

BARCELONA – Joint Meeting: ICANN Board and GAC  
Tuesday, October 23, 2018 – 15:15 to 16:15 CEST  
ICANN63 | Barcelona, Spain

UNIDENTIFIED SPEAKER: Good afternoon. ICANN63 Joint Meeting ICANN Board and GAC.

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Good afternoon. ICANN63 Joint Meeting ICANN Board and GAC. Thank you.

MANAL ISMAIL, GAC CHAIR: So, if you can please start taking your seats, we will be starting in a couple of minutes. Thank you. [AUDIO BREAK]

So, thank you everyone, and welcome back from the coffee break, and welcome to all Board members, and thank you for making the time to have this meeting with us, every ICANN meeting. So, yeah, I can see that we already have our questions on the screen, and we have shared them over e-mail as well so we'll start to go through the list one by one, and I will give the floor to colleagues who would like to speak to certain topics. So yeah, maybe I can start with the second until we have Switzerland in the room because they would like to speak to the first point, and Colombia, would you like to please address the topic of .Amazon please? Thank you. Go ahead.

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COLOMBIA:

Colombia speaking. Thank you, Madam Chair. The Colombian delegation would like to extend its appreciation for having this opportunity to speak specifically about the request for the delegation of the .Amazon TLD. To give you an update, eight countries for 40 years had been part of the ACTO treaty, and since the very beginning, we have expressed our rejection for any intention to take ownership of the geographic names of the states that are members of the ACTO without their consent.

The unanimous position of the eight countries of the ACTO in terms of this rejection has been clearly stated through two statements by the ministers of foreign affairs, one from May 2013 and another one from December 2017. And these have been endorsed by a document resulting from an extraordinary meeting of the ACTO council that was held in Brazilia in August 2018. This was sent to the ICANN authorities.

That document indicated that Amazon refers to a geographic region that represents the comprehensive heritage of the countries that are members of this organization, and Amazon as a corporation requires the consent of the Amazon countries. The Amazon countries have the right to participate in the governance of .Amazon, and it confirms the disposal of the eight countries to have a dialogue with the ICANN CEO on a future date for a meeting that would be held in Brazilia.

In addition to this, let me say that apart from all these measures and all these actions that we have carried out together with Peru and Venezuela, Suriname and all the other countries, the ministers of foreign affairs and the minister of ICT of the government of Colombia

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sent a letter to the ICANN CEO and the ICANN Board Chair expressing the deep concern of Colombia about the need to protect the cultural economic social environmental interests of this highly sensitive area of the world in this delegation process for .Amazon. At the same time, we highlighted the need to preserve the multi-stakeholder process in the decision making. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Colombia. So, Switzerland, would you be ready to address the first point on the screen?

SWITZERLAND: Yes, thank you.

MANAL ISMAIL, GAC CHAIR: Okay. Go ahead.

SWITZERLAND: Thank you very much. Jorge Cancio, Switzerland, for the record. Apologies for being late. I'm sorry. This is really just to note the, and the fact that GNSO after having reconvened the working group on the recommendations related to the protection of the Red Cross national societies has adopted recommendations which have been supported by a full consensus of that reconvened working group for the ICRC which I think is not able to actively participate in this session Switzerland had participated as well.

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And we are quite satisfied with the results of those recommendations adopted by the GNSO council, and we wanted to note this as a very good example of good collaboration between different constituencies of ICANN, and as this is now before the Board, we wanted to invite you to take those recommendations from the GNSO to your attention and to adopt them as swiftly as possible. So, this is what I want to convey to you. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Switzerland. So, next on -- yeah, Goran please..

CHRIS DISSPAIN: Sorry. Thank you very much indeed. I just wanted to mention it as well that --

MANAL ISMAIL, GAC CHAIR: Sorry, it's Chris for the transcripts.

CHRIS DISSPAIN: Sorry. It's Chris Disspain, I apologize. I just wanted to mention as well that the Board has also reached resolution on .Persian Gulf, .halal, and .Islam, and those resolutions were published a few weeks ago, and it just fits in with a discussion about us reaching resolution on stuff that concerns the GAC. Sorry? No, not .hall and halan. Anyway, you know what I mean. So, I just wanted to flag that for you, thanks.

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MANAL ISMAIL, GAC CHAIR: Thank you, Chris. United Arab Emirates and then Palestine.

UNITED ARAB EMIRATES: Thank you. So, regarding the applications of Islam, Halal, and Persian Gulf I would like to take this opportunity to recognize and appreciate the time and efforts and commitment of the ICANN Board into reaching the resolution to these long standing and overdue applications. Certainly it has been a very sensitive issue, and very challenging, so I really appreciate those efforts made by the Board in reaching a resolution, and we certainly welcome the decisions. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, United Arab Emirates. I have Palestine next.

PALESTINE: [Person speaking in foreign language] two-character and second level domain name.

MANAL ISMAIL, GAC CHAIR: Just a second, Alan, we are still getting to this later in the agenda so maybe you can postpone your comment until we reach the two-character code.

PALESTINE: No problem.

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MANAL ISMAIL, GAC CHAIR: Thank you. So, with this allow me to move onto the following point which is actually on the 2 character code, and follow up on next steps arising from our dialogue on the 2 character code. And Brazil, I believe you would like to talk to this point?

BRAZIL: Thank you very much, Manal. Thiago speaking for the record. We just wanted to get a confirmation on what Chris Disspain proposed Board members would be doing in reaction to the briefing that was shared with them in our previous encounter. Could perhaps Chris clarify what would be the next steps following up on this issue? Thank you.

MAARTEN BOTTERMAN: Well, actually if you'll allow me, Thiago, I will respond to that. Thank you again for the discussion on Sunday. We heard about your concerns and we also took note of the analysis that was presented by you the day before to the public meeting. We take the integrity of the processes described in bylaws very seriously, obviously. And we also plan, therefore, a fulsome response to the main mode that was drafted by you shortly after Barcelona to provide context and clarification on the process and the steps taken.

As you know, we are fully committed to further and continuous improvement of effectiveness of Board GAC interactions. As also reflected by our joint and constructive work together in what we now name to be the Board GAC interactions. We are a group following the

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suggestion for the name by the delegate of Iran following our meeting on Sunday.

The other thing we are doing is that we also continue to work on the dedicated tool that we promised where each concerned country can view the latest registrations [inaudible] new TLD as they relate in their corresponding [inaudible] country at the second level. This is the information that's currently available by request, and this web page will make it a one stop place to access and view this data and file a compliance inquiry if necessary. The data is pulled from publicly available zone files and updated on a frequent and regular basis.

But in addition, and also following the discussion, we are planning to add a feature on the page that will automatically notify each concerned government through their GAC representative whenever the information is updated. We expect this tool to be able by the end of 2018, and in the meanwhile, Org will be able to provide a full response in writing and in a writing procedure which is not optimal but the best we can do until this application is ready. So, we do hope that these announcements and the additional information that will provide as you will understand not on the fly because we want to be very clear and very thorough on that and that will help to resolve this issue to everybody's satisfaction.

MANAL ISMAIL, GAC CHAIR: Thank you, Maarten. So, Thiago, you want to follow up on this? Yes, please.

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THIAGO JARDIM: Thank you very much, Maarten, for your explanation and for indicating, if I understood you correctly, that the GAC shall be expecting a briefing explanation or reaction to several of the points that were raised in the briefing we shared with you and in discussions we had. I've got another question if you allow me, and the question is what after this? Once we get your response, in writing, what is the expectation on the Board side? Thank you very much.

MAARTEN BOTTERMAN: Exactly, yes, we are both interested make sure the integrity of the process is very clear, and therefore, we think it's also good to come back with a full and thoughtful response. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten..Iran?

IRAN: Yes, and thank you very much and thank you, Maarten. I did not clearly understand you referred to the person, to the request or comments from Iran. You did something. Our request was the following. At least as a GAC member, we expect that the president and CEO of ICANN or its designated representative, be engaged in discussion with us relating to the concerns that we have expressed regarding the use of the two-character letters or release of two-character letters at the second level, and understand our problems



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and difficulties in certain cases and areas, and we will have already mention that.

We would not agree that anything will be further released without any specific reply or reaction from us further to that engagement. During that discussion, we will clarify the difficulties from cultural, from religious belief or convictions of identities, and many other things and would have a better understanding what the situation is. So, we expect that at least between now and ICANN64, this engagement in the most appropriate manner be held up, and we could be discussing in a practical manner what are the problems and difficulties.

Thank you very much for sending information, but we still need to get engagement discussion between us. I am not speaking on behalf of other GAC members. Perhaps that would appear in our communique. It depends on what the communiqué is about, but at least this is our position and we would like that you, I mean ICANN, or to the CEO and president of ICANN, or any one designated by him be engaged in that discussion. That discussion, very probably, would be face to face. Very probably, if others find that suitable. Thank you.

MANAL ISMAIL, GAC CHAIR: Sure. Goran, please.

GORAN MARBY: Thank you very much, that you would like to have this discussion once again with me. I think we have now discussed it in every GAC meeting I have been to. I also during a period asked my deputy to have several

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discussions with you personally. We sent over a lot of information. I think I was here, feels like it, was it two days ago? Two days ago, and I had the pleasure of discussing this. So, I hope that it feels like we have spent a lot of time in this and discussing it, and trying to help and shape. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran. I have Palestine, and then Iran, you're seeking the floor again?

KAVOUSS ARASTEH: Just a clarification. Distinguish Iran you need to be engaged discussion with the ministry. Not myself. There are authorities in the ministry deciding on the matter. It is much more than the issue that you can discuss. You said two years ago, you saw me somewhere, and you said that, Kavouss we need to have a coffee together. That's all. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Palestine, please go ahead.

PALESTINE: Thank you. First, I would like to thank the Board members for this meeting, and I would like to repeat what have been said a little while before about the existence of all the participants with the ministers and about the multistakeholder word that was used so many times. Everybody here agrees that the model of multi stakeholders, but what

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I can see here that there is a difference of views about the definition of this word, and it's whether this concept is applied on reality the way it should be or not.

And also I want to talk about the two-character domain names. I see that this topic is causing a lot of confusion for the end user where our country is rejecting this topic because it is related to the codes of two-characters, and yesterday there was an argument that there is no right or law that gives any country to own that code of two letters. And on the contrary, if on the other side there is no right to use any type of codes that is owned by us, within the ecosystem and with the whole space of the domains.

THIAGO JARDIM:

Thank you very much, Manal. Thiago speaking for the record. Just to make sure we are all on the same page here in relation to the two character code matter, we are to expect and receive from Board members written documents with explanations and reactions to the document that we shared with them recently, right? And it is also expected that there will be follow up actions on that reaction from the GAC side. And these exchanges that are expected to take place are to be perceived as part of the conversation that will be taking place as part perhaps of the Board's implementing actions in response to the most recent GAC advice on the matter. Is that a fair assumption? Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Thiago. So, I think we can move on. Next is the IGO, INGO topic and I think OECD would like to address this. John, please.

JOHN PIZARRO: Thank you, Manal. This is John Pizarro for the record. So, as many of you probably know, the working group for the PDP on IGO, INGO access to curative rights protection mechanisms released its final report over the Summer. And that final report actually contains conclusions that are in direct conflict with GAC advice. So, it's unclear yet whether or not the GNSO council is going to vote to approve that final report. If I understand, well, that vote is going to take place tomorrow. So, we were just wondering though you know without trying to foreclose the conclusions of the GNSO council vote tomorrow, what steps the Board foresees, if any, to try to resolve this long-standing conflict.

And in that regard I would like to just remind everyone about the positive outcome that eventually came out of the issue regarding the Red Cross and Red Crescent protections. Eventually the GNSO and the GAC were able to broker a sort of solution where everybody was happy on that.

So, I was just wondering if the Board envisaged maybe trying to facilitate something similar. I'd also like to note in that regard that the GAC and individual GAC members and observers have tried a number of times over the past several years to engage the GNSO in a sort of

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dialogue on this. But unfortunately, we weren't really successful in moving forward on that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, OECD. Chris, please?

CHRIS DISSPAIN: Thanks, Manal. And thanks for the question. Unusually for me, I'm actually going to [inaudible], I don't want to miss anything out, I'm just going to read from some notes. As you said, we're waiting for the GNSO council's decision, and we don't want to preempt that. We understand that it the matter may be dealt with here in Barcelona. We have encouraged and continue to encourage the GNSO council to carefully consider all the relevant factors including inconsistencies between the GAC advice and GNSO policy recommendations, and other issues. And to make every effort to reach a balanced solution as between the public policy concerns expressed by the GAC and the IGO's, and the need to ensure that the UDLP and the URS remain fair and equitable for registrants. We also encourage the GAC as well as the IGOs who have been active on this topic to engage with the GNSO which you obviously have been doing.

Now, the ICANN bylaws contain provisions that outline specific steps to be taken by the Board in cases where it disagrees with either GAC advice, or GNSO PDP recommendations. We understand that it's not our role to intervene directly with or bypass the currently on going community processes. We remain ready and willing to assist with

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facilitating a balanced resolution should this be requested by the community.

We also understand that some community groups have been frustrated at how long this topic has been under consideration. Such that the interim protections the Board adopted to withhold IGO acronyms from second level registrations are still in place. It's important, nevertheless, that the community processes be permitted to run their course and the Board looks forward to receiving updates from the GNSO council as to their decision on the curative rights.

We remain of the view that it will be appropriate for the Boards to act on both preventative and curative aspects at the same time. As that will ensure clarity on the exact scope of the protections available for IGO acronyms. So, I hope that gives you an overview of where we are, and we will wait and see what happens with the PDP. Thanks, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you, Chris. And just to your point that the GAC also should engage with the GNSO just by way of information, we have discussed the issue on Saturday. We have issued a letter to the GNSO on the topic on Sunday. We met with the GNSO on Sunday, and they acknowledge receipt of the letter, and we discussed the issue again and they said that the concerns formulated here are more concrete than those that were conveyed in the letter, and asked to receive this again in writing, and we have already shared this over e-mail in writing. And they acknowledge the receipt as well. So, we've been working hard on this throughout the week.

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Any further comments? Okay. Then can we please go to the following page? So, the next question is what is the process and timing for the development of a unified access model? An easy one.

GORAN MARBY:

Thank you for giving me the opportunity to talk about GDPR. Can I just take a step back and talk about the mechanics a little bit so we are clear on that? So, we had the Calzone Model which led up to the decision by the Board to have a temporary spec which is very much about the collection of data on which the information the contracts part is now saving. And in that we also have to abide the law divide that information into two parts. One that is public and one part is non-public.

So, we are expecting the temporary PDP to have a positive outcome on the basis of that. A lot of discussion. This is all about access. And it's not the Calgary's own model, it's the CALSONA model. Very important. So, the next step in what we are doing is the – so, that sort of solves half of the problem. We all agree on that because access is very important and in the temporary specification, we more or less quote the law and the law is that the data controller which are the contracted parties makes decisions about access.

So, what we are trying to do right now is to find a solution where ICANN can diminish the legal obligations for the contracted parties within the law to that extent that we can build a unified access model instead of now all the contracted parties has to make the decision by themselves. I hope that was an answer to your question.

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MANAL ISMAIL, GAC CHAIR: Thank you, Goran. For the sake of transcripts, the previous speaker was Goran, of course. So, any comments? Okay, Kavouss?

KAVOUSS ARASTEH: Yes, there is still some lack of clarity of the so called unified access model. It was discussed at previous meeting with other entities and constituencies of the ICANN. When that should take place in the current charter of the EPDP it was labelled as a third element; that means once the report or initial report of the team EPDP team is published, then it will take up. It is not clear whether we take it up while the report is under public comment. We took something team I mean we, and try to get it ready for consultation by the concerned parties or as someone mentioned that may be done after the life of one year of EPDP once the specifications become hopefully definitive rather than temporary, but either by the same team, or as a new team with a new public sorry policy development process. It is not clear.

Yesterday Goran mentioned there may be some informal arrangements as a sort of study or study group whatever we form to that; we have little difficulty to talk about the access or access model as an informal and so on and so forth, so I think this is an essential element and should not be done informally. It should be done more than formal.

But this is the situation that still there are some different views among various members of the EPDP, different constituencies, but GAC's



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position is quite clear and the position of some other constituencies, or ACs, or maybe SOs, maybe ACs, usually are quite clear the necessity of having that available but it should be in time available. You do not have the specification as a definitive but have no model at all. You don't know how to do that. Still about the definition, we don't know how we call them.

Somebody today says that we don't need to care about the name of that, but maybe about the function of that. That is also I don't know whether you call that unified data access or unified access model or harmonized access model or unified reliable access model, so there are not clear situation, and we would expect that having some clear situations before going further because it has some concerns by some of the GAC or most of the GAC members about the necessity of having this model available in time. Thank you -- or on time.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. Goran, please.

GORAN MARBY: Thank you for giving me the opportunity to further explain. The community will make decisions about the unified access model if we should have one and the policy set within. The problem we have today is that, and it's not a bug in legislation it's a feature, the role of the data controllers, the contracted parties have a legal obligation to take care of the data.

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That means that for us, and the community also the GAC to be involved in a discussion how to set up a unified access model, we first have to figure out if we can have that possibility in the first place, because as the law is interpreted today also through advice from the DPA's, we are sort of out of the discussion because the contracted parties has the legal responsibilities, and therefore we're talking about the different technical solutions that may or may not.

The ministry legal responsibilities of the contracted parties and gives us the GAC and everybody else an opportunity to discuss a unified access model, so there are two sets of questions we are working in. And, of course, that unified access model if we have the ability to do one has to be within the realm of the law. The law is specific and for good reason about the role of the data controllers. Thank you. I hope that clears up.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Goran. So, moving on. The following question is can the Board provide an update on expected implications of the ICANN versus IPAG domain services case?

GORAN MARBY: John, you're free. Is John in the room? I will ask my legal counsel and newly appointed deputy to help me answer that question.

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JOHN JEFFREY: Thank you, Goran. So yes, our current status is that we have -- as many of you know from previous briefings, we filed an action in a German court and went through an appellate process. The German court filing was for a temporary holding relating to an injunction that would bring to issue a choice by one of the registrars not to collect or not to publish, rather, certain aspects of the WHOIS data and the issue was framed so that the German court could consider whether the general data protection rules would apply to that specific issue and whether under our temporary specification it would be legal to require the register to continue to collect and publish that information.

The German court so far ruled and technical grounds, and we're now considering the next possible pathway to determine whether to file the next realm of action, and then the Court would either consider that again, or we would withdraw our filing. So, we will be making that decision in the next few weeks.

GORAN MARBY: Can I for the record change from John Crain? What is your name for the record?

JOHN JEFFREY: I'm John Jeffrey of the general counsel of ICANN.

GORAN MARBY: And what is your name for the record?

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GORAN MARBY: Brian.

MANAL ISMAIL, GAC CHAIR: So, thank you very much, Goran and John. I hope this addresses your question, Indonesia.

GORAN MARBY: This is Goran Marby for the record. I'd like to excuse myself to the transcribers and the members of the GAC for my very bad sense of humor, for the record. Thank you.

CHRIS DISSPAIN: I think you can say there's consensus on the Board about that.

GORAN MARBY: Who said that?

MANAL ISMAIL, GAC CHAIR: So, Indonesia, would you like to follow up on this?

INDONESIA: Yeah, actually. One of the extended questions actually is what will -- because first of all, I apologize for my limited knowledge on the court system. I'm not a legal counsel anyway. And once the German court decision is there, you say this is a few weeks' time, will it be similar for all European countries decision or it has to go to some sort like EU court, like when the EU court decided that the Über is a taxi company

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and not an IT company. Will it automatically be a decision of ICANN [inaudible]. It's also an EU decision. And if it is like that, what will be the impact of the decision on that global ICANN regulations because Indonesia will have a different regulation than the EU for example. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Indonesia. So, I guess it would be John again.

JOHN JEFFREY: Yes. If I understood the question correctly, it would be what would be the effect of the German court's ruling if they were to rule on a GDPR issue relating to the issue that we presented before the Court. It would, in fact, depend upon the German court to determine that in some ways, but the German court's ruling could have an effect on the way a presidential value or an impact on the way that the law would be interpreted across Europe.

And it's also possible that a court ruling in a German court might be appealed to the European court of justice in particular if it was related to a European wide issue. And then a ruling and, of course, in that court would also have European wide effect. But I'm sure you have better experts on this issue among the GAC members than my answer.

MANAL ISMAIL, GAC CHAIR: Thank you very much, John. Can we move on? Okay. Then the following question is: is there a contingency plan from ICANN in the

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event that the expedited policy development process is unable to reach agreement on a final permanent model to replace the temporary specification? Becky?

BECKY BURR:

I will respond to that. We are obviously watching the progress of the EPDP very closely. We do know that they have made good progress in recent days and that their scheduled to issue a report which will come out shortly following Barcelona. We are very strongly supporting the EPDP, there have been facilitators to ensure that the progress is moving forward, and so, we are not at this point anticipating a problem in getting to closure. Obviously we will be watching it and dealing with it as appropriate.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Becky. Kavouss, please.

KAVOUSS ARASTEH:

Yes, the subsequent question to Becky as an expert is that you are not -- sorry. We are concerned about what happens if there is no full consensus, and then there might be a strong majority in favor and a strong minority against, something. What do you do with that? It is something we could have foreseen. We hope we would have almost consensus, but it depends.

As you know, GAC is more or less at this stage with three members and so on and so forth. If you go to the counting them, number of the

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members, we are 3 against 26. So, even if our concerns are not met, we will be remained or may be remained to consider as a minority; that it is not helpful to us. So, we would like to know what happens if that decision comes. It is very, very important. It is not like other things that you say minority views, and I will like to know what will happen in that case.

BECKY BARR:

I appreciate that, and I understand, I mean, I totally hear you on that, but there's only one way that ICANN can develop policy, and that is through the PDP process which is spelled out in the bylaws. So, we all have to get behind this process, and ensure that everybody is properly incentivized to engage in good faith to find solutions.

I think that we've seen a lot of good faith on the part of the community coming together, I'm sure that you will have seen the letter from the contracted parties house on unified access. The Board cannot substitute its views or judgment for the policy development processes under the bylaws. So, our approach at this minute is to do everything that we can to ensure that the EPDP has the resources that it needs to get its job done.

MANAL ISMAIL, GAC CHAIR:

Thank you, Becky. Yeah, I have a request for the floor, please, if you can identify yourself, I'm sorry.

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EUROPEAN COMMISSION: Thank you. Pearse O'Donohue, European Commission, GAC member, head of the EC delegation here at ICANN63. I would like to intervene to say on this very important point the EU and its member states have a very clear position. We acknowledge the efforts that are being made by ICANN and by the stakeholder community. But we would stress the need to expedite the process and to design and implement a stable solution as quickly as possible and as a head of the expiry date for the temporary specifications.

So, while contingency planning is good, we would prefer that for the moment just as has been said we concentrate on working through the expedited process, and furthermore, although I didn't intervene to comment in the earlier discussion, it's one of the reasons why the EU and member states welcome the fact that the Board has already issued a draft suggestion as what might be the access model because we are going to have to work on these issues in parallel even if they of course in line with the charter the eventual resolution would be in the sequence that was tabled.

And so, that's a very important process and again, signs that everyone is now committed as I had reason to say yesterday. In order to nurture a safe and open Internet, everybody in all of the communities in ICANN I can imagine must agree that it has to be secure and safe and that therefore we need to have a balance between data protection and all of the other legitimate interests which is exactly what the process is seeking to achieve. So thank you very much for that. Could I just say I didn't intervene in the second question, but I can confirm that obviously Goran has got himself a good legal counsel now because the



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response that was given by Brian Jeffrey as regards European law and precedence as he described it. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, European Commission. Thank you. So, any more comments on this? If not, then we can move onto the final question, and it's basically to seek a Board initial reaction to this week's high level governmental meetings so, Cherine, I think it's your question.

CHERINE CHALABY: Thank you, Manal, and I have to say the Board considers the high level meeting as an important opportunity for governments and ICANN to hear each other at a level that is not usually possible in the ongoing policy work, and in normal GAC sessions. So we welcome these events and the dialogue they spark every 2 years. The Board was very pleased to see that several of the trends identified by the community during the last 7 months as part of the strategic planning work were addressed in various ways yesterday in the high level government meeting.

So yesterday, in our view represents an example of the role the GAC is playing in ICANN post the IANA stewardship transition, and it is really the first time that governments have been actively involved in the shaping of ICANN's strategic plan. So therefore, on behalf of the Board I want to express gratitude to the GAC for its continued and extensive participation in ICANN and without the involvement of governments

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and their leadership on public policy issues ICANN's multi stakeholder model of governance would not function as well so thank you very much and really regard the high level government meeting as an important factor in our process. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Cherine, and I have also to thank the Board for their support, for their attendance, and for their participation during the high level governmental meeting and really, really thank ICANN org for the tremendous support. It's difficult to go through names now but we've received tremendous support throughout.

Not only throughout the event, but I mean throughout months before the event, and, of course, the host country we cannot ignore the generous hosting and the tremendous role as well, and it worked very well at the end as a team between the GAC, the host country and ICANN org, so many thanks, and any other comments by the way? The last number I received was 127 delegations attended the meeting, so I have Goran and then Palestine. Goran, please go ahead.

GORAN MARBY: I just want to make a short comment, because it's important to me personally. Unfortunately, one of my highest respected members of my executive team can't be here, but he's been very, very important for this meeting, and that is of course Tarek, so I just would like to put on the record a big thanks for him as well. Thank you.

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MANAL ISMAIL, GAC CHAIR: And special thanks from our side as well, and I have to say that he was pivotal throughout the preparations for this meeting and even during the meeting he was online with us, I mean real-time. So, Palestine?

GORAN MARBY: And for the record, this was Goran Marby, not an unidentified speaker.

PALESTINE: Thank you, Mr. Cherine, for your professional response, and I will ask from all ICANN Board members to understand the position of so many countries about the top-level domain names with the two characters. Thank you.

MANAL ISMAIL, GAC CHAIR: So, any final requests for the floor? eSwatini, please go ahead.

ESWATINI: Thank you, chair. it's just a question regarding the GDPR. We heard yesterday that China made an intervention here and they said that when they make their laws they do check the kind of international or ICANN practice laws so that they don't infringe on ICANN laws or practices when they do their data protection laws, so I've got this question concerning our GAC members in the European Union as to: was there any intervention that they attempted to do to sort of intervene or enlighten or influence the crafting of the GDPR?

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I'm saying this because as you know, Madam Chair, that many countries will in the future make their own laws. Is therefore ICANN going to ban their practices on each and every instance that each country or region comes up with laws that infringe upon ICANN practices? Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, eSwatini. Goran, I'm sorry, go ahead.

GORAN MARBY: Goran Marby for the record, G-O-R-A-N. Thank you. I think that the first part of the question you might ask the esteemed representative of the European Commission, but on the other side of that question, we are not a government, and therefore we have to abide any law that is made by any country, and we cannot break those laws when it comes to how we do in the DNS.

And with that said, I think that one of the things we discussed in this room before and we discuss internally is how can we be a part of a legislative process not -- we are not a political organization, we are a technical organization but how do we engage in proposals for legislations without taking sides by for instance saying that it could have an effect on the domain name system or anything else related to what we do within our mission.

So, we have started by just collecting proposals that we now think could have an effect on the policy make possibilities for ICANN and you can find that on our website but I -- this is one of the questions

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that we are engaging in the Board, in my team but also is going to reach out with the community because the point is fair. There are many legislations around the world that can have an impact and I think that --and I want to state this --we are not a political organization so we will not have a viewpoint on the legislations itself.

We just need to find the balance where we say it's up to you as elected officials to make the decisions if what we think could happen is good or bad but at least we would like to be able to tell if there could be a for instance potential that routing disappears, because in the end that could have an effect that your citizens may not be able to connect to the interconnected Internet as it looks today and that could be a choice. So, the question is very, very good. We don't have an immediate answer. It it's very much up to the member states to work with us on this as well. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Goran. European Commission, please go ahead.

EUROPEAN COMMISSION: Thank you, madam chair. Pearse O'Donohue, European Commission . To address the question that was put which as Goran said is in part certainly for us to answer. The European Union regulation in question addresses the question of protection of personal data of individuals in, or who seek to have their data processed in the European Union or any personal data that is processed, which means including collected

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or transmitted from any ecommerce environment, so the law did not set out unlike the laws of certain other countries to have an extra territorial effect but we do of course recognize that it does in reality have such. Just as Goran has said, there are many laws in many countries which would have a similar effect.

The second point I would make and nor do I want to dwell on the past but it was of course the case that for a number of years prior to the entry into force of the GDPR, data protection authorities from EU member states were asking questions of ICANN with regards to the operation of WHOIS in relation to our previous data collection regulations of the data protection directive, so this is a story that has gone on for many years. But at heart I must state the European Union has introduced a high level of personal data protection in line with our fundamental charter. And we make no apologies for that, and we are very proud of it because of the level of integrity and protection which it provides to the individual.

And I think that that is a factor that motivates many, many member states gathered here in the GAC. So we are happy to speak with regions and individual third countries who wish to fully understand or to work with us with regard to the implementation of that or any other piece of legislation. And also we are happy to explain partly through our membership of the PDP as to how exactly that can be balanced, as I said yesterday with all of the other legitimate needs and interests of all the other parties. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, European Commission. I have Goran, and then I will give Rwanda the floor.

GORAN MARBY: Without giving a compliment to the European Commission, I would like to point out, Goran Marby for the record, that it has brought privacy to the attention of ICANN, which I think it's a good time for us to talk about it. The second just for the record, no data protection authority in Europe has ever issued a filing against ICANN and WHOIS during all those years letters with questions were sent to us and that's good to have for the record and it's only when DPA makes that decision it's actually it becomes something that we could deal with. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran. Uganda, please go ahead.

UGANDA: Thank you, chair. Uganda is taking you back to the previous slide where you presented something on the expedited policy development process. We wanted to understand what is the meaning of the expedited policy development process. Having listened to previous sessions the presenter said the group was making very slow progress, and today we've had another presenter talking about the group being given the resources and the materials they need to make some definitive policies.

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We have a number of existing and emerging issues that are riding on being resolved by definitive policies being in place since there is no interim, so we wanted to understand what is expedited about this process because it doesn't seem to be having any definitive timelines, it doesn't seem to be giving the interested parties any feeling that this is something that will be concluded soon. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Uganda. Chris, please go ahead.

CHRIS DISSPAIN: Thank you, Manal. Thank you for the question. It does have a specific time line. Under normal circumstances, a policy development process is started without any particular timeline involved, although in some cases in the bylaws there are specific timelines, but this is expedited because it has to be done by May of next year when the temporary specification that the Board has put in place expires, or before that. And it's expedited because -- it differs from a normal policy development process because certain bits of the process are shortened or are missing so there most assuredly are deadlines and there most assuredly is a need to get it done quickly.

This said, it is also true that it is a very tough ask to get the GNSO and the other involved parties, which includes the GAC, through this process in the timeline that's being given. And everyone, and I'm a liaison to the PDP working group for the board, everyone on that working group is working absolute hardest to ensure that this gets



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done as quickly as possible. So, there certainly is a time line, and that time line is to get it done in time for the expiration of the temporary specification. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Chris, and thanks to all Board members. It's time to conclude so thank you everyone. Thanks to Board members on the panel and in the room and thank you to all GAC colleagues and for GAC colleagues we will be reconvening so please don't leave the room. Thank you.

**[END OF TRANSCRIPTION]**