 1008 in order to get something on my evaluation, on the evaluation of my application? This simple question.

CHRISTINE WILLETT: So each application is evaluated independently. They're not compared in any way. So, if your application was number 38, your results would be published in sequence. There are a few applications out of the first 108 -- 15, in fact -- for which initial evaluation results have not yet been published. They are the subject of either change requests, additional pending clarifying questions, or other issues and missing information. So we're following a process. And we expect that those held-back application results will be published in subsequent weeks. But all of our evaluation work is being affected in priority order.

HEATHER DRYDEN: Thank you, Christine. So Chris is going to respond a bit further.

CHRIS DISSPAIN: I'm trying to get to a clear understanding that the gentleman from the African Union wants to hear. So, Christine, am I understanding -- if I'm wrong, please correct me.

My understanding is that the evaluation of number 307 will occur, and those results will be published. And then, because there is another application that is in a contention set at this stage, then you have to then wait for that application -- is that not correct? You have to then wait for that application to be evaluated. If that application is found -- is rejected, then you proceed with your application.

If both applications are approved, then they go through the contention set process. And, to be very clear, the issue that I think you have is a misunderstanding that the geographic -- that the test to see whether the application passes the geographic test of acceptance by countries were separate from the initial evaluation or happened before the initial evaluation. That is not the case. It is part of the initial evaluation. So, as the application is looked at, the geographic panel looks at and sees if it passes the evaluation.

So I appreciate that you might not like the fact that the second application is some considerable time after yours; but, nonetheless, the process is as I have explained.

AKRAM ATALLAH: The considerable time is two months, just to be clear, right? All evaluations will be done in August. And the second one is number 1,000. So it should be done half way between there and August. So we're talking about a few weeks, really, at the moment.

HEATHER DRYDEN: Okay. On this point, Norway? No. Okay.

All right. So I think we can move on again. So thank you, Brazil, for your patience. If you could please ask your question. Thank you.

BRAZIL: Thank you, Heather. Before asking my question, allow me to express that Kenya and the African Union have full support from Brazil on their positions in dot Africa. I think it's important to remark this.

Allow me also to thank Mr. Fadi Chehade for the kind words with which he referred to the Brazilian steering committee yesterday at the opening ceremony. Thank you very much.

Now my question. My question is more related to the timelines of the implementation of the gTLD program. We had a very interesting discussion with Mr. Akram Atallah on Thursday. And then a very important information was brought to the GAC that the 31st IDNs, gTLDs that have passed the initial evaluation process would be ready to have their agreements and contracts signed on the 23rd of April. And, as you know, GAC is shortly issuing advices. And there's a possibility that one or more of those advices can refer to one or more of these agreements that would be ready to sign the contracts on the 23rd. Then

my question is how is -- there is a sense that these two timelines are overlapping and that they're not compatible. And I would like to hear the board views on this. Thank you.

HEATHER DRYDEN: Fadi, please.

FADI CHEHADE: Let me clarify that the goal is for us to be prepared around April 23rd to start signing some contracts with new registries. But, frankly, it is a goal. It is not a set date. We are working with the registries to find -- to finalize the agreement with them. We have posted the agreement for public comment. We're analyzing the comments, as we speak.

So we are moving, as I'm sure you've noticed lately, on a faster clip trying to get things where they need to be.

But there's no commitment to a particular date. We will do this in the right order. We will -- we are waiting for your advice. It will be part of our thinking and planning and evaluation. And then, based on that and the community input that we're getting, we'll move forward. But no date is going to drive us towards doing something that is not in the right order or considering all the advice from you and the rest of the community. You have my assurance of that.

HEATHER DRYDEN: Thank you, Fadi. Brazil.

BRAZIL: Thank you very much. It was very clear the explanation. Thank you, Mr. Fadi.

HEATHER DRYDEN: Okay. So you mentioned the contracts for the registries. And I think this lets us move into the registrar accreditation agreement. And this is something that, of course, that the GAC has been paying attention to for some time. And we've heard from law enforcement. And we're aware that the negotiations are still ongoing. So we might have some questions for you. But, if it's possible to update us as well on what's happening, that would also be quite useful. So I'm looking around to see how we might kick off. Fadi. Please, that would be great.

FADI CHEHADE: This is one subject I'm very, very happy to be here to brief you about.

The registrars have been negotiating their new registrar agreement with ICANN for a little more than 20 months. I inserted myself into this process quite intensely in the last 2 1/2 months. And I did because I had listened to you, to the community, to many people. And it became very clear that we need to bring the new RAA to a closure and to embed in it some critical pieces that many of you had, frankly, signaled are important here and in other parts of the community.

So I'm very, very happy to inform you today that we and the registrars, based on the registrar agreement we posted a few weeks ago, have now reached agreement in principle to move forward with the 2013 RAA.

The 2013 RAA includes some remarkable additions. I'm going to walk you through them quickly.

All 12 law enforcement recommendations -- I emphasize all 12 law enforcement recommendations have been addressed in the new version of the RAA. For example, the registrant WHOIS and the account holder e-mail or phone verification and field verification are now part of this agreement. This is even beyond where the law enforcement representatives left the table last year. This is further than they even know. So we were able to work with the registrars on even an improvement of their last position.

Secondly, we now have abuse points of contact for law enforcement guaranteed with the registrars.

Thirdly, something that was not expected because there is a PDP process that is ongoing for the proxy/privacy specification, we have worked with the registrars to include an interim proxy/privacy specification for the protections to be in place now until a PDP is completed. This is a fantastic new addition to this agreement.

Next we have created new data retention obligations, many of which law enforcement asked for, so that they know the data they need is there when they need it.

We have a new WHOIS SLA that actually addresses many of the concerns that came from law enforcement and one that is particularly important for me, next, is that we enhance the compliance remedies in that agreement so that our compliance team has the necessary process and the necessary remedies to achieve what they need to do.

We have also now added a prohibition against cybersquatting as part of that agreement.

We have added additional technical specs, DNSSEC and IPv6, to ensure proper promulgation of these important specifications.

And then I come to the last three, which I want to emphasize, because they're the most important three. First, we have extended the obligations that these registrars are signing up to in that agreement to their resellers. And we now ask them for the very first time to submit the names of their resellers. This is important. I imagine you can see why.

The second of the last three, we have now agreed with them on a new registrants rights and responsibilities document, which is not only embedded in the contract and is enforceable in the contract but we've even agreed on a form of it in plain language that a registrant can read and understand. And we will be promoting this with them. It is not just a document to promote. It is an enforceable document as part of the contract.

And, finally, we have also created for the first time in this agreement a clear path for negotiation and amendment. So we don't end up spending another 20 months next time we need to amend this agreement. Many of you may have read in the press and in other places in our Web sites and blogs about the intensity of that particular part of the agreement. But we now have two new amendments in this agreement. The first one is called an extraordinary amendment, and it is designed to allow the board in narrow, well-defined cases in the

public interest for compelling and significant reasons to actually amend the contract.

We have also added another amendment process that allows us at any time to make a request to sit down with them and amend the contract. And we will proceed in that path with them moving forward.

I'm just giving you the very high-level components of this intensely negotiated agreement. These are significant steps forward in many ways. We have completed all of this in good faith with the registrars.

And I want to tell you that we did this in a new spirit. And you can ask the registrars and ask the people who have been familiar with this contract, which is still out for public comment. We have done this in the spirit of responsibility. We have talked to the registrars that together we should raise our collective responsibility to the public and do things because it's the right thing to do.

The industry needs and has responded to my request to rise above the negotiation and understand that we have a responsibility to the public and to the public interest and, therefore, we want them to work with us.

And, frankly, when you look at this list, it is very, very impressive. I'm very pleased with it. And I ask you to consider and to appreciate that we negotiated this in good faith, and that's the deal on the table.

We are still in a public comment phase. We will release the full revised agreement, which actually the revisions are very limited to the areas that we have noted in the last posting of this agreement. So there are no new areas we discussed with them since we posted the agreement

for public comment a few weeks ago. But we will issue a slightly amended version that includes everything we've agreed to and that should be out this weekend. And we look forward to working with you and with them to really raise the public interest and raise the status of our industry and how the registrars work in it moving forward.

HEATHER DRYDEN: Thank you for that update, Fadi.

E.U. Commission, please.

EUROPEAN COMMISSION: Thank you, Madam Chair. And thank you, Mr. Chehade, for this update. Your personal involvement into these complex negotiations has been noted; and we're thankful for your help in bringing this, it seems, towards a conclusion.

Now we -- the European Commission does not take a position on anything until we see the thing, and we understand that the contract is not yet finalized. So we will reserve any judgment we might possibly wish to make until we see the final results.

I also should note -- and this is -- since we are for the record -- We are in an open session. For the record, our position is that we as part of the GAC gave you the political indication of what we thought was important to put in the Registrar Accreditation Agreement. But the nitty-gritty details of the content of that agreement is a matter of negotiation between two private parties, whether it is ICANN and the registrar, specifically ICANN and the registrars.

I just would like to have a confirmation from you, from the board, that you have an understanding how important it is for Europe to work together in the fight against cyber-crime.

You might know the European Union has recently launched a European Cyber Crime Centre. Representatives of which are us at this meeting. But also to ensure that others' interests and rights are also protected. I'm referring here not only to privacy and personal data protection but also to other rights in general and to ensure that the rule of law is preserved into whatever procedure will be finalized in the Registrar Accreditation Agreement.

We understand -- and I conclude here. I understand that in the draft new Registrar Accreditation Agreement, there are exception procedures envisioned to make sure that registrars which are subject to European Union or its member states' jurisdictions do not have to violate European Union law, which, of course, would not be acceptable, in order to comply with the Registrar Accreditation Agreement.

I would just like to impress to the board that this particular MOU, Mr. Chehade, that this particular process, this particular exemption procedure and in general the fact that applicable law has to be accepted, must be preserved throughout the process towards its conclusion. Thank you.

FADI CHEHADE:

I can confirm that's the case.

HEATHER DRYDEN: Thank you. So next I have United States.

UNITED STATES: Thank you, madam chair. And thank you, Fadi, for providing such a welcomed update. Obviously, you know, we have been quite committed to being a partner with ICANN and the registrars on this important initiative. We are very gratified for all the effort that has been applied, and we, too, look forward to seeing the final document.

I think you can probably expect to see some words in the GAC communique on the initiative. Thank you.

HEATHER DRYDEN: Thank you, United States.

And Australia and then Fadi would like to comment further.

AUSTRALIA: Thank you, Chair. Really just to add -- to echo the sentiments of my U.S. colleague. This certainly seems like a very welcomed development. Again, look forward to seeing the data house. But obviously the GAC -- this is something the GAC has been looking to for some time. I really did want to make a sort of positive comment and welcome this development and to also welcome another development.

I know just recently, I think yesterday, we received a response to a request for GAC advice earlier about ICANN's contractual oversight of parties involved in the global DNS industry.

Again, part of a broader package related to ICANN's compliance activities, the RAA, WHOIS and so on. So two very welcomed developments. So thank you very much.

FADI CHEHADE:

Thank you. Thank you for the comments.

I just want on the record to say something on behalf of the registrars who are -- some of whom are here, many are not.

I want to put on the record that to my not -- maybe a bit of surprise but to my delight, the registrars did not need to be dragged into doing the right thing for the public.

Once we had a discussion at the right level with the right level of people involved, they rose to the occasion. And I want to thank them and note it to all of you that we have a new spirit in the community, a spirit of responsibility, a spirit of understanding that this is a two-way street. And so I want to thank them and note their great cooperation on this.

HEATHER DRYDEN:

Thank you, Fadi.

Are there any other comments on this topic? Okay. I don't see any further requests.

We are getting quite short on time. We have about five minutes remaining, and then I understand the board has to go on to yet another meeting. Okay. All right.

So I believe we have a question a request for an update on ethics and conflicts of interest. So E.U. Commission, did you want to raise this?

EUROPEAN COMMISSION: Thank you, Madam Chair, for prioritizing this point. Since we know that we have not a lot of time available and we took note of the ability of the board to answer 1/4 to 1/2 of our questions. But my request was -- is to have an update on what is the status of your work on updating and strengthening your ethics and conflict of interest policy across the organization. Because the last time we were updated on this, you were in the process of concluding three internal reviews. We were given the results. We had the presentation. It was back in Prague, if I remember correctly, on one of those reviews.

And then I must admit that I got a bit lost. And I did not see any further decision by the board. But this might mean that I missed those decisions.

We would like not necessarily now, at least from the European Commission we will be fine in receiving a written answer from the board as soon as possible after this meeting. But we would appreciate to have a comprehensive assessment from the board and senior staff of where we stand on the commitments taken by the board and the organization quite some months ago -- I would say quite some years ago by now -- on how do you strengthen ethics and conflicts of interest policy, not only for the board, not only for the gTLD program, but for the organization as a whole across all the board, across all of its policy areas. Thank you very much.

HEATHER DRYDEN: Thank you for the question. I think Bruce Tonkin as the lead on this will respond.

BRUCE TONKIN: Is this live? Yeah. Yes, all three of those reviews are complete. And we've made changes in the relevant procedures of the board and the organization. So we will get back to you with a written reply.

HEATHER DRYDEN: Thank you for that, Bruce.

So we have two minutes. So IOC and Red Cross, do we have a brief comment there? United States?

UNITED STATES: Yes, Madam Chair. I shall be very, very previous.

Just to convey to the board, again, sort of the longstanding GAC commitment to protecting the IOC/Red Cross names at the second level. A question for you if we could follow-up in some subsequent communication, if you could, we would urge clarity in the registry agreement that currently says "initially" in terms of protection. And that has caused us some considerable concern as to whether you at some point intend to subsequently remove those protections. So we are very, very concerned that they need to be put in place permanently before new gTLDs begin to be delegated.

So if we may continue to have a dialogue and to express some questions and concerns we have about the implications of a policy process that

would actually be reviewing and assessing and taking a position on, the treaties that we as governments have signed and the laws that we have enacted. So IOC and Red Cross protections, the argument we have made based on two levels of protection, legal protection, international treaty, and national law, yet, we understand there is a policy development process underway that we are monitoring. And there have been questions.

So that raises questions with us as to how the policy might come out, possibly taking positions on the substance of the treaties, the substance of our laws, and whether and how they apply.

And so that -- I just wanted to signal that would be a cause of great concern. Thank you.

HEATHER DRYDEN: Thank you, United States.

Cherine, were you going to take this one?

CHERINE CHALABY: I will take Suzanne's suggestion and have the dialogue because it can go on for a while, and I think we need to be clear and straightforward so that there is no ambiguity in the process as we've done with all the other applications. I think it is always better to do so. So we will do it outside the call.

HEATHER DRYDEN: Okay, thank you.

So what I would suggest is that we put a request to you for further information about the hubs.

And, E.U. Commission, you have something further?

EUROPEAN COMMISSION: Very, very briefly, Madam Chair. Thank you very much. Just to say there are issues around other international organizations as well, so I think we would need to discuss all of this together. Thank you.

HEATHER DRYDEN: Thank you. All right. So regarding the issue of hubs, then further information would be appreciated, if you could provide that to the GAC. And perhaps that's a way of -- can you give a brief -- a minute? Okay. So we can do this quickly apparently.

South Africa, would you like to ask your question about hubs and we'll try to give you a quick answer?

SOUTH AFRICA: Thank you, Chair. During the opening ceremonies, the CEO mentioned that ICANN is establishing hubs in two regions. What I would like to know is what informed the location of the hubs. And depending on the answer, I might have a follow-up question.

FADI CHEHADE: There was a very thorough review of multiple things: Legal matters, logistical matters, infrastructure matters, human resources.

Remember, the hubs are not engagement offices. They are truly taking our core operations and breaking them up around time zone coverage so that if someone called ICANN at some point 24 hours a day, someone will answer the phone. That person could be in one of the hubs. These were designed around time zone services. If Istanbul is on holiday and someone calls from somewhere in Asia or Africa, that could be diverted to the U.S.

From the user standpoint, we are building a model that allows those interacting with ICANN to deal with anyone in these three hubs and they wouldn't know that these are actually three separate locations. So it is very much a time zone distribution model.

And, yes, we went through a very thorough review process that led us to these three hubs. And we can share some of this, if you'd like.

HEATHER DRYDEN:

Thank you for that, Fadi.

Did you have a follow-up, South Africa? Or I see Kenya. Kenya, please.

KENYA:

Thank you very much. I would like to thank the CEO, Fadi, and the board for all the great work in implementing quite a lot of activities and initiatives in the African region and we welcome all the work that you're doing, currently doing. So thank you.

HEATHER DRYDEN:

Thank you. Okay. So we had mentioned ATRT2. So just to say that this is a priority for the GAC as well. It continues to be the focus of a lot of our work. And we had a good exchange earlier this week on that point.

And to conclude, thank you all very much. And thank you as well for the timely provision of a response to our Toronto communique. That was very much appreciated as well.

So thank you there. And we will look forward to meeting with you next time. But I hope we can continue the discussion outside the meeting as well on some of these issues.

For the GAC, we now have a 45-minute break, and then we will reconvene. And the Asia-Pacific IGF would like to have a few minutes with Asia-Pacific governments for five minutes in this room or near this room.

So if you could stay behind and join that meeting, that would be appreciated.

And, again, for the GAC, 45 minutes. Thank you.

STEVE CROCKER:

Thank you, Heather. Thank you, everybody.

[End of Session]