ICANN
Governmental Advisory Committee

GAC Communiqué – New Delhi

February 2008

I. INTRODUCTION

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in New Delhi, during February 9-13, 2008.

38 members and 3 observers participated in the meeting.

The Governmental Advisory Committee expressed warm thanks to the Government of India for hosting the meeting in New Delhi.

II. IDNs

In New Delhi, GAC members had a discussion on answers to the ccNSO-GAC issues paper: *selection of IDN ccTLDs associated with the ISO 3166-1 two letter codes*. GAC continues to work on the document with view to finalizing it during its meeting in Paris.

GAC members also discussed the Draft Initial Report of the IDNC Working Group: *"The Introduction of a Limited Number of IDN ccTLDs Under A Fast Track Mechanism"*.

During these discussions, the GAC agreed that:

- The substantive public policy provisions set out by the GAC in the "*Principles and Guidelines for the delegation and administration of country-code Top Level Domains*" are equally relevant to the introduction of IDN ccTLDs, in particular the principle of delegation and re-delegation.
- The GAC believes that any ICANN policy needs to restrict its scope to the minimum required to ensure the global interoperability of the Domain Name System (DNS).

- Given the different form that IDN ccTLDs will take and the absence of an equivalent of the ISO 3166-1 list used for ASCII ccTLDs, the GAC notes the experience of relevant international organizations, for instance the United Nations Conference on the Standardization of Geographical Names, ITU and UNESCO. The GAC underlines, however, that only Government or relevant public authority of the territory (as listed in the ISO 3166-1 list) concerned can provide authoritative advice to ICANN on the legitimacy of any application for an IDN ccTLD. Specifically, this requires that ICANN consult the Government or relevant public authority on receipt of any such application and ascertain either that the proposal has the support of the Government or relevant public authority or that the Government or public authority raises no objections to the application. In the event that such confirmation is not obtainable, ICANN should desist from the introduction of the proposed ccTLD until such confirmation is obtained.

- The GAC anticipates in most cases that the Government or relevant public authority will decide that one IDN ccTLD per script will be sufficient, but it is also mindful that in some countries different scripts are in use and, in some cases, the same script is used in a number of widely used languages. In these cases the Government or relevant public authority may determine that more than one IDN ccTLD is necessary. For these reasons, a strict one-per-country limit imposed by ICANN in any fast-track phase would be inappropriate.

The GAC appreciated opportunity to share its initial comments on the report with stakeholders during the IDN workshop and considers that cross-constituency consultations on the subject should be continued. GAC will continue to contribute to the work of the IDNC Working Group.

In respect to IDN gTLDs:

- The GAC feels that the substantive provisions of the GAC "Principles regarding new gTLDs" are equally relevant for the introduction of new IDN gTLDs.

- In particular that ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the Governments or relevant public authorities.

- The GAC also considers that in the event that there is any doubt regarding the status of a particular application (for example whether it constitutes an IDN ccTLD or an IDN gTLD), ICANN should consult with the Government or relevant public authority of the territory concerned to determine whether there may be any potential infringement of their sovereign rights regarding their country or territory name.

III. WHOIS issues

As a follow-up to the GAC Communiqué issued in Los Angeles in October 2007, which stressed the GAC's support for a study of the uses and abuses of WHOIS data, and in line with GAC WHOIS principles the GAC considered recommendations for the terms of reference for such studies.

The GAC reached consensus on this issue and will forward explicit proposals to the ICANN Board shortly after the conclusion of the New Delhi meeting for the initiation of an independent, neutral, third party study of WHOIS databases.

The GAC strongly believes that a multi-step data collection effort on all relevant issues is necessary to establish the factual evidence base for further discussions on the necessity and scope and impact of possible modifications to policies regarding WHOIS data.

During its meeting with the Board the GAC raised the issue of the decision of the Board to implement the procedure for handling WHOIS conflicts with privacy laws, and noted the complexity posed by competing jurisdictions. The Board offered to reply to the GAC at some future date.

IV. Domain name tasting

The GAC received a very useful briefing from ICANN staff on domain name tasting and will continue to monitor this issue.

V. IPv4 free pool depletion and the deployment of IPv6

The GAC recognizes the urgent need for better awareness about IPv4 free pool depletion and the deployment of IPv6, welcomes the NRO's efforts in this regard and encourages it to continue their efforts.

The GAC noted the NRO's request that Governments assist in the process of awareness raising in their own countries.

VI. Institutional issues – JPA mid-term review

The GAC acknowledges ICANN Board's response to the United States Government notice of inquiry regarding the joint project agreement midterm review. Several GAC representatives indicated their intention to submit their own comments on the notice of inquiry.

The ten responsibilities identified in the 2006 document, "Affirmation of Responsibilities for ICANN's Private Sector Management," are fundamental ongoing objectives that ICANN must continue to meet in its management of the DNS.

The GAC considers that the Paris meeting will provide the opportunity to assess the results of the midterm review of the Joint Project Agreement.

VII. Elections

Mr. Everton Lucero from Brazil and Mr. Bertrand de la Chapelle from France were elected Vice Chairs of the GAC for 2008.

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The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with GAC in New Delhi.

The next GAC meeting will be during the period of the ICANN meeting in Paris, France, 22nd - 25th June 2008.

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New Delhi, 13th February 2008