
HELSINKI – GAC Meeting with the GNSO
Wednesday, June 29, 2016 – 09:30 to 10:30 EEST
ICANN56 | Helsinki, Finland

OLGA CAVALLI: Good morning, everyone. Can we take our seats so we can start our session this morning.

So this is -- Good morning, everyone. This is our meeting with the GNSO. Welcome our friends from the GNSO to our GAC room.

The idea of this meeting that will last for one hour is to discuss GNSO review of GAC Marrakech communique; current review and policy development work; policy differences between GAC and GNSO; operation of the empowered community; appointment of new GNSO Council liaison.

So welcome to our dear friends. So the floor is yours.

We are happy to have you here, and welcome.

JAMES BLADEL: Thank you, Olga. And thank you to the GAC and all the governments participating, and hopefully you're pleased so far with the policy forum format.

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

OLGA CAVALLI: Yes.

JAMES BLADEL: I think we were discussing earlier today that it maybe takes a little getting used to, a little bit of courage to try something new but it's working well so far.

So if you don't mind, we can maybe start with some introductions. For those who don't know me, I'm James Bladel, chair of the GNSO.

We can maybe start at this end of the table, if that's okay.

With Gema.

GEMA CAMPILLOS: Good morning to everyone. This is Gema Campillos from Spain, one of the GAC vice chairs.

JONATHAN ROBINSON: Hi, Jonathan Robinson here as a co-chair of the GAC-GNSO Consultation Group.

MANAL ISMAIL: Manal Ismail, Egypt GAC representative, and co-chair of the GAC-GNSO Consultation Group, too. Thank you.

HEATHER FORREST: Good morning, my name is Heather Forrest. I'm the vice chair of the GNSO retching the noncontracted parties house.

MASON COLE: Good morning, my name is Mason Cole. I'm the GNSO liaison to the GAC.

HENRI KASSEN: Good morning, Henri Kassen, GAC vice chair.

WANAWIT AHKUPUTRA: Wanawit Ahkuputra, GAC's vice chair.

DONNA AUSTIN: Donna Austin, GNSO Council vice chair for the contracted parties house.

JAMES BLADEL: Thank you. And I note that we have, as well as those here at the table, we have a number of other representatives and councillors from the GNSO community in the audience and

would encourage them to also participate in the conversation as well, if they can find their way to a microphone.

So if there are no objections, we can dive right into the agenda. I think we have a slide here, and I have this, so we can move through the agenda. And we've already done that.

So we were asked to come prepared to discuss the status of some various PDP, those are policy development process, activities within the GNSO, some of which have been identified as having particular interest by the GAC.

So with those, we can start a little bit to discuss, I believe, really any of these.

First is that the three large PDPs that are currently under way, the first being the new gTLD subsequent procedures, which is identifying the issues and the processes necessary to look at another round of new gTLD applications and allocations. We have next generation registration data or directory services, RDS. And, see, even I get caught up by the acronyms occasionally.

OLGA CAVALLI:

We all do.

JAMES BLADEL:

And this is to take a look at the -- a holistic look, top to bottom, of the WHOIS system as it exists today, identify the needs and uses for that, and make recommendations on whether or not any wholesale improvements are needed to that system.

And then the third one is a review of all rights protection mechanisms in gTLDs, which includes the new rights protection mechanisms that were included for the 2012 round of gTLDs; like the URS, Uniform Rapid Suspension; the procedures to challenge the PICs; public interest commitments; as well as the older and more established rights protection mechanisms, like the UDRP.

So all of those are under review, and that -- I think the one note that I would like to raise with regard to this PDP is each of these is expected to be a very significant -- a significant undertaking with, in some cases, hundreds of participants on the PDP. It could be multiple phases lasting several years.

So this is -- We talk about volunteer workload on the community. These are very, very significant work units that are currently under way within the GNSO community.

And when we say GNSO community, they are GNSO processes but they are open to all in the ICANN community, including members from the GAC.

So I don't know if you wanted to discuss any particular issues associated with those three. There's also the IGO/INGO curative rights PDP, but I will confess to knowing a little bit less about that one.

OLGA CAVALLI:

Thank you, James. Please, I'm in your hands, also.

I think that the new gTLD issue in general, the starting of the new PDP, is an interesting thing for the GAC. And as we still have some work undergoing about reviewing what happened with geographic names and with other sensitive issues related with new gTLDs, perhaps you can give us some more information about the timeline and the process of it.

I don't know if, Manal, that she's following up other issues. Do you want to add something to that?

JAMES BLADEL:

Okay. Thank you.

And we were just discussing that these are just getting started. I think that this one in particular was organized earlier this year, probably right around the time of the Marrakech meeting. It has had I believe two sessions here at the -- in Helsinki, and is beginning its work.

If you can take a look at the slide here, I can tell you that we are now in -- and it's very small print, but if you can see stage 4 where a policy working group has been formed.

OLGA CAVALLI: Okay. This is the high bar?

JAMES BLADEL: This is the tall one, exactly. And that is an indication of the work units that are currently under way as part of a working group.

They then, when they're completed, move to the council deliberations. You can see that we're not very busy right now. That's the joke.

And then move to pending for board ratification and then implementation.

So when we complete these over the next -- Yes. We have Jeff. Perfect, yeah. And then we move into implementation.

So we do have one of the co-chairs of, I believe, the new gTLD subsequent procedures. Hey.

CHAIR SCHNEIDER: Hi.

JAMES BLADEL: Manal, you've changed.

For that PDP in the room. And, Jeff, if you can make your way to a microphone.

I believe we also have some of the members that are leaders of some of the other PDPs as well.

So, Jeff, if we could get an update, maybe three minutes. Give us an idea of your timeline.

JEFF NEUMAN: Yeah, thanks. This is Jeff Neuman, one of the co-chairs of the subsequent procedures, or others called it the New gTLD Working Group.

As we presented yesterday, there is a work plan in effect. The hope is to get a preliminary report out by mid next year, 2017, and finish it up by the end of 2017.

And to respond to, yes, there's other work that's going on, other reviews. And this working group has taken a particular interest in the outcomes of those groups and is watching those groups carefully and will take the inputs of those groups, including the CCT review team, the geographic -- I'm going to get the acronym wrong, Heather, but the uniform -- the U -- the Cross-Community Working Group on country and territory names, the output of

that group as well as the output of -- that Phil Corwin will address on the rights protection mechanism PDP.

So these are all ongoing, and I do believe, as does the working group, that there are issues that we can address even before those are finalized as they are outside the scope of those other groups.

So we are certainly mindful of all the other work that's going on, but working towards producing results by the end of 2017, early 2018.

Thanks.

JAMES BLADEL:

Thank you, Jeff.

And if we could, Phil, you into service for a similar update on the rights protection mechanism review.

PHILIP CORWIN:

Yeah. Phil Corwin. I'm going to sit while I speak but here I am.

I am a GNSO Councillor from the business constituency. Let me first -- since Jeff just spoke, I'm one of the three co-chairs of the new working group on the review of all rights protection mechanisms and all gTLDs. We are coordinating our work with that of Jeff's working group on subsequent procedures.

We just began our work in March. We held a cross-community conversation on Monday afternoon. We're holding a working group session tomorrow morning at 8:00 a.m.

We have a very extended timeline. We -- The first -- We have a two-phase work plan. The first phase is to review all the rights protection mechanisms created for the new TLD program. We've begun with a review of the post-delegation dispute resolution process which has never been used. We're trying to find out why it hasn't been used and whether it's a solution in search of a problem or whether there are impediments to effective use for real problems.

We'll then be reviewing the trademark clearinghouse, sunrise registrations, trademark claims notices and uniform rapid suspension. We project completing those reviews mid-2017 and producing a final report and recommendations for phase one by the end of 2017.

And then beginning in January 2018, beginning phase two of our work, which is the first ever review of the uniform dispute resolution process, the only ICANN consensus policy that has never previously been reviewed. And we have not yet tried to project how long that will take, but it will be a considerable undertaking, so I think it will probably take at least as long as the new TLD RPMs.

Let me also speak -- I also co-chair the working group on curative rights processes for international intergovernmental organizations. My co-chair, Petter Rindforth, from the Intellectual Property Constituency is sitting right behind me.

We began that exercise I think about a year and a half -- two years ago. We've really been on hold for the last year, since the Buenos Aires meeting, because after rapid progress, we had to confront the issue of what is the recognized scope of sovereign immunity for IGOs, and we had no expertise within our working group on that subject.

We obtained some funds from ICANN and just received a final -- the final report, a 32-page legal memo, very extensive and documented from Professor Edward Swaine of George Washington University Law School in Washington, D.C., discussing the sovereign immunity issue in the context of curative rights processes.

We held a working group session yesterday afternoon. We had good participation from WIPO, OECD, and the World Bank and we welcome that. And we did have a conversation with the GAC chair and vice chairs last year on this.

So we're going to be moving forward, now that we have the legal advice, moving forward and hope to reach final conclusions before the end of the year.

I will say that it would make our job easier if we knew before we completed our work the final conclusions of the board discussions with the GAC and the small IGO group regarding preventative measures for IGO full names and acronyms because I'm not endorsing any particular outcome when I say that the broader the scope of those preventative measures, the less need there will be for curative rights processes at the second level. But we will do our best, but it would assist us greatly if that parallel process reached a conclusion before the end of our -- of our working group's efforts.

And I'll stop there, and I hope that's been informative. I'd be happy to answer any questions. Thank you.

JAMES BLADEL:

Thank you, Phil, for those two updates. Thank you, Jeff, for your update. The fourth item is the next generation registry directory services. I don't know we have any of the leadership of that particular PDP here in the room. Susan, I see. If you could -- and Chuck. Chuck, would you mind finding your way to a microphone, and you can give us a couple minute update? Just off the cuff.

CHUCK GOMES:

Sorry for the delay. Chuck Gomes speaking. I'm chair of the next generation registration directory services PDP. And as I think most of the GAC members know, we had a cross-community session Monday afternoon and a regular working group meeting yesterday morning. Let me start by saying -- by thanking all the GAC participants who were in the cross-community session and for the GAC participants who are participating in the working group, the leadership team, and there are three vice chairs and two ICANN staff, and we've been very pleased with the participation from the GAC.

Now, where we're at right now, we have an approved work plan and we're finalizing a list of possible requirements that we understand that the GAC will be responding to that in a few weeks. And we're just getting ready to started deliberation on those requirements for an RDS system. The -- it's going to take us quite a while to deliberate. I think all of you know the history of WHOIS. We've been talking about WHOIS for over 15 years in the GNSO. But the exciting thing is that we've got very large participation from the whole community and -- including the GAC. And so we -- we will just be plugging away to make progress. Now, people like to hear time estimates. It's going to take us quite a while because it is a controversial issue, but the continued participation of the GAC is greatly appreciated in this. And we've had two outreaches so far. The first one the GAC gave

us their responses. We're actually drafting responses to your input. And probably those will be coming back to you in the next couple of weeks. And we'll be looking forward to the -- to your input on the second request for information in the next few weeks. And thanks, last of all, for the fact that we have a person who's serving as a GAC liaison to keep the information flow going both ways.

JAMES BLADEL:

Thank you, Chuck. So whether it's the requirements capturing and the communication via the liaison into the RDS or whether it's feedback from the discussions between the board and the GAC into IGO protections or just generally speaking, the underlying theme here is we want and need desperately GAC participation, GAC feedback, into these PDP processes. It's going to improve the quality of the output, it's going to uphold the integrity of the process, and I think it's going to lead to a much faster and more expeditious development and adoption of the new policies. So if you have any questions about how to get involved, you can capture me or any of the folks that have given these updates, and we encourage you to please do so and share your views.

CHAIR SCHNEIDER: Maybe just to add to this -- good morning -- we are doing all our best to augment the participation of the GAC in the PDPs. We've been making lists on who could go where, who would have the resources to go where. We've been slightly taken by the transition work, as most of us in other communities, but we're confident that we will be more present. Thank you.

JAMES BLADEL: So any comments or questions from the room, from any of the GAC members or participants? Any of the visitors from the GNSO? Maybe it's too early in the morning.

[Laughter]

CHAIR SCHNEIDER: U.K. U.K., please.

UNITED KINGDOM: Yes. Thank you, Chair. And thank you, GNSO, for joining us today. It's very helpful to have this update on the current PDPs. I just actually have a question for my information, and forgive me if I've failed to pick up the messages. It's about the timeline for the rights protection mechanisms and review and what the next opportunity is for us in consultation with our intellectual property agencies to -- to input into the review of the rights

protection mechanisms, trademark clearinghouse and so on. It's just a point of information I'd like, if you would be able to provide that. Thank you.

JAMES BLADEL: Thank you, U.K. Phil, are you still available and would you like to take a shot at answering that?

PHILIP CORWIN: Sure. I was walking back to my seat. Could I ask for the short synopsis of the question so I know I'm responding appropriately?

JAMES BLADEL: I think it's about asking specifically what the timeline is or the window to provide input into the rights protection mechanism PDP.

PHILIP CORWIN: Okay. As I explained, it's a two-phase process. The first phase is consideration of the new TLD rights protection mechanisms. We've just begun by looking at the Post-Delegation Dispute Resolution process. Next up will be trademark clearinghouse and then the two derivative-related RPMs, sunrise registrations and trademark claims notice. And we'll wrap up with Uniform

Rapid Suspension. That process will take us through the mid 2017. So there's plenty of time for input, and then we'll be taking the second half of 2017 to put together our final report and recommendations.

Phase two of the working group process will launch -- it's projected to launch in January 2018. We'll begin our review of the UDRP. So that's the timeline. And there's -- we've just begun the substantive work so there's plenty of time for input, and we welcome it. Thank you.

HEATHER FORREST:

Thanks, James. Heather Forrest. As a member of both of these PDPs I know we did this yesterday in our initial discussion of the subsequent procedures working group to ensure that we quite loudly and clearly welcome GAC members to participate in these two PDPs. It would be very, very helpful to have you join us in these efforts and use that as an opportunity to express your views. So I encourage you all to join both of these PDPs, RPM and subsequent procedures. And would also note for the folks in subsequent procedures on behalf of Jeff that this working group will be meeting today, be meeting in fact soon after this session and then again after lunch. Thank you.

JAMES BLADEL: Spain.

SPAIN: Thank you very much. About this working group on all rights protection mechanism, I read in the briefing that has been prepared for us that the charter for these working group envisages to address several issues that I think are important for the GAC. I would like to have confirmation as to whether this is right, this is effectively envisaged to -- to be dealt with. I'm going to read the -- the sentences. Are free speech and rights of non-commercial registrants adequately protected? Are last names and geographic places adequately protected so they are available to all to use and allowed under their national laws? Examine the protection of country names and geographical indications, and generally indications of source, within the rights protection mechanism. Is the working group going to tackle these things in the phase two UDRP? Thank you.

JAMES BLADEL: Thank you, and for a specific answer I think generally they will take on those questions if they are raised as part of the input from the GAC into this work but, you know, I can defer to Phil if they are specifically outlined as part of the charter and remit of this PDP.

PHILIP CORWIN:

Yeah, on that point, attached to the charter, which is available online, there is a list of non-exclusive questions already raised by the community for each of these RPMs, both the new TLD RPMs and the UDRP. But that is a non-exclusive list. We don't consider it final in any way and we anticipate and expect that additional questions will be raised by working group members and by the community as we proceed.

In regard to each question, in some cases there may be a question as to whether the issue raised is within the scope of our charter, but particularly in regard to the UDRP, we anticipate evaluating the charter before initiating phase two in early 2018 and if there's a legitimate need to ask the council to acquiesce to a revision of the charter to encompass questions that have been raised that we think are important and within the general scope of our effort, we'll -- we're certainly willing to look at that and to take that step. So I think most of the issues you mentioned would be in scope and we'll take -- if they're raised by community members, members of the GAC, we'll take them very seriously and address them.

JAMES BLADEL:

Thank you, Phil. Next is Donna.

DONNA AUSTIN:

Thanks, James. Donna Austin. I guess I have a question for the GAC in terms of participation in PDP working groups. I think that, you know, the GNSO is very much aware that individual governments can't speak on behalf of the GAC and that the GAC will try to provide input into PDPs as the GAC. The question I have is, is it feasible or possible or something that individual GAC members consider that they would participate in PDPs, you know, representing their own governments? And I know in the past that there have been some members of the GAC that have participated in working groups in their individual capacity, not as the GAC. So I guess I'm interested to understand, because -- and I'll just take a little bit of a step back. It would be helpful when we're going through some of this stuff, particularly on WHOIS, to understand where there are differences in national legislation that can potentially impact some of the discussions we're having. And I understand that it's potentially difficult for the GAC to come up with a consolidated position on anything like that because of the differences you have individual -- individually within your country. So I guess it's just a question, we -- we understand the challenges that the GAC has in participating in PDPs, but is there any interest or discussion that you have at any point in time about individual governments participating in PDP working groups?

CHAIR SCHNEIDER: Thank you, Donna. I think there will be no formal, let's say, GAC representation in the PDPs because that's probably not possible, apart from maybe some exceptional cases. So you -- hopefully you will have more than one individual governments that reflect some of the diversity in case there is diversity on legal backgrounds and other things. And, of course, they will try and inform you if they know about what is going on or what the situation is in other country. But we have to see how many will be present in which PDPs. That also depends on the workload and so on and so forth that we will discuss tomorrow afternoon. But we'll do our best to communicate as intensely. And also, the facts can be communicated always. And whereas our structures basically foresee we advise the board after you finish your PDPs. We are very happy to follow the invitation to comment as early as possible, and we'll have to see how well or what is the best way to come in when with what. But yeah, let's take it that we try our best to communicate as good as we can.

Iran.

IRAN: Yes, good morning. Thank you very much.

I think your question perhaps should be some sort of encouragement other than a requirement. Participation is already something good if we could further promote that. Not putting that if you participate and then you just speak on behalf of the government, yes, if they can, they do. But sometimes they could -- they prefer to just contribute as a participant, which has been helped and in helping all process. Perhaps we should put it in that context. Thank you.

JAMES BLADEL:

Thank you. We had Petter, and then I think we are halfway through. We want to start to go to some of the other topics. Thanks.

PETTER RINDFORTH:

Petter Rindforth.

Just as a practical note, it's always possible to join as an observer. That will give you continuous update of what's going on in the working group.

And then you can either afterwards, after a while, go in as an ordinary member or still as an observer reach out to the chairs of the working group with specific questions and issues. So that's also a practical way to do it.

JAMES BLADEL: Thank you. Okay. We're about --

Oh, we have U.K.

UNITED KINGDOM: Sorry. I don't mean to hold things up. But just to illustrate another modality, if you'd like, the GAC working group on human rights and international law, we are trying to identify volunteers to engage with PDP processes. For example, the new registry directory services PDP, we are looking for representatives for the working group to participate and report and interact. So that's a modality that we are developing in that particular context as one example. Thank you.

JAMES BLADEL: Thank you. Good example.

Okay. We're about halfway through our session, and I know that -- it's good that we had such a spirited and engaged discussion on this topic. It shows, I think, an indication that there's significant interest in these areas of work.

I would note that, however, besides the active PDPs, we have a couple of PDPs that are waiting for board approval and then we have a couple that are moving into the implementation phase.

We don't have time to dive into them now but wanted to make you aware that those are subsequent processes that follow the adoption of a PDP.

So let me see. I think we have some background slides here that we can now -- we've probably already covered this information. So if you bear with me while I time travel here a little bit.

Go ahead, Mason.

MASON COLE:

Thank you, James. Just one point on the slides, I am happy to make this slide deck available to everyone on the GAC and I'll be happy to forward that to the GAC secretariat so it's available to members of the GAC for background.

JAMES BLADEL:

Thanks, Mason.

Let's see. We're just kind of zipping through these here.

Now we can move to the consultation group, which I think was another item on our agenda. So if you don't mind, we have the two members of the consultation group here, Jonathan Robinson and Manal.

If you don't mind, Jonathan, can I turn it over to you?

JONATHAN ROBINSON: Not at all. Thank you. Mason, Manal, and I will provide you with a brief update jointly. We've got three slides really, and the first one talks about the current status and a brief reminder of where we came from on this.

The origins of this were both an initiative, I guess, originating within the GNSO but also very cognizant of recommendations from both the previous Accountability Transparency Review Team recommendations about earlier GAC involvement in GNSO policy development activities.

So our purpose or our objective was to explore and enhance and develop ways in which we could effectively work together. And we've really worked on this over probably the last two years or so going back to a point where our meetings together were not -- well, in fact, at one point, I think, in 2012 meeting we didn't actually even meet together.

So I'm personally just, as a quick personal note, very encouraged by the tone and substance of this meeting, the fact that we are collectively engaged with the policy development process.

In any case, we set up the consultation group and started to work. As you see on bullet 2 there, we split the work into two key tracks of activity: Enhancing the sort of day-to-day ongoing

collaboration and coordination of the work between the two groups and, in particular, focused on GAC early engagement in the actual GNSO policy development process.

To date, we've produced a number of outcomes which have been, in my view -- and I hope you'll share this -- productive.

We've implemented from a trial to a permanent basis liaison from the GNSO to the GAC. That's been filled by Mason Cole over on my right there who you've got to know much better over the last while.

And the purpose of that is to enable you to have regular updates and information and knowledge of PDP work such that you can more readily get involved in PDPs and/or at the relevant times in PDPs that's most effective to the GAC.

We've also implemented as part of the issue scoping recommendations a so-called quick-look mechanism where you end up with a flash of the activity and opportunity to get a good initial oversight of what's going on in the PDP.

There are monthly updates, so-called one pages, that are coming through and they highlight what's sort of coming down the tracks, as it were. And then there are joint GAC-GNSO leadership calls taking place prior to the ICANN meetings, or as necessary. And, in particular, you can see that the benefits of

that are something like this meeting where it's been thought through and structured and hopefully presenting information that's of particular relevance and timeliness to the two groups.

So that should give you a feel of very briefly where we've come from and the sort of work we've been doing and what the deliverables to date are. And with that, I'll hand over to Manal.

MANAL ISMAIL:

Thank you, Jonathan.

If we go to the next slide, please.

So being where we are, we thought this is a good moment to conduct a survey to update input on the experiences to date with the quick-look mechanism and seek additional suggestions and ideas for opportunities for GAC engagement in later phases of the PDP.

We've got 30 responses to the survey, 13 from the GAC and 17 from the GNSO. And we are very thankful to each and everyone who have spared the time to respond to this survey and provide us with valuable comments and feedback.

So not all questions were answered by everyone, but still we found the feedback to be very useful.

On the quick-look mechanism, just to give you the sense of how the survey results are -- and still you have the survey available. You can check the details online.

So over 60% of those who responded to this agreed that the quick-look mechanism has positively contributed to the early GAC engagement. And there were interest also from some respondents to explore additional engagement opportunities in other -- in later phases of the PDP. Initially, we were focusing on the issue scoping and the very early phases of the PDP.

So the consultation group is still to review the survey results and take those into consideration in our next steps. And with this, again, as I said, the survey is online. The results are online, too, if you want to get a clearer vision of how the responses were. And with this, I'll hand back to you, Jonathan, for the next steps.

JONATHAN ROBINSON: Thank you, Manal.

Next slide, please.

So this is the final of the three slides.

The consultation group will reconvene. We'll get back together again immediately or shortly after this meeting here in Helsinki. And really I think we see our purpose now to try and complete

our work by the next ICANN meeting in Hyderabad. That's our objective in any case and to present the final results to the GNSO and the GAC. We don't see ourselves as being a group with an indefinite life. We feel and hope that you will agree that we've made some quite significant progress, and we'd like to, you know, let that continue. And if in the future, there's a need for a similar group, of course, that's not precluded.

And our expectation is then that the ATRT3 group, which will be formed in due course and undertake its work, will review these improvements that have been made and assess their effectiveness. No doubt there may be some other recommendations, but we hope that they will be able to recognize that we are in a better place and have fulfilled at least some of what was required or requested from the outputs of the previous ATRT groups.

So that's really it from us. I hope that's been a useful and succinct update. Manal would like to have a final word.

MANAL ISMAIL:

Just a quick addition on this last bullet just for those who don't know where the ATRT comes from in this context. This initiative, the GAC-GNSO -- the early engagement of the GAC and the GNSO PDP was an outcome of ATRT1, and then the consultation group was formed with ATRT2. And this is why, as Jonathan

mentioned, we're expecting that ATRT3 will be reviewing what we have achieved so far. So thank you.

JONATHAN ROBINSON: Thank you, Manal. I think that concludes our update. So I'll hand this back to our chairs.

CHAIR SCHNEIDER: Thank you, Manal and Jonathan. I think the GNSO-GAC consultation group has made a significant contribution in filling this gap in your early engagement. And I think the quick-look mechanism is a very good tool.

And the challenge, however, is always that the structures are only as good as the resources you have to actually fill and live them. And I think we are now at a point that you allude to as the end of your presentation that I think we have now enough structures, enough processes, and there's no urgent need for developing new ones. For the time being, we have to make sure that these processes and these channels that we have built now in terms of communication and exchanges, that they are actually used and we have to concentrate on using our resources in the GAC to use these processes. And at a later point in time, it may be useful if we then again would find another gap, that we would reactivate the group. But I think so far the group

has done an excellent job and has given us the structures that we need. Now, we need to use them. Thank you very much.

Any comments or questions on the consultation group and its work?

So everybody's happy. We take the silence as a big thank you to all of you.

India.

INDIA:

Thank you, Chair. So let me begin by we appreciate the work that the GNSO has been doing, and we appreciate that the GNSO has reviewed the Marrakech communique.

Where we are particularly interested in is the issue of local language and in the new gTLD subsequent procedures PDP.

You have made a mention that not only the registry but also the registrars must focus on, you know, the IDN issue, the local language support issue.

So we in India are having a huge challenge, we face a huge challenge because we are trying to bring on users to the Net in 15 languages which are non-Latin based. And perhaps around the room also this could be a concern to some of the countries who communicate in a non-Latin script.

So we have this huge challenge of bringing out an ecosystem where we have email support and browser support on these scripts, so perhaps this could be an area of focus as we go forward and we could also see which countries have an interest in this and see how we can factor this in as we go forward. And we would like to be associated with that. Thank you.

JAMES BLADEL:

Thank you. That's an important point. I think that as part of the next subsequent processes associated with the next round of new gTLDs, internationalized scripts are a priority. They were an important component of the previous round. I expect that will grow in the second round.

I think to your second point regarding support for email and browsers, that is an additional -- an additional challenge referred to, I think, internally as "universal acceptance." I note that that is -- there is some involvement and ICANN is sponsoring some industry groups that are working on that problem and trying to build a greater sense of awareness amongst software developers and operating systems and mobile systems and infrastructure fabric to help build out universal acceptance.

So I would encourage you to reach out to that group as well, which is not necessarily a formal structure within ICANN but it is -- but it's meeting regularly in conjunction with ICANN meetings

to address that problem specifically. Because you're absolutely correct. That is a barrier to adoption outside of the Latin scripts.

Do we have any other questions? I note that we are down to our last 15 minutes and we did skip over -- that's my fault, Thomas. I went too quickly. So if you don't mind, I'll back up a couple of slides and we can talk a little bit about the exchange of views on the outstanding issues for Red Cross and IGO recommendations.

And do you want to introduce this topic?

CHAIR SCHNEIDER:

No. Actually, I want to start by asking you a question.

As you know, we have touched a little bit on the IGO protection in a previous discussion earlier in this session. With regard to the Red Cross, this is -- there are some similarities between it, too. Not everything is identical because the legal basis, and so on, for protection is different.

We just thought it may be worth it to have a quick exchange and see where we are on this because I think we both -- and we discussed this earlier -- we have a common interest in arriving from temporary mechanisms to sustainable, durable, permanent mechanisms that create the clarity, I think, that everybody wants.

There are still differences in terms of where this is procedurally, what is expected from the board, and you have produced a letter shortly to the board.

Maybe we can start with that and ask you how you see the next steps in this issue with regard to arriving at something permanent and stable.

JAMES BLADEL:

So thanks. And I know that we probably have some other folks from the GNSO that might want to weigh in on this topic as well.

Just from my perspective, we sent a letter to the board in response to some consultations that we had with members from the international Red Cross, both in Marrakech and at our GNSO Council meeting in April.

The challenge is that from our perspective in the GNSO, that this issue has been stuck for several years. In fact, we were taking a quick headcount and noting that most of us on the council currently were not on the council when this -- when this PDP was formally adopted, so that just gives you an idea of how much time has elapsed. And our goal was --

CHAIR SCHNEIDER:

But the Red Cross was still there.

JAMES BLADEL:

The Red Cross was still there. In 2013. Yes, they were.

So -- but the point being that we had to get up to speed, refamiliarize ourselves with the issues, and also sort of restart or reboot that effort and get it -- get it back in front of the board.

Where we're going from here is that we've specifically asked the board for guidance on what their intentions are in terms of making -- you know, if they intend to either accept our recommendations or accept them partially or -- or reject them. Because we have mechanisms for each scenario, but -- but we need to -- we don't want to necessarily presume the outcome.

So I think that for the most part, our letter was asking the board -- reminding them that we are awaiting some movement or some disposition from them before we can move forward on this issue; that we are essentially waiting for them to make the next move.

And I don't know if anyone else at the table or from the GNSO would like to weigh in on this topic, but it is something that we are also keenly aware -- keenly interested in seeing that move forward and having these temporary measures replaced with something a little bit more permanent and sustainable.

CHAIR SCHNEIDER: Thank you. I think this is useful for the GAC to know, so, yeah, I see there are a few hands up, so please make your comments or raise your question.

I have Iran, the U.K., and the OECD. Thank you.

IRAN: Just a simple question. After your letter to the board, has there been any follow-up action? Thank you.

JAMES BLADEL: Not yet, no. U.K.?

UNITED KINGDOM: Thanks. Well, you know, this has been going on, as I think you've acknowledged, for a huge amount of time, and when you're talking about the Red Cross/Red Crescent movement, you're talking about the humanitarian organization that has to deploy resources to combat abuse.

Is there any action happening --

We appreciate your attention to this. That's very well appreciated. But, you know, is there something happening at this meeting, for example, in Helsinki that you can update us on in that respect so that we can report back to our -- not only to

the ICRC but also to our national Red Cross entity in the U.K. and elsewhere? Thank you.

JAMES BLADEL: So first off, there are temporary measures in place for protection against abuses. I don't want us to think that we are exposed during this interim time. But I think, Heather, if you want to update on activities at this meeting?

HEATHER FORREST: Thank you, James.

We should note that in James' answer to the question "Has anything happened since our letter of 31 May," no, not formally, but we did meet with members of the board yesterday and this was one of the issues that was raised. It was one of two issues that was raised. And the board members present noted our concerns that were outlined by James in terms of the position that we're in.

Please understand, as James said, those of us sitting on the council are not, by and large, those who voted on the recommendations that were made by the PDP working group. There is a process that's outlined in the bylaws. The PDP working group puts forward recommendations, those are put

forward to the council, and they go to the board. And that's where we sit.

So insofar as the GNSO Council, we've done what we can do. We pushed the board in our meeting yesterday and we'll continue to push the board.

JAMES BLADEL:

And OECD.

OECD:

Thank you. I'd just like to echo those same concerns that the issue for IGOs also remains unresolved.

In particular, with the point to the -- regarding the fact that the current members of the GNSO actually weren't there when the initial PDP happened, you know, the IGOs are still around. We're very familiar with these issues. If anyone ever wants to pick up the phone or send us an email, we'd love to have a conversation with people and just bring everyone up to speed. There's been a great deal of concern on all of our behalves that there's a little bit of -- a lot of misinformation flowing around and I think maybe some misunderstandings of what we're actually looking for and the degree to which IGOs are willing to be flexible on certain issues and also why some of the issues are important to us.

So I think communication is really the key in order to bring a timely resolution to this issue.

And in that regard, I'd like to note the work of this small group that's been going on in some semiofficial capacity since the Los Angeles meeting in 2014, which has also been at basically a standstill despite the efforts of the IGOs.

I know that I personally, with my colleagues at the OECD, organized a meeting in Paris last summer which we hoped would spur things along a bit but we didn't really see any progress happening after that, so that was another bit of disappointment.

And then also in -- it's interesting to hear everyone say that the board is waiting for a steer from the GNSO or everyone's waiting for the board to act because in my informal conversations with board members I've heard a little bit of the opposite, that they needed action to happen from elsewhere.

So I think whether it's in the context of the small group or in some other informal conference call or email conversation or in-person meeting or what have you, the IGOs are here, we're available, if you want to just sit down and have a conversation and maybe figure out how we can bring this to a close.

Thank you.

JAMES BLADEL: Thank you. Certainly appreciate the offer, and it is something that I think we may explore as we go forward.

We had one other question, I think, from Switzerland? Is that right?

SWITZERLAND: Thank you very much and thank you for your comments.

I wanted to echo what the U.K. and also what the OECD have said. I think that these are related, although different, issues with different legal bases which, as you know, we have repeatedly asked for a solution on a permanent basis which takes up the -- the provisional protections at the same level, and I trust that both the board and the GNSO, and also consulting with us, if needed, you may come up with a solution on this which takes up the level of protections that is already there on a provisional basis, and that we really deliver something on this, and in a short time frame, as soon as possible, and treating both issues differentiate -- in a differentiated manner according to the different legal bases. Thank you.

JAMES BLADEL: Thank you. And the last note on this would be Donna.

DONNA AUSTIN:

Thanks, James. Donna Austin.

Just responding to something that the OECD mentioned, one of the things that became obvious during our conversation with some of the board members on Monday is that there is confusion around process, and that's something that we will try to get clarity on with the board. I think it's something that we've committed to do.

So we do have a little bit of a miscommunication in terms of process on this one, so we need to clear that up.

There are certain things that the GNSO Council can do, but we don't have the flexibility in what we can do that the board seems to assume that we have, so we need to get some clarity around that and make sure everybody understands what we can and can't do moving forward. Thanks.

CHAIR SCHNEIDER:

Thank you. I think Donna raises an important point. There has been a little bit of like a weird football game where nobody's trying to score the goal but just kick the ball to the next one in hope that he would do it, with the board asking the GNSO to maybe modify its recommendations where they didn't run out of

line with the GAC's advice and the GNSO waiting for the board to take that decision.

As long as you take over GAC advice, we actually don't care how you take that decision so it's actually fairly simple. So that would be a very pragmatic solution from our side.

And sometimes this is the chance and sometimes it can also be good to have new flesh blood to maybe have the right knives to cut the Gordian Knots that are there in terms of process and other matters. So we all hope -- and you're right, there have been quite significant delays in this so-called small group where we had some hope that we would find a pragmatical solution that could then be shared with the rest and we got very far but not to the very end.

And again, the excuse for everything, of course, have been the transition from all sides that everybody was so taken by this. That excuse is now gone, so we -- as you know, we have scheduled a meeting here to try and move this on, and I think we need to keep each other informed about process -- progress or problems with progress, so that we come to a close on this one in a reasonable time. Thank you.

So we have a few minutes left and I think it would be good from -
- Mark, a very short (indiscernible) on this?

MARK CARVELL: Sorry, Chair. Sorry. It's another point. I just wanted to get in a different issue. Do you want to do it in --

CHAIR SCHNEIDER: Okay.

MARK CARVELL: Oh. Thank you very much.

My point relates to a report by the Internet Watch Foundation, 2015. The Internet Watch Foundation, based in the U.K., is tasked with identifying and blocking child abuse imagery on line, and their report records that child abuse images were found on new gTLDs for the first time in 2015.

They took -- the Internet Watch Foundation took action on 436 new gTLD domains, many of which appeared to have been registered specifically for that purpose. Child abuse image dissemination.

So I -- my question is: Is the GNSO aware of this report and is it taking any action to consider it and react? Thank you.

JAMES BLADEL: So just briefly, no, I'm not aware of this particular report. I know that, you know, speaking personally, our company has been involved with the Internet Watch Foundation and -- to address this issues, as well as MICMAC, the U.S. counterpart. I certainly don't believe that there's any question that that would be something that the -- not only the industry, but also law enforcement across the globe would take action upon. I'd be curious to see this report, and -- but this is the first time hearing of it. Thanks.

CHAIR SCHNEIDER: Thank you, Mark, for raising this. This is, of course, an issue of fundamental importance so we should all have a look into this.

We're basically done, but I would like to spend two minutes before the coffee break on asking James a very quick information about knowing that they -- the GNSO is looking at their internal procedures and mechanisms, analyzing to what extent they are fit or not for their participation in the new empowered community structure, knowing that we have to deal with this as well -- we're going to talk about this in our session on IANA transition and the one on operating principles -- it may be useful and inspiring for us to see how are you proceeding.

So if you, in one, two minutes, could outline to us how you're doing and what the key things are that you're realizing should be done.

JAMES BLADEL:

Sure. So that effort is just getting underway at this meeting. We have a motion for consideration during our meet- -- during our meeting tomorrow. I suspect that that will begin in earnest between now and our meeting in July, where we will form a team to take a look at these issues. We have an analysis that was prepared for us by staff that will probably be the starting point for those discussions to understand exactly what mechanisms or what aspects of the empowered community we are ready for, what we're not ready for, and how to best approach the process to fill in those gaps.

I think that one of the questions we had yesterday that we're still working out, and it will probably come up again in our discussions tomorrow, is the time line and how -- what our sense of urgency is, whether this is something that needs to be -- some of these need to be in place, perhaps, earlier and closer to the actual transition, where some perhaps can wait a little bit longer towards the end of the year. But all of those things will be up for discussion as we kick off this exercise.

But I will confess to the fact that we are just getting started, it's very early on, and -- but I have -- I'm encouraged by what we've done thus far.

CHAIR SCHNEIDER:

Thank you. And I've seen some of the documents and I don't know whether they have been shared with the whole GAC but actually there are some interesting elements in it for us, so in case they haven't been shared I would like to ask the secretariat to share this with everybody and continue to feed us, as you seem to be, not too much but slightly ahead of us. Continue to feed us with your work on this, because that may be useful for us as well.

Any final questions, comments, things that you would like to raise before we let you go to the back to get your coffee?

It does not seem to be the case. In that case, I would like to thank you for this exchange. Again, it was very useful, I think. Also building on our exchanges on more substantive details that we had already in the past days. Let's continue like this. Thank you very much. This is the coffee break.

JAMES BLADEL:

Thank you.

[Break]