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HELSINKI – GAC Communique Drafting Session  
Thursday, June 30, 2016 – 11:00 to 12:30 EEST  
ICANN56 | Helsinki, Finland

CHAIR SCHNEIDER: Thank you. If we look on our agenda, we have time from now to 12:30 to work on this, and then after the lunch break we have a half-an-hour session on exchanging views about how our experience with this meeting has been, and in particular, also, we need to start planning a little bit for the next meeting because almost as much is unclear with regard to how to organize the next meeting like it has been in the runup to this meeting because it's also a new one-day-longer meeting than usual, so we have to get to some shared understanding about how we organize our time there.

And then we have another hour for the communique finalization. So we have very little time, much less than in a normal meeting. I just would like to ask to bear this in mind when we are working on this.

So I would like to basically start a first reading, and if there are some general remarks on the text as a whole, please make them now and let's all try and be short in our interventions because, as I said, time is limited.

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*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.*

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I see Egypt, Iran, and United Kingdom, please.

Egypt, go ahead.

EGYPT:

Thank you, Thomas, and I'll try to be quick but -- and please take my remarks for future communiques. I'm not proposing any specific changes for the communique of today, but rather they are a few remarks to be considered.

Because I feel, like you mentioned, that the communique is becoming longer and longer, and also we need to fulfill some other requirements in future communiques as per our discussion during the BGRI working group, so -- which would be even longer, so I suggest that we try to be concise and to the point and try to make it as short as possible throughout the communique.

I'm not attributing this to a specific heading or section, but it's more general.

And on the rationale part, again, I think this is too long and sometimes I feel the rationale is more of trying to convince other GAC colleagues why we need this in the communique rather than addressed to the board members, per se.

So just a few general remarks, again, for future, so thank you.

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CHAIR SCHNEIDER: Thank you. Iran?

IRAN: Yes. Similar to Manal, the text is too long, but I'm not worried about the informative part, I'm worried about the advice of the board -- to the board. Too long. Sometimes, in particular, rationale. And we have not followed. That should be clear, precise and concise. We create problems. This is one general comment.

Second general comment is Thomas, I'm very sorry that you want to deal with the communique which is output of the four days in about two hours. It's not correct. I'm very sorry. Please accept my apology. We should have more time, because communique is reflecting the whole picture and image of the GAC.

Thirdly, I have sent three times a text to Tom and to Gema with respect to the use of the two-letter at the second level and they have not included. Can you ask why? Do we have a particular restriction not to take into account comments of -- by a GAC member?

This is very serious. It is not my view. The view of many others. I have talked with many other people. For us it's very important

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that we need to have agreement of the country, and I propose a neutral sentence you have not even included for discussions. Total neutral sentence. Thank you.

CHAIR SCHNEIDER:

Thank you, Iran.

First of all, with regard to the time, the agenda as we have it here and the amount of time -- actually, we have more time now because we shortened the Web site more than planned -- was agreed by the GAC. It was a proposal by the leadership team. We had two phone calls on this some weeks ago. It was agreed by the GAC, knowing that this is an experiment, but that was the basis. That didn't come out of the blue. It was a proposal to the GAC and it was agreed. Fortunately we have a few minutes more than planned. We may need them. But we have to see how it goes. And the more constructive and efficient we are, the easier it will get.

With regard to text included or not, I will give the floor to Spain shortly.

Just, I think, to make it clear, this is still text in progress, so things may be added, things may be changed, things may be deleted, and the electronic -- the mail communication is something that everybody's reading and everybody's seeing, so I

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don't think that anything is basically censored or precluded. At least that's how I understand the way we work. But maybe -- I don't know if Gema, Spain, you can give some further explanations. Thank you.

GEMA CAMPILLOS:

Thank you, Kavouss. The text that you provided had two main modifications to the text that was drafted on Monday. One of them is to refer to the need for explicit consent by governments to the use of two-letter codes. That received two negative comments, written comments, by the colleagues that were working on the text. You know we work by consensus. So that could have been a stopper to have a consensus on the text.

The other modification that you proposed was not included because the session we had on two-letter codes, there was no explicit opposition to releasing two-letter codes under brand TLDs and restricted -- TLDs with restricted policy registration. That's why I kept that text on that section of the communique.

If the text were supposed to reflect the Spanish view, the text would be completely different. But I try to collect general views and reflect that on the text. But we have the opportunity now to discuss the text.

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CHAIR SCHNEIDER: Thank you. U.K.

UNITED KINGDOM: Yes, thank you, Chair. First of all, thank you, Tom and the team, for making such excellent progress with the drafting to help us. Thanks. Much appreciated.

I sent two items of text for inclusion -- they are basically information items -- this morning. I'm sorry I wasn't able to do that earlier. They are very short. They are two sentences each on, first of all, community-based gTLD applications, the fact that there is a study initiated which was reported at the meeting. And second one relating to Red Cross, Red Crescent, Red Crystal permanent protection.

So I sent those through earlier. Perhaps they will be included in the next iteration of the text. They are very short, two sentences each. Thanks very much. Thank you.

CHAIR SCHNEIDER: Thank you, Mark. Just so I get you right, the text that you asked to be included is not for the advice part; it's for the information part which is because it has been discussed. And the names of the researchers won't be in the text. This is just for additional information. Okay. Thank you very much.

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So we can see whether this is -- people would like to see these two elements included. One is on -- Mark's first mail is on the Red Cross and Red Crystal designations/names, and the other one is the study on community-based applications. Iran and then Indonesia.

IRAN:

Thank you, Chairman. Perhaps the text that I sent to Gema was not understood. It is a neutral text, and this should be included for discussions. It should not be judged that it is not a consensus. And it should not be judged because you receive two negatives. You have not received other positive from that text. So it should have been included for discussions.

And I request firmly and formally that we include that text for discussion. If there is no consensus, no problem. But we have to discuss that. So I wonder if the Chair of the group decides that it is negative or positive or accepted, not accepted. So please kindly include the comments for discussions. Thank you.

CHAIR SCHNEIDER:

Thank you, Iran. We can put it in, copy it in, and then when we do our first reading, discuss this.

I think what Spain was trying to do is trying to take the feedback on the text in a way that -- modifying it in a way that it had the

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highest chance of being as close to a consensus text as possible in order to save time. So -- but, of course, as I said, everybody has a right to put text forward that this is very clear. So I think this was all done with best intentions. And we continue to work with best intentions.

Indonesia, yes. Ashwin.

INDONESIA:

Thank you, Tom. First, basically, I agree with our friend from Iran, that we need to discuss communique with enough time because, you know, everybody of us has an order from our boss back home. And somehow we have to communicate with them. And it has to be somehow reflected later in the communique whether how it looks like. But we get an order -- I think all of us are the same. We are all (indiscernible) here.

Now, secondly, I do not know how to put it in the communique or maybe other methods. But in addition to communications to other organizations, there are also some important points that, I think, should be taken into account by all of us.

For example, in the last -- in the last presentation by Patrik -- Mr. Patrik something.



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CHAIR SCHNEIDER: Faltstrom.

INDONESIA: I'm sorry.

CHAIR SCHNEIDER: Dotless Faltstrom.

INDONESIA: I'm sorry for that. I hope Patrik will not listen -- will not hear my comment. He mentioned one of these things. I want to make a comment but no time, and I hijack him outside.

What important is that he mentioned the technical things, the transformation of I.P. version 6. Now we are still -- many countries, many people are still using I.P. Version 4. We can still communicate with each other because they, who transform to I.P. version 6, they are still use -- they still have I.P. Version 4 number.

But later when those people doesn't use the I.P. Version 4 number anymore and use the I.P. version 6 totally, then Ashwin that use I.P. Version 4 cannot communicate with Tom that only use I.P. version 6 fully because the protocol is different.

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So these kind of things is important because if that really happen and we still have Version 4 and version 6, version 6 becomes big and bigger and bigger. Version 4 is still...

Then the logo that we have, "One World, One Internet," will have to be changed. "One World, Two Internet, Version 4 and Version 6." Then you have two Internet -- two cyberspace, Version 4 cyberspace and Version 6 cyberspace. It's not what we want.

So these kind of things we have to take into account to consider how we can keep the "One World, one Internet" version at least for a few years to come and see how it has to be transformed. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Ashwin.

With regard to the discussion about how much time to use for the communique, we had -- I'm trying to find it in my calendar, but it's too full so I haven't found it yet. I think it was somewhere in early May or so where we had a proposed draft agenda and we had two calls as usual in both regions. And there were actually some that were arguing that we may not even need a communique in this B meeting as the policy forum was called then. And everybody agreed that, okay, we may have a communique but a short one. And that was the basis on which

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we continued to plan in a very transparent way, according to what you wanted us, the leadership team, to do.

Of course, life is developing and things develop and we have to take that into account. But we somehow have to also be able to rely on things that we've agreed and tried to basically -- yeah, follow this.

So this is where we are at, and I think it actually still makes sense to have a communique but try and to the extent possible keep it short and concise.

And we have the time that we have based on what we agreed during these calls. So I think this is what we have and what we have to live. And I think we should be able to live with this.

So I'll stop here. If there are no more general comments, I would like to have a quick first reading going through the text, identifying. We will not go into drafting in the plenary. But we will try and identify where are the elements that people wish to have a rework of the text, identify missing elements, and see to what extent they may be consensual but not go into the drafting. We'll ask for written text proposals and so on so that we can go through the whole text with a sense of, okay, where are the key points where we need to spend most time on.

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One thing that I think we have to -- on a general level have to think about is on the many agenda items -- actually, it's okay. I haven't said what I have said. It's fine. Okay. Thank you.

So let's go through the bits of the text one by one. And, of course, Tom has proven that he's very able to lead us through the text. So I know that he's happy to do this also in this meeting.

[ Laughter ]

In some cultures doing like this means actually yes. I think Australia is also one of them.

TOM DALE:

It's a life-long fulfilling task, Thomas. It's good. We're happy.

What we normally do, for those who are not regular GAC attendees, is as Thomas said to literally do a first reading which means you'll get used to my voice -- I'm sorry about that -- by the end of the afternoon. The section dealing with interconstituency activities and community engagement starts that: "The GAC meeting took place as part of ICANN56, which was the first Policy Forum under the new ICANN meeting structure. Community engagement took place at the bilateral level, with GAC meeting with several ICANN constituencies; and at the cross-community level with GAC participating in a range

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of cross-community sessions and leading one of them." That "leading one of them" is to happen this afternoon.

"All GAC plenary sessions were conducted as open meetings."

CHAIR SCHNEIDER: I don't see any hands up, so I think we can continue right away.

TOM DALE: Thank you.

"The GAC met with the GNSO Council and discussed: The current range of policy development processes, noting the value of GAC members' participation in such processes, including sharing information on a national government basis; the GAC-GNSO consultation group, including a recent survey of GAC and GNSO members, and noting the aim of completing the group's work by ICANN 57; and the need to finalize outstanding issue" -- that should be "issues" -- "concerning protection of names and acronyms for intergovernmental organizations and the Red Cross Red Crescent movement."

Yes, at the back.

JAMAICA: Hi, good morning. Jamaica, Wahkeen Murray. Just a question on bullet 2. It might be abundantly clear to others, but would it

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be useful to kind of indicate what the recent survey was to determine because as it is, it is just a recent survey of what -- for what purpose. So for clarity, it might be useful to indicate what the survey was about in, of course, as short way as possible.

CHAIR SCHNEIDER:

Thank you, Jamaica. That actually does make sense. So the survey was about the experience with a quick-look mechanism and the processes that the GNSO -- GAC-GNSO consultation group came up with. But that makes much sense, what you say, so we will include that.

Iran.

IRAN:

Yes. On second bullet, more or less the same. It's mentioned that GAC consultation group. On what? And then at the end says that the GNSO members are noting the aim of the corresponding group works by ICANN57. Sorry, the GAC members on what? It says recent survey. What recent survey? What was the survey recently done? We have to have the subjects.

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CHAIR SCHNEIDER: Thank you. I think your last point has just been covered by the proposal of -- by Jamaica.

With regard to GAC consultation group on what, this is the name of group. If we want to be short -- and this has come up in every meeting, I don't think we should -- or I would suggest that we don't spend time this. This is the name of the group. This is how we've always referred to it. And if you can live with that, I would suggest that we leave it as it is just as the useful information of the substance of the survey and then move on.

Is that acceptable? Iran?

IRAN: I see no problem to mention on what on what. We are not writing for ourselves. This is for something that we have to show to other colleagues who are not here. So it should be quite clear of the issue. Thank you.

CHAIR SCHNEIDER: I would like to ask you to come up with a concrete language text for the next -- for the next version of the text so that we can just integrate it. Olof?

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OLOF NORDLING: It's quite simple to add "on early engagement of the GAC in GNSO activities."

CHAIR SCHNEIDER: If that's okay?

All right. Thank you for solving this for us, Olof. So we'll put that in and also the addition by the -- proposed by Jamaica.

Can we move on to the next part? Okay. OECD?

OECD: Sorry. Just two grammar points. There should be an apostrophe after the "s" in "members" in the first bullet, and then in the bullet, "issues" should be plural, I believe.

CHAIR SCHNEIDER: Yes. Thank you.

Okay. Tom, please continue.

TOM DALE: Thank you. I actually pride myself on my use of apostrophes. I'm mortified to have been called out by the OECD, so I thank you.

[ Laughter ]



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It's a serious issue.

[ Laughter ]

"Meeting with the ccNSO.

"The GAC met with the ccNSO council and discussed three things: Implementation of the adopted framework of interpretation for redelegation of ccTLDs; proposed ccNSO policy development process on retirement and review of ccTLDs; and results of the survey conducted by GAC of relationships between governments and ccTLD administrators."

Okay. I'll go on.

"Meeting with SSAC." That's the Security and Stability Advisory Committee. Please remember those comments will need to be updated to reflect what we actually said. The communique, some parts of it, of course, have had to be drafted before we've actually had these discussions. That sometimes is the way. But of course the GAC can always change it.

Move -- the section on cross-community sessions is very brief. It reads: "GAC members engaged actively with the range of cross-community sessions held as part of the new policy forum meeting structure. The GAC acted as lead for the session on workload scheduling and management," assuming that does happen this afternoon, Mr. Chairman.

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CHAIR SCHNEIDER: It may happen, so yeah.

TOM DALE: Okay.

CHAIR SCHNEIDER: Just actually, one thing that I forgot when we had the discussion before about the time that we have.

In order, also, to compensate for the little time that we have, we proposed and you've accepted that we would start sharing elements of text ahead of the meeting, also knowing that we will be very tight in agreeing on it, so that you've had time to look at at least the elements that have been there in advance, and I think -- and this is my take of this -- that this is actually very useful and we will continue to ask for elements for a zero draft of the communique before the meeting because that also saves us time and helps people to -- even if it's a zero draft that might not be consensual, but it helps people to consult internally and so on and so forth.

That was just something that I wanted to add before, but I forgot.

Thank you, Tom. I think you can move on.

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TOM DALE: Okay. Thank you. Thank you.

The section dealing with the BGRI session that you recall the GAC had on Monday, this is text from one of the co-chairs, Manal, of Egypt.

"The GAC met with the BGRI, reconvened, to consider the effectiveness of GAC advice. After discussing key findings and recommendations of the ACIG report on this matter, the GAC agreed to fine-tune the current description of what constitutes GAC advice, agreed to create a template that includes all aspects that need to be considered in any GAC advice, agreed as a pilot to have a post-communique exchange with the board to ensure common understanding of GAC advice provided in the communique, and agreed to the BGRI working group suggested work plan regarding activities to be accomplished intersessionally between Helsinki and Hyderabad meetings and beyond."

CHAIR SCHNEIDER: Thank you. I see the United Kingdom and Iran, please.

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UNITED KINGDOM: Yes. Thank you, Chair. Thank you, Tom. It's not actually on this text but we usually start off the internal matters with a record of new members joining, and of course we had -- we have Guyana and -- joining and the number going up to 168. I think we should have that short paragraph of information at the start. Thank you.

CHAIR SCHNEIDER: Fair point. Thank you. We'll add that.  
Iran?

IRAN: Thank you, Thomas.  
  
In the introductory part, do we need the second line, "After discussing key findings and recommendations of the ACIG"? Do we need this part? Thank you.

CHAIR SCHNEIDER: No, I think we don't. We can actually -- if this is agreed, we can just say "The GAC met, recommend," blah, blah, and then have the bullet points, for instance, so that makes it at least one line shorter.

So thank you, Kavouss, for helping us with getting to a shorter text.

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Other comments on this section? That does not seem to be the case, so Tom, capacity-building.

TOM DALE:

Thank you. Thank you. This section comes from the -- or the text comes from the co-chairs of the GAC working group on underserved regions. It reads: "The GAC held a capacity-building session at ICANN 56 co-organized by the GAC working group on underserved regions" -- I'm sorry, that's a typo; not undeserving, certainly, but "underserved," it should read -- "and ICANN's GE/GSE team. As an outcome of the session, the co-chairs of the working group invited the GE/GSE team to pursue closer cooperation and work together to assist GAC members government officials" -- "to assist GAC member government officials in building capacity and expertise on various DNS-related topics. In parallel, the GAC working group will identify priority areas and issues that GE/GSE could include in their engagement related to capacity building."

Okay. If there are no comments, we'll move on. Thank you, Thomas.

Okay. Working groups. These GAC working groups and reported to the GAC as follows.

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"Human rights and international law. Following endorsements by the human rights and international law working groups of a work plan which had been finalized intersessionally, the working group discussed the priorities within it. An active participation in the forthcoming discussions of the CCW accountability on a framework of interpretation for the human rights commitment included in the bylaws adopted on May 27th was identified as a priority work stream. Volunteers are being sought for following this issue as well as the other items contained in the work plan. The value of collating information about relevant conventions and other legal frameworks was also discussed and it was agreed to ask the IGO observers on the GAC to comment on this and consider contributing to this exercise. In addition, an information exchange was held with the cross-community working party on ICANN's corporate and social responsibility to respect human rights."

CHAIR SCHNEIDER: Yes, Iran.

IRAN: Thomas, could we make it shorter? It's too long, the text, in view of the second middle paragraph that there is a group of work stream 2 dealing with this issue. Can we make it shorter? Thank you.

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CHAIR SCHNEIDER: Yeah. I think, for instance, the thing about the work plan, yeah, and other things can be formulated maybe a little more concisely.

Maybe ask the -- those who submitted the text --

I think the information is valuable but there are some words and parts of sentences that are not absolutely necessary.

Thank you very much for this.

Can we move on?

Okay.

TOM DALE: "Protection of geographic names in new gTLDs. The working group met during the ICANN Helsinki meeting and it will continue working on documents dealing with the concept of public interest and best practices for future new gTLD rounds. Additionally, it will continue working in finding more accurate definitions and usage of geo names lists."

That's text provided by the chair of that working group, Olga Cavalli from Argentina.

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CHAIR SCHNEIDER: Iran?

IRAN: Thank you, Chair. In the discussion, we said that there is no need to talk about the definitions and usage of geo names lists. What definitions we are looking for? We've mentioned that the name of the country is the name of the country. We don't redefine that. Thank you.

OLGA CAVALLI: Thank you, Kavouss. We have been working with -- in trying to interact with ISO and see if we can work on new lists or enhancing the present lists.

This is referring to that.

CHAIR SCHNEIDER: Egypt?

EGYPT: Just a minor suggestion. Can we say "and continue working on finding accurate"? Thank you.

CHAIR SCHNEIDER: Yes, Iran.



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IRAN: Thank you. Olga, what is the modality to work with ISO? Who will work? GAC work with ISO? Because there is a procedure how ISO work will be done. So what is the modality to that? Thank you.

OLGA CAVALLI: Kavouss, it's -- thank you for your question. In the meeting in -- it's part of our working plan, and in the meeting we had in -- I cannot find the place -- in Ireland, in -- sorry --

[ Laughter ]

It's a headlock. We had an informal meeting arranged by our colleague, Giacomo Mazzone from EBU, and we had this informal exchange with ISO in trying to review this list. It's not a formal GAC interaction with the ISO. It's just an informal meeting with them and trying to understand their working methods and the way to enhance or create or change lists.

So this is only what this sentence refers to.

CHAIR SCHNEIDER: Thank you. Can we move on to the next part? Okay. Tom.

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TOM DALE: "GAC participation in the NomCom. The working group met during the ICANN Helsinki meeting. Different scenarios for GAC participation in NomCom were reviewed. There was agreement that the working group will develop draft GAC criteria for selection of leadership positions in ICANN to be shared with the whole GAC. The working group will continue its work and will contact NomCom leadership to set up a face-to-face meeting during the next ICANN meeting in Hyderabad."

That was text from the chair of the NomCom -- the GAC participation NomCom working group chaired by Olga Cavalli. Thank you.

Denmark and Iran. Denmark first.

Sorry. Are you chairing this or --

CHAIR SCHNEIDER: No. The thing is if we constantly have to do this (indicating), it's annoying, so I have no problem with Tom calling you to speak, because otherwise, I get a tennis arm, as we call it in Germany.

TOM DALE: Okay. The first was Denmark and then Iran. Thank you.

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DENMARK: Thank you. It is stated here that we should develop criteria for selection of a leadership position in ICANN. I think it should be precise that it's board members.

OLGA CAVALLI: Thank you, Denmark.

I don't think that we specified that this morning. In my opinion, the working group could do also some valid criteria for general leadership positions in the whole ICANN. I don't know if there are other views about this. We didn't discuss this this morning. Only for board members. So I think it should not say that.

CHAIR SCHNEIDER: Thank you. This is a text that indicates an intention of a working group so I would urge you not to spend too much time on this.

Germany very briefly, thank you.

GERMANY: Thank you. I actually share the understanding of Denmark that we precisely said we would focus on board members and, for example, not have an opinion on how the NomCom chooses GNSO Councillors and so on and so forth.

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OLGA CAVALLI: Thank you for the comments, and apologies if I misunderstood that. I will go through the transcripts and see if I am mistaken.

I think that we may keep it as general for the moment, as it is an intention to develop this criteria. I don't know what you think about this.

CHAIR SCHNEIDER: I think we don't have the time for this, I'm afraid, so maybe -- we will have a second reading. Maybe if those who have stronger feelings about this could quickly get together and agree on a wording that you all think is reflecting the state where we are in, I would be very thankful for that.

OLGA CAVALLI: Just a final comment. It's not a big -- we can add, if the room is okay with that, for the board. I think it's not a big -- it's not a big issue. Thank you.

CHAIR SCHNEIDER: Thank you. I think Manal has a proposed solution.

MANAL ISMAIL: Yeah. Maybe we can just say "selection criteria" without saying for who exactly. "Selection criteria shared with the NomCom." It's understood, I mean, implicitly.

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CHAIR SCHNEIDER: Then people will ask "selection criteria for what."

Let's have you get together and come back with a word because we may have other things that we also need time for. Thank you very much.

Tom, please, move on.

TOM DALE: Thank you, Thomas. "The text will be provided in the next version covering our report from the public safety working group, the review of GAC operating principles. Whereas, the working group led the GAC plenary session on this issue. A work plan will be developed and circulated for adoption by the GAC before the Hyderabad meeting." Are there any comments on that?

CHAIR SCHNEIDER: I had a question on the text. When will we get the text from the public safety working group? That would be a question. Oh, you got it. So let's hope it is more or less in the length of the others. We'll see. So that will be circulated. Thank you.

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TOM DALE: Okay. Thank you. The section dealing with the independent GAC secretariat reads: "The GAC reaffirmed its view that an independent secretariat is essential for GAC to perform its functions. Sources of funding will be explored with the aim of continuing current arrangements after the current contract with ACIG expires in July 2017." That text was actually drafted by me in case you were wondering. "Any conflict of interest is oversights by the GAC as a whole." Thank you. Canada. Thank you.

CANADA: Thank you very much. We would just propose a very minor change to reflect some of the points that were raised during the discussion yesterday. So it would read: "The GAC reaffirmed its view that a sustainable, independent, accountable, and transparent secretariat is essential and so on." Thank you.

CHAIR SCHNEIDER: Can we agree to this? I see people nodding. So thank you, Canada.

And then we go to the Section C.

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TOM DALE: Thank you. Section dealing with transition of IANA stewardship and enhancing ICANN accountability: "The GAC agreed to nominate a liaison to the Customer Standing Committee that forms part of the post-transition IANA structure. GAC members will work intersessionally to develop principles to guide its participation in the new empowered community structure established under the ICANN bylaws."

And, finally, "GAC members will continue to actively engage within the cross-community working group on enhancing ICANN accountability as Work Stream 2 issues are progressed."

Are there any comments on that. Iran? Thank you. And then Brazil.

IRAN: Yes. Perhaps in the last part of that, you should mention "appointed" or "selected" or "elected" members who ask to participate in that. Or you have voted elsewhere. You should mention here. Thank you. This is formal.

CHAIR SCHNEIDER: Brazil, were you proposing the same?

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BRAZIL:

Thank you, Chair. No, actually it was another point on the understanding that we should at this point in time try to advance some language for further consideration in the drafting session.

We would like to refer to the second paragraph of Section C. To our knowledge, it needs some redrafting in order to make it more consistent with the section on the same subject from the Marrakech communique. I wonder if this is the right time to propose the language.

So we would like to propose to add some language, and I'll read the whole paragraph. It will read as follows: "GAC members will work intersessionally to develop principles to determine the conditions of its participation" and then it will continue as it is.

I hope Tom got it. Thank you. Then again, the spirit of this proposal is just to make it more consistent with the language from the Marrakech communique on the same subject. Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil. I think it makes sense to stay as close as we can to the text agreed in Marrakech. So I see people nodding. All right.

E.U. Commission, were you also --



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EUROPEAN COMMISSION: No, no, I was pointing.

[ Laughter ]

CHAIR SCHNEIDER: Okay. So should we give the information that the GAC assigned the members for Work Stream 2? Do you want to have just a country or the name of the person and the country? What is your preference? What did we do the last time? Countries. Okay. And then we have some -- okay, all right. So we'll add a sentence informing who will be the -- Yes, Iran.

IRAN: I didn't quite understand the proposal of Brazil. I have no problem that intersessionally work on the condition, but that would be a draft. It would be submitted to GAC meeting physically for confirmation. I don't think intersessionally we can agree on condition. It should come to us for final confirmation. Thank you.

CHAIR SCHNEIDER: Thank you. I think there's no substantive change in what -- it's just that the wording about the participation in the new empowered community structure is -- the Brazilian proposal is a

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copy/paste of that wording in order to avoid discussions about whether we mean something different than what we meant in Marrakech.

But the fact that we will work intersessionally on these principles and they will be presented to the GAC first electronically and then discussed physically and so on. So, of course, you're absolutely right. This is fundamental, and we will have discussions, I guess, in Marrakech on this issue. So thank you very much.

Can we move on to the next bit?

TOM DALE:

Thank you. The next section deals, firstly, with the CCT review team. That's the competition, consumer trust, and consumer choice review. It reads: "The GAC was briefed on the work of the competition, consumer trust, and consumer choice review team by the chair of the team, Jonathan Zuck. GAC members provided feedback on several issues being considered by the review."

Are there any comments on that?

Iran, thank you.

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IRAN: Yes, because we have not mentioned any name or any previous group, perhaps we don't need to mention the name of the chair of the group here as well. Thank you.

TOM DALE: Yes, thank you. This is a section for information, not advice to the board, dealing with IGO protections which has been included at the request of the OECD.

It reads: "The GAC remains committed to securing protections for IGO names and acronyms at the top and second levels, which is in the public interest given that IGOs as publicly funded entities created by governments under international law are objectively unique rightsholders.

The GAC recalls its advice since the 2012 Toronto communique in this regard, and remains of the view that, (i), concerning preventive protection at the second level, that notice of a match to an IGO name or acronym to prospective registrants as well as the concerned IGO should be mandated in perpetuity for the concerned name and acronym in two languages and at no cost to IGOs; and, (ii), concerning curative protection at the second level and noting the ongoing GNSO PDP on access to curative rights protection measures, that any such mechanism should be separate from the existing UDRP, offer parties an "appeal" through arbitration, and be at no or nominal cost to IGOs.

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"The GAC notes the ongoing work of the informal 'small group' and the efforts of those involved to develop mechanisms that implement the above-mentioned advice.

"The GAC remains of the view that the preventive protections of IGO acronyms, pending the implementation of mechanisms for the permanent protection of IGO names and acronyms, at the top and second levels should be maintained."

CHAIR SCHNEIDER:

I just would like to add that this should be read in conjunction with another text that is in (indiscernible) section. Do you want to go through that text right now?

Okay. Let's stick to this one. Just get some initial reactions. Sweden?

SWEDEN:

Thank you, Thomas. It's a sensitive issue to propose deletions in someone else's text. But in the interest of having this -- the communique as brief and distinct as possible, is it really necessary to repeat earlier advice. We say here, we recall the advice since the 2012 Toronto communique in this regard. Could we have a full stop there and then we could delete at least two paragraphs? Thank you.

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CHAIR SCHNEIDER: To understand you right, your proposal is to delete the paragraphs with a small i and small ii, just leave it at the reference and then continue. That will make it smaller. Is that acceptable? Okay. Thank you.

OECD.

OECD: We very carefully drafted this text as a whole. And so deleting part of it, I think, would jeopardize the overall point we wanted to make. We moved this text. We created new text in the advice section and moved this to a different section of the communique as a compromised solution with some other members of the GAC.

Some of them wanted to actually see repetition in advice. Some of them didn't want to see repetition in advice. In order to create a solution that was an amenable to everyone, this is what we came up with.

So I would appreciate if we can leave this as is just to emphasize to the board that we do maintain a position, what that position is. We offer a little bit more precision and then offer an actual advice that's a more clear in the advice section.

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CHAIR SCHNEIDER: Thank you. We have 30 minutes left before the lunch break, and then one more hour to go in the afternoon. So we have to be moving on fast.

Iran, quickly.

IRAN: Thank you, chairman. In the time that we have, if it is not objective, let us retain the text as it is. Thank you.

CHAIR SCHNEIDER: So any objection to -- France?

FRANCE: Thank you, Mr. Chair. Ghislain de Salins from France. I would support what the OECD said and Iran said as well. I would strongly support keeping the text where it is as a compromised solution. Thank you.

CHAIR SCHNEIDER: Thank you.

Switzerland.

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SWITZERLAND: Thank you for giving me the floor. I think that as the OECD put it, it's -- this text is the result of a lot of consultations. And if there's no harm in it, I would retain it. Thank you.

CHAIR SCHNEIDER: Okay. Can we agree to leave it in and move on? Okay. Thank you. So next part.

TOM DALE: We reached the final section of the communique dealing with GAC advice to the board. The first set of proposed advice concerns future gTLD policies and procedures. "The GAC advises the board that, one, the starting point for development of policy on further releases of new gTLDs" -- and here there are two alternative text that have been submitted. The original version said: "The starting point should be a default position of releasing new gTLDs on a continuing basis provided that... and there are a number of conditions later.

An alternative version which has been suggested by the European Commission reads the starting point: "Should first take into consideration the results of all relevant reviews of the new gTLD round and determine which aspects and elements need adjustment and improvement (in particular with respect to increasing diversity and ease of access for those from

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developing countries). In addition, the following should be addressed. "A, minimum requirements with regard to interoperability, security, stability, and resiliency can be met.

"B, an objective and independent analysis of costs and benefits is conducted beforehand, drawing on experience with and outcomes from the recent round;

"And, C, there's an agreed policy and administrative framework that is supported by all stakeholders.

"Two, all measures available to the board should be used to ensure that a comprehensive and measured approach to further releases of new gTLDs is taken in a logical, sequential, and coordinated way rather than through parallel and overlapping efforts and/or arbitrary time frames that may not be agreed by all relevant parties."

Three -- "by all relevant interests," I'm sorry.

"Three, the GAC principles regarding new gTLDs, 28 March 2007, remain as standing GAC advice with regard to public policy aspects of new gTLDs and should be taken into account at all relevant stages of policy development.

"Four, the GAC will continue to participate in specific policy development streams through relevant policy development processes and reviews."



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And the rationale reads as follows: "One, there is currently no public policy reason why further releases of new gTLDs should not proceed as a general principle. There are, however, valid public policy reasons for applying a range of requirements at the application and post-delegation stages. The GAC believes such requirements derive at least in part from ICANN's obligations with regard to the global public interest, as contained in existing and proposed articles of incorporation and bylaws.

"Two, data is not currently available to allow proper assessment, both quantitative and qualitative, of the round that is now concluding. Some important data, for example, with regard to consumer safety and security may not yet be being collected.

"A logical and efficient process means that such data needs to be gathered before policy development processes move too far ahead.

"Three, the 2007 GAC principles are a valid starting point for consideration of public policy aspects of further policy development.

And, "Four, GAC does not wish to advise the board direct on detailed policy issues at this point, preferring to work through existing mechanisms within the multistakeholder model."

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Thank you.

CHAIR SCHNEIDER:

We have 26 minutes left and we have a number of pages ahead of us. So please concentrate on the key issues, on the fundamental issues. We have to agree on which version of these texts we will choose. And then really don't go too much into wordsmithing but focus on where you think there's a substantive thing that you would like to have changed.

I see Sweden and Spain.

SWEDEN:

I'm concerned about the ambition we have of giving advice that is clear and concise, actionable, and identifiable, particularly if we will not have time enough to do any wordsmithing, if we don't have the space that we need. It takes longer time to produce shorter text, more brief text. I'm sure we can add more text, you know, just to say things, but this is an advice that takes three pages, and I'm looking for the active words, trying to underline them to see how will this be received and understood, and that's very much shorter.

I'm quite convinced this can be designed in a very much briefer manner than it is now, but we don't have the time.

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CHAIR SCHNEIDER: Thank you, Sweden.

Well, actually the advice is one page and the rationale is one and a half -- is a half page so it's one and a half page in total.

Next is Spain.

SPAIN: Very short.

I prefer Version 2, and I have a doubt on the mention to GAC principles regarding new gTLDs March 27. Why don't we refer to the advice that we've been giving along the process in the current round. Thank you.

CHAIR SCHNEIDER: Just for your memory, I think in almost every communique between 2011 and 2013, we've been referring to these principles, so that is nothing new.

Okay. Next is U.K. and then Iran and then Netherlands and Switzerland.

UNITED KINGDOM: Yes. Thank you, Chair. And just two quick points.

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The Version 1, where it refers to "on a continuing basis," that could be confused with the discussion about whether there should be a round or a -- you know, a mechanism that is persistent all the time, so a point of clarification about that. Are we distinguishing that issue?

Which I think is an important element to include, but I'm not sure this is the point.

My second point was, I do prefer Version 2, but you could probably well shorten it and not particularize it, because there is a huge raft of issues and we've made the point about diversity many times and the lack of engagement of communities in developing countries. This is probably not the time to particularize that. Thank you.

CHAIR SCHNEIDER:

Thank you. I think you're right, the issue about the continuing basis may be interpreted in different ways and I think it's too early for us to have a clear view on at least some aspect of what it may be interpreted.

So I see a preference from Spain and U.K. for Version 2.

Next is Iran.

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IRAN: Thank you. Yes, Version 2 may be better but do we have time to shorten that? It is a very important issue. Do we need this advice now or we could work on that and come with -- it is a very, very important issue, not doing something in rush. Thank you.

CHAIR SCHNEIDER: Thank you. So maybe the question is: Are there things in this advice that somebody disagrees with? Because if we don't disagree, then the question is: Do we want -- do we need this or not?

So please, when you reply, focus on do you think that this advice is useful and necessary, and then as a second point, if you think that it's useful and necessary, is this something that you would disagree. Because if not -- if there's nothing that we really disagree, what's the harm? So that would be my guidance.

So Netherlands and Switzerland.

NETHERLANDS: Yes. Thank you, Chair. I have the same two remarks as U.K. Let's say "continued basis," we should avoid that because it's preemptory, and in particular, I prefer the European Commission proposal and delete, let's say, the -- the brackets text in particular because it preempts because we have other

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concerns and now we are putting some concerns higher than other ones. Thank you.

CHAIR SCHNEIDER: Thank you. We take note.

Switzerland?

SWITZERLAND: Thank you, Chair.

Only as a comment to some of the other comments which have been made concerning whether we are rushing or not, just wanted to clarify, as one of the sponsors of the initial text, that this was distributed almost one week ago to the whole of the GAC, so I don't think that we are rushing on this but that pursuant to the agreements that we have reached in preparing the agenda, we distributed this well in advance. Thank you.

CHAIR SCHNEIDER: Thank you. So should we keep it in the text and then go for Version 2, try to shorten it a little until the next round, or do you want to not say anything about this, bearing in mind that you have had -- we've had large discussions. That was actually one of the key elements of our interaction.

Yes, Iran.

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IRAN: Chairman, again, urgency, okay. Switzerland push at my point of rush, urgency. What is the urgency that we, in half an hour, try to shorten a paragraph that may be getting worse, sending an advice, and remaining on the board table for years because it is not clear? So I'm talking of urgency of this. Thank you.

CHAIR SCHNEIDER: Sorry. To -- I'm not fully understanding you. Would you prefer to keep it or would you prefer to delete the whole text or something else? Thank you.

IRAN: I prefer not -- to take care of something carefully but not to send at this meeting any advice to the board on this matter. Thank you.

CHAIR SCHNEIDER: Thank you. Other reactions? United Kingdom?

UNITED KINGDOM: Thank you, Chair. Well, I think we can shorten it. I would argue that we should retain it. It's an important feature of the discussions here and we should be conveying messages of how the GAC is responding to the board.

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So I would retain the text of Version 2, take out the particularization, the bracketed text that I mentioned before and Netherlands has also supported, and finish it at Paragraph 2.

The rest is not advice, as far as I can tell, 3 and 4, so shorten it that way. Thank you.

CHAIR SCHNEIDER:

Thank you. I think we have to move on, so take this as -- may I invite those who have an interest in -- I see some people nodding -- of keeping a shorter text to use the time over lunch break to come up with a shorter version for the afternoon session?

Can we move on to the next part, to see where we are with the next parts?

Thank you.

TOM DALE:

Thank you. The next section of advice deals with the privacy and proxy services accreditation issues.

"The GAC advises the board that: The recommendations set forth by the GNSO PDP working group on privacy and proxy services accreditation issues raise important public policy issues



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highlighted by the GAC in its comments on the PPSAI's initial report.

"The board should ensure that the dialogue on constructive and effective ways to address GAC concerns is continued.

"If the board resolves to adopt the PPSAI recommendations, it should direct the implementation review team to ensure that the GAC concerns are effectively addressed in the implementation phase to the greatest extent possible.

"GAC input and feedback should be sought out as necessary in developing a proposed implementation plan, including through participation of the public safety working group on the implementation review team.

"If, in the course of the implementation discussions, policy issues emerge, they should be referred back to the GNSO for future deliberations on potential enhancements to the PPSAI recommendations and/or privacy and proxy service accreditation."

The rationale provided for the advice is as follows. Sorry.

CHAIR SCHNEIDER:

I think we have no time to read that one and a half page of rationale, so let's concentrate on the advice and then maybe ask

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the originators -- and this came only a few days ago -- to maybe shorten that rationale to something like half a page or so, if that is acceptable.

So please, your comments on the advice itself first. Thank you.

United States?

UNITED STATES:

Thank you, Chairman.

My comment is on the final paragraph of the advice. It's the third line.

I would propose deletion of "PPSAI recommendations and/or."  
So the sentence would now read, "Future deliberations on potential enhancements to the privacy and proxy service accreditation."

Thank you.

CHAIR SCHNEIDER:

Thank you. Any objections to the proposal? Yes, African Union Commission.

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AFRICAN UNION COMMISSION: Thank you -- thank you, United States. On that last paragraph on advice, I'd actually like to propose, if colleagues agree, to delete it in its entirety for the following reasons.

Because we seem to be advising the board on a GNSO process, on a process that actually is a GNSO process, and it -- yeah, in retrospect now it sounds a little confusing, so perhaps we could delete it completely, if that's okay with colleagues.

Because what we seem to be saying is that the board should tell the GNSO to go back and work on its own process. That's what we're implying here. So I think we can delete it. Thank you.

CHAIR SCHNEIDER: Thank you. Iran?

IRAN: I don't see any problem. Why not we give an advice on any GNSO activities? What is wrong with that? That is the whole issue. Thank you.

CHAIR SCHNEIDER: Spain?

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SPAIN: I don't see -- I don't understand very much the reason to delete the paragraph. Regardless -- or whether we are advising the board to tell something to GNSO or not, the importance of this paragraph is to provide an incentive for the GNSO to engage with the GAC in addressing GAC concerns during the implementation phase.

If we do without this paragraph, we will only have the prior paragraph, the previous paragraph, saying that, yes, both groups work together and try to work constructively and that's it.

CHAIR SCHNEIDER: Thank you, Spain. I think this is a mainly procedural discussion, so if somebody has a problem with the content of that paragraph, we may have to discuss it, but whether or not this is appropriate, I don't really see a problem with this. So the proposal can be accepted formulation of the U.S. and leave the rest as it is? Does somebody have a problem with this?

Sweden and then Iran.

SWEDEN: Thank you.

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I think the issue is definitely timely, so it should be part of the communique. Perhaps it rather should go under "Other Issues." If it's not -- if it's not a matter for the board, it's a -- if we're communicating something to the GNSO, it shouldn't be under advice to the board. I agree with that.

CHAIR SCHNEIDER: Well, actually, I think the advice is to the board to refer back to the GNSO, so there is some logic in it, so can we agree to that text as amended by the U.S.? Iran?

IRAN: Yes, we could agree with that. One reason for that is that I was at the meeting of the GNSO and one person in the GNSO -- I don't name -- says that there is no GAC advice on the issue of the PPSAI. So this is something necessary to do so that is what we have to mention. Retain it as proposed to U.S. to slightly change the last paragraph.

CHAIR SCHNEIDER: I see people nodding.

AFRICAN UNION COMMISSION: Not a problem. It's okay. Yeah.

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CHAIR SCHNEIDER:            Okay. Any other problem with this text or can we -- the advice text?

So can we leave it as it is, with the amendment by the U.S., and we'll get a shorter text after lunch break?

Okay. Thank you. For the rationale. Sorry.

Two-letter country codes at second level.

TOM DALE:                      Thank you. Thank you. Two-letter country codes at the second level reads: "The GAC has discussed plans proposed by registry operators to mitigate the risk of confusion between country codes and two-character letters at the second level codes under the new gTLDs. The GAC cannot offer a consensus view on every measure as there are divergent opinions in relation to them.

"However, the GAC advises that it has no objection in principle to the release of two-character letter codes in brand TLDs and TLDs with restricted registration policies.

"The GAC advises or" -- and this is square bracketed -- "or considers it to be a very useful approach that the relevant registry or the registrar" -- again, square brackets around "should" -- "engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to

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manage it or to have a third-party assessment of the situation if the name is already registered."

Okay.

CHAIR SCHNEIDER: The rationale, you can take it as well.

TOM DALE: Okay. To quote the rationale, "The first consensus part of this section of the communique is the one on brand TLDs and TLDs with restricted registration measures. The GAC recognizes that the risk of confusion in brand TLDs is nonexistent as the TLD can be recognized as a closed space for the promotion of a brand. So, no mitigation measure other than full compliance with Specification 13 of the registry agreement is necessary. Likewise, the GAC reckons that restricted registration policies already exclude the use of two-character letter codes for purposes unrelated to the meaning of the string, thus preventing uses that are potentially confusing with the country code."

The additional square bracketed text reads, "The GAC also advises the board to support an approach that allows registries and registrars to engage with countries and territories who have filed objections and have identified a clear risk of confusion or damage to national values in order to address them in the best

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possible way. Other useful approach the GAC advises the board to consider is to defer possible concerns to an independent assessment or dispute resolution system when the content of the Web site identified by the two-letter code causes confusion or any other negative effect the country or territory in question can document."

CHAIR SCHNEIDER:

Now, I think this is something that we could continue to discuss for quite a long time. I just want to recall to you we have given a number of advice on this one. The stage of the process that we are in is the number of these codes have been delegated already and the focus should be on the mitigation plan and not on the general views on what to do with country codes as a second level. So that's in the hope to focus the discussion.

We'll take a few and then we see where we are. I have lady in the back. Cayman?

NIGERIA:

Nigeria speaking. Our comment is on the second paragraph. We are aware that there are some countries that have no objection to the use of the second character at whatever level for whatever reasons. But the position of Nigeria is as we write ICANN that we do not want our country code at a second level,



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and the two character, three character, or the string Nigeria released at whatever level. We would require explicit contact or communication with whoever it is.

So just for the record, want to note this. This is not our position. Since it says GAC advice, as we object to that, we do not agree with that statement.

CHAIR SCHNEIDER:

Thank you, Nigeria. In fact, several countries have expressed objection to this. So I don't really think that we can keep this paragraph because it's not consensual. That's at least my recollection of this.

Iran.

IRAN:

Thank you, Chairman. Yes, I agree with Nigeria. Explicit agreement of consent. I agree we delete that one. But we propose a text, and I would like this text to be on the screen to be discussed that is a neutral text. This is in line with what was said by Nigeria and some other people. And that may find a solution for that. Spain find it is not the solution, but we found that it is good to discuss it. So put it on the --

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CHAIR SCHNEIDER:            Okay. Please tell us where or tell Tom where to put it and dictate it in typing speed. You want to propose a text now?

IRAN:                                Text is proposed already three times. They don't put it in one way or another. I don't understand.

CHAIR SCHNEIDER:            He can't go and search in his computer because you need to see this.

IRAN:                                I have sent it to Gema. Please don't ask me to read the text --

CHAIR SCHNEIDER:            Can I please just ask you to read it all because everything else will take much more time to search for it.

IRAN:                                Allow me to bring you the text. I send it before three times. I don't find any usefulness of this issue. Why not it was already there? Can you tell me why it's not put in?

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CHAIR SCHNEIDER: Can we concentrate on reading -- hearing the text? We would like to hear the text. Like to put it on the screen and then discuss it. Thank you very much. Okay.

IRAN: Unless otherwise specifically mentioned.

CHAIR SCHNEIDER: Please, Kavouss, indicate us where you would like to have it. Where in this text?

IRAN: After the first paragraph.

CHAIR SCHNEIDER: After the first paragraph. Thank you. Okay.

IRAN: "Unless otherwise specifically mentioned by a given country or countries."

CHAIR SCHNEIDER: And that would be added to the first paragraph?

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IRAN: No, after the first paragraph. It is continuing, another new paragraph. Comma, "The release of the two-letter name or code for use at the second level is subject to explicit agreement to be obtained from the concerned government/country."

That means we leave it open for those people who have no problem. They announce to the ICANN, country A, B, C, D, all of them, we have no problem. Go ahead.

But the others should have the possibility to explain the situation, and then I agree (indiscernible). This is almost neutral text. We don't need to live with the view of those countries, but we reserve our rights.

For many countries, almost 50 countries, it is very important elements. Nigeria is one of them mentioned, and there are others. Thank you.

CHAIR SCHNEIDER: Thank you, Iran, for this good proposal. Would that replace the paragraph that follows? Or is this --

IRAN: First paragraph and second paragraph, full stop.

CHAIR SCHNEIDER: The whole rest would go?

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IRAN: Is out, yes.

CHAIR SCHNEIDER: So let's look at the first paragraph plus this newly proposed paragraph. I think on substance, that actually reflects quite well what we've said so far. That would be my initial reaction.

We can't spend too much time on this. If we don't see, like, a convergence of views, we have to take it back to the lunch break and come back with this.

Initial reactions? China.

CHINA: Thank you, chairman. I just have a minor suggestion on the wording. It was mentioned about giving "country or countries." Maybe we can put "territory" as "country/territory," to add the word "territory" in this sentence.

CHAIR SCHNEIDER: The second paragraph?

CHINA: The paragraph proposed by Kavouss.

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CHAIR SCHNEIDER: Okay, thank you. The Netherlands and then Iran.

NETHERLANDS: I respect, let's say, the positions of countries who would not like to have A second-level domain. I wonder if this is practical and feasible in the sense that there have already been delegations being done. And my major concern is that we are really introducing a new procedure with a new -- and let's say not -- with an outcome which is not predictable because there have already been delegations.

Basically, you are changing the rules along the way which is, I think, for the applicants not the right way that governments should, let's say, have the relationship with their customers. We are changing the rules along the way, which is not advisable. Thank you.

CHAIR SCHNEIDER: Thank you. The thing is as I have said. We are given our advice on how to deal with country codes on second level. ICANN has installed a procedure. And we've also expressed our dissatisfaction with the way that mechanisms has worked several times. There has been some adaptation to that mechanism. This is all history. The only thing that we -- if you

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want -- need to concentrate on is -- the advice was actually very clear on that -- is the mitigation process for the existing stage.

So it's not about whether we like or not to have governments have a say. We said that. We said that several times repeatedly. We have to move on because we have five -- one minute left. So we will go slightly over.

We cannot continue with this. Please discuss it in the coffee breaks. But bear in mind, we have given advice. The board has acted. ICANN staff has developed things. This is all already done.

The only thing that is -- is the question of in those cases where governments objected to a use of a TLD for the reason of confusability and so on, there are mitigation plans. And the only thing that makes sense, if you want, is to talk about these mitigation plans and whether we some advice in that regard but not on whether or not -- neither whether or not -- we have -- it's no use to say that some countries have no problems and others have problems because we said that. So please keep that in mind. I really think we have to move on.

Kavouss, if you have suggestion, please make it.

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IRAN: Thomas, don't push us. Among 205 countries and territories, nine has been discussed only. Why you want to continue with another 196 saying that it was not correct? We have mentioned in Marrakech. We have mentioned in previous that we have objections.

This text is clear. If you have no problem advise to the GAC -- to the ICANN, you have no problem. But those, they must have their expressed agreement. Please do not push us because of the one minute or two minutes. We don't care about the things. That is incorrect.

So please kindly allow us that this is very, very important. This is quite neutral. If all countries mention they have no problems, they have no problem. But the others, their explicit agreement requires -- nine has been already discussed but has not been given any more.

Why we support the brands? Why are we supporting something, getting into serious sensitive issues of the countries? If you want, I can explain you privately what are the serious --

CHAIR SCHNEIDER: Iran, please. The only thing I say, we should not deal with things that we have already dealt with. Decisions have been taken. That's all I say. I think that makes a little bit of sense.



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So let's try -- maybe we get there short. What about the first -- the proposal of Iran is have the first two paragraphs, delete the rest. Is that something that is acceptable? Yes or no. If there is a yes, we're done. If there's a no, I will stop the discussion and you continue informally and we come back later.

So any objections to the proposal by Iran?

Switzerland.

SWITZERLAND:

As to the now fourth paragraph, I would like to know what's the rationale for deleting that because in the discussion, we saw that was common ground. Thank you.

CHAIR SCHNEIDER:

So your proposal would be to keep the first paragraph, the second one introduced by Iran, delete the now third paragraph, and keep the fourth paragraph? Because that would actually be a forward-looking element instead of the others that are repeating history. So let me try and make a modified proposal coming from Switzerland.

Any problems with paragraph 1, paragraph 2 introduced by Iran, deleting the paragraph after that which is definitely not

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consensual, and keeping the fourth paragraph? European Commission.

EUROPEAN COMMISSION: I'm very sorry to come back to this. I just wanted to clarify that from what I recall -- and the secretariat can confirm -- we gave similar advice but turned the other way around last time. In other words, you could use the two-letter country code at second level unless there was a refusal.

Now, we've switched it around to the exact opposite, that you can't use it unless you agree. So it seems to me we're changing the advice.

UNKNOWN SPEAKER: No, no.

EUROPEAN COMMISSION: It was a question. Just a minute, Iran, if you don't mind.

So my proposal is the following, that the secretariat looks up the exact wording we used the last time on this issue.

CHAIR SCHNEIDER: And we copy/paste it.

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EUROPEAN COMMISSION: And clarifies that what we are saying now is not contradictory or different from what we said the last time. And we -- okay?

CHAIR SCHNEIDER: Okay. Excuse myself. We have to move on. We have to move on. Otherwise, you will not have time to not even eat a sandwich. And I think that's what we should aim for.

So we take note that there's not yet agreement. Let's continue to think during the lunch break. And I would urge you, don't -- if we repeat past advice, then we copy/paste them in or we make a reference to the past advice. But let's try to reformulate in new words past advice.

I think that's something that we should be able to build on because, otherwise, it's difficult. Thank you for understanding.

Let's go to the next bit, which is the use of the three-letter codes in the ISO list.

IRAN: You didn't allow me to (indiscernible) myself.

CHAIR SCHNEIDER: No, I'm sorry.

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IRAN: She did not understand our problem. The issue --

CHAIR SCHNEIDER: Please go and sort this out bilaterally. We don't have the time.  
I'm very sorry. We spent enough --

IRAN: So close the meeting.

CHAIR SCHNEIDER: No, I don't close the meeting.

IRAN: No, no, no. We have to listen to our argument. The view of the  
country is country has not replied. This non-reply was  
considered --

CHAIR SCHNEIDER: Please, Kavouss.

IRAN: -- agreement.

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CHAIR SCHNEIDER: Please, Kavouss. Otherwise, you have to apply for the Chair. Then you sit here. I urge you to move on.

IRAN: No, I don't like that.

CHAIR SCHNEIDER: We will continue the discussion after lunch. But now we have to move forward. Thank you very much.

IRAN: I will come back after lunch, yes.

CHAIR SCHNEIDER: Please, Tom, go ahead.

TOM DALE: The section on advice to the board deals with use of three-letter codes in the ISO-3166 list as gTLDs in the future rounds. It reads, "The GAC has discussed the reservation of ISO-3166-1 alpha three codes at the top level and interacted with the community in the cross-community session on geographic names held at this ICANN meeting.

"As stated in the initial GAC input on three-character country codes as top-level domains in future rounds conveyed by letter

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of GAC Chair on 14th December, 2015, to the co-chairs of the cross-community working group on the use of country and territory names as top-level domains, there might be different policy approaches to using country codes as TLDs in the public interest. But, many issues need to be addressed before a possible change to the current protection of the ISO-3166-1 three-character country codes can be considered.

"Therefore, the GAC encourages the community to engage with the GAC in discussions around this issue and refrain from bringing proposals forward to the board on this issue until all concerns and views have been carefully analyzed and addressed.

"The GAC advises the board not to lift current protections at least until in-depth discussions have taken place in the GAC and with the constituencies involved."

CHAIR SCHNEIDER:

Thank you, Tom. We won't read the rationale. Let's try and concentrate on the text.

Any comments, please, on that text?

Niue?

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NIUE: Can we just take away the word "at least"?

CHAIR SCHNEIDER: Can you help us? Where exactly is that?

NIUE: "The board will" -- the word "not lift current at least until in-depth." So we go just for "lift" --

CHAIR SCHNEIDER: In the last paragraph? Okay.

NIUE: Yeah. You with me?

CHAIR SCHNEIDER: All right. Any other comments? Is that acceptable that we take out the "at least"?

Canada, U.K., and Netherlands. Please be short.

Canada, U.K., and Netherlands.

CANADA: Thank you very much. Just a minor suggestion. I'm not sure that we want to be seen as telling the community not to bring

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forward proposals, so we'd just suggest in that third paragraph deleting "around," so that it reads, "Therefore, the GAC encourages the community to engage with the GAC in discussions on this issue until all concerns and views have been carefully analyzed and addressed."

So deleting "around this issue" all the way to "until." Thank you.

CHAIR SCHNEIDER: So you propose to stop after "the GAC in discussions" or after "around this issue"?

CANADA: Sorry. So just to clarify, I'm proposing to delete "around this issue and refrain from big proposals forward to the board."

CHAIR SCHNEIDER: That middle part of the sentence.

CANADA: Yes.

CHAIR SCHNEIDER: Okay.



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CANADA: Thank you.

CHAIR SCHNEIDER: Further -- we'll collect the proposals and then we'll see whether this is consensual. Any other requests for modifications of the text? I have the U.K. and then the Netherlands, please.

UNITED KINGDOM: Yes. Thank you, Chair. Just presentationally, I think there's only one element of advice here in the fourth paragraph: "But not lifting the current protections set out in the applicant guidebook for the current round."

All the rest is background, isn't it?

CHAIR SCHNEIDER: The rest is rationale, actually, yeah.

UNITED KINGDOM: Perhaps that could be reduced into the rationale. Sorry. You had --

CHAIR SCHNEIDER: I think you have a fair point.

Netherlands?

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NETHERLANDS:                    Yeah. There's one point that maybe English native speakers can advise. It looks like if you take out "at least," as Niue said, then it really is a consequential thing that it will lift current protection -- the current restrictions will be lifted after discussions have taken place.

What I mean is that we should put it in a way that's not dependent on only discussions to lift away the protection. Thank you.

CHAIR SCHNEIDER:            Thank you. So Niue, the text implies that once in-depth discussions have taken place, then the board should lift the current protections, which is not what we want to say, probably.

Okay. I take note.

Before I give the floor to Iran, just would you agree that actually the bit of advice is the last paragraph and the rest should be part of the rationale? Is that something that you think makes sense?

I see people nodding so we could -- let -- let us work on the last paragraph, because that's the key words we want to say, and maybe, the Netherlands, if you could come up with a text for the afternoon session, that would be good.

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Iran, please.

IRAN: Thank you, Thomas. Could you tell me as the chair what are we telling in the paragraph "Therefore, the GAC encourages the community"?

Does the GAC advice to the board encourage the community?  
What does it mean?

UNKNOWN SPEAKER: It's not advice.

CHAIR SCHNEIDER: I think we -- yeah. You have a fair point, but I think that will go out of the text or be merged into -- into a rationale anyway. I have a request from Gabon. No, not Gabon. Help me. Swaziland. Yes. Of course.

SWAZILAND: Thank you, Chair. I'm wondering, Chair, if it would be a problem if we just say "The GAC advises the board not to lift current protections on three-letter codes" and then we finish there. Because I don't -- I may be wrong, but I don't think -- I don't remember anyone supporting the use of three-letter character

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codes here in GAC for TLDs, such that probably it could be our final advice that that matter should not be even on the table.

I stand to be corrected, Chair.

CHAIR SCHNEIDER:

Thank you, Swaziland. I think we have had a remote participation from Estonia that -- where actually the government would like to use that code.

But I think the elements that we are trying to say are (a) discussions should be held on this and (b) at least for the time being without prejudice to what will be after that discussions that protections should not be lifted.

Are these the two things that we're trying to say as advice? Do I get -- do I get you right?

I repeat. (a) is more discussions need to be held on this issue before any decision is taken, and there should be -- for the time being, there should be no lifting of the current protection until -- without prejudice to what happens after that discussion.

Are these the elements that you think would make sense to have in the advice?

Any objections to these two elements?

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If you agree, so then we'll try and formulate something that reflects that -- that -- these two elements, and we would like to urge Spain and whoever to come up with a rationale that would include elements, if necessary, from the parts that we deleted from the previous advice text.

Okay. So we have one last remaining item and then we will break up for lunch and hope that we all take a breath and come back together refreshed, and this is the protection of IGO names and acronyms. Thank you.

Tom?

TOM DALE:

Thank you. "Protection of IGO names and acronyms. The GAC: (a) advises the board to actively engage both the GAC and the GNSO on the issue of IGO protections in an effort to reconcile differences between GNSO and GAC advice on this topic while remaining responsive to concerns laid out in GAC advice since the Toronto communique; (b) taking into account the number of individuals who have joined both the board and the GNSO since the GAC first brought this issue to the attention of the ICANN community, advises the board to engage the IGOs in its discussions (both within the board and with the GNSO) where appropriate, given that the IGOs are best placed to comment upon the compatibility of any proposals with their unique status

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as noncommercial, publicly funded creations of government under international law."

CHAIR SCHNEIDER: Thank you. Comments. Iran?

IRAN: It seems that the first part, asking the board to engage with GAC, means that the board has already rejected our advice and we want to -- them to come back to us.

And then what is the issue of the GAC advising the board to be engaged with the GNSO? It is our duty? Why it is mentioned that we have such a duty to ask the board to be engaged with the GNSO? This isn't our duty. So the whole thing is to be rewritten. Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

I think the board has not rejected advice but there is like a temporary thing that is not finite and so it's subtle.

But there may be elements that we -- that are also not new or repeating past advice in different words that may be confusing.

OECD, do you want to react to the questions raised by Iran?

OECD:                     Yeah. I just wanted to echo you in stating that, yeah, the board hasn't formally rejected GAC advice. There's just this outstanding conflict between GNSO and GAC advice. This particular piece of advice was drafted in order to reflect conversations that we've had over the past week during which we had engagement with the board and the GNSO on this issue. We found that we had more productive discussions than we have ever had on this issue over the past four years and we think that it's very important that the GAC acknowledges this and advises the board to continue in the same vein, and that's why I think it's crucial that all of this -- all of these pieces of advice remain in the communique. It's all a package. Thank you.

CHAIR SCHNEIDER:       Thank you. Actually, I was confusing it with the previous text.

                                  This is actually -- the idea of Part 1 is to engage -- because this should be board led, this small group. That's a reference to the small group, I guess. And to be honest, it was -- many times it was me who made the initial steps that this group convenes and moves on, and there is an expectation expressed in this that the board would keep on driving this, which is an advice that we can give to the board to engage with the community, both the GNSO and the GAC.

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And the point in 2 is taking the fact that there have been some changes of individuals in the discussion. It's basically an explanation of -- or giving some background. So what -- what do you think? Is this appropriate here or, rather, not? U.K.

UNITED KINGDOM:

Thanks. Well, I would only suggest that as there is a process that is, you know, underway, the advice could be to pursue this process with urgency rather than to actively --

It sounds like we're actually saying to the board, "You haven't been doing it," but actually, I think it's fair to say there has been positive interaction. "To pursue with urgency with the GAC the issue of" -- "and the GNSO the issue of" -- text along those lines. Thank you.

CHAIR SCHNEIDER:

So that would be a slight amendment to the first paragraph. Is that right?

OECD?

OECD:

Thank you, U.K.

First of all, I think there's -- there has been a pretty -- there's been a shift in strategy on this issue that, again, seems to be



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beginning bear fruits and that's where we want to make sure that we continue in that vein rather than the previous vein, because in fact there was not really any measurable progress on this issue for about two years and we found -- and Thomas was at this meeting and you can comment on this, if you feel it's appropriate -- that in particular the involvement of the GNSO directly in this -- because the GNSO is not formally a member of the small group -- was a particularly important ingredient in the success of those meetings.

CHAIR SCHNEIDER:

Thank you. We have to stop here. Just one word.

There has been some progress, as you mentioned, in the OECD meeting last year, but let's not go into the details.

I think what we're trying to say -- and I think that is a fair point -- it was upon my request that the GNSO was included in this group, which was not the case before, and that we want to build on that, having an inclusive debate.

I wonder whether, for instance, we could -- yeah -- shorten this down to the essence, and basically the message is, we need to keep being actively engaged in this small group with everybody at the table and speed up and continue and not give in, something like that.

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Can we -- do you agree with this message? And then I will try and reformulate it, together with some others, over lunch break.

Is that okay? Any objections?

Okay. Thank you.

This is not easy, I know, for everybody. We all have so many things we want to say, but we somehow need to try and shape this, so when I sometimes force you, it's because we need to get there together. Thank you very much.

Now, one question. What we could do, we have a session on feedback on this meeting and starting the preparation of the next meeting. It's up to you. We could continue the -- the communique and then see how much time we have for that discussion, because the risk, if we start with this -- the discussion on preparing the next meeting, I think the more urgent thing is the communique.

Would you be okay -- I see people nodding -- we switch it around? Anna, for your information, you are fine with this too? Because Anna will lead us on this one.

We will start with the communique at 13:30, rather sharp, and then see how far -- how much time we take, and then -- and then spend the rest until 3:00 on the -- on preparing the next meeting.

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Okay. That's agreed. Thank you very much. So please be here as sharp to 1:30 as possible, okay? Thank you.

[ Lunch break ]

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CHAIR SCHNEIDER: Just for your information, we are still getting pieces of text. We are working on it as fast as we can but we can only do small miracles. For the bigger ones, other people are in charge.

Please take your seats.

Okay. Thank you. We are restarting. Thank you very much for those who have been working hard during lunchtime on helping us with new text.

Two remarks.

First of all, do we still want to have a communique going out today?

UNKNOWN SPEAKER: (Off microphone.)

CHAIR SCHNEIDER: Any opposition?

UNKNOWN SPEAKER: (Off microphone.)

CHAIR SCHNEIDER: Okay. So -- because we need to be sure that we're all on the same page where the basics are concerned.

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In that call where we discussed the agenda, I advised you to take your return flights not on Thursday evening but on Friday because in case we wouldn't make it, we would have the option to continue tonight. I'm not sure whether you want this.

So is the aim that we finish the communique at 3:00?

UNKNOWN SPEAKER: (Off microphone.)

CHAIR SCHNEIDER: Okay. So that just -- that would mean that we all need to be very focused on the essence, on the one hand, and there may be some issues that may be important but not super urgent so we could deal with them either at the next meeting or in a letter formulating an advice that we would start drafting immediately after this meeting.

The latter thing works -- will work if we have a consensus on the basic message and it's just the initial carefully formulating it. If it's more contentious, then we would need to defer it to Hyderabad.

So please keep in mind which are the issues that you would like to see in the communique now, and that would need to have priority, and I would spend most of the time on these issues,

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whereas what we may have to defer to later, that would be like second priority for now, or what you think can be discussed in Hyderabad, that would also be second priority.

Is this way of proceeding basically what you think is reasonable under the circumstances we're in?

Switzerland, any objections? No.

Yes, Kavouss.

IRAN:

No objection to 3:00, no objection to 1:00, but we have to do something correctly. The point that we have raised is concerned 56 countries. It's not only one. All Islamic countries are concerned. I'm not speaking on their behalf but they are not here but they are concerned. So that is important.

Read the previous GAC advice. Never we talk about the agreement, how it should be taken. ICANN interpreted that if a letter sent and no reply comes means agreement. This is not correct. That's all. We never touched that. I -- Singapore, Dublin, and Marrakech, never we say that. I have a three lines letter, "Concerns of relevant government. The relevant governments should be alerted as requested."

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So -- but the way is how ICANN interpret that. They interpret it differently under particular pressure, so please kindly correct that. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. I think we're fully with you. We'll look at this and it's integrated -- your proposal is integrated in the text that you will see on screen. We'll get there.

So we have a basic understanding on which underlying assumptions and shared vision that we are working here.

Okay. So let's go through it.

We'll not go through the elements where we had agreed, so let's try and just go through where we have new text and try and proceed in an optimized way according to the circumstances. Thank you.

So Tom, second reading.

TOM DALE: Thank you.

There were no significant changes to the introduction.

There were some minor changes to the meeting with the GNSO.

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There were some -- I included the amendments that members had suggested in that session, so I'll pause there.

U.K.? Thank you.

UNITED KINGDOM:

Thank you. Tom.

Just minor editorial. On the third bullet on the GNSO, we should pluralize, because IGOs and Red Cross are two separate issues, as Thomas, the chair, pointed out.

So we should pluralize "protections" in the first line, and then I would -- to emphasize the sort of separateness, if you like, before "Red Cross/Red Crescent" we add the word "for." So "for" -- "and for the Red Cross/Red Crescent present movements."

Minor editorial, but there is a point to it. Thank you.

CHAIR SCHNEIDER:

Thank you. I think we can accept that. That clarifies the situation.

Can we move on?

The meeting with the SSAC is not yet updated, but I guess we trust --



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TOM DALE:                   That's fine.

CHAIR SCHNEIDER:       -- the secretariat that that factual reporting about what we discussed is -- it's -- okay.

There's one issue missing.

All right.

TOM DALE:                   There was a minor change to the text on the BGRI on --

I'm trying to remember what it is. I'm sorry. It's been a little -- a little frantic here. But whatever it is, it's on the screen, so...

I'm sorry. There was the deletion of a reference to the ACIG report on GAC advice, I think, so that has been removed.

If there aren't any comments, otherwise we'll move on.

Yes, Paraguay.

PARAGUAY:                 Thank you, Mr. Chair.

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Going back a little bit with meeting with SSAC, is it possible to include there, Mr. Chair, IPv6 and IPv4 issues related to NAT resolution, to be more specific?

CHAIR SCHNEIDER: Can we sort this out afterwards, because I don't think that this is -- let's just try to find a way then to factually report because I think we need some time for, let's say, political issues -- yeah -- and focus on the advice, unless they are easy factual errors. Thank you.

TOM DALE: Thank you. There have been some minor updates to each of the working group reports. In some cases they have been shortened. And a report has been included from the public safety working group, so...

Yes, Argentina.

ARGENTINA: Thank you, Thomas. There was a doubt of the text for the NomCom working group. I went through the transcripts and what was agreed is to work on general criteria, not criteria only for the board.

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So the proposal is to keep the text as it is unless we have other comments.

CHAIR SCHNEIDER: Do we really have to discuss this, given the other issues?

ARGENTINA: It is in the transcripts. I --

CHAIR SCHNEIDER: I thank you for the clarification. Can we leave it as it is? Otherwise we have work tonight. But Denmark.

DENMARK: Well, we made a different attempt to persuade the chairman of the working group to make a little change but it was not acceptable.

If that change was not acceptable, then we would like the following words deleted: "There was agreement that the BG" -- the first part of it, so we start with, "The working group will develop." So we delete "the agreement" because there was no agreement.

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CHAIR SCHNEIDER: Thank you. So your proposal is to say "The working group will develop draft criteria."

DENMARK: Yes, sir.

CHAIR SCHNEIDER: Okay. Can we all accept this? Thank you very much. This is progress. All right.

Thank you. Go on.

TOM DALE: U.K.

CHAIR SCHNEIDER: Is it on this one, U.K.?

UNITED KINGDOM: It was on the public safety text.

CHAIR SCHNEIDER: Okay. What's your --

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UNITED KINGDOM: It's literally very short. It's just I'm mindful of the confusion that has sort of been around over the last couple of months around sort of the role of the public safety working group, so I would just suggest taking out the "key DNS and IP WHOIS-related section" and then just have "the working group continue to contribute to tracks, including," and then it lists the work.

CHAIR SCHNEIDER: So your proposal is to delete what Tom is highlighting now?  
Can we accept that? Any problems? No? Okay. Let's take it out.  
Iran?

IRAN: What track? If you delete that, what track? Thank you.

CHAIR SCHNEIDER: Maybe we find a better word, because the "including" --  
"contribute to ongoing discussions on issues including" --  
It doesn't change anything in the substance.

OLOF NORDLING: Work streams.

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CHAIR SCHNEIDER: Yeah. Work streams. Can we say "contribute to work streams, including" and then they are listed? Is that okay? Can we live with this?

I see people nodding.

Any objections to what is going to be on the screen?

Okay. Thank you very much. We have to move on.

TOM DALE: Just a note. Having -- the countries nominated by the GAC for formal membership of the CCWG Work Stream 2 have been mentioned there as requested. That's the major change. There's comments from Canada.

CHAIR SCHNEIDER: Canada, before I give you the floor -- thank you -- this is in the understanding that these countries will be available for all GAC members and observers, in terms of conveying messages and so on and so forth, and being in contact, reporting, on the one hand, and on the other hand, note these are just the members. Every GAC member and observer is allowed to be a participant and participate, make his or her voice heard, so that this is the understanding.

Canada, please.

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CANADA: Thank you very much, Mr. Chairman. My comment was actually related to the previous section on the independent secretariat where we had just suggested some very minor additions last time and they weren't reflected. Thank you.

CHAIR SCHNEIDER: Thank you. Can you read this out again? That was missed. Thank you.

CANADA: Sure. So it was "The GAC reaffirmed its view that a sustainable, independent, accountable, and transparent secretariat," and so on. Thank you.

"And transparent." Thank you.

CHAIR SCHNEIDER: Is that it, Canada?

Okay. Thank you.

Now we get --

TOM DALE: Yeah. Sorry.

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CHAIR SCHNEIDER:            Yeah.

TOM DALE:                      Sorry. There is new text here in the "Other Issues" section.

The United Kingdom submitted text headed "Community-based gTLD Applications," which reads as you see on the screen: "Further to the GAC's discussion in Marrakech of the many problems encountered by community-based gTLD applicants in the current gTLD round, it was noted that a review of the experience of these gTLD applications by two independent experts (facilitated/supported) by the Council of Europe is now being undertaken. The outcome of this review is planned to be reported at the next meeting of the GAC with a view to serving as an input into current community efforts on new gTLDs, including the new gTLD subsequent procedures policy development process."

CHAIR SCHNEIDER:            Thank you. We discussed this before. That was brought up by the U.K. by email just before we -- the first reading.

This is not an advice. It's a piece of information about something that was shared orally in meetings before.



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Is there anything problematic? I don't see --

U.K.

UNITED KINGDOM: Yes. Sorry. It's a problem I've created. I've got "facilitated" and "supported" as alternates and I -- my preference is "facilitated."

CHAIR SCHNEIDER: I think we can accept that, if that's the only problem.

Iran?

IRAN: On the IGO protections, the first line, are we securing the protection or we request for that?

We don't secure. We are not an entity to secure that, so perhaps we could say that "The GAC remains committed requiring protections for."

Thank you.

CHAIR SCHNEIDER: Why don't we just say "is committed to the protection of IGO names and acronyms"? Okay?

The OECD is fine. Let's try and make it as simple --

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TOM DALE: "Protections" what --

CHAIR SCHNEIDER: "To the protections" -- or "protection" -- "protections for" -- "of" or "for"?

TOM DALE: "For."

CHAIR SCHNEIDER: "For"? Okay. You're the English here.

All right. Further comments?

What was new? Maybe you can help them. The rest was as it has been before?

TOM DALE: Yes, that's right.

CHAIR SCHNEIDER: We agreed on this. This is another new piece that came in by the U.K. before the first reading. We've discussed that this would be integrated.

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TOM DALE: You want me to read it?

CHAIR SCHNEIDER: Yeah. Please.

TOM DALE: It reads, "The GAC noted that further consultations were being undertaken by the GNSO with the board in order to resolve the remaining differences between GNSO recommendations and the GAC's long-standing advice that the current provisional protection of Red Cross, Red Crescent and Red Crystal designations and identifiers should be made permanent in accordance with the distinct legal and policy grounds for such protection. The GAC urges the board to reach a solution as soon as possible."

CHAIR SCHNEIDER: Thank you. This also reflects our discussions with the GNSO and with others.

Is that okay?

New Zealand; right? Yeah.

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NEW ZEALAND: Got it this time.

Just -- yeah, actually, that's exactly what I was going to ask. Red Crescent in the title.

Thank you.

CHAIR SCHNEIDER: Thank you. Can we move on? Now this is the advice part.

Okay.

TOM DALE: Thank you, Thomas. Good afternoon, GAC.

I had attempted to make the changes that were suggested by the members immediately before the break. A lot of that went to trying to shorten the previous text, so I'll just read through it now.

The GAC advises the Board that, one, the starting point for development of policy on further releases of new gTLDs should first take into consideration the results of all relevant reviews of the new gTLD round and determine which aspects and elements need adjustment. In addition, the following should be addressed. A) minimum requirements with regard to interoperability, security, stability, and resilience can be met. B) an objective and independent analysis of costs and benefits is

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conducted beforehand, drawing on experience with and outcomes from the recent round. And, c) there is an agreed policy and administrative framework that is supported by all stakeholders. All measures available to the Board should be used to ensure that a comprehensive and measured approach to further the releases of new gTLDs is taken in a logical, sequential and coordinated way rather than through parallel and overlapping effort and/or arbitrary time frames that may or may not be agreed by all relevant interests.

CHAIR SCHNEIDER: This is now fairly shorter than the initial text.

Iran.

IRAN: Chairman, why we say "minimum requirement for interoperability"?

CHAIR SCHNEIDER: So your proposal is to delete the word "minimum."

IRAN: Yes.

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CHAIR SCHNEIDER: I think -- Any objections? It doesn't change the world. It leaves it a little bit more -- Okay. Let's delete that word.

Any other suggestions?

New Zealand.

NEW ZEALAND: Yes, thank you.

Just a question about the wording we've got in paragraph 2 where we talk about arbitrary time frames. Just out of respect of other communities that might consider these time frames relevant, can we just say "and overlapping efforts that may not be agreed"? Thank you.

CHAIR SCHNEIDER: I think that should be acceptable.

So we delete that part.

Okay. Yes, Spain.

SPAIN: Do we take away the reference to time frames? We've been having problems with very demanding time frames. Maybe "arbitrary" is not right, but can be some other word in English to say that.

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CHAIR SCHNEIDER: Yeah. The thing is we have had things about the logical sequence above, but if the time frame is important, New Zealand, could we just take out the word "arbitrary"? Is that probably what you think is not the -- Is that okay? So the time frames that are not agreed is maybe not what we want. So we just take out the word "arbitrary," which is probably going a little bit too far in the tone. Is that okay?

All right. That sounds -- looks acceptable to you.

The rationale is fairly short now so we can actually have it.

TOM DALE: I'll read it.

CHAIR SCHNEIDER: Quickly.

TOM DALE: Live give a reading. Rationale, one, there is currently no public-policy reason why further releases of new gTLDs should not proceed as a general principle. There are, however, valid public-policy reasons for applying a range of requirements at the application and post-delegation stages. The GAC believes such requirements derive at least in part from ICANN's obligations

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with regard to the global public interest as contained in existing and proposed Articles of Incorporation and bylaws.

And the second element of the rationale reads: Data is not currently available to allow a proper assessment, both quantitative and qualitative, of the round that is now concluding. Some important data, for -- example, with regard to consumer safety and security -- may not yet be being collected. A logical and efficient process means that such data needs to be gathered before policy development processes move too far ahead.

CHAIR SCHNEIDER: I think that's fairly clear and short. Is that okay? Can we have this rationale?

Yes, Iran.

IRAN: Just read the rationale and to see whether there is consistent with the advice. I don't see that, but I leave it to you.

CHAIR SCHNEIDER: I think it is from what I see, but maybe I'm too tired after all these days.

Any objection to that text of the rationale?



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When we say that there's no reason in principle to not go, but. So I think that is coherent with the rest. That first we need to do the analysis, and then we need to continue.

Okay. Let's go to the next, if there's no objection.

TOM DALE:

Privacy and proxy services accreditation issues reads as follows:

The GAC advises the ICANN board that the recommendations set forth by the GNSO PDP Working Group on privacy and proxy services accreditation issues raise important public-policy issues, highlighted by the GAC in its comments on the PPSAI's initial report.

The Board should ensure that the dialogue on constructive and effective ways to address GAC concerns is continued.

If the Board resolves to adopt the PPSAI recommendations, it should direct the Implementation Review Team to ensure that the GAC concerns are effectively addressed in the implementation phase to the greatest extent possible.

GAC input and feedback should be sought out as necessary in developing a proposed implementation plan, including through participation of the Public Safety Working Group on the Implementation Recommendation Team.

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If, in the course of the implementation discussions, policy issues emerge, they should be referred back to the GNSO for future deliberations on potential enhancements to the privacy and proxy service accreditation.

CHAIR SCHNEIDER: Iran.

IRAN: To the previous paragraph of this, yes, at the end of that, somewhere I see "to the extent practicable." I'm not in favor to retaining that. The last part. "To the greatest extent possible" or practicable. This is always subject to a judgment by somebody. So delete that portion, please.

CHAIR SCHNEIDER: Thank you, Iran. I think that makes the text actually stronger. So "effectively addressed in the implementation phase," full stop. Can we go for with Iran's proposal? No objection. People nodding. Thank you.

Another one, Iran.

IRAN: The last paragraph, please. When we say referring the issue back, only refer it back to the GNSO? Or GNSO in consultation

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with GAC should do something? That is my question, that. Who? The one who has prepared this should explain why it's only GNSO. Referred back to GNSO for future deliberation in consultation the GAC. We should put somewhere GAC in the business.

CHAIR SCHNEIDER:

I think that makes it better.

After "deliberations," maybe. That was the proposal, but you are the natives here.

Iran's proposal is "deliberations in consultation with the GAC."

Is that acceptable?

United States.

UNITED STATES:

Thank you, Chair. Actually, on the second point, that is acceptable. We'd like to go back to the prior comment, though, made by our distinguished colleague from Iran, and we would like to retain the text "to the greatest extent possible."

Thank you.

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CHAIR SCHNEIDER: May I ask you for a reason? Because everything is done to the extent possible. So what is the value added that you hope to get with that?

UNITED STATES: I just don't want to establish an ultimatum or any confusion that the GAC advice must be implemented.

It seems like that sort of language might undo the prior language saying that we wanted the recommendations to be put into place.

Thank you, Chair.

CHAIR SCHNEIDER: Before I give the floor to Iran, what do the others think?

Canada.

CANADA: Thank you very much, Mr. Chairman. I think our preference would also be to retain it in recognition of the report that has been developed over the past two years. And that report is currently before the Board. So recognizing that to the extent -- to the greatest extent possible would recognize that any solution would sort of build on that work as opposed to undo it.

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Thank you.

CHAIR SCHNEIDER: I may see a compromise, saying if we say, "to the greatest extent possible," could that be acceptable? It's not just to the extent possible but to the greatest extent possible, and in the end it doesn't matter but we have something that is verbally in the middle. Can we live with this? To the greatest extent possible. That means we really do care but we are reasonable people, and so on.

Is that okay? Iran, can you live with this?

IRAN: Chairman, to the greatest extent possible is a general term covered everywhere, as you mentioned. Why we need to spell it out in this particular very sensitive issue?

Thank you.

CHAIR SCHNEIDER: To answer you why, because other members are asking for it. So we need to find a solution that we can all live with.

I personally think it doesn't make so much of a difference.

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So should we put it in brackets and come back to this at the end? Because we have to move on.

U.K.

UNITED KINGDOM: I'd just like to agree with the U.S.'s rationale for keeping that in.

CHAIR SCHNEIDER: Any objection to this? To what you have now on the screen.

Iran.

IRAN: Chairman, it weaken the process, totally. Whenever you put a qualifier, it is subject to the judgment of those people.

It says that we have applied to the extent possible. More than that was not possible to take into account of the GAC comments or GAC interest or GAC concerns.

I am not in favor of these qualifiers.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

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Peru.

PERU: The problem I find with this is that who decides when you have reached the greatest effort?

CHAIR SCHNEIDER: But then who decides what is effectively addressed? In this organization, in the end, the Board decides. We give advice.

So let's put it in brackets and continue. We can come back to this later.

Thank you.

We haven't read the rationale yet. Okay. Thank you, Tom.

UNKNOWN SPEAKER: (Off microphone).

CHAIR SCHNEIDER: No, there is not anymore.

TOM DALE: Thank you. In its comments -- I'm just reading the rationale as drafted on the screen now.

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In its comments on the privacy/proxy services accreditation issues PDP final report, the GAC highlighted public-policy concerns raised by the working group's recommendations, notably that one. Law enforcement and consumer protection authority requests for information from privacy and proxy service providers call for confidentiality as required and/or permitted by local laws. Two, the PPSAI's definition of law enforcement authority as governed by the jurisdiction of the privacy or proxy service provider might imply that service providers need only respond to law enforcement requests from within their own jurisdiction while many investigations are cross-bored.

And, 3, privacy and proxy services should not be available for domains actively engaged in the collection of money for a good or service.

Because these GAC comments were not reflected in the PPSAI final report, the GAC in its Marrakech communique advised the ICANN Board to allow sufficient time for GAC consideration and discussion of these issues at ICANN 56.

At ICANN 56, the GAC met with members of the ICANN Board, the GNSO Council and the co-chairs of the PPSAI working group. Constructive discussions were held on how GAC concerns with the recommendations could be addressed during the



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implementation of the working group recommendations to avoid the Board receiving conflicting recommendations from different SOs and ACs.

The discussion highlighted that most of the GAC concerns might be addressed during the implementation phase. Specific measures discussed include, 1, a law enforcement disclosure framework that could detail the appropriate authorization and confidentiality requirements for law enforcement requests linked to ongoing investigations. Such a disclosure framework could also possibly address processes for privacy/proxy service providers to respond to requests from jurisdictions other than their own.

And, 2, a de-accreditation process that could provide the means to revoke the accreditation of providers harboring actors engaged in deceptive, unfair, or fraudulent conduct or repeatedly not responding to law enforcement authority requests.

CHAIR SCHNEIDER:

Thank you, Tom. This is a rather long text, but it's and a complex issue. And we have had intense debates, and I think this is a good rationale that puts in writing what discussed early. So let me ask you: Can you accept this and can we move on? United States?

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UNITED STATES: Thank you, Chair. Thank you for indulging me. I hope that this is a minor change. To the paragraph which begins "at ICANN 56," the U.S. would ask for -- to delete the end of the final sentence which begins with "to avoid the board receiving conflicting recommendations." Not sure that's grammatically correct to begin with. But, secondly, I don't think we want to create a precedent whereby the SOs and ACs must somehow harmonize their recommendations before making them to the board. Thank you.

CHAIR SCHNEIDER: Thank you. And if you read the rest of the text, this is what -- I think this is okay. Are we going with the U.S. proposal? Objections? No. Okay. Let's delete it. Yes.

Other comments, questions? If not, then let's move on. All right.

Now, this is a sensitive issue. It's important to many countries. We know that. We recognize this. We have given a lot of advice. If I got the message from our colleague from Iran right, mainly the new element is that we have always meant this but never explicitly said that the agreement by a particular country should be explicit; that this is the key element of this which is the text

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that you find in the middle paragraph that was introduced in the first reading.

The rest -- the previous middle paragraph has disappeared because that has not been -- clearly not been consensual and clearly not been in the coherent line with the previous advice.

So Tom will be reading this. And I ask you to be constructive and see whether this captures the elements that we want to have in. And we hope will get this done fairly quickly. Thank you, Tom.

TOM DALE:

Okay. I have made some amendments to this section reflecting the comments that were made in the open session before the lunch break. I have not made any other comments -- any further changes because there were no additional suggestions for text received. So everything is up until the lunch break.

It reads: "The GAC has discussed plans proposed by registry operators to mitigate the risk of confusion between country codes and two-character letters at the second-level codes under the new gTLDs." That might need to be amended. It's not quite right, I don't think.

"The GAC cannot offer a consensus view on every measure as there are divergent opinions in relation to them.

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Unless otherwise specifically mentioned by a given country/territory or countries, the release of the two-letter name or code for use at the second level is subject to explicit agreement to be obtained from the concerned government.

"The GAC advises or considers it be a very useful approach that the relevant registry or the registrar should engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered."

Those square brackets were in the final paragraph were in the original text that I received so I haven't changed those. I don't have any further comment.

CHAIR SCHNEIDER:

Thank you, Tom. Let's stop here.

Can we have the three paragraphs all together on the screen so that we have the whole picture. Let's quickly take one by one to see whether there's a problem in any of them.

The first one I think states a fact. That is not -- Yes, Olof?

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OLOF NORDLING:                   Actually, the very first paragraph, it doesn't run well when it comes to country codes. And I would suggest two-character/letter second-level domains under new gTLDs.

CHAIR SCHNEIDER:                Could you repeat? Or, Tom, did you get that?

OLOF NORDLING:                   I was doing exactly that. Otherwise -- it's a bit long, but at least it makes sense.

CHAIR SCHNEIDER:                I think we don't have to discuss this. This is a technical wording issue.

Paraguay.

PARAGUAY:                         Two-character/letter second-level domain sounds kind of weird. I would erase "letter" and leave "two-character second-level domains."

CHAIR SCHNEIDER:                Ten points for Paraguay. You're right. Okay.

Spain?

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SPAIN: It should be two-letter because digit-digit, letter-digit, and digit-letter has been (indiscernible).

CHAIR SCHNEIDER: 12 points for Spain. The scale goes up.

[ Laughter ]

The lady in the back. Nigeria, I think, right?

NIGERIA: I just want to get some clarification. When you say "GAC cannot offer a view on every measure as there are divergent opinions in relation to them," are there measures that there are a consensus on?

CHAIR SCHNEIDER: Actually, I'm wondering whether we should not rather take this out because what the added value of this may actually rather be weakening. Is that what you were proposing, Iran?

IRAN: I was supporting the Chair. We should take out this portion. GAC cannot do this and this. It is not proper to say we are disabled to do it. What is the value added of this text? Delete it.

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CHAIR SCHNEIDER: Is that okay? Okay. Thank you.

First paragraph agreed. That states the fact that we discussed this.

Second one, it's basically -- as I say before, there's nothing new apart from the fact that we make it explicit that we would like to have an explicit agreement for those who have an issue with this. Those who don't, they don't. Can we go with this? I see people nodding.

Netherlands.

If you don't care, then you don't have to -- it's really only for those who do. But go ahead, please.

NETHERLANDS: I didn't understand your question. For those who do?

I would like to come back to the objection we had as Netherlands and supported by the European Commission that in this case, we are changing our advice, earlier advice.

CHAIR SCHNEIDER: I would rather say we clarified it and not changed it because this has always been the expectation. I think you are under those

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who are otherwise specifically mentioned that you don't have a problem because we drafted these lists. So those who do not need an agreement, they are all listed and you are one of them and a number of others. It covers everybody.

Netherlands.

NETHERLANDS:

The former advice doesn't say something about explicit agreement or agreement. It says notification. I have not read anywhere in the former advice that there's a question of agreement -- or former agreement for governments.

I cannot read it. If somebody can point me to it, please. Otherwise, I should have to object. Thank you.

CHAIR SCHNEIDER:

Iran.

IRAN:

Thank you. In Marrakech, one of the ICANN staff explained to the people that the way that they interpret the advice is the following: Letter will be sent to the countries. If they don't reply, they consider it as agreed. This is what we have problems, the way it is implemented.



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I don't name that person. And we raised that point in Marrakech, and he said that that is that. This is the way we do that.

And there are many developing countries that they missed that 60 days for one or other reasons. We are not as stable in the administrative (indiscernible) as some other distinguished colleagues. We don't interfere with their issues.

They announce at GAC, at ICANN that they have no problem. But let others that do have issue, they be given the opportunity. We cannot go further publicly the problem here. But we explained to the people in private what the difficulty is that.

This tacit agreement is not acceptable to many developing countries, and I don't know why some distinguished colleagues pushing to us that we should agree with the tacit agreement. It is not correct. We are living our rights, our very rights. Please, let us have our rights. We don't interfere your issues. Please let us have our issues. Thank you.

CHAIR SCHNEIDER:

Thank you. Denmark and then Spain and then Egypt.

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DENMARK: Thank you, Mr. Chairman. The secretariat have put forward what have been agreed in previous meetings. And as far as I can see, the last meeting was in the Dublin communique. There might be wording we can use there. There is said, "We advise the board that comments submitted by relevant government be fully considered regardless of the ground of objection." That is one thing.

The other thing is be mindful of governments' capacity, limitation, and ask the board to facilitate some verification of the process for providing comments to address their concerns, that was if I heard right a concern from Kavouss.

So if we can use those two words or those two sentences from the Dublin communique, then we are consistent in our advice.

CHAIR SCHNEIDER: Thank you. Spain?

SPAIN: If Kavouss and other GAC representatives are fine with it, I don't have any problem. But I was thinking of another way of addressing this, starting the sentence with "in spite of the process being set up by ICANN," I could say some countries because I think your view is not shared by -- at least it's a minority of countries. In spite of the process set up by ICANN,

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some countries, we can discuss the qualifier. Stick to the view that unless otherwise and so on.

CHAIR SCHNEIDER: Egypt.

EGYPT: I was just going to -- like Finn, I was just checking whether this is consistent with previous advice. I think if it does not -- if it is consistent with our previous advice, then I don't see a problem leaving it here unless it is in conflict with other previous advice. Thank you.

CHAIR SCHNEIDER: Thank you. As has been read out by Denmark, what we've been asking so far is that -- and the word "considered" appears in almost every element of this advice, that the comments Singapore, March or whatever that was, 2015, "comments from relevant governments should be fully considered." That was the expression.

Then we've been asking for a 60-days comment period. That's also part of the Singapore advice. And then in Dublin, we said again we recommend that governments' comments be fully

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considered. That was the expression used. Those are issues of clarification.

Then Dublin another time says, "Comments submitted by the relevant governments be fully considered." And that was it. That was it. That is what the advice so far has asked. So consideration of the views.

Swaziland. I take Swaziland and then Paraguay. I stop here with this and we move on with the rest and come back to this later because we need to see where we are with the rest. Okay. Swaziland.

SWAZILAND:

Thank you, Chair. I wonder if it would not be useful to skip this section and finish off with the rest of the document, then come back to it later because it looks like there's still a lot of issues on it.

CHAIR SCHNEIDER:

Thank you. So we had the same idea.

Is it okay?

PARAGUAY:

Yes, I agree. But, you know, I see a problem with the word "consider" because you can consider something and then

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decide to do this or to do that or go for years or go for no. You consider, consider, consider, but still the 60-day period will go on. What would happen to countries who are non-members of the GAC, you know, or countries who don't agree? I would recommend to go back to the original writing. Thank you, Chair.

CHAIR SCHNEIDER: Thank you. We take note of this and move on for the time being and we'll come back to this at the end. Okay?

Please, Egypt, do you have a solution right now or --

EGYPT: I have a question. Are we coming back to the whole section or this specific paragraph?

CHAIR SCHNEIDER: Whatever. We need to have an agreement on the whole section -

EGYPT: Okay.

CHAIR SCHNEIDER: -- on this whole section, what you have on the screen, right?

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EGYPT: Okay.

CHAIR SCHNEIDER: Okay. Let's move on and come back later.

Three-letter codes. This is the text that I proposed based on the discussion that we have these two elements. It's fairly short. Much shorter than before. Please, Tom.

TOM DALE: Thank you. The text reads, "The GAC advises the board to encourage the community to continue in-depth analyses and discussions on all aspects related to a potential use of three-letter codes in the ISO 3166 list as gTLDs in future rounds. In particular, with regard to whether such a potential use is considered to be in the public interest or not.

"The GAC advises the board to keep current protections for three-letter codes in the ISO 3166 list in place and not to lift these unless future in-depth discussions involving the GAC and the other ICANN constituencies would lead to a consensus that a use of these three-letter codes as TLDs would be in the public interest."

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CHAIR SCHNEIDER: Iran and then the Netherlands and Egypt.

IRAN: A simple replacement of "encourage" by "urge." Thank you.

CHAIR SCHNEIDER: Okay. Next, Netherlands?

NETHERLANDS: I circulated -- because I think, Chair, you asked me to do so, I circulated also the wording that maybe Tom has not -- or not seen it because it was to the GAC list sent, so not specifically to him.

But I think I was asked to do a very short advice proposal on this, which basically is for the second part and is less judging advice as probably -- because this one has some kind of judging implicit in it which we should like to -- I would like to not have there. Fairly neutral text.

CHAIR SCHNEIDER: Thank you.

NETHERLANDS: Can I read it?

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CHAIR SCHNEIDER: Yes. Let's put it as alternative to the second text, okay? Second paragraph.

NETHERLANDS: Yes. "The GAC advises the board not to lift the current protection at this stage, comma, and to take up the question whether" --

CHAIR SCHNEIDER: Slower, Thomas. He needs to type.

NETHERLANDS: I'm used to the typewriters for the transcripts.

-- "and to take up the question whether the current protection should be lifted in the policy preparation of the new round of new gTLDs, in close consultation with the GAC."

CHAIR SCHNEIDER: This one is shorter and probably more elegant. So let's take the first -- the first paragraph first and then we decide between the two.

Egypt, was your comment on -- yeah. Please go ahead.



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EGYPT: Yeah. I think there is a small typo at the very -- at the first paragraph, second sentence, "in-depth analysis" with an "i". "Analysis." Yes.

CHAIR SCHNEIDER: That's plural, and it's correct like this, but --

EGYPT: Is it?

CHAIR SCHNEIDER: Yeah.

EGYPT: Okay. Sorry.

CHAIR SCHNEIDER: But we'll find -- we'll find the -- Tom will work during the night to find all the typos so I think that we'll get there.

Are you okay with the first paragraph? That the -- this tries to say that the --

Spain.

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SPAIN: I would rather go back to the previous verb, "encourage." I don't -- I don't want the community to rush into doing something that I don't think is feasible. I prefer "encourage," but there's no hurry to lift the restrictions --

CHAIR SCHNEIDER: The announcement is that --

SPAIN: There is no hurry to have a discussion --

CHAIR SCHNEIDER: The announcement is that the next round will not be before 2020 so we actually do have some time. Can we agree -- this is really not fundamental. Can we agree on one of the two words?

I would propose the original word, "encourage," because it's slightly less --

Can you live with that?

This time will be taken away of the time to discuss the other issue, what we spend on this just so that you don't forget this.

Iran.

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IRAN: Chairman. You push me something that don't say anything because we want to discuss two-letter. Okay.

CHAIR SCHNEIDER: Thank you. So "encourage."

Is this paragraph okay?

U.K.

UNITED KINGDOM: Yes. Thank you, Chair. It's just language with regard to reference to "rounds" which we're -- we've got here. Can we change that to "subsequent procedures"? Because --

CHAIR SCHNEIDER: It doesn't matter. We're talking about future rounds. I'm sorry, I'm -- I need to be a little bit like trying to focus on the essence of it.

UNITED KINGDOM: But a round is -- has meaning.

CHAIR SCHNEIDER: That was the -- that was the word we used in the past year, so can we live with the rounds, Mark?

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Thank you.

Can we -- any objections on the first paragraph?

No. Okay. Now we need to decide between the first -- the second or the third one. They express the same ideas. One is -- they are two different ways.

Iran, please.

IRAN:

I have no problem with the Dutch proposal, provided that in the last line you replace "in close consultation" with "with the full involvement of GAC."

Consultation is consultation. You consult me, you take my view, you don't implement that. That is consultations.

"Full involvement of GAC." Thank you.

CHAIR SCHNEIDER:

Can we accept the proposal? Gema?

SPAIN:

I find it, though, to be contradictory. We advise the board not to lift the protection but at the same time we want them -- we want them to take up the question of whether the current protection should be lifted. So I like the first -- the first expression.

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CHAIR SCHNEIDER: Gema, I think -- I think the logic is quite clear. It's probably a question of also language.

The first element of this paragraph is we advise the board now not to lift the protection, and the second element -- I think the Netherlands is actually more elegant than the previous one -- is to take up the question, so to reassess the question whether these should be lifted or not once we have discussed everything, so I think it's -- I think it's fairly clear. Iran?

IRAN: I'm not defending the Dutch proposal but their proposal is clear. It is "at this stage." You have not read that. "At this stage." Thank you.

CHAIR SCHNEIDER: So do we have a -- does anybody have a problem with what the second text says? I think this is the message that we're trying to give.

Nigeria?

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NIGERIA: My concern -- our concern is that -- that word "at this stage." So if it's not going to be rephrased, I think we'll go with the original draft.

CHAIR SCHNEIDER: Excuse me. What do you mean with "original draft"? The first version?

NIGERIA: The first version, yes.

CHAIR SCHNEIDER: If we try to keep on the second version, what is -- not about the wording but let's capture the idea. We need to have an sense of --

NIGERIA: What stage are we in?

UNKNOWN SPEAKER: (Off microphone.)

CHAIR SCHNEIDER: So the idea of both texts is to say "unless something changes." Meaning for now we want to stay with what we are -- have, and

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this question of whether or not to release should be brought up without prejudice to the outcome. It doesn't say it should be lifted, but the question whether it should be lifted or not should be brought up only once the discussion has been held in consultation with the GAC.

So we are not implying -- contrary to the text that we had this morning, we're not implying that once it's discussed, it should be lifted. We just imply that the discussion, the question can be reasked only once the whole thing has been assessed.

So I hope that makes it clear. Paraguay?

PARAGUAY:

I kind of, you know, had the same concern expressed by Nigeria. To me, it's a little bit -- you know, the first paragraph is -- is like more specific because it says, "The GAC advises the board to keep current protections for three-letter codes," blah, blah, blah. Other one give -- the second paragraph, you know, gives the -- gives me the feeling that it might be, you know, somehow ready to be lifted afterwards or something like that, you know --

CHAIR SCHNEIDER:

Thank you.

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PARAGUAY: -- but I can live with both anyways.

CHAIR SCHNEIDER: I think I see your point.

Would it make it better, because we have twice like the "lift," so if you read it quickly, then you only read "lift," "lift," "lift" and maybe that is not the impression that we want to give. If we would say -- still working on the second one, "The GAC advises the board to keep the current protection at this stage"?

So that for the time being, we keep it, and the question whether or not to lift it, we can also use the question whether or not to keep it. Can you try keep it? In substance it doesn't change but it's -- it's -- this is like one's "keep" and then -- could we agree to this?

France and then Spain. Please be short.

FRANCE: Yeah. Thank you, Chair. I actually agree with Nigeria and Paraguay. I think that the issue is like at this stage it kind of implies that at another stage it will be lifted, so I would prefer to keep the previous paragraph, the original paragraph. Thank you.



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CHAIR SCHNEIDER: We have nine minutes left. What do we do?

We can jump between the paragraphs, yeah, or we can -- Gabon and then Norway.

GABON: Thank you very much, Mr. Chair. I have a proposal to make and I propose that we should keep the first part because it reflects the discussions we held this morning, and so I propose, as it was said by Nigeria and others, that we should stick to the first paragraph.

CHAIR SCHNEIDER: Thank you very much, Gabon.

So it would seem that we would like to keep the first paragraph, so let's work on this first paragraph and we may make any additions we deem possible in this first paragraph.

For those of you who were for the second paragraph, I don't know.

Norway?

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NORWAY: We also prefer the first of these two paragraphs. And you also said the key word, "unless," and so I think that sort of communicates better, in our view as well. Thank you.

CHAIR SCHNEIDER: Thank you. We have eight minutes left.  
Netherlands, then Spain, and then Iran.

NETHERLANDS: I do not adhere to my text. It was just my homework I did and there was afterwards another proposal. I don't stick to my text. Thank you.

CHAIR SCHNEIDER: Can we live with the first text as it is? Any objections?  
Okay. Thank you.  
Move on, Tom, and speed up.

TOM DALE: The final -- the final section of advice to the -- to the GAC -- advice to the board: "The GAC advises the board actively to pursue its engagement with both the GAC and the GNSO on the issue of IGO protections in an effort to reconcile differences between GNSO and GAC advice on this topic while remaining

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responsive to concerns laid out in GAC advice since the Toronto communique; taking into account the number of individuals who have joined both the board and the GNSO since the GAC first brought this issue to the attention of the ICANN community, advises the board to engage the IGOs in its discussions" -- "in its discussions (both within the board and with the GNSO) where appropriate, given that the IGOs are the best placed to comment upon the compatibility of any proposals with their unique status as noncommercial, publicly funded creations of government under international law."

CHAIR SCHNEIDER:

Thank you, Tom.

So there are two new elements here, basically. The first one is to include that the GNSO is mentioned as being included in this small group, in this process, and the second element is that something based on -- on the fact that we realize that a number of people have changed, to urge the board to include the IGOs in their deliberations and also in the GNSO's deliberations.

So these are the elements. I don't think they are very critical. I hope that we can agree to them.

Iran, please.

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IRAN: Just simply to delete actively. What does it matter? It's always active, not inactive.

CHAIR SCHNEIDER: I think we can follow Iran, if you agree.

Can we go forward with this text and go back to the last remaining?

This is -- We've done -- we went through everything now. The only thing that remains is the two-letter -- two-letter codes; right? Olof, are you -- okay.

So thank you very much. This was extremely productive. Let's continue the spirit. We can spoil our coffee break, but I think it may be worth it, and let's try and find a way out of the two-character issue.

All right. These are the three paragraphs that we're having.

Yes, New Zealand.

NEW ZEALAND: Thank you, Chair. Sorry, just to note, for those who aren't keeping up with the email list, I have been having a go at some language that might capture the two different concerns in this section, and I have circulated it on the list. I can read this out if the Chair is comfortable with that.

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CHAIR SCHNEIDER: Well, let's give it a try.

Maybe, Tom, you....

Would it replace the whole three paragraphs that we have here or just one of them or....

Please.

NEW ZEALAND: It would replace the middle one.

CHAIR SCHNEIDER: All right. Let's introduce an alternative to the current middle one. Go ahead in dictating speed.

NEW ZEALAND: Okay. Some countries and territories have stated they require no notification.

For the release of their two-letter codes for use at the second level. Some other countries and territories have not stated a preference.

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The GAC considers that in the event that no preference has been stated, comma, a lack of response should not be considered consent. Full stop.

CHAIR SCHNEIDER: Thank you.

So what this tries to reflect is that some countries have no problem with release of their codes; others do. And that no explicit -- no response should not be considered as consent.

Please, reactions. Does this help us?

I have Swaziland, Paraguay, and Nigeria, and Iran.

Thank you. Swaziland, please, go ahead.

SWAZILAND: Thank you, Chair. It's a good compromise; however, it does not go far enough. It must be specifically stated that some countries require an explicit approval for their two-letter code to be used.

CHAIR SCHNEIDER: I think it may worth -- Would you add a formulation to -- formulate that view that you're referring to. Because I think you're right, it doesn't clearly say that some countries have a very strong and clear view on this.

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So, Swaziland, do you think you could make -- give us a proposed text added to that or a modification?

SWAZILAND: In the second sentence is to say that "some countries require -- require that an applicant gets express approval to use their country code at the second level."

CHAIR SCHNEIDER: Could you repeat that? An applicant gets express -- express or expressed? Explicit. Is this the word? Explicit?

Explicit approval.

And then could you repeat, please, what you have. Gets explicit approval.

Swaziland, help us, please.

SWAZILAND: Chair, I haven't fully figured it out, but I was just giving a summary of what I meant.

CHAIR SCHNEIDER: Anybody else? Iran, please.

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IRAN: Chairman, legally could say an applicant obtain. Not "gets."  
Obtain explicit agreement of the countries whose two-letter is to be used at the second level.

I'm not in favor of this text but I want to put it there. It is "obtain agreement, explicit agreement, on the use of the two letter at the second level --" "of their two-letters code at the second level."

CHAIR SCHNEIDER: Thank you. Paraguay.

PARAGUAY: Thank you, Mr. Chair. I don't intend to criticize New Zealand or Swaziland or anybody else, but again, I think the first paragraph captures better the idea in a clear way, I guess. Because on one hand, the second paragraph you know gives like internal details on some countries think that this and some other countries don't agree with that. And I don't think that's very appropriate at this stage.

I would, again, go back to the original wording.

Thank you.

CHAIR SCHNEIDER: Thank you. Your position is noted.



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Nigeria.

NIGERIA: I agree with what Paraguay says, but to the second draft -- text seems longer than the first and doesn't make any difference.

CHAIR SCHNEIDER: Thank you.

Before I continue to giving you the floor, the difference is that the second one states that governments have different views on how to deal with their -- or how others can or could deal with their country codes.

The first one implies that we would have a consensus over what is written in the text.

So let me ask -- let me ask all of you whether we have a consensus on the first text. I see that many would prefer the first text.

Do we have a consensus on the idea? Not about the wording, but on the idea of what the text says? Is there somebody that objects that we would like to see an explicit agreement unless otherwise specifically mentioned?

Spain.

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SPAIN: It's not to -- to oppose. It's just to recall that the GAC did advise in the past at the Singapore meeting, February or March 2015, that the rule was silence didn't mean approval. And I'm going to read the sentence.

In the section 7, letter B of GAC advice: A list of GAC members who intend to agree to all requests and do not require notification will be published on the GAC website.

This means that only the countries that didn't -- would not object would not be notified.

IRAN: (Off microphone).

SPAIN: You can go to the website and --

IRAN: Put the text on the screen.

SPAIN: GAC communique, Singapore, March 12 --

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CHAIR SCHNEIDER: Kavouss, technology is not so quick. It's human hands that would have to delete what we have here and search the text and put it on. So, please, let's stay calm.

Is this about the two-letter codes and not about the country name?

SPAIN: Yes, it's about two-letter code.

I can live with this paragraph. It's only to be aware that we are going back on our previous advice.

CHAIR SCHNEIDER: Okay. Let me ask, any objections in principle on the first paragraph?

Netherlands.

NETHERLANDS: Yes, I think I will repeat my objection. And I would react to Mr. Kavouss saying that it looks like we are denying the right of somebody or a country. This is not a question of denying rights. This is a question of consistency, a question of is GAC being reliable to the outer world and not changing the rules along the play?

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I mean, it's very clear, there is no explicit agreement as a GAC advice being put earlier. There are a couple of things.

We cannot just say because somebody at a certain moment in a certain GAC meeting thinks this should be put in there, then put in there. It's just not acceptable. Sorry.

CHAIR SCHNEIDER:

Okay. We seem to have different views. We seem to have no consensus on the first text. We are five minutes into the coffee break. We have ten more minutes until we have to close the session because another one is starting here.

So we have two possibilities. Either we take this out and try to work on this after this meeting in a phone call, electronically, whatever, or we try to sort this out here, but that would mean that we would have to agree on an idea. And for the time being, we don't have consensus on an idea.

There's some who say we want a formulation about an explicit agreement. Others say this is not in -- this is not the same what we have been asking before. So we have these two views.

Iran, please.

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IRAN: Thank you. Could you ask who is seriously against the red text?  
Seriously against the red text.

I'm saying that major objection to that. Specify the situations. Some people say this, some people say that, and that is the situation.

The only thing I will add at end of that, those countries who want the explicit agreement should inform ICANN. That's all.

So we don't change anything. We just clarify the situations.

CHAIR SCHNEIDER: Thank you, Iran. I think this second text has a higher chance that we succeed on accepting it in the next few minutes. So thank you for this proposal.

I see people nodding.

Could you repeat your proposed addition or amendment in the second text, the one that you just mentioned right now.

IRAN: Chairman, the paragraph talking of the -- the middle one.

If you put the middle one at the end. Take out in the middle one saying that "some other countries" -- "other countries and

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territories requires that." Take it from "some" and put it at the end. For the time being, yeah. Yeah.

And then add, "The latter countries are required to inform ICANN --

CHAIR SCHNEIDER: Kavouss. Slower, please. Thank you.

IRAN: The latter countries are required or are requested or invited, whatever word you use, are invited to inform ICANN to this effect.

What does it mean? The country that wants the explicit agreement, they should inform the ICANN, "I want an explicit agreement." That's all.

CHAIR SCHNEIDER: Thank you, Kavouss. This might be leading us towards a solution so let's hope we get there.

So the first sentence says some countries do not require notification. In case -- the second one states that in the event that no preference has been stated, this should not be considered a consent. The third one states that maybe we can --

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some or some others, or others, maybe we can get rid of one of the words -- some others.

IRAN: Legally some others. Some, some others. Equality.

CHAIR SCHNEIDER: Okay. There's some others that require an applicant obtains explicit agreement. And in that case, these countries should announce that they are part of this.

I think there are all the elements there that we have heard.

I will give the floor to you, Swaziland, in two and a half seconds. Can we agree to this, Swaziland?

SWAZILAND: Thank you, Chair. I think the problem with that, the latter countries must be the ones informing ICANN, the problem is that a lot of them are not here. They are not aware of this condition. Some of them, as were previously pointed out, are not even members of GAC.

So would it be a problem if it is just a blanket requirement that anyone who wants to use the two-letter code informs or requests permission from that government so that if it's a government that has no problem at all, they just get the

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approval to go ahead. If it is a government that is on the other side, will either not respond or -- which is, again, a refusal, or give an express refusal.

CHAIR SCHNEIDER: Thank you. Before giving the floor to all of you, what if we delete the last sentence and if we leave it at that. We have all the elements in, but we don't say in which direction this goes.

And we have the phrase in that a lack of response is not consent. So we have....

Please, Tom, take it out and give everybody a chance to look at this.

Can we accept this? Any objections?

No objections.

No objections. Still no objections. Agreed. Okay. Do we need to -- now let's go to the third paragraph. That is -- I think it's a question of wording. Yes, Kavouss.

IRAN: This is part of advice and we should keep advice but not consideration. To delete the parenthesis and so on and so forth. GAC advises that and so on and so forth.



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CHAIR SCHNEIDER: But should we leave the "should?"

IRAN: Yes --

CHAIR SCHNEIDER: The thing would read, "The GAC advises that a relevant registry or registrar should engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered." Any objections? Okay. Very briefly. We have four minutes left before the coffee break is over. Denmark. Spain. That's it for the time being. Denmark and Spain.

DENMARK: Thank you, Chairman. For me it looks a little strange that we advise. Are we advising the board or -- so I think logically the better was -- it was better to have there: "Or GAC encourage the relevant" -- we could use that phrase.

CHAIR SCHNEIDER: I think you have a point there. Should we say, "The GAC advises the board to urge the relevant registrar" blah, blah, blah "to

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engage"? That is the logic that we normally use, right? So let's wait until we have it on screen. "To urge the relevant" -- "to engage" instead of "should." Is this it? Any objections? Spain.

SPAIN: It is not consistent with the previous paragraph. It would say that if a country doesn't say anything the country code cannot be used alone, why do we need discussions with the registry or --

CHAIR SCHNEIDER: We say that some countries have that position, which is not the same, and the fact is some -- some of these have been delegated. And this is a way to try and get people to talk together in cases where this has already happened, to give it a more -- one more try and find a solution. So I don't think it's inconsistent. Is it okay? Olof?

OLOF NORDLING: Yes. I think it goes down -- back to the original purpose of our advice which is about the mitigation measures.

CHAIR SCHNEIDER: Any objections to this text? No? Okay. That means we are done two minutes before the end of the coffee break. CTU and

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Denmark. Please be short. We have two minutes left. The United States.

CTU: Thank you, Mr. Chairman. I seem to recall there was an unresolved issue about to the greatest extent possible somewhere in the document.

CHAIR SCHNEIDER: Yes, you're right. Given the situation where we are in -- let's wait for Tom. This does not change the world, does it, whether we have it in or not. So we somehow have to go for either/ find a third formulation in one minute remaining. CTU, your proposal, please.

CTU: Yes. I would say leave out "to the greatest extent possible" and change "effectively" to "appropriately." "Appropriately addressed."

CHAIR SCHNEIDER: Instead of "effectively addressed." People are shaking their heads. I won't go into this. I had Cook Islands and the United States.

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COOK ISLANDS: Thank you, Chair. I'm with removing the texts because it's an effort that I would expect without emphasizing it. Thank you.

CHAIR SCHNEIDER: Thank you. United States.

UNITED STATES: Thank you, Chair. Actually I was raising my hand on a point that I believe does need to be addressed before coffee, I apologize. But on the matter at hand here, we would prefer retaining "to the greatest extent possible." We think that removing it could be construed as saying that somehow the recommendations would not be implemented. I would like the floor again on a different point, after we resolve --

CHAIR SCHNEIDER: Yeah.

UNITED STATES: Okay.

CHAIR SCHNEIDER: So we have some that wants to delete the text, we have others that want to keep it. That is not consensus, so we have to find a solution. I start one -- who -- are you still insisting, U. S., to keep

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that in? You haven't been able to convince the others that this addition is necessary.

UNITED STATES: In fact, Chair, several came in during the previous discussion, when we were talking about it before at the break, several people expressed their support for the language.

CHAIR SCHNEIDER: Okay. Paraguay.

PARAGUAY: I suggest we keep it as well, Mr. Chairman. Because it doesn't change the world, keeping that phrase, "to the greatest extents possible," you know.

CHAIR SCHNEIDER: Okay. Can we keep it in? Any severe objections to keep it in? Iran.

IRAN: No, keep it in and go ahead and finish because you have to finish 3:30, otherwise you will receive a red card because you push us 3:30. It is about 3:30.

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CHAIR SCHNEIDER: I'm in your hands. Any objections to keep that text in? Thank you. The U.S. has another point. Please.

UNITED STATES: I do, and I'm terribly sorry, Chair. But on the rationale section of the two-letter code, which we never got to -- well, perhaps I can ask you a question. Can you just tell me the status of the language that's in the brackets?

CHAIR SCHNEIDER: Good point. Actually we haven't discussed it, so sorry for those who are in the room but this is a live -- it's not a TV show, it's a live GAC event. So this maybe helps to capacity building on how we work. If you give us five more minutes, we are almost there. Do you want to quickly read it, Tom, and then we'll see. Denmark, do you have something that we need to know now? Okay.

DENMARK: What I have indicated before, but I actually think it should be deleted because we are trying here in the rationale to -- to give an advice to the board, which is wrong here. We should give a rationale and not give an advice in the rationale. So --

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CHAIR SCHNEIDER: About this rationale that Tom is about to read.

DENMARK: Yeah. And we think it should be deleted.

CHAIR SCHNEIDER: The whole rationale, so we won't have a rationale but we --

DENMARK: No, here in the rationale we're giving advice to the board, which is the upside down.

CHAIR SCHNEIDER: That would save us some time. Maybe we can just refer to the previous advices that we've been given on this issue and say that this is a follow-up advice. Would that help us? Or do we need to read it through and discuss it? Can we -- can we delete it? Because it's not new. We've been working on this for quite some time. Can we agree that the rationale -- we trust Tom that he will say this is a follow-up advice based on a discussion and blah, blah, blah, and refer to the previous advice? And say this is a clarification of previous advice. Is that acceptable? Spain, can you live with this?

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SPAIN: Yes, but it is about a three-letter code rationale. We need a new one. I sent --

CHAIR SCHNEIDER: That was the two-letter code. We're on the two-letter code.

SPAIN: Yeah, but that's the note on the three-letter code we need a new rationale, and I provided that text on the email list.

CHAIR SCHNEIDER: We're on the two-letter code now. Let's not talk about the three-letter code. So do we agree that we use this rationale reference to the old advice and say we had a discussion and this is the neutral -- Netherlands. We have to close, so thank you.

NETHERLANDS: The first part, a meaning of the rationale is not affected by the change of language and it doesn't give an advice. I think the first part is still valid. It's about the second part which then should only be deleted or changed. Thank you.

CHAIR SCHNEIDER: Tom, can you quickly read it otherwise, I think people are confused. We don't have the time. Can we go with what I



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proposed? We make reference to previous advice, say we have discussed this? We have no time for going into the rationale. Okay. Three-character code. Do we discuss the rationale -- have we discussed this? Do we need to rediscuss it?

TOM DALE: It's for the -- (Off microphone).

CHAIR SCHNEIDER: Yeah, the rationale -- the rationale of the -- to the three-letter code is maybe not 100 -- we haven't had the time to check whether this is matching the text above. We are not forced yet to give a rationale. Can we just said the GAC had a discussion and thinks this is an important message to give, for the sake of time? Okay? With the three-letter code? And the discussion will continue. We're at the beginning of this. This is not the last stage. Okay? Because otherwise, we will continue for very long. Okay. Is that all? Any further things that we should finalize? I think we have done all -- are you in agreement? Is this the communique?

Thank you very much. We had very little time to discuss a number of things. We ran moderately, extremely slightly over. I think this is a big achievement. I thank you all for your constructive spirit that we got to a consensus on so many issues

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in so little time. And sorry for the rest of the audience, but that was an experiment. Thank you. And I think it worked. So thank you very much.

[ Applause ]

And while I get some coffee, we have something nice to share with you now. I think Tom should do that. Maybe quickly explain what it is before you announce the person.

TOM DALE:

Door prize. I have a -- I have a -- I have a door prize -- we have a winner for the door prize. I'm sorry, it's a serious matter. This was an effort to encourage recording of attendance. Thank you all for participating. The winner of the prize being held up with some lovely reindeers heading across the Finnish countryside is Christopher Hemmerlein from the NTIA.

**[END OF TRANSCRIPTION]**