DUBLIN – GAC Sunday Afternoon Sessions
Sunday, October 18, 2015 – 14:00 to 18:00 IST
ICANN54 | Dublin, Ireland

CHAIR SCHNEIDER: So thank you for coming to join us after the lunch break. Before we go to the safeguards issue with the two co-leads, I would like to alert your attention to a message that I sent to the GAC this morning which is about securing our ACIG secretariat support in a sustainable way for the near and hopefully also further future. As you may recall, we have had an initial discussion on this in Buenos Aires and the situation is the following: That we think we all -- or I assume that we all appreciate the service that we get and we also appreciate the money that has been given by the three donor countries, has been given so far for three to five years, depending upon the commitments by the donors, to fund that secretariat. I would like to recall the announcement made by the donors in Buenos Aires that they are willing to continue to contribute to the funding under the condition that others join the donors' group as well, i.e., that the burden is spread on more shoulders than for the initial period. That is, again, stated in that email, and it's an invitation to you all to think about A., whether you appreciate the services that we are receiving, whether you would like this to continue, and B., whether you

and your administration would be in a position to join the group of donors in the near future. And the attached document is a first contribution to trying to help us assess the services. It's a paper that shows -- gives some information about what the secretariat has been performing, has been asked to do, and serves as a first basis to help you assess this.

I propose, because this is a very important issue -- that we may use the free slot that we have on Wednesday, Wednesday because all of us are still here on Wednesday, to discuss the issue of sustainably securing the funding for our secretariat in that slot on Wednesday. If you agree, we would modify -- or fill that gap, that blank spot in our agenda accordingly. We may not use the full 30 minutes, but I think it's essential that we start discussing this now. Also taking into account that the budget procedures for next year for our governments are probably about to start in many -- in many of our administrations. So please, have a look at this issue and we will discuss this on -- start discussing this on Wednesday.

With this information, I would like to hand over the floor now to the two co-leads on the agenda item that was shifted from the first day to now which is the safeguards. I don't know who of the two of you would like to begin. Okay. The United States. Thank you.

UNITED STATES:	Thank you, Chair. Just to give you a brief overview, and with apologies to my colleague from the E.U. Commission. We actually haven't quite had the chance to coordinate fully, so we're very open to any constructive edits, of course. And so what we're proposing for the GAC's consideration is a message to the ICANN board to the effect that we're at a certain point in time now, two and a half years, almost three years since we issued our first -- the famous Beijing communique with the new gTLD GAC safeguard advice, and we've had many, many exchanges, very constructive exchanges between the GAC and the NGPC and we -- based on where we think we are today, we went back to the BA communique and decided that it might make sense to -- for Dublin to kind of be a little more direct, perhaps, and to close out where we think we are. And so our first proposal would be that we would actually seek very formal clarification, I guess, from the NGPC, from the board, and that they should hopefully create a very straightforward, a very clear scorecard, if you will. Those items in the GAC's advice, the progressive provision of advice that we have been delivering now since 2013. And they give us a scorecard that indicates rather clearly what elements of GAC advice have been implemented, what remains a work in progress, and what has not been accepted for implementation. So I think as we all

know, the GAC has consistently advocated that for strings representing highly-regulated sectors, we propose that they implement validation and verification measures, and we've been told over time that the NGPC has found that that was not advice they could implement.

So we would reiterate our request that the NGPC create a list of commended Public Interest Commitment examples related to the verification and validation of credentials for domains in highly-regulated sectors, and I'm thinking about .BANK, .PHARMACY. There are any number where we can think of that the registry operators themselves voluntarily developed Public Interest Commitments that in fact required the validation and verification of credentials. So we think that would help if we could have a list. We could then monitor more carefully, and ICANN could monitor more carefully, the issue of whether these safeguards should be incorporated into future rounds of new gTLDs. So this is intended to also help guide the GAC as it contemplates its potential advice on a potential next round of new gTLDs.

We also think it might be useful -- and this is again picking up from the Buenos Aires communique -- there are several, you know, current and upcoming reviews of the new gTLD program, and we think it might be useful for the GAC to urge the board to develop a harmonized methodology for reporting to the

ICANN | 54
Dublin
18-22 OCTOBER 2015

community the levels of abusive conduct. So if you will recall in our overarching safeguards from Beijing we listed things like malware, botnets, phishing, pharming, piracy, trademark or copyright infringement, counterfeiting, fraudulent or deceptive practices, or other illegal conduct. And we think it would be useful if they could develop a harmonized methodology for reporting on these -- on these incidents of abuse, then that would again help us to look to the future to guide whether it's contract compliance efforts and to certainly guide the development of whatever safeguards we think we might need for the future. So that's kind of the nitty-gritty nuts and bolts, and I would look to my E.U. Commission colleague to make sure that we haven't left anything out or included something that was not warranted. Thank you.

CHAIR SCHNEIDER: Thank you, United States. E.U. Commission.

EUROPEAN COMMISSION: Yes, thank you very much. Well, of course, I wholeheartedly concur with what United States has said with respect to these detailed aspects on verification and validation, reporting abusive conduct, identifying exactly what the board has done, where, and how and under what circumstances and providing a clear scoreboard. I think all of those are, of course, extremely

useful and also in terms of how we go forward in the future. But there's one other element that I wanted to add and that relates to the PICs, the Public Interest -- oh dear, now I've forgotten what PIC stands for. What is it? Public Interest Commitment, of course. How could I forget? Public Interest Commitment. That is another aspect where we have discussed also with the business community, the ALAC and some others, and in the context of the NGPC how we could better apply those Public Interest Commitments and make sure that they -- good practices and best practices that have been applied in some of the highly-regulated strings could be expanded and applied in others. And those apply also to existing cases. Not -- and this current round of gTLDs. And there has been a letter that's been sent by Akram Atallah to the ALAC and the GNSO suggesting that a special committee which exists already amongst the two be used to address and review the existing PICs. And we think that that's also a very good idea to try to move forward in practical terms the application and use of some of these best practices. So I just wanted to add that aspect too.

CHAIR SCHNEIDER: Thank you. U.S. again.

ICANN | 54
Dublin
18-22 OCTOBER 2015

UNITED STATES: Thank you, Chair. And thank you, E.U. Commission. I certainly appreciate you having brought that to our attention. We are taking a look at that particular -- it's a very specific proposal that is currently on the table. And what I can say -- and we are more than happy to collaborate with the E.U. Commission in drafting some proposed text for the communique for our colleagues in the room to look at and be comfortable with -- certainly like the idea, the concept of shining a spotlight, if you will, on the PICs. You know, are they meeting -- those that have been filed, are they meeting the terms of the PICs themselves in practice? You know, how are they being implemented in practice? Do some fall short? Are some exceeding expectation? We think that's an excellent suggestion, and fully endorse that. The specifics of whatever methodology I think we'd like to reserve a bit on because quite candidly there may be a preliminary step that could be undertaken by ICANN staff as an initial first step. They have direct access to every single one of these contracts and direct access to all of the PICs whereas it's rather difficult for all of us to go wading through that material. So it might be useful to make that a request.

So with your indulgence, E.U. Commission, I'd probably want to reserve on the particular proposal, but certainly endorse the concept of shining a spotlight and making sure we can analyze

and properly assess how these PICs are being implemented. Thank you.

CHAIR SCHNEIDER: Thank. And before I give the floor to the U.K., just for your information, right now there's a meeting of the NGPC going on this afternoon. It will start in a few minutes. And the issue of the GAC advice is on the agenda. And I'm not sure when we will hear about this, but I think the proposal put forward by the two of you seems reasonable. United Kingdom.

UNITED KINGDOM: Thank you, Chair. I was just going to add that the idea of a review committee sounds a good one and I'm like the U.S., unsided on it really in terms of detail and I have not had enough time, of course, to look at it. But I think that applies to the whole committee. So perhaps you could communicate a request for the substance of the exchange with the ALAC and that was referred to by the European Commission, be communicated to yourself and then we could look at it as -- as the GAC. Can I suggest that perhaps as one item on the way forward? Thank you.

CHAIR SCHNEIDER: Thank you. Other comments or questions? That does not seem to be the case. I assume we have a session also with the ALAC in our program or don't we this time? So this is something I think the initiative comes, if I'm rightly informed, from the ALAC. We can ask them. But we can also ask the GNSO later today, if we want. But -- so to seek for clarification on this issue before we go to the drafting of the communique, that may be useful as a piece of information.

If there are no more requests for taking the floor, I would assume this is a support for asking the co-leads to come up with a draft text for the communique based on the alliance that they have outlined right now, and then we would move on to our discussion on what is it accountability, I think, right? What is that?

Okay. So we are back in our -- one of the key issues, which is the -- our work, our deliberations, on the proposals on accountability. We have been asked -- the secretariat has been asked to provide for the relevant text regarding the discussion on stress test 18. You have them in -- distributed on hard copies. You have received emails with links and texts in your mailboxes, so we hope that serves the purpose. We have a little bit less than an hour, actually 45 minutes, because we can't delay the next session with the GNSO. I suggest that we would start using a time going into the other issues then stress test 18 first to see

where we are on the other issues. So let's go back to that preliminary list that we have looked at yesterday. Trying to make my computer obey me but it's difficult. It seems to be resisting. Maybe we can put that list up on the screen again. These four bullet points that we had yesterday. And see what we may have to say on these. I think we can already start with the first one, which is I think the role of the GAC in the future empowered community mechanism including -- including a community forum. It may be good to get a quick overview on where the discussion currently stands by somebody -- by a GAC member who has been following that discussion here, including here in Dublin on Friday and Saturday. So I don't know, I haven't prepped anybody but maybe there's a volunteer who's quickly trying to give us an introduction on where we stand with this community empowerment mechanisms in one or two minutes and then seek for views from the GAC on whether we think this is fine or there's something we should express concerns or so on and so forth. I see Iran is volunteering, so please, Kavouss, give us a short update on the key elements of the current discussion. Thank you very much.

IRAN: Thank you. Good afternoon to everybody. The three steps of the process for every power means petition, community forum, and decision-making is currently exists has not been modified.

So community forum was reconsidered as a useful tools in order to have all SO and ACs plus any other interested party, including observer, to attend that. And that is a forum. It's not the decision-making. It's just a forum to further analyze the situation in order to prepare the people for decision-making. However, there has been some element added to that. How the discussions would be carried out and how the issue will be moved to the next step which is decision-making, but that issue is on the preliminary discussion yet so I don't want to at this stage to pursue that. But the issue that you raised, that the role of the GAC in the forum has not been formally discussed in CCWG apart from what is in the mailing list of the GAC, I think it was sufficiently short. Thank you.

CHAIR SCHNEIDER: Thank you very much, Kavouss. Questions and comments on this issue. Yes, United Kingdom.

UNITED KINGDOM: Yes, thank you, Chair. The CCWG broke up into subgroups on yesterday morning -- yeah, yesterday morning. And that was a very useful device for getting into the sort of nitty-gritty of how decisions are going to be made and the escalation of a complaint all the way up to a decision on a mechanism to reverse, for example, the Board decision on the budget or -- or

removal of a board member or whatever the specific issue and mechanism that befits it might be.

So I was encouraged by the examination of the process for leading up to a decision allowing time for the community, including the GAC, to examine an issue and resolve it before actually getting to the stage of taking a decision on whether to implement one of the community empowerment mechanisms.

So just to add a little to what Iran has recounted very accurately, just to add a little to that, after an initial tabling of an issue by an SO or an AC, there would then be a kind of precall that would -- it's called a precall, a teleconference, a very lightweight and inexpensive step whereby the SOs and ACs are alerted to the issue. And then -- and I think also the Board would be alerted, of course, at that stage as well in a more formal way, perhaps.

And then that provides a first opportunity to somebody to say, actually, there's a solution to this. So we don't need to go beyond that first initial step. And that allows a way out at an early stage before going to a much more intensive examination of the issue at the community forum, which would be the next step after the precall. So the precall step is, basically, to decide should this go forward to the community forum and also allows a way out, if it's identified at that stage that there's no need to go down the track of a community empowerment mechanism.

And this fits with the U.K.'s expectation here that this whole process is not about inevitably leading to a decision to enact one of these mechanisms. The process should allow real opportunity for all the constituencies within ICANN and for the GAC in some predictable formal way to be part of that, the GAC providing advice primarily from the public interest perspective on the issue with a view to identifying, you know, a way to resolve it without going down, ultimately, a very extreme route of reversing a board decision by one of the mechanisms.

And, likewise, the community forum itself, I think, is important for us to focus on as the opportunity for governments to provide fully developed advice on the issue at hand. So we need sufficient time as a committee to be able to formulate such advice and agree it.

And the second proposal talked -- was a very short timeline, 15 days and so on. From the U.K. position as the participant in the working group, I've advocated, well, we need more time in that -- at that stage to be able to come up, first of all, individually as members of the GAC a national position and then to work with colleagues in the GAC in order to formulate a comprehensive GAC view, a consensus position, if you like.

So I was very encouraged that there was this approach to the kind of problem areas that the CCWG proposal envisages that

should be subject to community empowerment mechanisms, allowing for a lot of opportunity bottoming out an issue, identifying ways out, some informal exchanges with the Board, for example, that could actually lead to resolution without going for the buttons that would press for a decision to be taken whether by voting or whatever the modalities are ultimately agreed for the empowerment mechanisms. Thank you.

CHAIR SCHNEIDER: Thank you, U.K. I think, just for the sake of clarification, in particular, for those who haven't been able to follow this in detail, the concept of voting seats as it was -- has been in the first and second proposal has now been shifted to a more escalation step oriented escalation path where there is a threshold of SOs and ACs that needs to support going to the next step.

Is that the right way to phrase that development of the proposals? So for those who are not -- haven't been part of this, that they can fully understand what -- where we are with the issue of voting. That was a difficult issue for the GAC. So maybe if somebody -- Iran could explain this in more detail for a second. Thank you.

IRAN: Thank you, Chairman. I think we need to distinguish between what U.K. mentioned about this precall and process and the issue of voting or other approaches in order to have a mechanism be enforced.

We put this issue to the CCWG that the preference would be not to go to the voting in any aspects but go to the consensus building according to the procedures in force in every SO and AC.

So that is something is covered everything in order to avoid voting. And that would enforce the position of GAC that currently has an advisory capacity and not be obliged to pop in or pop out of the voting issue in order to retain the position that always GAC would be in a position to provide advice.

So that should not be mixed up with this following issue. So perhaps you take it separately. Thank you.

CHAIR SCHNEIDER: Thank you very much for this. U.K.

UNITED KINGDOM: Yes, thanks. I think your question was whether the CCWG has actually resolved to move away from voting. Is that right? I don't think they've done that yet. I think we'll be jumping the

gun to assume that. I mean, there's a lot of further consultations. And thanks.

CHAIR SCHNEIDER: Okay. I ask this question because I'm trying to find out whether we, as a GAC, based on that consensus input that we agreed on that we delivered in September on our potential role or our potential views on this empowerment structure, whether this is going in a direction which we would all support. Is there agreement among the GAC that this is a direction that the discussion is taking that is in our -- that we think is the right one? And, if not, what would be problematic? But, from what I hear, there's general support of how this aspect of the proposal is developing. Do I get this right? I'd like to -- I see people nodding. So there seems to be satisfaction with the direction that this aspect of the work is taking.

Any comments? Any more comments on these aspects? I think, if this is the case, then this is good to know that GAC members participating seem to be comfortable with the direction this is taking.

Any comments on the community, more comments or questions on the community empowerment mechanism including the community forum where this idea stands? Now maybe somebody could quickly explain in one minute what the role and

the idea of this community forum is, as Kavouss has said, that this is two different things. One is the empowerment mechanism, and the other is the forum. Maybe that would be helpful for everybody, all of us to understand this a little bit. Kavouss, yes, please. And then U.K.

KAVOUSS ARASTEH: Thank you, Chairman. The idea of the community forum was first discussed before going the decision making, which U.K. clearly mentioned that perhaps we should be more or less a last resort, it is better that all SO and AC together in a consultative manner discuss the issue to be aware of the detail of the matter in order to be prepared to have some sort of decision making. Decision making is not necessarily voting is deciding on the matter, some people by voting, some people by consensus. Nevertheless, I would like to emphasize not contradicting what U.K. says, we push for the mood to go to the consensus building. This is something that -- so following is just to share information among all SOs and ACs, even if a petition coming from a particular SO or particular ACs or two SO and ACs in some cases like removal of the entire board, to make the issue carefully and clearly defined, analyzed, and exchanged the views among the people to prepare them for the next step, if necessary. If not, we may not need to pursue that. So that was the idea of the forum. Thank you.

CHAIR SCHNEIDER: Thank you. I have U.K. and then Switzerland.

UNITED KINGDOM: Thank you, yes. That's pretty much the concept. And to sort of visualize it, perhaps in addition to what Iran has said, the expectation it might be a one-day physical meeting which could be an adjunct to one of the three ICANN meetings held annually, there would be a participation threshold, at least half of the SOs and ACs would be present, I think, was one discussion for the threshold. And this is -- the precall I mentioned earlier was very much an alert to the issue. And then perhaps an opportunity for somebody to say we are aware of this issue. There is a solution being developed in this corner of ICANN. But in the community forum it's a much more in-depth examination of the issues. And the SOs and ACs would be able to provide their views on the issue and then, subsequent to that, there would be a basis perhaps to taking a decision on one of the empowerment mechanisms or to say there was a solution already devised. We don't need to go down that step. So it's a kind of critical point. Thank you.

CHAIR SCHNEIDER: Thank you, U.K. Switzerland.

SWITZERLAND: Thank you, Chair. Just to complement what my colleagues from the U.K. and Iran were informing this committee, I think that we made in the CCWG good progress in going down the path of an escalation system that strives for consensus and that avoids dangers of capture by parts or fractions of the community. With a combination of requirements of a large degree of support for any community power exercise and the absence of objections. I think perhaps this must be further fleshed out.

But, in principle, as I sense the room, there was a large consensus or traction or coalescence as it is expressed in the CCWG.

As to the community forum, this is a step within this escalation, this decision-making process by consensus. And I think it's still some work in progress. And we have to make sure that the process of the community forum or the decision-making process as a whole permits for an inclusive, open, and transparent framework where all interested parties, SOs and ACs can feed in their advice, their recommendations. And there is opportunity for a real deliberation among all interested parties in order to strive for consensus as much as possible. Thank you.

ICANN | 54
Dublin
18-22 OCTOBER 2015

CHAIR SCHNEIDER: Thank you, Switzerland. I hope and think that these comments have explained the essence and the core of where we are for the time being with these latest developments on the structure of the community empowerment mechanism. And I would assume or take from absenting interventions that express general concerns with the direction that this is taking that we support the direction that this is taking. Whatever we do with this information, but it's something positive that I think we should retain.

Now I'd like to, given the time, I'd like to maybe go to the last bullet point on that list. It is a question. It is a question that has been discussed in the CCWG itself brought up by different stakeholders. And, as I said yesterday, also the process is in the middle of drafting these bylaws. And I just wanted to hear some comments from GAC members on whether you think that this is again going in the right direction or raises concerns for you to get a sense of whether this is an issue that the GAC should look into very closely or that we are rather comfortable with to get a sense on this. So who wants to start with this point? Yes. Iran, please.

IRAN: Thank you, Chairman.

Perhaps we should put it in a slightly different way. We should not limit it, the participations of the GAC on the public policy issues. If the bylaw is going to be redrafted, which is going to be done by CCWG and the legal counsel and the legal group of the ICANN, I think GAC should be interested in everything because the entire bylaw applies to the activities of GAC. So I encourage that we, as I mentioned the other day, actively participate in that. However, in particular, the earlier is that touches the public policy issues, which is one of the main tasks of the governments. We should be there. So I don't think it is a narrow role or narrow participation. It is a participation in that. And that is important. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. We may not be talking about the same thing. The point that I propose to bring up is actually the new formulation of the mission and core values of ICANN's mandate where ICANN's mandate is a very narrow -- it's not the narrow participation. It's the very narrow definition of ICANN's mandate as to the technical functioning of the DNS and the IP address system and whether this -- the discussion the way I at least perceived it in the CCWG was whether this narrow mandate was in an asterisk there was a text that ICANN would not go into regulation of content and things like this. That was agreed, I think, by everybody in the CCWG.

ICANN | 54
Dublin
18-22 OCTOBER 2015

But then there was an asterisk that said or was supposed to say that this shouldn't preempt ICANN from implementing contractual obligations and so on on issues like consumer protection and so on and so forth.

So I wanted to just highlight this discussion and ask you whether you think that this, again, is going in the right direction or that you feel comfortable with the way it's been discussed in the CCWG or whether you think there's a concern here that something is -- that GAC members would need to somehow bring in concerns into the discussion. That was the question.

Yes, France and U.K. France, please.

FRANCE: I would like to understand two or three elements. If we have a narrow scope or a narrow mandate for ICANN, what will happen with freedom of speech? Because I believe that that is quite a legitimate concern. I would like to have some confirmation that the control of these facts will be firm. I would like to make sure that we agree on what freedom of expression or of speech means. Speaking about domain name means getting involved with a freedom of expression? I'm not sure.

CHAIR SCHNEIDER: It's much more fundamental. I think there's -- the feeling is that -- and this is nothing new -- that ICANN has, basically, a technical mandate with regard to the management of the DNS and that it should stick to that technical mandate.

And that is reworded in a new proposed bylaw, which is -- the mission which is .1. And I'm trying to find it, actually, in my documents.

And there was been a discussion in the CCWG what this narrow definition of the mandate would allow and would not allow. Everybody agreed that this should not allow content regulation and other things that are not within -- agreed not within the mandate of ICANN. But the question is where is the limit to -- nobody dares to call it regulation, so I call it regulation either. But aspects that relate to or may follow on the DNS, like consumer protection issues and other issues.

But the U.K. wanted to join, and then I have Indonesia as well.

UNITED KINGDOM: Yes. Thank you, Chair. This certainly was an issue that we commented on in our response to the second draft of the mission as described in -- I think it was paragraph 187. I'm looking furiously at my notes. But, anyway, we certainly took the view that it was too narrow to focus only on the technical

mission because of all the range of issues that, for example, the GAC covers in respect to the public interest, competition issues, child protection, rights, opportunities, and ensuring diversity, inclusiveness and so on. I mean, these were wide -- these issues did not seem to fit into the proposal as drafted.

As to the state of play at the moment, in answer more directly to your question, to be honest, I'm not sure. But I think it was well recognized by the CCWG that this was an issue that needed to be examined as to whether it was too narrow. And the public interest issues, in particular, were not sufficiently taken into account in the drafting. So I defer to colleagues who may know more than I. Thank you.

CHAIR SCHNEIDER: Thank you. We have Indonesia and then Switzerland.

INDONESIA: Thank you, Tom. Thank you, Thomas.

About the mandate of the -- our GAC and the countries -- sorry, if I get Tom and Thomas mixed.

CHAIR SCHNEIDER: Don't worry. Some friends call me Thomas and some call me Tom. And I've got 10 other nicknames because there's so many Thomases around. So don't bother. Whatever.

INDONESIA: So, regarding the narrow mandate or wide mandate, what we discussed in recess is a very simple thing. The ICT has been developing so fast, and it seems that from time to time it will be developing faster and faster. Today we are talking about content applications. Tomorrow we are talking about high digital platforms and so on and so on. Last week we discussed about digital narcotics, I mean things that we never heard before. Suddenly you have digital narcotics sold everywhere.

So in the case -- in this situation where ICT application, content access, and so on developing so fast, sometimes unpredictable, then the government has to, in some cases, has to intervene in a situation which is arise suddenly.

So in this case, although the mandate of the GAC will be arranged in the bylaws and so on, there has to be a possibilities for the countries to interfere in the case where there ar e some development or unpredicted developments that we face, we are facing. And that may differ from country to country.

Now, with these possibilities, the country will then stick to have together in the ICANN operations as we have today. One world, one Internet. If we don't have the mandate and we have problems, we don't want to end up with one world, many Internets. That's not what we want. We want one world and one Internet. That is the logo of ICANN, and we want to keep it that way. But in this case the mandate is very important. Thank you.

CHAIR SCHNEIDER: Thank you very much, Indonesia. Switzerland?

SWITZERLAND: Thank you, Chair. I just wanted to clarify or to inform this committee that, in fact, the mission statement which is being refined or changed in this exercise of the CCWG has given rise to some comments amongst others from the business constituency, if I remember well, and the ALAC, which had some concern that the -- the attempt to narrow too much down the mission statement could be, in fact, interpreted or construed by some to understand that contractual enforcement could be questioned or that also the application of public interest commitments could be questioned.

So, after the discussion had there, the rapporteur of the second working party of the CCWG, Miss Becky Burr, has circulated a

draft with some ideas on how to tackle these comments. But I suppose this is still very much a work in progress. And perhaps we should monitor it to make sure that there's no danger to construe that public interest commitments and safeguards are outside the mission within the new bylaws. Thank you.

CHAIR SCHNEIDER: Thank you, Switzerland.

So what I read so far is that, A, this is work in progress; B, so far that this is of importance to the GAC from a public interest or public policy point of view and that we should continue to have a look at how this discussion is going. But there's no reason for the time being for concern that the discussion is going in a wrong direction. Is that what I gather from what I heard? Is that correct? But we need to keep having an eye on it and participate in the discussion.

I see people nodding. In case somebody has a further question on this, of course, you can also directly contact any of us who participate -- who have the luck to have the resources to participate in detail in these very interesting discussions in the CCWG.

But I would then use -- try and use the last 15 minutes to take on the last point or the third or the fourth, if we calculate the --

ICANN | 54
Dublin

include the discussion on stress test 18 from yesterday, which is the question of the notion of private sector-led versus multistakeholder. We have already heard some allusions to this yesterday. And it seems that there is a disagreement in the GAC on whether or not to insist on -- or to propose or insist on changing the traditional formulation of private sector leadership and rooted in the private sector, whatever the concrete formulations may be, through a more, let's say, business influence and international inference, the notion of multistakeholderism, that is used in more and more other fora.

So I would like to give you the chance to quickly react on this issue so that we see where we are within the GAC. But also, please, inform those who have been participating in the CCWG what the rest of the community's position is or to what extent these positions are defined or not defined. And yeah. The floor is yours for those who have been actively participating on this issue. I have Iran and the Netherlands to begin with. Thank you.

IRAN: Thank you, Thomas. I think the rest of the community, they don't agree with the GAC, that we should not mention this leadership of the private sector. They insist and even says that why we have to change what we're doing and do the last 17 to 20 years. Some people, they saying that it should be equality,

ICANN | 54
Dublin
18-22 OCTOBER 2015

there should be no subordination of anybody, but the rest of the community, frankly speaking, they want to maintain this private sector rooted or private sector leadership. Just I'm quoting what they said. That doesn't mean that we are in favor or not, but that is what they said.

But just I would like to add, compared to other issue, this is not very critical issue. Whether you say privately rooted or not privately rooted, the thing is going on. We have many other important issue to deal with, right? Stress test 18 or community mechanisms and so on and so forth. So I just give it to you to handle the matter. It is not critical as such. Thank you.

CHAIR SCHNEIDER: Thank you very much, Kavouss, for this statement. The Netherlands.

NETHERLANDS: Yeah, thank you, Chair. When it was raised yesterday I thought it was a large objection for -- against this. Now I hear from Kavouss that, of course they have thought about it but it's not a critical thing. And I think I was -- what I would like to give my view -- I would like to give my view on it and seeing that the wording may be not completely accurate because I think it's not private sector in the lead, it's more a company or a corporation

which is governed by self-regulation and self-organization with many stakeholders. That it would be more appropriate, but I would not insist in changing this. I think it is a kind of simplification, the way it is stated now. It could have some amelioration, but I don't have so hard feelings about the current wording. Thank you.

CHAIR SCHNEIDER: Thank you, Netherlands. Anybody else? Brazil and then the U.K.

BRAZIL: Yes. Thank you, Chair. My assessment of the discussion concerning this topic is slightly a bit -- slightly different from what our representative from Iran has mentioned. I don't see that the community or members or participants in the CCWG, apart from the GAC, are totally in favor of keeping the term "private sector led." Actually there were some participants, including board members, that have indicated their support for replacing the term "private sector led" to the term "multistakeholder" which would be more widely accepted.

We as a condition of the participant in the CCWG, we have expressed our support for replacing that term, considering that the private sector led first, it is an outdated, let's say, term. It was introduced the end of the '90s there, so it's something that

we have evolved through the WSIS process, through NETmundial. So I think it's something that ICANN should also observe and we should incorporate that evolution that happened in the international arena.

And second, as it is defined there, private sector led, if you read the whole text in commitment number 5, it says private sector led including -- including the business constituency, I guess, including academia, including civil society. This is something that -- it's a definition that for us, it's -- it's a contradiction actually. Because, for example, in Brazil we cannot include academia in the private sector. So it has a problem of definition there that we cannot accept and that's -- that's why we propose to go to more widely accepted concepts such as multistakeholder, for example.

CHAIR SCHNEIDER: Thank you. United Kingdom.

UNITED KINGDOM: Yes. Thank you, Chair. I don't think this is actually such a critical issue, and I have to confess, I still describe in my briefings and ministers and colleagues and in government ICANN as private sector led because -- and also multistakeholder, of course. But I say private sector led because the policy development usually

ICANN | 54
Dublin
18-22 OCTOBER 2015

resides in the GNSO. We have a role as an advisory committee in advising the board on the policy development. And we will have a newer, more extensive role in engaging with the GNSO on early in the policy development process. So I tend to sort of refer to private sector led for that reason, that I don't come to ICANN meetings to initiate policy as such but to advise the community on policy through this committee.

So I don't know whether some kind of tweaking of the language, multistakeholder, private sector led is one option or some variant of that to reflect that. But it's not a dine or ditch issue, you know. We do have much more important things to grapple with. Thanks.

CHAIR SCHNEIDER: Thank you. Switzerland.

SWITZERLAND: Thank you, Chair. Perhaps we would benefit from comparing what is in the present bylaws and what is being proposed. In essence, what is being proposed by the CCWG and what is also work in progress, as I said before, for the part of the mission statement is a kind of definition of what the bottom-up policy development process is. So this was only very sketchy in the -- in the present bylaws and there was no mention when -- when it

talked about the policy development process, that it was led by the private sector or not. That was not in -- and is not in the bylaws text that exists currently.

So this is a kind of -- this commitment number 5 in the -- in the proposal of the CCWG is a sort of reflection of what is being done nowadays. Or it should be a reflection of what is being done nowadays, how policies are developed in this very special environment which is ICANN. And I think that there is a point of truth in what some colleagues say when perhaps the multistakeholder aspect should be underlined more because that's what we do here. We participate in the policy development process all together and, in fact, the wording of commitment number 5 also includes these words, includes multistakeholder. But it also includes the other wording, led by the private sector. And then it makes definition where for some countries I understand it's a problem because it defines the private sector as including academia and some other parts of the society which in some countries are more publicly sector based, so to say. So to make this long story short, I would say, if we really want to reflect on this commitment number 5, what is really happening, perhaps we should underline more the multistakeholder aspect and in any case, we should include a reference to the government participation in this multistakeholder policy development process. Because that's

the truth. We participate with a quick look mechanism. Without participation and the PDPs, without participation as an advisory council. Without participation in so many workings of this organization and the development of policy. So it makes no sense to not include the role of governments in commitment number 5. Thank you.

CHAIR SCHNEIDER: Thank you very much. Spain.

SPAIN: Thank you, Chair. With regards to commitment 5 and core value 7, we would like to make a couple of remarks. We do not object to the inclusion of language relating to private sector led in neither core value 7 or commitment 5 which reflect -- we think they reflect reality of what's the initiative in the policy development processes in ICANN. But at the same time, we feel it's -- it's important that the role of governments is well reflected in commitment 5. Not only in core value 7. This is why we in our public comments to the second draft proposal have put forward some language reflecting the role of governments in commitment 5. So we would very much like to have this language with -- that really respect the multistakeholder model and the roles of the different actors. Thank you.

CHAIR SCHNEIDER: Thank you very much. Iran.

IRAN: Chairman, perhaps I was misunderstood. I didn't say that the multistakeholder is not important. I didn't say that the government role should not be. I said make it priority where we have to put our efforts, on the community mechanism, on the community empowerment, or on this multi -- the private sector rooted. Spend hours and hours and hours, that may not change the things in reality. I was in favor of multistakeholder, in general. I was in favor of the role of the government, but I said that let us have priorities where we put our efforts. There is some tendency to dissipate our efforts. Someone else may not have priority. Please kindly understand the situations. I was among the people in favor of the multistakeholder role of the government, not anybody being subordinate to the others, but I first just talking of priorities. Thank you.

CHAIR SCHNEIDER: Thank you, Kavouss. I think your message before that was clear and still is clear and also your position on this point. I think -- but I think it made sense to devote 15 minutes each to the three points other than to stress test 18, and we are basically done

with these 15 minutes. We note that on this point there are some divergence of views on this. Many would like to see somehow the role of governments better reflected. At the same time this is not a question of life and death with regard to this particular point. I think that is noted, and I think we can leave it at that for the time being. And we will concentrate our forces and time and energy on the discussion on stress test 18. You can be sure of this for the next session, that we will have on this, which I think is on Wednesday, if I'm not mistaken. Do we have a session on Tuesday?

UNKNOWN SPEAKER: Yeah, Tuesday afternoon.

CHAIR SCHNEIDER: We do?

UNKNOWN SPEAKER: Yes.

CHAIR SCHNEIDER: Excellent. It's a half an hour -- no, it's more. It's twice half an hour and a coffee break in between we can use. So it's actually 90 minutes that we may discuss stress test 18. So we're all of course looking forward to this. I also note that there's a lively

discussion on the mailing list on this one. So thank you for this very constructive 45 minutes that we were looking at the other three bullet points from the fact that nobody else -- nobody raised another bullet point that we should concentrate on. I assume that for the time being there is no other key issue that we should look at. So that's it. It's 1514 so we have a few seconds left, a few seconds left for the colleagues from the GNSO to join us. I suggest we make some room. We shrink ourselves a little bit more together on the table here and invite everybody to take a seat. I don't see Jonathan yet, but I'm sure he will be on his way. So let's take a 35 seconds break without leaving our spaces necessarily and jump right into the next session once Jonathan is here.

[Break]

ICANN | 54
Dublin
18-22 OCTOBER 2015

CHAIR SCHNEIDER: Hello, everybody, including our colleagues from the GNSO. Please grab your coffees and take your seat. What? We are about to start.

So thank you for taking your seats and allowing us to start. So this is the -- our usual meeting with the GNSO. We've got 75 minutes on our agenda and I would just like to give the floor to Jonathan right now walking in, and Jonathan, the floor is yours. Thank you.

JONATHAN ROBINSON: Hi, everyone. Thank you. I'm not going to say much. We've got a short agenda for you that we can come in the next slide of the presentation I think where we can take you through some of the recent work on the -- and an update from the GAC/GNSO consultation group, which Manal will do, on my left. And then we'll talk to you a little about some of the recent GNSO policy work. And in particular really some of the current PDPs and the

use of the so-called GAC quick look mechanism that was developed out of the GAC/GNSO consultation group. And then third, we will obviously hear from you as to anything you would like to raise with us.

So it's great to be with you again, and we always are very enthusiastic about meeting with you and interacting with you and in particular, you know, we feel we've made some really good progress over the last 18 months or so as we've collaborated through the GAC/GNSO consultation group. I think it's brought those of us working on the group closer together, and I think it's enabled us to achieve at least a good start as to what we intended to achieve, which was to get more effective GAC involvement with GNSO policy at an early stage. I know all of us have been preoccupied and to some extent -- well, I think distracted is probably not a fair word but otherwise occupied with all of the work around the IANA transition. But this is the bread and butter work that we talk about here and at some point we'll be back to business as usual and this will be the mainstay of what we do.

So let me hand over to Manal for the first section which is to talk about the -- and we welcome your interaction on this, make no mistake. This shouldn't be seen just as a presentation, to talk with you about the work of the GAC/GNSO consultation group. Go ahead, Manal.

MANAL ISMAIL: Thank you, Jonathan. As Jonathan mentioned, I will share with you a quick status update on the GAC/GNSO consultation group and the current issues that we are discussing within the group.

So if we go to the next slide, please. So the joint GNSO/GAC consultation group was created as per the ATRT1 and 2 review teams, and it's mainly to explore and enhance ways of early engagement of the GAC in the PDPs -- the GNSO policy development activities. So we've divided our work into two tracks, the day-to-day ongoing coordination between the GAC and the GNSO and the GAC early engagement in the GNSO PDP. To date we have a GNSO liaison to the GAC on a pilot project basis and this is Mason Cole to my very right. We also have implementation of PDP issue scoping recommendations, also as a pilot, and we call this the quick look mechanism. And also we received monthly updates in a one-page format highlighting the engagement opportunities. And also there are joint GAC/GNSO leadership goals that are taking place prior to our meetings here to prepare the joint agendas of our sessions and any items of common interest to both constituencies.

So this is where we stand today. As far as what we are discussing for the coming period, if we go to the next slide, please, and this is more of also food for thought to my GAC

colleagues as well and if we have any reactions to those things now, you are most welcome to request the floor. But also we can continue discussing this intersessionally.

So as mentioned, we -- we were focusing on GAC early engagement in the very early stage of the GNSO PDP which is the issue scoping phase. The PDP -- and I stand to be corrected, of course, is constituted of four phases, the issue scoping, the initiation and the working group and the implementation. So what the consultation group was focusing on was the issue scoping phase and how to get early feedback from the GAC flagging whether there are public policy implications. Now we're looking into the remaining stages. We are considering additional engagement opportunities in subsequent phases. We're discussing whether the quick look mechanism should continue into other phases. I mean, we brought this up but definitely this discussion has to take place within the GAC. So this feedback is also important. Should there be specific provisions for GAC engagement, if the GAC is the requester of an issue report, and this is meant to be what if the GAC is the -- the requester of the issue report, should there be any specific engagement opportunity -- like, for example, explicitly inviting the GAC to participate in developing the charter of this PDP or contributing to the drafting activities.

So this is the type of thing we are -- we're discussing. And also, at the end, what if this agreement still persists after the early engagement, meaning that what if the GAC views submitted were not in line with the GNSO views? How can this be resolved, whether there should be some consultation or any other suggested mechanisms.

Also, on our agenda is the review of the GNSO liaison to the GAC, this pilot project. Reviewing the role and functioning of the GNSO liaison to date. And we had the set of criteria and objectives at the very beginning. So this is something also that we should use in our review.

And provide recommendations to the GAC and the GNSO on whether to continue this role as a permanent position starting the next fiscal year. So far, the GNSO liaison to the GAC is a pilot, which we renew every year with the fiscal year of ICANN. So, again, this remains to be seen whether we continue as a pilot or whether we could have this as a permanent mechanism in place.

Also, taking into consideration any improvements or changes that we could introduce to further facilitate our coordination. And, finally, the review of the quick look mechanism itself again from a GAC perspective. So far the quick look mechanism was applied to three PDPs, namely, the issue report on next-generation gTLD directory service and the new gTLD subsequent

ICANN | 54
Dublin
18-22 OCTOBER 2015

procedures and the third we have it on one of the slides. I can't recall it now on top of my head. I'm sorry.

And following five PDPs, we have set five PDPs as an initial milestone where we can provide recommendations on how this type of mechanism is helping us in our coordinating efforts. So during our calls we heard back from the staff and support team. But it would definitely be very useful to hear back also from the GNSO liaison to the GAC, from the GAC itself, and from other parties who are contributing.

Interestingly, on the last call, I heard that the GAC has provided input earlier than what has been foreseen. So -- and this is remarkable, I guess.

So the substantial input was seen to be submitted as soon as the PDP is in place during the public comment period. But, obviously, the GAC submitted some substantial contribution as early as the issue scoping phase. This, of course, was appreciated and welcomed. And this input will be transferred to the working group as soon as this is in place. So, again, this is a bit of how this is -- so far was efficient, in my view.

So, again, if you have any initial reactions to this right now, we can discuss, of course. If not, as I said, you can use this as food for thought. And we can continue our discussions intersessionally and on the conference calls, of course. Again, I

mean, we can have more members who are interested and are active, specifically, in relation to certain PDPs. If people think they can add and contribute to the consultation group, we can look into this as well from a membership point of view.

So I'll hand over to Mason to brief you on the current PDPs and the GAC quick look mechanisms. Over to you, Mason. Thank you.

JONATHAN ROBINSON: Just a thought. Unless we want to take any questions or comments on the work thus far, we could do that as well, Thomas. It may be that people have initial responses or questions or comments before we go.

MANAL ISMAIL: I agree we can do this. This slide is quite dense and has many points that we can discuss, if people feel like it. So the floor is open for any comments.

JONATHAN ROBINSON: Thanks, Thomas. This is Jonathan, for the record. Just a remark, really. I suppose we should be satisfied. We've made some good progress here. As Manal said, the GAC has responded and picked up on the opportunity to respond. These are unique

and new mechanisms. So it's very encouraging that we've got something going from where we didn't have something before. And so I'd just like to speak positively to that.

And that's in spite of all of the other storm of activity in and around the stewardship which it's no secret has been occupying many of our -- many of our own attention, much of our collective and individual attention. So, you know, I'm very positive about what's going on. And, if anyone would like -- even if you're not familiar with what's going on, if you'd just like a question, as Manal said, this is a very dense slide. And, if you're not clear on any aspect of why we're doing what we're doing, what we're doing, by all means, just speak up. But, if not, we can move on.

CHAIR SCHNEIDER: Jonathan, maybe a remark from my side. I would agree this is progress.

Since this slide is focusing on procedural issues, maybe -- and, given the workload that you're touching upon, it may be easier for people to make comment once we have the concrete examples of the current PDPs and so on that we have a little bit of flesh at the bone to see what that actually means in a concrete case. So I think questions will come up. But maybe once we have the substance, that will be provided by Mason. Thank you.

MASON COLE: Thank you very much, Thomas. I'd like to give just a brief overview of where -- could we have the next slide, please. Thank you -- where the GNSO's current policy development processes stand and where the GAC either has an opportunity to contribute or has contributed to this point.

So there are four phases right now that are relevant to this discussion -- the issue scoping phase, the initiation phase, the working group phase, and the implementation phase, all different phases of policy development in the GNSO.

So there are two issues going on in the initiation phase. One is the next-generation gTLD registry directory services, which is what is meant to replace the WHOIS system.

GAC input was received prior to as well as during the public comment period through the quick look mechanism that we established. And that input was incorporated in the preliminary as well as the final issue report.

The counsel now will consider, during the Dublin meeting, whether to adopt the proposed PDP working group charter, which is what actually kicks off a PDP.

And since this was a board initiated -- it's a board initiated PDP, so there's no intermediate vote on initiation of the PDP itself.

Now, in the working group phase, the PDPs that follow now in this phase and in the implementation phase predate the quick look mechanism itself. However, in several of these, there have been -- there's been engagement from the GAC either through individual contributions or through some parts of the GAC. So, on the issue of proxy and privacy services accreditation, comments were received, although it was after the close of the public comment period, on the initial report. The final report addressed all input received and is expected to be published by the end of the year for the council to consider.

The next issue is intergovernmental organizations and IGOs and NGOs and the issue of curative rights. So, following a request for input and further clarification on this issue, input was received from the IGO coalition inside the GAC and the working group anticipates to publish the initial report for public comment later this year.

In the implementation phase, there are three issues. Translation and transliteration. The PDP recommendations were recently adopted by the ICANN board. Various GAC members participated in their individual capacity in that PDP. The issue of thick WHOIS. IRTP, which stands for inter-registrar transfer process, that was divided into parts B, C, and D. That was a very lengthy and complicated PDP. And there are other PDPs that are also currently in the implementation phase.

On the issue of protection of IGO names in all gTLDs, implementation of those recommendations were adopted by the ICANN board while the GNSO is awaiting the outcome of discussions between the GAC and the NGPC on outstanding recommendations to determine whether further action is needed on that issue as well. I believe that concludes the overview. Jonathan or Thomas.

JONATHAN ROBINSON: I'll hand to Thomas to manage any questions or comments.

CHAIR SCHNEIDER: Thank you. Let me open the floor to the whole GAC and also others to ask questions or make comments on these concrete cases of PDPs and where we are in case you have any.

Argentina.

ARGENTINA: Thank you, Chair. And thank you, Mason and Jonathan, for the explanation.

As you may know, we are working in an internal working group in the GAC about how to deal with geographic names and other community names in next rounds of new gTLDs. Basically, what we want to avoid is we want to diminish conflict and diminish

ICANN | 54
Dublin
18-22 OCTOBER 2015

uncertainties for both applicants, businesses, communities, and countries. So, from this slide, I understand that the -- this is the new gTLD subsequent procedures. Is that the PDP related with new rounds?

And, if that's the case, we should perhaps interact with our working group within the GAC. Is that the space to, perhaps, start the interaction in sharing some information that we have gathered from the working group? Would that be fine?

JONATHAN ROBINSON: I think it's essential. I think we would welcome the opportunity. I think it's vital that we work with you on that sort of thing. So, yes, we'd love to have you, if that's the question, participating in that and feeding any input into that working group, in particular, because, yeah, that would be very useful.

I think it's -- in a more general sense, it would be very good if we could coordinate you on any work like that, A, by knowing what's going on, and, B, making sure that any related work that's being done is coordinated. I don't know if there's anyone -- we should make this not only -- I mean, there's members of the GNSO here as well who would like to speak to specific points, either someone who is working -- who worked on the preparation work of the new gTLD subsequent procedures or who is working within -- there's a Cross-Community Working

Group, as you know, working on a related area. And so, if anyone would like to comment or make any points, please do.

ARGENTINA: Thank you, Jonathan. Just would like to clarify, the Cross-Community Working Group on country and territory names has a different focus related with the GAC working group. The GAC working group focused on those names that are not in any list, an outside formal list of ISO or United Nations or other lists that could be used for law enforcement or reconsideration.

So the GAC is a member of that working group, which is fine. But the work of the internal GAC working group, it's focused in a different issue.

What we want to avoid is the level of conflict that we had in the first round by those geographic names and city names that were not in lists as established in the first round of the Applicant Guidebook.

So, yes, we are aware of the working group. But this is a different issue.

MANAL ISMAIL: I'm sorry. This is Manal, for the record. Just to set the record right, the previous speaker was Olga from Argentina. Because

ICANN | 54
Dublin
18-22 OCTOBER 2015

the transcript didn't get this right. So this is just for the record. Thank you.

CHAIR SCHNEIDER: Thank you for this clarification. I see the U.S. and Iran. U.S., please.

UNITED STATES: Thank you, Chair. And thank you, again, to Jonathan and Mason and, of course, to Manal, our very own cochair of this particular joint working group with a personal expression of some apology for not being able to make some of the more recent calls due to the pressure of other work and other priorities. But I'm very grateful that you've come in to refresh the record for us as to what is currently pending and what is before us. And I think it's a useful guide. I don't know that we've got particular time allocated on the GAC agenda, but would urge us to try to work it in. It, I think, could be very helpful to us in looking at our own existing working groups and workload and then maybe doing some tweaking, if I may suggest, so that we are ensuring that the GAC has a platform upon which we can then develop positions to feed into these. So not all of our working groups fit some of these particular topics.

ICANN | 54
Dublin
18-22 OCTOBER 2015

In terms of next-generation WHOIS, we, obviously, have the public safety working group sort of already taking ownership, if you will, taking leadership for us. But, on the next round of gTLDs, I think it covers a variety of issues sort of beyond geo names and a lot of things.

So I think this is very helpful for us to think through about our own working methods and how we might start to gear up once we survive the current sort of workload pressure and we look ahead. We make sure that we are properly situated and prepared to feed into the GNSO PDPs as the ATRT1 anticipated.

So I think you're right, Jonathan. You're very gracious in characterizing we have made some good progress. But I have I a sense there's a lot looming ahead of us and that we, the GAC, may need to rethink how we're going to prepare for that. So thank you again.

JONATHAN ROBINSON: Thank you for that. So, just to be clear -- it's Jonathan for the transcript. We -- that new gTLD subsequent procedures, I think that's -- that the issue report, which is the scoping document for the prospective working group is open for public comment now. And we'd love any feedback into that issue report. And then, of course, any substantive work coming into the work of the

working group that is then likely to follow that. So both are desirable and would be welcomed. Thank you.

CHAIR SCHNEIDER: Thank you. Iran.

IRAN: Thank you very much, Jonathan, Mason, and Manal for the good work you have done. We apologize we will not be able to participate in one way due to other ICANN engagements that we have. I hope we will be more participating in the future. And thanks, Olga, for raising the questions of the cooperation among the two groups. In fact, even without raising that, nothing prevents you from communicate even to make this in order to avoid applications or in order to improve that. But thank you very much. I think that question, I think, are good things, good parts. But I hope that, after the workload is slightly diminished, we could further participate in the group. And we wish once again to join Suzanne to express our sincere appreciation for the work you have done. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. I'm not sure everybody is familiar with that terminology used -- for instance, new gTLDs subsequent procedures is a very nice term that I'm sure everybody in the

ICANN | 54
Dublin
18-22 OCTOBER 2015

room knows by heart what that means. So that sounds like a very, actually, key issue that you may quickly want to explain and, in particular, also the timeline. We note that there is a public comment period that -- I'm sure that this is a key, the next round, of course, is a key element where we spend lots of time discussing concerns that we had or keep having with regard to the first round but where we would like to give input at whatever stage on recommendations or advice on how to do things maybe differently, hopefully, better in a second round, also things that we may have liked and we would encourage to be done the same way as before.

So this is a key issue for us. And we should not lose the opportunity to comment on this. Although, for the main reasons, you know, we have been slightly hijacked by some issues in the past. And, depending on how this meeting will go, that may continue for a little while. Hopefully, not forever.

But it would be good to know -- to get clear information and understandable information for an average GAC representative that they realize what this is about and what the timelines are so that we can easily assess that something is important.

Of course, that's also not just addressed to you but addressed to us as a leadership team and also addressed to the GAC side of the GAC/GNSO consultation group that we help to translate this

special language to something that is easily understandable to GAC members and so that we realize, okay, this is something fundamental, this is something important. We need to devote the necessary attention and resources, if we can, to it. Thank you very much.

JONATHAN ROBINSON: Thanks, Thomas. It's Jonathan. Let me make a couple remarks then to try to and, perhaps, turn this into more plain language and be clear. Of course, we've had all the new gTLD program. And we've had all the new gTLDs go live and all the issues that have gone on. What the GNSO -- and, in fact, baked into that original program was some kind of -- was a plan that future rounds could occur and, in fact, should occur.

What the GNSO did is said we owe it to ourselves and the broader community to do some detailed review of the program. So we formed a group that we called a discussion group. There isn't a formal guideline for what a discussion group does. But the discussion group came together and analyzed and looked at as broad as possible a set of issues that came out of that and really tried to compile all of those. We took the output of that discussion group and fed that into the next part of the PDP, which is the creation of the issue report.

And what the issue report sets out to do is then scope the formal policy work that will take place in the GNSO. And that's what you have before you at the moment.

And ICANN staff prepared issue report based on the output of the GNSO discussion group. This really sets out the perspective scope of policy work for any future rounds of new gTLDs. It doesn't specify the timing of when that might occur, but it does seek to look at the range of issues.

And so, in a sense, what you would be looking at amongst anything you choose to look at would be does this cover the range of issues that you would like to see covered in any future policy work? And, if it does, well and good. If it doesn't, we'd like to hear from you via the public comment period on the issue report saying, well, you are missing A, B, or C. And that's really at minimum what we'd like to hear from you, I think. So I hope that's helpful to add something.

CHAIR SCHNEIDER: Thank you. That's helpful. What is the deadline again for this initial opportunity to comment, if you could just quickly recall it? End of October or --

JONATHAN ROBINSON: October 30th.

CHAIR SCHNEIDER: October 30th. I think that leaves us with 12 days to use them.

And yes. Any questions, comments in addition to this? Yes, U.K.

UNITED KINGDOM: Yes. Thank you, Chair. And thank you, Manal, Jonathan, Mason, and all the team on the GAC/GNSO consultation group, which I've contributed a little bit to.

I think it's good progress. This is a step change for the GAC. It's early days. But the experience so far, I think, is indeed, very good. But there is more work to be done in the consultation group as we probably are kind of in sync with these PDPs that are on the move now. The GAC will need to consider how it remains engaged in the working group phase for these PDPs. And we've had some thinking in the consultation group about that and the role of the liaison in the person of Mason I thought was quite important.

For example, you could conceive of a situation where the GAC has provided input. And that might be -- not fit so easily with the working group range of issues. And so how do you reconcile that? And it's important that there be some kind of mechanism for doing that. And, as the PDP progresses, the work progresses and matures and new issues come to light, there's also the

ICANN | 54
Dublin
18-22 OCTOBER 2015

possibility of the GAC wanting to communicate new angles to the issue at the heart of the PDP, which had not been apparent in the early phases, at the quick look phase and so on.

So this will come with experience, no doubt. But it will be good for the consultation group to anticipate that. And our own GAC working groups, as we've -- as Olga has mentioned and you've got on the slide there, the GAC public safety working group have a means of focusing GAC involvement within their -- within the remit of these particular working groups and how that might then become more, actually, concrete in terms of how the working group proceeds. Because I -- if I understand correctly, there is a member of the GAC public safety working group now involved in the working group, the PDP working group.

So that's an example of how this is starting to get into -- embedded into the GAC modalities in a concrete, effective, efficient way, which is how we always envisaged early involvement in policy development being realized. So it's -- that's good.

We, in the consultation group, will need to see how we continue to build on this progress and enhance mechanism. So the more colleagues who can join it and share thinking and bring ideas to the GAC/GNSO consultation group, the better.

But I think that those are the points I wanted to mention so far. Good progress all around. Thank you. Look forward to the next PDP issues paper coming down the track at some point. Thank you.

CHAIR SCHNEIDER: Thank you. I think we have Thailand. And then Olof would like to add something. And then we propose to go to the next slide. Okay. That's -- all right. So Thailand, please.

THAILAND: Wanawit, for the record. As we participate in the PDP all the way to the implementation phase -- and thanks for the liaison teams and the teams working for coordinate.

But I'd like to raise the issues that the way that we need to engage, the GAC is -- I think the topic sometimes -- even I reread it through, like review of RPM in all of gTLD, I don't even know what it is. How could you communicate to the GAC? And I think in most of the case when we see the working groups, if you have the GAC participate and have a sense of belonging that they are the one that need to catch up with the PDP, brief the GACs, I think that one of the things that I do believe that it's need that kind of mechanisms. It's not like point a finger that this country can be responsible. But how could we have informal ways? Is it

possible to have the head of the working groups in the GNSO catch up with the GACs and then get to know each other? And then we -- I think that's how I participate. Because I know who is the chair, who is working, what are the topics? And so in case one is not reading the document that's sent for GNSO only, how could we have more interactions of the team, of the people to know who is running what? I think that is what I'd like to propose. Thank you.

JONATHAN ROBINSON: Thank you. I think that's a very useful concrete suggestion. I would like to give the floor again to Manal to continue with the slides. Thank you.

MANAL ISMAIL: Thank you. So -- and thanks to all my GAC colleagues for their interventions which paved the way nicely to -- if not even covered our last slide of this presentation.

So, if we go to the next slide, please, we thought it might be also helpful if we do the same exercise for the GAC work as it is relevant to the GNSO. So the quick look mechanism we already -- the next-generation gTLD registration directory services for this PDP, the quick look mechanism has already delivered input. For

ICANN | 54
Dublin
18-22 OCTOBER 2015

the new gTLD subsequent procedures, the quick look mechanism input is currently in preparation.

And, for the review of rights protection mechanisms in old gTLDs, this request has just been received by the quick look mechanism committee. This is as far as the quick looks page is concerned.

If we move to the following steps after the -- no, I mean -- after the quick look mechanism, we have the next-generation gTLD registration directory services. For this the public safety working group, as mentioned by my colleagues, has already been assigned to follow up on this topic. And, for the new gTLD subsequent procedures, again, as Jonathan also mentioned, this is currently under discussion. It's also under discussion from the GAC side. And it's not clear yet whether this is going to be attributed to one of the current working groups, we need new structure to it, or how things will be followed.

Finally, regarding other threads, we have the proxy and privacy services accreditation. And again, for this, also the Public Safety Working Group has already provided comments on the initial report. For the protection of IGO names, there is a small GAC working group working on this, and for the translation and transliteration, I know GAC members have individually participated to this, and I particularly recall Thailand in that

respect. I understand you have already been active within this PDP.

Again, the spec 11 security framework, also the Public Safety Working Group is involved in this one as well.

And finally, the geographic names and the three-character codes which we have been briefed on it this morning. There is the Cross-Community Working Group on use of country and territory names as top-level domains. And the GAC working group also -- I'm sorry. I went blank.

So, again, those are the different PDPs from the GAC steps and phases.

So we thought if we look into the different PDPs from both views, the GAC and the GNSO, it would have been helpful.

So, again, as soon as the -- as soon as the alerts come from the GNSO to the quick-look mechanism and the reply goes back to the GNSO flagging the interest of the GAC in this, if we have an established working group that could assume responsibility and follow on the task, this already takes place, like we have done with the Public Safety Working Group. If not, the GAC looks into and considers whether we need to establish a new working group for this or not.

So with this, I'll hand back to Jonathan for any other business, or maybe Thomas?

JONATHAN ROBINSON: It's Jonathan, for the transcript.

Just a quick response to Wanawit's suggestion. I think that was an interesting idea, and maybe that could work where, when and if we have new working groups that are commissioned or about to get going with their work, we could invite the working group chairs perhaps even to this session to give a brief, you know, five-minute pitch or description of their work and see whether that made sense for -- you know, to further encourage any participation.

So that seems like a good idea, because it has a twofold benefit. It would make sure that the person leading the work in the GNSO would actually be able to present the work. And so you got it firsthand. And also gave the opportunity to, in that sense, advertise the work of the working group and give the opportunity for anyone from this group to participate should they see fit, even if that is understood to be only on an individual basis.

Thank you.

CHAIR SCHNEIDER: Thank you. I think this is a very good proposal, and that brings me actually to a remark. We are still very much focusing on process in our exchanges that we have and very little on substance, which is important, but we should get to a stage where we have passed the process development phase in how we engage with each other, and I think we are on a good track there, and we should start spending more time on exchanging actual substance and, for instance, I take this also as something that is in the responsibility on our side of that consultation mechanism that we should be more clear who is doing what, who is working on what that you know from on our side, who are the GAC leads, and we know from your side, who are the chairs of the working groups, what are the key issues.

And with regard to the relevance of our work, if you look at our agenda, you have basically every second item is relevant to at least -- well, the accountability -- if I take off the accountability, it's almost everything tha we do that is related to one of the -- of your PDPs that are ongoing; in particular, the one with regard to the next round. And of course also that includes the review of the current round where most of our issues, including two-letter country codes, three-letter country codes, IGO protection, and all these issues will continue in the next round.

So I think we should really speed up our, let's say, process development and terminate our process development process

ICANN | 54
Dublin
18-22 OCTOBER 2015

very quickly and then start to actually engage in a way that it's also, as I said before, sometimes I have a feeling that for GAC members who do not have that many resources, that they don't see the substance in the process discussion anymore. And then, of course, they lose interest. They go on other issues where the substance is more visible.

So we really should do our best to make this work and these exchanges as easily accessible and as concrete as possible. So I'm quite happy to see that we seem to have a process that seems to be in place and work. And I think we should, from our side, see that we can expand our team that is part of our GNSO -- GAC-GNSO Consultation Group in order to have more resources and more channels to transmit substantive information.

And just for your information, we will -- we have started to deal with some aspects of reviewing the first round and discussing about elements that are important to the GAC for the second round. And this is a key work that we will now continue to discuss here in Dublin with a view to, hopefully, contributing substantively to the -- before the end of the month to the subsequent procedures working group or issue. This is one element. So I think we should really go from process to stance, and that would be extremely useful, I guess, for both parties.

Thank you.

JONATHAN ROBINSON: So thank you, Thomas. I can't help but agree with you. It's time to move on now. We can easily pick up and focus more on substance, and I think that will be very useful to do.

We did create the opportunity within this agenda, there are really two more things. One is any update on -- any further comment on the GAC activities. And then under any other business, I thought there's really -- I guess we could give you a brief comment from David on the work on the GAC communique, and any other areas that anyone would like to comment on or question on.

CHAIR SCHNEIDER: Thank you. I think you see quite a lot of the areas that GAC is working on on this slide. Others have been mentioned. Since we can't go into detail on anything, I wouldn't repeat them, but if you have a particular question on an issue that we've working on that you've heard today or you may not have heard and you wonder whether we are working on something, of course you're free to ask and comment.

I think one issue be we would benefit from your deliberations, and that is actually on the agenda, is, of course, to it hear from you, spend some time hearing from you and your views on how

to apply the new meeting structure and what you plan to do. So this is something that I am sure because we will have that discussion on Thursday. So we would be very interesting in hearing from you about a new meeting structure. I think this is one of the key elements that I think we should exchange on, that would be of interest from our side to hear.

JONATHAN ROBINSON: That's a good point. That's Jonathan. We do have some work going on on that, and, in fact, we -- what's critical to that work is clearly there's one of those meetings that's substantially different. The others are potentially a little different. And in fact, it was something that we've done some working, thinking about how we will do things. And what's become increasingly apparent, which is implicit in what you just said there, Thomas, is that this is not something that we can do in isolation. In fact, we raised it at our meeting with the ICANN Board today and highlighted to them that this was some work going on. And I believe that there is a meeting scheduled by the ICANN meetings group led by Nick Tomasso to try and do some coordination on this after ICANN 54 here in Dublin.

And so we're certainly aware of that. We can certainly link up with you on both our initial plans and then to talk with you about how those initial plans might dovetail with yours. And it

does seem that this is going to have to be something which is done in an iterative way because we work -- we have our own views as to how to make best use of that. "We" as in the different SOs and ACs. And then somehow we need to come together and formulate a collective plan.

So in one sense, it seems that there's quite a long time to sort this out. But, actually, when it comes to marrying up the different proposals with how to deal with that new structure, actually it is timely to get on with it now.

So we recognize that and are happy to coordinate and communicate with you on that.

CHAIR SCHNEIDER: European Commission.

EUROPEAN COMMISSION: Thank you very much, and thank you for the presentation. It's Megan Richards from the European Commission for the record.

I wanted to ask you. And don't worry, I'm not going to ask you the details or to describe anything, but on translation and transliteration, could you point us in the direction of the GAC member who is involved so we can ask our more specific and

detailed questions to them? I don't want to bother the whole group with it.

Thanks.

MANAL ISMAIL: Sorry. This is Manal for the record.

So European Commission is asking about GAC members who are active in the translation and transliteration PDP. So if you want to comment on this.

THAILAND: Yes, it is Thailand, that we participate since the very early day, or even the first meeting, I think, we just ran into the meeting rooms. In fact, I think it was just coincidentally. We just interested in that topics, and we engaged since then because we do see the issue that might relate to the public policy for the non-Romanized country. And we also bring in China and the other country as well during the comment periods. That how it start. And we do see the benefit because, like I told this morning, from the final reports, there have been known some of the issues that we make the comments. Even though the recommendation were not in the same as we having point out, like whether it's translate is mandatory or not. It's okay anyhow,

but we just raise the issues that we concerned about the cost, how it should be done, and all other relevant.

So it will help if finally is need for the implementations or if may need GAC advice in the future, I think we have some ground. And we understand the subject, I think. It's what we contribute at times there.

CHAIR SCHNEIDER: Thank you very much, Thailand.

Any more questions?

UNITED KINGDOM: Yes, thank you, Chair. It's just a suggestion, but this slide is quite useful. It gives a good account of current work in progress. And maybe this could be expanded into -- not into a huge document but like a one- or two-pager sort of bulletin that would issue from time to time so that you can track progress of individual issues as they go through the quick look, and then on to issues and into working groups and with active GAC participation. Just some sort of a central information. I think it would be very useful for us, and also for newcomers into the GAC, so they can see something they would want to connect with, perhaps.

Thank you.

CHAIR SCHNEIDER: Thank you. I think this is a useful suggestion that we have taken note of.

JONATHAN ROBINSON: I think it would be useful perhaps for you, but certainly for us. I mean, so in both directions it may be useful.

CHAIR SCHNEIDER: Any further comments or questions?

If not, I think we would really like to hear a little bit more on how concretely you -- if you are already there, because we are not there yet, on how you plan to organize in particular the B meeting for next year. If you have concrete plans that you can share, that would be -- would be helpful. In particular, this community day and whether you have any concrete ideas on that, and maybe questions like what elements of the meetings that you used to do in every meeting are you considering of not doing in the B meeting? For instance, questions like that, because we will have to ask these questions on Thursday. And as you say, it's timely because we need to know now how we will conduct the "A" meeting in relation to the "B" meeting, and so on. So whatever you can share with us at this stage of course would be helpful.

JONATHAN ROBINSON: This initiative is being led by vice chair in the GNSO Council, Volker Greimann. Is Volker here?

It sounds like no. Is anyone else willing or able to talk to this? It would be useful. It nice to have participation from someone other than from the front table.

We have a skeleton schedule that we've been working on which we can share with you. I think that's probably the best way. We can share that via the secretariat and show where we've got to and the kind of thinking we've got, and that we can do as a starting point. And at least then it will be great because you're aware of where we've got to on that as you start your own deliberations on it.

CHAIR SCHNEIDER: Of course, we'll continue. I think this is an issue. You know, there is the SO/AC leadership calls that we try to have, and I think this is an issue that we can put out for the next few months. Maybe not regularly but from time to time. So thank you.

Any other business under any other business?

ICANN | 54
Dublin
18-22 OCTOBER 2015

DAVID CAKE: I just wanted to very briefly mention that we -- as I mentioned at the last meeting, we, the GNSO, have decided to issue to issue a response to the GAC communique.

(Audio problem)

...is informed by, you know, specific comments from the GNSO (indiscernible) general sort of assumptions. So it's simply to better inform the board. But because it is about the GAC communique, we are interesting to hear, you know, whether or not it is useful to the GAC in any way, and whether or not you think, you know, our format is sort of appropriate or whatever.

Basically, it just simply -- all I want to say is to make you aware that we have done this. It's the first time. We are still feeling our way as to whether or not how useful a mechanism this will be, and we had some discussion with the Board today. But if you have any feedback for us, formal or informal, on that, whether -- how the GAC feels about that mechanism, that would be welcomed. And we are still sort of working out how we will use this mechanism in the future.

That's all, really.

JONATHAN ROBINSON: Thanks, David.   So that's David Cake for the record.   It's Jonathan Robinson speaking now. It's myself, Jonathan, now, not Thomas.

Yes, we spoke with you about this at the previous meeting.

Essentially you produce a communique, as you well know, at each meeting, and we felt it would be valuable to the Board and to ourselves and possibly to you if we look through that communique with a particular lens. And that lens was to say is there current or prospective GNSO policy work either --

DAVID CAKE: Or past.

JONATHAN ROBINSON: Or past, that's true. Past, current, or prospective policy work in relation that has gone on or will go on directly connected to that communique.

So it's an attempt to, yet again, lock in the work that you're doing and that we're doing at any given time and make sure that we don't -- we don't sort of bifurcate in the way in which we're working and separate in work in parallel but on connected tracks.

So there's -- We're trying to do this at various levels, and this was another constructive suggestion that we had received and decided to take up upon. And we did that for the first time based on your communique at the last meeting, and propose to do that in future meetings as well.

Now, to the extent that your communique doesn't have any content in it that touches on past, present, or future policy work, I would expect we would not say anything, but to the extent that it does, we will make every effort to communicate that to the Board and copy you in so that the loops are closed in the various ways. And, as I say, we don't sort of end up separating, and keep our working relationships tight and coordinated.

So that's it. It's as much and as little as that.

Thank you, Thomas.

DAVID CAKE: Just to add to that. We were not leaving out the possibility we may offer some detailed response to the Board explaining how we feel our -- appropriate way to handle it within our policy processes, and so on. But we're not guaranteeing we will do that. It's simply where -- it's an evolving mechanism.

CHAIR SCHNEIDER: Thank you.

If you have comments or questions on this item, which, I'm sorry, I forgot that we tabled this, and it's very good that we table this, please feel free to make comment.

I'm actually right now relooking -- I have been looking at this before but I have been reading so many papers that I needed to relook, and I actually think that the information that you've been given at the end of June, so quite soon after the meeting, is really useful in terms of knowing what you are doing on the issues. It gives factual information on your processes and what is going on, what has been done, what is planned to be done.

So I think that this is useful information that we should also, yeah, benefit from in our deliberations.

JONATHAN ROBINSON: Thank you, Thomas. It's Jonathan.

So we deliberately tried to do a very structured response with that in mind. So thank you. And I do know and understand, and we know and understand because we're in the same position, how much of a flow of information.

As I said at the outset of this meeting, and maybe this can be a closing remark, in essence we hope to get back to business as

usual at some point where we work together in an effective way using the tools that we've developed over the last year or so in managing a constructive flow to and from the development of policy-making work, and in so doing, demonstrate and live effective use of the multistakeholder model.

So thank you. I'm glad you appreciate it, and we'll welcome any comments that might refine or improve that.

CHAIR SCHNEIDER: Thank you.

So if you have any comments on this document that we are discussing, then please. We have a few minutes left so you're free to make it.

If not, I have nothing else for the time being to add than to thank you for coming here.

I don't know whether you have other businesses with us now.

JONATHAN ROBINSON: I think -- I think that's it. That was what we hoped to raise with you, and it's been a useful exchange. And we take away some very constructive comments, and also your feedback that substance is important, which is consistent with the point that I was making about sort of business as usual.

ICANN | 54
Dublin
18-22 OCTOBER 2015

So, yes, thank you very much. And we look forward to continuing.

MANAL ISMAIL: Thank you, Thomas. This is Manal.

Just to add my thanks to my GAC colleagues on the consultation group, to Jonathan, Mason, and David, and other GNSO colleagues who are participating with us, but also to thank Olof and Marika and the ICANN support for the enormous support they are giving us and for the excellent presentation. They helped in putting everything together very structurally. And also Tom for assisting us with the quick-look mechanism committee throughout the past period. So thanks to everybody. Thank you.

CHAIR SCHNEIDER: Just to join the thanks, and thank you for coming here. So that means we have four minutes more than a 15 minute coffee break.

JONATHAN ROBINSON: Maybe you can thank us most for that.

CHAIR SCHNEIDER: Okay. No, no. There's more thanks.

All right. So this is a coffee break. We will meet again at 1645.

We have a 45-minute slot for the ICG. We are quite confident we won't need this all, but I have got requests that we should continue to discuss stress test 18 -- stress test 18, you know what that is -- today. So we will use a part of that time for discussing stress test 18.

Yes, Iran.

IRAN: Thank you, Chair. I concur with you, you may need five minutes for ICG only.

Thank you.

CHAIR SCHNEIDER: Thank you.

[Laughter]

[Coffee break]

CHAIR SCHNEIDER: It is time to resume the meeting. So please do take your seats.

And we need to continue with our agenda, so please take your seats.

The next item on our agenda is item number 14. And we'll start with giving the floor to those who have been able to follow on our behalf the progress in the ICG. I would like to start with Manal as one of the five GAC members in the ICG to help us bring us up to date on the latest developments and also outstanding work that needs to be fulfilled. So thank you, please, Manal, to start.

MANAL ISMAIL: Thank you, Thomas. So, as colleagues may know, the ICG has met here in Dublin yesterday and today and will reconvene again on Thursday and Friday.

We've been working on an inventory of implementation activities. And this has been coordinated through the three operational communities. We're working on a summary report of the public comments received during the public comment period. The report would comprise three different parts -- statistics and the approach followed in handling the comments, and then the major themes that were received.

We have received 157 comments from wide variety of stakeholders.

The issues already agreed about, and the ICG knows the answers for those issues. But the community feels this was not clear enough in the proposal. This is going to be edited directly in part zero of the proposal, which is the ICG report that is attached to the proposal.

Other issues that need answers will be forwarded -- have actually already been forwarded to the three operational communities.

And, as soon as we receive all the comments again, we ask them to advise whether those could be edited directly in the ICG report ICG or need to be edited in the different operational communities, individual proposals. Because, as you may guess, the latter may need another round of public comments. So this has been working closely with the operational communities.

ICANN | 54
Dublin
18-22 OCTOBER 2015

And, finally, the third category of comments received were comments objecting to the whole transition idea or -- I mean, comments that do not require an action such as comments opposing to the whole idea of the transition, which is, I mean, too late to raise this and to have an action in relation.

The main major themes received included jurisdiction of the PTI, the root zone maintainer timeline and dependency with the CCWG proposal, the IANA IPR issues, of course, as well as direct responses to the ICG questions in relation to the ICG RFP criteria and the NTIA criteria.

Of course, following this exercise we're looking also on the transition proposal and updates to part zero of the proposal in reaction to the public comments received and the replies received from the operational communities.

Moreover, we're also discussing the ICG role, if any, during the implementation phase. And there are ongoing discussions whether this should be also discussed in cooperation with the operational communities. Also the ICG timeline and the way forward giving the CCWG dependency, this is also a topic that was discussed today. And the tendency is to continue to advance the proposal as planned aiming to make as much progress as possible and to highlight the interdependencies throughout the proposal and issue a status update by the end of

ICANN | 54
Dublin
18-22 OCTOBER 2015

this week and continue, of course, to follow the progress and wait for further developments.

And, finally, I would encourage colleagues to attend the engagement session tomorrow, 12:00 to 1:00 immediately after the accountability discussions in the auditorium where the opening will take place. I have to say that I did not get the chance to coordinate everything with other colleagues. So, please, if they need to add anything or correct anything, feel free.

Thank you.

CHAIR SCHNEIDER: Thank you. So the question is to other members, do you want to add something to the information that has been given to us by Manal from Egypt? If that is not the case, are there any questions that GAC members would want to address to our members that participate in the ICG?

If this is not the case, maybe just a quick question. Is there any action or reaction required from us as a GAC with regard to the ICG for the time being? From what I read, this is not the case at this time. Do I get this right? Okay. I see Manal and everybody else nodding. So --

MANAL ISMAIL: Yeah, probably would speed up the accountability.

CHAIR SCHNEIDER: Okay. Thank you for this valuable input. So I don't see any hands up. Yes, Indonesia.

INDONESIA: Just further question. Because ICG looks after the meeting for transferring IANA and so on. Yesterday Fadi mentioned about the -- some worries about the timeline of the transfer. Currently, the U.S. has delayed the transfer for one year and with an option of another three years. I just want to know what the ICG thinks about that. Can you finalize this in one year or three years? Because, otherwise, if there is no idea -- if there is no -- there should be at least asked why U.S.extended another three years, option of three years. Although this extends one year, there is an option of three years. There should be a reason why they would like to put option in three years. My feeling is that there are some people who don't believe that it can be finalized in one year. And so there's an option of three years. I want to know how the ICG thinks about that. Thank you.

CHAIR SCHNEIDER: Thank you. I think that was a rather theoretical option. But let me give the floor to Manal who was first to raise her hand to answer your question about the timeline in regard to the ICG.

MANAL ISMAIL: So from an ICG perspective, as you may know, the final proposal is comprised of three different proposals from the three operational communities. Specifically, the names proposal is dependent on the accountability proposal. So they have some accountability measures that need to be taken care of and considered in the final accountability proposal. So the ICG committed that, by the time the accountability proposal is ready, it will communicate with the names community to make sure that their accountability requirements have been met. So this is the only thing pending from an ICG perspective.

CHAIR SCHNEIDER: So that means that the ICG is basically ready and just needs to wait to be able to fit in the accountability elements that are needed. So, from an ICG point of view, there's no reason to extend the timeline. I had the EU Commission.

ICANN | 54
Dublin
18-22 OCTOBER 2015

EU COMMISSION: Yes, thank you very much. This is Megan Richards, for the record, from the European Commission. I just wanted to clarify the facts based on what Indonesia just said.

The contract that existed between the NTIA and ICANN was foreseen to end on the 30th of September 2015. But that existing contract had a clause which said it could be extended by two years and by another two years. So for a maximum of four years.

So the fact that NTIA extended it by one year wasn't a question of delaying anything. And so the word "delay" is perhaps not the best one to use in this context. Certainly, the contract was extended by one year. It could have been extended by two years. That's what the contract said. It would be an automatic extension of two years. But they only extended one year to allow all of us -- the community, NTIA, the U.S., process and everything -- to take its place and to -- it was expected that that one-year extension would allow everyone to carry out the work and the contract could end by then. So I think it's really important just to clarify those aspects.

So this recent extension of one year was not an extension and another three years. The existing contract foresaw a 4-years extension. And, in fact, it was only extended one year. Just to clarify things.

CHAIR SCHNEIDER: Just to add to that, I think the NTIA asked the community before extending how long it would think that it would take to complete the ongoing work. And after the -- based on the feedback that it received from the community, that 1-year extension was decided.

Anybody else who wants to comment or question on the ICG update that we've received?

If that is not the case, then let us continue and spend some time on the accountability work, in particular, stress test 18 as has been requested that we devote some time, I think. Let us use this time. So the floor is yours, whoever wants to come in, continue our discussion from yesterday. You're welcome.

Maybe to help you catch up, we have heard yesterday a few views and opinions expressed by a number of GAC members. And we seem to have a disagreement on the usefulness or necessity of stress test 18, including the rationale that is supposed to explain that necessity. And we also seem to have an agreement on the proposed outcome or consequence of stress test 18, just to wrap up. And we need to try and figure out a way that the GAC may come to an agreement or shared view on stress test 18 and its outcome. That is the aim that we're trying to pursue here. And I'm very happy to do all I can to

facilitate that process together with you and with others that may join me in facilitating this.

So who wants to start? Yes, Iran.

IRAN: Thank you, Thomas.

I think we need to carefully read what is currently in Article IX, section 2. In paragraph J, it mentioned the advice of the Governmental Advisory Committee. And go on up to the end.

What is a stress test 18, which may not be translatable in some other languages rather than contingency tests, is to categorize the advice in two categories. Advise with consensus and advise other than consensus. And they want to put everything in the bylaw relating to the actions to be taken by the board if it does not agree with the advice of the GAC to get into the discussions with the GAC, try to find a workable solution. They want to limit this action only to the advice that is made with consensus. Other type of advice they want to put it aside. So this is the main difference.

Currently, the issue is ownership, is wide, may implicitly applies to the whole advice. But they want to say that actions of the ICANN to get into the consultations and agreement and

consultations with the GAC is limited to only those advice which followed by a consensus.

And then consensus they have to follow the consensus that it is in our principle 47. But some colleagues -- I don't want to name -- they mention that abstention is not a neutral idea. It might be taken as objections. So this is a very, very critical issue. We should be very careful with respect to that. If everybody agrees that this new wording of the stress test 18 is acceptable, you can go with that one.

But there is another element in stress test 18. And that is they provide some instruction to us saying that in future we may change the principle 47. I personally don't think that we need such an advice or instructions. Every community or every SO and AC may at any time change its operating principles. So there is no necessity for that.

The third issue, some people want to put stress test 18; but they should not associate that with the stability, security, resiliency and robustness of the DNS nor to be captured by a particular SO and AC. They want to change it for some other purposes. So they should not associate it with this.

So now it is up to you to have your meeting to see whether you want to categorize it with your advice or your advice of GAC or you want to make it general as it is in the principle 47.

I would like to add a risk in the future that this may come that in future that some people come to the GAC and by motions they change the principle of the 47 to other operating principles. And then easily they go from the consensus to the simple majority or supermajority so on and so forth. So we should be also careful of the consequential changes or consequential problems that may exist in future. All of these issues should be taken into account to go into one way or to other way. Thank you.

CHAIR SCHNEIDER: Thank you. Just to flag to you that you all have these texts now on hard copy. And the most relevant parts will be displayed also on the screens we see behind us.

I have Paraguay and Denmark next. Paraguay, please.

PARAGUAY: Thank you, Mr. Chair. Three things very quickly. Number one: Paraguay explicitly opposes string test 18. Basically, we don't see the need or urgency or rush to amend the bylaws Article XI, Section 2, Clause J.

And the third thing we don't understand why GAC, that is governments, should act immediately based upon the CCWG request. Thank you.

CHAIR SCHNEIDER: Thank you, Paraguay. Denmark.

DENMARK: Yes, thank you. It's a brief comment. It is certainly our understanding that it's the Board's responsibility to duly take into account all GAC advice, even the advice that is not supported by consensus.

                       Thank you.

CHAIR SCHNEIDER: I have Spain then brazil. And you are not Vietnam, I suppose. Chile. Okay. And Australia and China.

                       Okay.

                       So Spain first. Thank you.

SPAIN: Thank you. I'd like to chime in in the comment made by Kavouss that told us that the intention or the outcome of the stress test 18 could be to establish two kinds of GAC advice -- the one that can trigger the bylaws consultation procedure and the one that cannot take -- cannot trigger it.

And I think that, when principle 47 in GAC operating principle says that, when consensus is not possible, the Chair shall convey the full range of views expressed by members of the ICANN board is meant, as my genius colleague has pointed out, is meant for the GAC to take into account all views that the GAC can express, even if the GAC has not been able to arrive at a consensus position. Because even though all the -- all the views that -- the diversity of views convey a public policy perspective, that ICANN cannot do without. So restricting the special consideration of GAC advice exclusively to that that is achieved by consensus could mean that the other public policy perspectives are not taken into account.

And, as I have expressed yesterday, I still fail to see what is the rationale for stress test 18. I heard yesterday comments on questions saying that maybe there are risk for the stability of the system, if the GAC is bound to take into account GAC advice that is not achieved by consensus, if you have to engage with GAC in a dialogue. What is that risk? I could be very gratefully one if someone can explain to me what that risk is? Because we are just an advisory committee, but the GNSO is a policy development organization.

They can adopt their policy proposals by a supermajority. There are proposals impact on the community too. And so far no one has raised any question about risk for the community. If the

ICANN | 54
Dublin
18-22 OCTOBER 2015

Board doesn't accept a GNSO proposal or does accept it because of the threshold of -- to achieve it. So I will not reiterate what others have said. I stop here to hear more views about this.

CHAIR SCHNEIDER: Thank you. We have 10 minutes left until the next agenda item where we should be more or less in time. So I would urge you not to go beyond two minutes each because we have five requests for the floor for the time being. So I start with Brazil.

BRAZIL: Thank you, Thomas. Let me begin by welcoming colleagues attempt to find a possible compromise on the well-known stress test 18. Let me say that, unfortunately, in spite of the decent arguments provided so far, we continue to hold the view that it's a mistake to present stress test 18 as a condition, as a prerequisite for the IANA transition. We do believe this discussion on stress test 18 is surrounded by a number of misperceptions, perhaps some deliberate ones. And we've been following this discussion very carefully. And I've been hearing different views like I quote that the level of required deference is unique to the GAC or, like, the GAC has a privileged position or even that the GAC could command the Board. These are misstatements that were made on this issue.

ICANN | 54
Dublin
18-22 OCTOBER 2015

And we do believe that these assumptions, they simply ignore the fact that, in the very end, the ICANN board can reject GAC advice with the single majority voting. And for me, this is not a privileged position, especially when the threshold for the board to reject a PDP recommendation from the GNSO, for instance, is a two-third majority vote.

And so that's why, in our view, the stress test 18 constitutes a clear interference in the current GAC decision-making process. We do believe that what's at stake here is the GAC autonomy to adopt its own internal procedures. And in the light of different rationales presented so far and in the absence of other arguments, Brazil remains convinced that we should reject stress test 18 and remain with the status quo.

CHAIR SCHNEIDER: Thank you. Chile.

CHILE: Thank you, Chairman. I'm going to speak in Spanish. I would like to be brief. Chile wants to support and be part of the countries that are against stress test 18. My colleagues have already stated the arguments. And I absolutely share the arguments of Spain, France, and Brazil. So I would like to show that Chile is joining that position.

AUSTRALIA: Thank you, Chair. We consider that the GAC's advisory role is fundamental to the multistakeholder model. But we do strongly support decisions being made by consensus. And we think that, like, it's -- when all governments are in agreement on a particular issue, that the Board should give due deference to the government's concerns.

But I just think it's difficult to see how the Board could respond to advice when the GAC itself couldn't agree on it. So we think that advice that goes to the Board should be -- although the Board is required to negotiate only if it doesn't want to follow -- should only be by strong consensus. We think consensus is inclusive. It encourages a diversity of views and ensures that all GAC members have their concerns taken into consideration. And we support formalizing the consensus rule. Thank you.

CHAIR SCHNEIDER: Thank you, Australia. Next I have China.

CHINA: Thank you, Chairman. About this issue, stress test 18, we don't support for the proposed ICANN bylaw change.

Also we can understand that those members who are in favor of the proposed bylaw change, but we think to decide what is GAC advice is the business of GAC. It is not appropriate for other groups to define what is GAC advice. There is a danger in this to prejudge what is GAC advice.

So we think GAC advice, the definition of GAC advice should not be the working scope of the CCWG. I think on this issue, this causes unnecessary debate within the GAC. So we suggest the CCWG report take -- carefully deal with this content. Thank you.

CHAIR SCHNEIDER: Thank you. Next I have the gentleman -- are you from Turkmenistan? Is my list right?

LEBANON: Good morning. I'm representing Lebanon officially, in fact, within the GAC. This is my first time speaking here in the GAC because this is an important issue for everybody. I have heard Spain, I've heard Chile, Brazil, and the intervention of the other representatives, including the intervention of Australia. But before giving the opinion of Lebanon, I would like to go a step back because this type of topic related to Internet governance is also related to the reform within ICANN.

If this topic is discussed within the GAC, it's because some of the representatives present in this room are also taking part are also involved in the same discussions within some other institutions. As far as I remember, there has been a discussion in the meeting of plenipotentiaries in the ITU you in Busan last year, 2015.

But last week in Budapest, in the international teleconference -- telecommunications conference, there was also a discussion in this respect, that this discussion is also being held in the European Union or within the Arab League.

There's a feeling or there is an impression that governments should participate in Internet governance. And this was clearly stated in the statement prepared NETmundial.

So it is necessary to have a consensus so that an issue may be submitted to the ICANN Boards. This may certainly block the dialogue and block the GAC.

Let's say there is no consensus on a specific issue. What will happen in that case?

The operation of the GAC would then come to a halt, and then what would be the message that the governments would be conveying?

ICANN | 54
Dublin
18-22 OCTOBER 2015

After this demonstration, I will join the opinion of the countries that have shown certain research regarding the stress test 18, and I would say that Lebanon is against the stress test 18.

CHAIR SCHNEIDER: Thank you, Lebanon.

Stop rather soon. I can't take -- I will close the list for today after Peru, and the gentleman was first. I think it was the (saying name), and then we need to stop for today and decide about the way forward. So we can't expand because we have another session where we have some people that are listening and probably interacting.

So let me start with Peru.

PERU: I will speak in Spanish.

I would join what has been said by my colleagues of Spain, France, Paraguay and Chile, and all those who have supported that opinion, particularly the opinion of Brazil.

The person that mentioned, for instance, that diversity is an expression that the consensus may show diversity, I certainly would like to say that it's the other way around. Consensus is

ICANN | 54
Dublin
18-22 OCTOBER 2015

not an expression, a reflection of diversity, but you the other way around.

Peru is also concerned that behind this intention of amending the bylaws of ICANN, there might be a hidden intention of removing GAC's autonomy.

I think we should not admit that because this is something that has not been requested to any other committee within ICANN, and, secondly, because it goes against the multistakeholder principle, because in the multistakeholder model, we are supposed to have the same opportunity to have a say to express our views.

So if I have to have an opinion on the basis of the procedure that is not required to any other entity within the ICANN, this is not being equal.

So I repeat the words of my Paraguayan colleague. I don't see the purpose of modifying or amending something that has worked so good so far.

CHAIR SCHNEIDER: (saying name).

UNKNOWN SPEAKER: Thank you very much, Mr. Chair, but I'm representing Venezuela.

ICANN | 54
Dublin
18-22 OCTOBER 2015

I would like to thank the opportunity of having the floor, and we certainly thank the document that you have prepared and is shown on the screen, because this is very important, very valuable, and without this information it's very difficult for governments to manage such an important topic.

After reading this in detail, it's not clear for us the reasons or the rationale of the CCWG, because the arguments proposed are not certainly strong so as to amend the bylaws or to impose conditions when there is a consensus and when there is no consensus.

This is why we're supporting what has been said by our colleagues who have previously stated their opinion against stress test 18.

Thank you very much.

CHAIR SCHNEIDER: Looking at the clock and I know that there's more requests for the floor, let me make a proposal to you.

We have heard a number of opinions, and it's actually -- I welcome those who speak who have not spoken that often, so this adds to the diversity of views. Given that we have a next opportunity to discuss this I think on Tuesday, we could think about asking or creating a facilitation team that would use the

time between now and our next meeting to continue to discuss this informally, because we will not have the time to -- we can give five or ten minutes more but that wouldn't change much because we will have more people wishing to have the floor today.

And given the fact that our colleague Anders Hektor from Sweden has been active quite some time on the mailing list, trying to look for ways to bring us together on this, my proposal would be if he would accept and if you accept that we would create a subteam, a subgroup that would use the time between now and the next meeting informally to try and help us advance on this issue. So your views on this, please.

Argentina.

ARGENTINA: Sorry, Mr. Chair, we don't accept that. We will not accept the change in the bylaw. So -- And changing the rules of the GAC without deliberation, without going to our countries, without time. Why we should change the rules of the GAC because someone else proposed something that we don't accept?

So honestly, I don't think it's a fair proposition. We will not accept the change in the bylaws. So we won't find a way to change our own rules.

Thank you.

CHAIR SCHNEIDER: Thank you, Argentina.

Well, I think we should do everything we can and use all the opportunities that we have to come to a consensus on this issue. And I think at least try to engage and find ways to hopefully, if we don't agree, then we don't agree, but it's not the end of our timeline yet. So there is some time, and I think -- yeah. Consider -- Please consider the idea to create a drafting team.

I have seen the U.K. and Spain and Iran.

UNITED KINGDOM: Yes, thank you, Chair. Very briefly, support your proposal and agree with your steer on our objective here, which is to engage constructively and collaboratively with the community on the CCWG proposal in this particular element of that proposal.

So support -- support it. It's very much in the spirit of the multistakeholder approach to transition.

Thank you.

CHAIR SCHNEIDER: Thank you, U.K.

ICANN | 54
Dublin
18-22 OCTOBER 2015

Spain.

SPAIN: I'm going to speak in Spanish.

Unfortunately, I cannot second your proposal. I have no problem working with Anders or with any other GAC representative, but not on the basis of the proposal made by Sweden.

This is just a makeup change. If we change the bylaws, if we amend the bylaws, or we amend the operating principle, but it's not a change or an amendment that we decided on our own after a thoughtful discussion after analyzing why principle 53 calls for a simple majority. I don't know why, but there has been some reason for that, some rationale, and it is very difficult for us to make any change to the operating principle. So why all of a sudden we have to run for a change and an amendment to the operating principles, particularly regarding that point.

So I really do not know the reasons. I may think of some, but I don't know why we have to surrender ourselves to this issue.

So I think it's very difficult to reach any type of agreement.

If somebody can make a proposal that might leave the GAC autonomy alive so the GAC may make its own decision and this

proposal is accepted by the CCWG, it's okay. But right now, I think we are in no condition of accepting this amendment.

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Thank you, Chairman. I hope that the intervention of Olga and Gema would not be interpreted as they are against the leadership of our friend from Sweden. He was among the person who very valuably and very constructively analyzed the situation in a thorough manner saying what are the values, what are the harms.

At the end, he said that if the values is dominating, we take it. If the harm is dominating, we don't take it. So he has totally neutral positions.

So should not be interpreted that they are against. This issue is that whether we should take it now. Let us the proposal of Olga and Gema comes from the group, any group. Let's you decide tomorrow to have that group but not now. People think a little bit, because you just propose it without maybe (indiscernible) consulted people. Perhaps should have consulted these two

others. But I think you raise it tomorrow morning again, and I think any conclusion should come from the group, whether is headed by Olga or by Gema or by our colleagues from Sweden, Anders, which is very, very constructive and very open-minded person as far as I know.

So let us not decide on that, that we totally abandon that. There is something on the table, and there is a push for that. There is a push not to do it.

Let us see to what extent we could have. So I don't exclude the situation right now. It would be difficult. Otherwise -- So sleep on that tonight, and consult your wives.

[Laughter]

Or your commanders, and then come back. Or maybe husband. Husband never have the commanders. Come back, and then tomorrow you raise it again. I think perhaps your proposal is good to have something from the group, because it will be difficult in such a big group to have a thing. It's very difficult, I think.

Maybe the proposal will be not change it at all. Or maybe another proposal that if we don't agree to not change it, we don't change it. That is another proposal made by Brazil in a very diplomatic manner.

So let us sleep on that, and tomorrow morning you raise it again, consulting few people that agree with you. We usually agree with the Chair.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

First of all, I think the idea was not, by proposing that Anders from Sweden may do it, that his deliberations were the basis. So it was basically trying to find somebody who was trying, as Iran has said, trying to build bridges here. And thank you for your proposal to sleep about this.

The only problem is we will not meet tomorrow morning, so we would need to electronically agree on this, which is even more difficult. You think it's easier. Okay.

[Laughter]

Okay. Well, but think about what Kavouss has said.

I have Sweden, Anders; Switzerland; New Zealand. But there was somebody before but I can't read my own writing.

Okay. Let's take these for the time being and then let's see. Sweden, Switzerland, and New Zealand.

SWEDEN: Thank you, Chair. Thank you for asking me to do that, to facilitate something. And thank you, Kavouss, for supporting it. And Olga, Gema, there are no hard feelings. I fully understand your interventions and respect them. The idea, like Thomas said, I would never -- I have certainly made a proposal, and in all fairness I think that would be one of the proposals to be discussed, but there are other proposals to be discussed as well. Like Thomas said, not changing anything at all, and just to start out by better understanding the reasons for stress test 18 I think could be a good start.

So if the group would accept it, I can take it upon me to do this in a small group.

Thank you.

CHAIR SCHNEIDER: Thank you, Sweden.

Switzerland.

SWITZERLAND: Thank you, Chair. Not surprisingly, I agree with your proposal, and I agree with that clarification that -- which Anders just took

upon himself that he would act as a completely neutral facilitator with the aim of striving for a commonly agreed understanding of the issues.

And whenever we -- we arrive at that common understanding, hopefully we could draw conclusions from that.

So -- And this is a process, and I think it would be good to have something so rational as Anders trying to put the facts and the issues on a common paper instead of having now a hundred or at least 10 or 12 different mini groups trying to come up with solutions in an uncoordinated manner.

So perhaps at least this intent of trying to understand issues and to sit together and to talk about that, it would be worthwhile, the effort, from today to Tuesday.

Thank you.

CHAIR SCHNEIDER: Thank you.

India is next, and then New Zealand.

INDIA: Thank you, Chair.

If we can take a step back for a moment and keeping in mind what Sweden just said about the -- examining the reason for having stress test 18, I would like to add one other thought.

In light of the broader developments with respect to the accountability proposal and the very real possibility that the membership model is currently is in (indiscernible) in the CCWG second draft may not finally be adopted, is there any change to the relevance of stress test 18?

It would be good if the GAC members who have been participating actively in the CCWG, particularly Kavouss, could give us their perspective on this.

Thank you.

CHAIR SCHNEIDER: Thank you.

We have to end this discussion here. We can't enter into a -- continue the substantive debate. We have to agree on a way forward. So I urge you to consider the proposal that I have made, take -- using the time to -- and using Anders as a facilitator.

So I have New Zealand next. Thank you.

NEW ZEALAND: Thank you, Chair.

We just wanted to say that we welcome the work that Anders has begun from Sweden, and the proposal to form a small group, and we appreciate Anders accepting helping us to manage that.

We, as GAC, ask the community to respect our views when we convey them. We feel that the community has expressed a view, perhaps a concern to us through the stress test, so we think it's worthwhile to try to see what we can do.

Thank you.

CHAIR SCHNEIDER: Thank you.

You had your 15 minutes more that you have been asking for. It's 1745. This is not an open-ended session. We can work out all Tuesday night on this. We have another item on the agenda that some people are waiting for us that have come here for this.

Is there any -- So basically we have the choice to either try to use the time until Tuesday with agreeing to disagree and that's it, which I don't think is very constructive, or we give Anders a chance and give us also a chance with Anders to come one step forward, maybe informally, look at things, try to raise, in a sense.

I would urge you, is there an objection to try and use Anders in the coming days until we meet next time and see where we are?

So, please, if there's an objection, please say it now. I hope there won't be, but of course it's your decision.

Yes, France.

FRANCE: Unfortunately, Thomas, I think that you are not taking into consideration Spain and Argentina's objections.

What I believe is that you need to put forward a different methodology.

CHAIR SCHNEIDER: What is ask that you propose I should put forward here?

UNKNOWN SPEAKER: Thank you, Mr. Chairman. I think that I -- I was listening to the -- to the comments, and I was wondering, this process probably will lead to an amendment also to the GAC operating principles. It's linked to it. It's linked to it, so we have a working group on that. I don't know, shouldn't we just, you know, leave this issue and then, you know, it will come up in any case when we discuss the GAC -- the operating principles. We have a working group for that.

ICANN | 54
Dublin
18-22 OCTOBER 2015

Thank you.

CHAIR SCHNEIDER: Thank you. Let's not go into the substantive debate.

The question that I'm asking you is are you willing to use the time for an informal work under the leadership of Anders or somebody else or not.

Those who object to this proposal, what is the alternative proposal that you recommend us to use the time until our next meeting? I hope that was clear.

So, please, those who object to working informally, what is the alternative to working informally? Thank you.

La France.

FRANCE: Let me answer to your question. The vice chair has just talked on behalf of Namibia. GAC has very clear rules for working. It has internal working methodologies. We are in favor of the status quo. We want these rules to be observed.

For us the solution lies in following the habits, the customs that we usually have in GAC. There is a working group that is being formed, and the leadership of Namibia, the vice chair, suggested this group works.

CHAIR SCHNEIDER: For the time being, the issue here at stake is not to amend the operating principles. It's just to find a solution for the stress test 18 issue. At least that is my understanding. Please correct me if I am wrong.

I'm trying to find one way to move forward with our work hoping that we being reach an agreement or a compromise solution on the subject of stress test 18.

So my proposal, my suggestion is that we should use the time we have between now and the next meeting to work informally. But if some of the members do not agree, please give me some alternatives in order to find some other option.

Thank you.

SPAIN: Thomas, I don't know why we need to look for a compromise solution that would mean accepting the stress test 18 if we are not convinced of the need for such a test.

CHAIR SCHNEIDER: Don't preempt the outcome. We are trying to find a compromise position in the GAC on the issue. We are not trying to find -- this is -- without preempting the outcome. We don't say we will work

ICANN | 54
Dublin
18-22 OCTOBER 2015

towards agreeing on what is there. That's not the point. Maybe, then, I misplaced my proposal.

I'm trying to find a way that allows us to continue to work on a consensus on what to do with stress test 18 in the GAC.

I hope that is clear.

Lebanon and then Iran and then European Commission.

LEBANON: Thank you, Mr. Chair. We have with a clear example here. We do not have consensus in the room to discuss and to examine this issue. So we are going to work on the basis of consensus, so today we can say there is no consensus already.

So today, tomorrow, or the day after tomorrow, we have so much work to do. We have so many discussions to hold on very important issues that we don't have time to add this simple proposal. If there is no consensus so lets leave this out and let's go on to something else because there is no consensus.

Thank you.

CHAIR SCHNEIDER: To react, I think we all agree that our main working methods is to achieve consensus in this forum. This is how -- what we have been doing so far until late at night sometimes, most of the

times. With some very rare exceptions, we haven't been able to achieve.

I think it would give a very bad signal to the outside world that we say, "We haven't reached a consensus at Sunday at our second day before 18 o'clock. Okay, that's it, we're done, there's no consensus. I don't think we should do this.

I think we should not give up yet. We still have some time. I'm trying to find ways to use the time most effectively, but I don't think we should say, "Okay, we have no consensus on Sunday evening. That's it. We will not continue to try and find consensus on this issue," because this is an issue of importance, and we should keep on trying, I think. At least I'm here to help us keep on trying.

This is how I understand my role, and I'm hopeful to get support from others in this role, because I can't do it alone. And that has never been mid why. I'm in your hands, of course, but I am convinced that we should -- we are not at the end of our time yet to try and find a consensus on this issue.

Looking at the -- Yes, Iran.

IRAN: Thank you, Thomas.

Having worked 42 years in international organizations, we are fortunately sitting in the GAC, which is governments. It is not a tradition that we categorically oppose to any group to discuss whether or not we take positions. We should leave the room that whatever people wants would be outcome of that group.

So I request the distinguished colleagues from Spain and Argentina and France, all of them are my colleagues, that let us what you saying would be output of the group. If in the group the majority are in favor of no change, that would be output of the group.

What I said tomorrow, I thought that you want to finish the discussion, but now continued half an hour. So I ask the people to kindly support the chair and would not put the precedence that in GAC categorically the people opposed to any discussions. We always should discuss the issue. And I'm sure that the discussion will be that if the majority says no change, that will be no change. But let us put democratically and let us put as a principle of all government in all meeting, internationally, and so on, so forth.

So I support you, and I request, perhaps, colleagues, they reconsider, allow you to have this group and work, and perhaps we would have outcome of that group in the way that the majority are in favor, whether to change it or not change it.

ICANN | 54
Dublin
18-22 OCTOBER 2015

Thank you.

CHAIR SCHNEIDER: Thank you.

Argentina.

ARGENTINA: Thank you, Chair. Thank you, Iran, for your constructive comments.

Chair, in any way I want to put you in a position of not doing your job in the proper way. What I meant when I said no is we oppose to any change in the GAC operating rules. We don't see it a necessity -- we don't see the necessity of changing the bylaws. That won't change.

We see that we should remain as we are now.

Argentina will not oppose to any working group or drafting team. We have done. We have led different drafting teams.

What I would like really to stress is that whenever some text is done in this accountability process, then it suddenly becomes written in stone, like the stress test 18. All the comments that we have done towards changing our not doing it has been ignored and not reflected in the two times that we did comment, also with other mentions to the private sector and all that.

So if it's a suggested text that we may consider among all of us, and then we can agree or not, that is fine. If that text will be taken as not changeable in the future, we will not agree with that. That happened several times in this process, and we really think we -- be why they request our comments if then they will not be considered.

So if that is the case, we are okay -- we are okay with the working group. But you know our position.

Thank you.

CHAIR SCHNEIDER: Thank you, Argentina.

So let me make the proposal that maybe we do it on a voluntary basis. I cannot impede people from engaging informally. So whoever is interested in engaging with Anders and with everybody else, I think feel free to do so. You're invited. And then we see where we are at our next meeting.

So I think we have to stop here. Thank you very much for enduring.

We have another item that we need to deal with today because accountability is not the only thing that we have to go through. It is the agenda item 15 on the use of two-letter country codes

ICANN | 54
Dublin
18-22 OCTOBER 2015

and country, territory names at the second level. We have done already some work on this, and I see that Karin from ICANN support staff is coming to us. So she has been willing to give us an update or give us a wrap-up on where we are on this and why this is on the agenda again.

So thank you, Karin, for introducing this agenda item.

Thank you.

KARINE PERSET: Thank you, Chair.

Good afternoon, everyone. You should have received a preparatory memo on -- for this meeting on the topic of two-character codes at the second level. In particular, country codes.

So I'll introduce it really quickly.

Julia, could you put the slide deck up, please.

So I just wanted quickly to again distinguish the issue we discussed this morning which was about the future which was about the top level from this current issue which is about the second level and which is about a current implementation issue.

So could you go to slide four, please.

So as you might recall, in late 2014 following Board/GAC correspondence and a Board resolution, ICANN launched a process to authorize the release of two-character ASCII labels, two-character labels corresponding to the ISO 31 -- well, country codes, basically, for new gTLD registries under certain conditions.

The Registry Agreement planned for this, and the ICANN Board provided some direction. So ICANN then refined the progresses in February of 2015 in response to GAC advice from January, I believe, and another Board resolution, and agreed that GAC advice would be fully considered at that point.

So GAC members then commented on the release of the corresponding country codes for their countries, and there were -- between February and October, there were 20 -- some 26 -- 24 commenters, GAC commenters. Some commented on all top-level domains and some commented on just a subset or targeted -- targeted top-level domains.

So why are we discussing this today?

Next slide, please.

So on the 6th of October, last week, I guess, ICANN launched a new process to review and to then address the government comments received on the release of these two-letter top-level

ICANN | 54
Dublin
18-22 OCTOBER 2015

domains -- sorry, second-level domains. Getting confused. And the countries that a had previously commented are being asked to clarify their comments and to do so within 60 days; i.e., by December 5th, 2015. And after that, registries will be asked to proposal a plan to mitigate the concerns raised by governments and avoid confusion with those country codes.

The third step following that will be for ICANN to use the comments from governments and registries in their mitigation plans to draft criteria for approval of registry mitigation plans to release these labels, possibly, in some cases, and then draft final criteria for approval.

So now I'll -- next slide, please.

Now I'd like to give a quick overview of some of the questions and the concerns that GAC members have raised in September and October over this new process, this additional step to the process to launch a discussion.

So first, some GAC members asked whether governments would have any veto regarding the use of their corresponding two-letter codes at the second level by new gTLDs. For example, if they disagreed with the registry mitigation plan or with ICANN's assessment of the plan. Another area of concern is -- significant concern, actually, is whether this type of process could be used

ICANN | 54
Dublin
18-22 OCTOBER 2015

in the future treatment of full country names at the second level, which is possibly even more sensitive.

A third question raised is whether reasons for government concerned beyond confusion with the corresponding ccTLD are valid, are considered to be valid or should be considered to be valid. And some GAC members have raised issues such as customer -- consumer protection or institutional reputation, that type of policy issues. And another -- another issue raised by many GAC members is that of category 1, TLDs, where they carry -- they might carry implicit trust marks and, therefore, user -- therefore, they might induce confusion, although it's not directly ccTLD confusion. It is implicitly ccTLD confusion.

So there's uncertainty about what exactly qualifies as a reason, rationale for commenting or objecting or asking for approval. So that's requests being made to ICANN, I guess.

Another question concerns what -- what types of measures can registries take to mitigate the confusion concerns.

Sorry. Next slide, please, Julia, please.

And for those -- for those measures, what role would governments have? For example, many governments or several governments, at least, have asked to be consulted before registrations are processed, and they wonder what role they

ICANN | 54
Dublin
18-22 OCTOBER 2015

would play, would that constitute a mitigation measure to have the government approve of the registrant, if you see what I mean.

Also, there -- a question is whether there are examples of possible registry mitigation measures that could be given to the GAC. What is being envisaged here.

And finally, some GAC members have tested the form and commented that its user friendliness could be improved, and that, also, it currently only covers the existing top-level domains that have been delegated. That's some 700 TLDs. However, there are some 600 more coming which are already known. So for countries that have resource capacity issues, it might be easier to include the whole list of TLDs from the current round.

So I'm done with the introduction. Those were the -- Those were the six main questions that have been raised by the GAC. And I'm happy to respond to any questions.

CHAIR SCHNEIDER: Thank you, Karin, for putting this together and for recalling the questions that have come from GAC members to this process as it has been set out by ICANN staff.

So I would like to give the floor to GAC members to come in and comment on this.

ICANN | 54
Dublin
18-22 OCTOBER 2015

I have Mr. Chen Cheng-Shu and then Spain and European Commission.

CHEN CHENG-SHU: Thank you, Chair. On this issue, I would like to share with colleague my humble opinion.

We all know that every country has its own culture, which is different from country to country in many aspect, among them, the value of (indiscernible) and dress co (phonetic) are often taken as prominent facets. Today in civilization global society where we live, it is well-known to respect the cultural diversity.

Likewise, the very individual country, the (indiscernible) or sensitivity, whether it takes it or specific of having the notion that using ccTLD as SLD would cause the concern of confusion with a ccTLD is sure to be diverse as well.

I think this is just a part of a reflection of a country's culture.

As such, should, then, such practice deserve to be respect to the greatest extent possible?

So I suggest ICANN had better taken this consideration into account in dealing with this issue.

Thank you.

CHAIR SCHNEIDER: Thank you, Spain.

SPAIN: Muchas gracias. Spain speaking. Thank you very much. I have a brief comment.   The letter sent by the GAC chair to Akram Atallah in July 16, in this respect, asked for information about the procedures who wished to consider the objections of governments. And this information should be sent to the GAC before the procedure started. This has not been respected.

My second comment is that this is a clear example that the application of GAC recommendations accepted by the board in the meeting held in Singapore this year, did not follow the goal of the recommendation and the Board resolution.

So I think that the GAC, if agrees to that, should warn the Board so as to put this process on track and then follow GAC advice and the Board's resolution.

I am saying this because we in Singapore said by consensus, unanimously, I should say, that the views of the government should be fully considered. It was not specified what type of objections we were talking about, any type of objection.

But now it seems that only the objections regarding confusion will be taken into account when we talk about country codes. So we are limiting the scope of the GAC recommendation that

has already been accepted by the board. All other objections will be sent to some resource mechanism. And I think that the government should be -- should then be liable to enforce the same or not. We don't know exactly what confusion is, whether it is an ample concept or (indiscernible) concept.

Then after GAC made its recommendations, we were hoping that this procedure to analyze the study -- the objections by the government, this is not a procedure that will consider the objections of the government. But it is said that, if you have already made a comment, you had to make the comment again. You have to refine those comments. You have to put some clarity of them or align them within 60 days up to December 5.

What will happen if we don't make that deadline? Will these objections lay in a stack? In a drawer? What is ICANN saying -- or is it ICANN saying that it will consider the objections? No. You have to submit objections again. And you have to submit the objections I like to consider that are the confusion objections. So those related to confusion.

So we are driven to a complex process with two public comment periods, I think, for comments to be received from the community as a whole. And I think that the objections submitted by the government would be certainly set aside. I don't know what would be the final outcome. We were hoping

we were respected or the aspiration of many governments when we made those objections was to be asked. We wanted to be asked before a domain name is assigned. We wanted to know the use for that domain name. We didn't want to reserve it for ourselves. But we were willing to know what will be the use so as not to be harmful to damage users or to generate confusion in the end users.

We don't know whether ICANN will be considering knocking the door of the governments or the registries. If an applicant comes asking for those domains, what will happen? So the procedure that has been implemented, the second alternative, establishing spec 5 of the agreement with the registries. That specification already considered that there would be confusion. So they didn't need it. They didn't need the comments of the government for that respect. So I don't know why we had to submit the comments. If the Board had accepted the comments and the recommendations and at the end of the day they will follow procedure number 2 of specification 5.

Now they change the procedure to submit new comments for the new application, as Karine has said. And I've already tested it myself. The form certainly cannot be filled in. So I ask for the clock to be stopped so that the 60-day period will start when the form is reviewed and you can fill it in. Thank you very much.

CHAIR SCHNEIDER: Thank you, Spain. European Commission.

EUROPEAN COMMISSION: Yes, thank you very much.

Well, I appreciate very much the intervention from Spain. Because we have very, very similar, if not the same, questions and concerns. In the particular case of the European Union as well, which manages -- well, not specifically. We have someone else do it for us. The dot EU case.

One can argue is this a question of confusability? Or is it a question of consumer protection, trust, and confidence in the Internet, et cetera. For me that is a fundamental element and the reason we review, not object, but we review all the cases that come to us asking for request of EU at the second level is to make sure there is no possible confusability about, for example, protection under EU law. Let me just take an example of data protection.

In Europe, we have rather strict data protection, personal data protection rules.

So, if someone were to use EU at the second level in the context of a particular gTLD, it might lead to confusability that,

therefore, EU data protection rules apply. Is this confusability? Is this consumer protection? I don't know. I don't mind how you call it. But, in some very limited cases, we have said, no, this will lead to confusion for the consumer. It doesn't encourage respect and trust in the online environment. So, for all those reasons, I appreciate and underscore and underline and endorse what has already been said by Spain. And also I have a question. I had thought this had been addressed already by the questionnaire we were required to fill out identifying all the lists of second level names where we were supposed to be reviewed, et cetera, et cetera. But this seems now to have been -- disappeared. Spain mentioned this already. But I think we really need to clarify what is going on. Thanks.

CHAIR SCHNEIDER: Thank you. Olof, would you want to answer that question? Thank you.

OLOF NORDLING: With pleasure, thank you. Olof Nordling, for the record. ICANN staff.

And what we came up with -- and this was with hindsight about the first step in the two-character process. Because then it was time also to review what happens with the country names. And

the matrix that we put up and asked you to fill out for the country names, whether those would be free to use or rather not will require notification in each individual case. That was a separate exercise. And we hope we made it clear enough that it was a separate exercise specifically for the country names. Because the train had already started for two-character names. So yeah.

Well, it's not the same. But it's closely related and easily confusable. Sorry for using that word again. Thank you.

CHAIR SCHNEIDER: Thank you. Other comments or questions? Iran.

IRAN: Is there any link between this two-character second level and what we discussed this morning about changing the two characters to three characters for ccTLD? Is there any attempt at, first of all, we change everything to three characters and we release all of the two character country codes and we give it to some -- is there any link or not? Thank you.

CHAIR SCHNEIDER: Thank you for answering this question. I think it's quite late for us all.

No, the discussion this morning was for three-character codes on the top level. Now we are discussing the issue, recurrently, the issue about two-character codes on the second level. But there may be a link -- or fears have risen, as you've seen on the slides presented by Karine, on the issues that we've given advice and the advice has been accepted; but the implementation of the advice by ICANN, there's a feeling that this is not in line with our advice that has been accepted. So this is -- and Spain has quite in detail laid out what seems to be the problem here.

So it's an issue of implementation of an advice that is basically accepted. And the last -- the key thing is the decision of the board at the end of the Singapore meeting in February after our invention that then led to the promulgation of a 30-day period to a 60-day period and so on and so forth.

And then -- so there are two elements. One element is that, in the letter of July, as has been noted by Spain, I asked ICANN to keep us informed about the implementation procedure, the way they planned to implement this, to which they said yes.

And now it's been implemented without -- in a way that people feel it's not in line with the advice and without consulting the GAC before launching that mechanism. But it has got nothing to do with the three-character discussion on top level. I hope I managed to make this clear. Iran.

IRAN: No, no, Chair. I don't think that. I think it is a parallel operations. I fully agree with what you said and fully agree with what you dispensed. And also I add something else. In some country there are manpower problems to check all these issues and reply on time.

But I think a danger that in future you'll start to move the top-level domain from two characters to three characters. And then you release all the two characters at the top-level domain and give it to the second level.

So that is the issue that I see that some people may not see. That's why I ask is there any relation? And I think there is some attempt to do that, these two parallel operations. Thank you.

CHAIR SCHNEIDER: Thank you. Namibia and Indonesia.

NAMIBIA: Thank you, Mr. Chairman. I would want to support what Spain said, my colleague.

I think the issue of capacity in some countries and the issue of missing the train -- Olof said the train has already moved -- is a reality. I have been, I think on the record, in terms of our

objections that they are a number of processes that sometimes we don't understand and is just going under the radar. One is that, when I look at the forms when the applications were made for this release of these names, it was just a form that says -- that gives all applicants just an option of ticking all, even though they are not interested in some of the domain names. So they just tick all. It makes it extremely easy.

Then now we are at the point where we have made the objections. We are not told that no -- there's now a slight change in that. It's only objections concerning confusability and so on.

And then comes the point where the -- I think the process, as we understood it, was that these registries that applied, applicants must now engage individual governments, I think. Those who made objections you engage. And then you enter into consultation to understand -- to also explain -- as a government, explain our views why and our concerns.

It's, again, made very easy now that ICANN is stepping into that -- as an institution, stepping into that situation or in that position as the applicants.

Now, on behalf of them saying okay. We are going to interfere or to -- we're going to intervene and say only confusability will now be considered. So the applicants are now behind ICANN as an

ICANN|54
Dublin
18-22 OCTOBER 2015

institution. And GAC -- or the countries must now explain to ICANN instead of explaining to the applicants, the individual applicants that applied, say this is our views. Now we have to explain to ICANN this is how we -- although we already made an objection.

This becomes a bit tiring and a bit long for some of the governments like Namibia that we are now not having the opportunity to explain to the applicants why Namibia says no. And it is just an issue of a general objection or an objection that now needs to be turned down to confusability, although we have other issues like trust, and so on that we raised. So it just became a little bit complicated for us now.

And the whole thing about the December 5th objection, it's the first time that I actually hear about it, I think. I'm sorry. Maybe I didn't follow. It's the first time I heard about December 5. And this is now for governments or for those who objected to now explain.

And I was actually thinking that if it was the applicant, they would have come individually to each government that objected. And it would have been a one-to-one discussion. Now it's a posted discussion in the Internet. And you have to respond by the 5th of December, which again add to the issue of people

ICANN | 54
Dublin
18-22 OCTOBER 2015

may slip through the cracks because of countries. Thank you, Mr. Chair.

CHAIR SCHNEIDER: Thank you, Namibia. We should sooner or later come to a close as we run already significantly over time. Indonesia, please. And then I propose that we get to grips on how to deal with this. Thank you.

INDONESIA: Yes, Thomas, just a short brief comment.

It is mentioned there that someone said two-character country codes are unable to monitor and so and so on and so on. I agree with that, because it is difficult to monitor more than 150 countries around the world. And so I think that, if there is no problem on the use of the second level domain of the country, let it be the status quo.

I mean, in Indonesia we already use dot CO.ID for thousands of companies. We use AC.ID for -- I don't know -- hundred of universities and so on and so on. And Colombia and what is dot AC? Another island or something like that. It's okay for that why we should put a problem here. It's like opening a Pandora box, you know. And you have more and more and more problems every day. If it is okay, it's okay. Just don't touch it. And we

better concentrate on things that we have problems. .AFRICA is a big problem.

.SPA. My friend from Trousseau mentioned it is still a problem. Okay. How about .WINE? I don't know. I forget all those names.

.WINE, I don't know whether it is still a problem or not. We can ask France about that.

.WINE. SPA, and .AFRICA big problem for us. Let's not open Pandora's box and just find a solution for a few cases and problems that are in front of us. Thank you.

CHAIR SCHNEIDER: Thank you, Indonesia. Just to clarify, this is not about existing ccTLDs. This is about the 2-letter code use, two-character code use in new gTLDs. As I said, we have a series of communications. And there are some expectations in the GAC regarding how this should be handled or should have been handled.

I think we have to stop here. The question is what do we do with this now? Do we task somebody to draft a draft text for the communique on this and see whether we can agree to this by Wednesday? That would be one proposal. I see people nodding.

Who should that be? Should we ask Spain, together with the help of the secretariat, to come up with something? Then we

have a look at it and see whether that is deemed to be appropriate.

All right. If there's no more requests for the floor, I would then like to thank, first of all, the interpreters for sacrificing half an hour additionally on Sunday evening. And thanks to all of you for staying with me. And I invite you to use the time available to informally and formally and wherever and whenever work on whatever you think is necessary and important.

Thank you, and see you in this room on Tuesday again.

Thank you.

[END OF TRANSCRIPTION]