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ICANN67 | Virtual Community Forum – GAC: Update on Current Issues (New gTLD Subsequent Procedures)  
Monday, March 09, 2020 – 14:30 to 15:15 CUN

MANAL ISMAIL, GAC CHAIR: This session is scheduled for 45 minutes and as I said I hope everyone had the chance to attend the capacity building session. (Audio interrupted) so that we are all on the same (audio interrupted).

JULIA CHARVOLEM: Hello, Manal.

MANAL ISMAIL, GAC CHAIR: Is my audio breaking up.

JULIA CHARVOLEN: I think we missed the last, the last few words at least from our part of the world but I think you were just closing the session.

MANAL ISMAIL, GAC CHAIR: Exactly. The important thing is that we have you.

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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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LUISA PAEZ:

Thank you for those GAC members as well as community members able to participate in today's capacity building workshop so I just wanted to start by that, and give everyone a big thank you from Pua's closing remarks, the one of the co-shares of the underserved regions working group I think it was a very successful 90-minute workshop given that we had a plan for 4 hours, so we have a kept record of the discussions as well as the comments and questions to continue that doing this session as well as the days to come, and so as you probably noticed in the GAC agenda there will be several sessions to discuss the subsequent procedures policy development working group items. And in particular those that were identified in Montreal as priority items for the GAC. And in regards to some of the GAC leadership proposals for action and consideration for this sessions, the first one in terms of objectives is to increase the GAC understanding including both process and substance which is why we started with the capacity building workshop and we will provide a quick read-out shortly. It's also as Manal mentioned to enable GAC members to participate in the PDP subsequent procedures working group sessions the first ones before the GAC opening plenary, and I think it was quite useful to be able to call in, because I do know most of the time during the in person GAC ICANN meetings most GAC members -- we have conflicting schedules so I think unique opportunities going virtual to -- at the minimum attend, and obviously if you feel comfortable, participating as well, but we will be giving you read-outs of those sessions I know with the time zones of course it have been a challenge for many, other objectives in terms of when it comes to the new gTLDs they're starting to review and if needed update previous GAC positions, policy

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positions, advice obviously this will take some time because we not only need to deepen the understanding of what's happening in topics that are of importance to the GAC within the PDP working group but also see discuss within and among GAC members, and that's going to be a big objective so we'll see how much we are able to advance. And finally the last objective of the sessions will be to identify if possible any key positions and concerns from the GAC as potential input for subsequent procedures, perhaps inter-sessionally, but through a letter to the PDP working group, as well as really working towards the next public comment period which is expected to be launched in July so -- July this Summer. Well July 2020, and I know there are some -- sorry just looking at the chat, but I know the subject of parallel discussions going on but for now, I will continue but Manal will go.

GULTEN TEPE: Thank you Luisa.

LUISA PAEZ, GAC VICE-CHAIR: Let me know if she should address any comments in the chat for now.

GULTEN TEPE: Thank you very much, Luisa.

LUISA PAEZ, GAC VICE-CHAIR: Go to the next slide, please.

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GULTEN TEPE: Can you hear me Luisa?

LUISA PAEZ, GAC VICE-CHAIR: Yes, Gulden, I can hear you.

GULTEN TEPE: Thank you very much. Can we please give the floor to Julia for the translations?

LUISA PAEZ, GAC VICE-CHAIR: Yes, go ahead Julia.

JULIA CHARVOLEN: Thank you very much Gulden, and Louisa. About the one of the comments made by Venezuela is there any way we could send our position on the delegation of .amazon domain and there are additional comments going through the chats so we will read those later on. Thank you.

MANAL ISMAIL, GAC CHAIR: So Luisa if I may –

LUISA PAEZ, GAC VICE-CHAIR: This is Luisa for the record –

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MANAL ISMAIL, GAC CHAIR: If I may very quickly, to Venezuela if -- if you mean sending it to the GAC over e-mail, you can definitely do this, any time you wish, if it is an intervention just let us know the time needed and this can (audio interrupted) back to you (audio interrupted).

GULTEN TEPE: Manal, there is a latency on your line. Luisa, you have the floor back.

LUISA PAEZ, GAC VICE-CHAIR: Thank you, Gulden. It's Luisa for the record and we've notified Manal that her audio is it's a little chop I so I'm sure they will try to address that while we continue here. So over all these are the main objectives for having a focus on the ... ICANN virtual meeting, so as I mentioned we started with the capacity building workshop and we'll give a quick read-out for those that were unable to attend and then we have the session. We have another session tomorrow I believe almost a session, but hopefully make some progress here. So next slide so we wanted for for those that were not able to attend the capacity building workshop they did have the co-chairs of the PDP subsequent procedures working group both Cheryl and Jeff attend which was obviously very helpful and as they are the experts and having shepherding this effort so we were very appreciative of their participation. They might be in the call right now, but just to give you an overview regarding process and timelines, the policy side of reviewing the ... new gTLD started in 2015 so it has been going on for a little bit. It was started on -- and adopted on January 2016 and has covered around 40 plus topics in different tracks. There was also a

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Work Track 5 established on geographic names at the top level so there's been tremendous tremendous work, and I think speaking for Canada, but I know on behalf of a lot of governments we do appreciate that the community's tremendous efforts in trying to advance and find consensus for very complex topics. And regarding timelines, it seems for now there's unexpected community public -- sorry I'm advancing myself. This is just a little bit off overview of the different initial reports that have taken place, and public comments that go to the next slide please. If we want to focus on what's ahead of us. Perfect. Thank you. So the -- so currently the PDP working group is focussing on drafting final recommendations. And they are aiming to have a draft final report for comments, for public comments around July 2020. So that's a good target I think for GAC members for us to organize ourselves in terms of providing any potential input. Of course we have any input inter-sessionally even better. Then the -- they are expected to have the final reports and delivered to the GNSO council no later than the 20th of December for this year 2020. So that's what the PDP working group will be aiming for. Of course we have to remember that after the final report is submitted there's few approvals steps that need to take -- that need to happen so for example there is at a high level there is the GNSO council that will need to consider review, and approve or not the final report or recommendations. There's also the Board's consideration and then there's the policy implementation and then the new gTLD program launch and I just wanted to note that as we highlighted in the capacity building workshop that in order to prepare for a future round of meetings we wanted to make everyone aware that there is an a lot of

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different tracks going on, and, of course, it's a tremendous effort, and so here where we will be honing in on the policy side for now. So I'll stop there just looking if there is any questions on the chat. Of there's little bit of multitasking here. Okay so I will continue. Next slide please. Oh hi Cheryl thank you for joining us. One of the co-chairs of the PDP SubPro working group and Jeff as well. Wonderful. We're presenting in a way what you -- what you presented at the capacity building workshop as we're aware that some GAC members due to time zones were not able to attend. And so in terms of what the -- from our understanding what the PDP working group on SubPro will be focussing on, for this week we will be related to priority topics of high interest in the GAC. So we have closed generics. We have public interest commitments, PICs, we have GAC early warnings and GAC advice, we have applicant support program and underserved regions and we have also community based applications. And from our understanding that it intended and potential outcomes for this ICANN67 for the PDP SubPro working group is to engage with the GAC and, of course, other community members to ensure that to the extent that they are points of divergence from the working group expected outcomes, the specific interests are understood as well as possible as well try to address open issues. And finally the working group seems to have a clear path to completing the draft recommendations for the 5 topics that I just mentioned which may include making adjustments to better account for the various interests at play. So I will stop there, and of course Cheryl, and Jeff, and if you would like to provide additional comments in terms of the PDP's -- SubPro PDP current outcomes, do let us know? We still haven't given a read-out of what

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happened today in that first PDP working group session, so I will call for your input there. But I will stop there and see if there's any questions. Okay so next slide please. Being mindful of the time, so in terms of giving everyone a sense of the different GAC sessions that we will have as well as the PDP SubPro working groups as you see there are a few sessions so hopefully this will really help governments become more familiar and a bit more up to speed into the topics of interest to the GAC. I mean we do have to acknowledge that it is a challenge for a lot of GAC members, and I know it's a big effort and we are trying our best to build that capacity and to have meaningful discussions. Next slide please. Okay so I will stop here. This is a slide that was as well presented in the capacity building workshop where we addressed the 5 priority topics but I'll perhaps just take a step back and wanted to give a quick overview of how the capacity building workshop went. I'm just here opening up my notes. So as I mentioned previously, the capacity building workshop was divided into 2 parts. The first one was focussed on process, which was essentially the co-chairs Jeff and Cheryl going over what I mentioned regarding the time-lines as well as the intended outcomes for the PDP SubPro working group this week. I'm just reading this here, and we have kept track of the questions and comments. I won't go into them right now but I will then discuss with the GAC leadership in terms of how we address them but just to let GAC members know we did keep track of comments and questions then part 2 regarding substance. We talked about closed generics and then we discussed GAC early warnings. GAC advice as well as then we went to a public interest commitments as well as community applications and so the only item that we weren't



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able to cover and so I thought we could cover quickly right now because it's an important topic which is the applicant support program so I thought we could just very briefly cover it here in terms of what it is, and if Jeff and Cheryl they could give us a sense of what's the status of this item within the PDP working group will be great. And then we can go on in regards to giving a read-out of the PDP working group session of today, which was focussed on closed generics. So if everybody agrees and again I'm just looking here at the chat. We have to do a little bit of multi-tasking. As I'm reading here Jorge from Switzerland we requested SubPro to give an overview on how subsequent procedures an addressing the CCT recommendations. Yes Jorge absolutely that was something you brought up and there was support from other GAC members and we do know Jeff and Cheryl took note of that. I think that would be a very helpful for us. We can of course discuss that more. I will just make sure we cover the applicant support program. If we can go to that slide please I think it's almost -- great thank you the applicant support was a community based initiative that was created under the leadership of the GNSO at large which sought to promote access to the new gTLD program in particular for undisturbed regions, and how it worked was that a qualified applicants were evaluated under a set of criteria including public entrance benefits. Financial needs and financial capabilities and then they would have access to pro bono services and reduced application fees however in practice this program only received 3 applications and only one of which qualified so I know there seems to be a bit of a gap, and improvement to be made to this applicant support program. So I know the GAC has provided previous input and

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advice on this topic so we have highlighted it here in the slide so GAC has previously mentioned that there needs to be -- we need to expand and improve outreach to targeted regions in the global south to improve this program, ICANN... identify which regions are considered under served and underrepresented, and in what context are they defined as such. The GAC also mentioned that ICANN org should provide a regional targeting capacity building efforts to all community stakeholders in a timely manner to allow stakeholders to be prepared for the subsequent round, and better promote competition, consumer choice, and consumer trust as well as to have clear and measurable goals and indicators for applications from the global south need to be established, and linked to ICANN org's strategic objectives. ICANN org needs to co-ordinate the pro bono assistance as well as members from underserved regions should be offered additional supports due to external issues which should not prevent entities in those regions from applying. So this is just again an overview regarding previous GAC input into this important program, I'll stop there, and if Cheryl or Jeff you could give us a sense of where this item is at, what's the status in the PDP working group subsequent procedures and if you will be able to address some of our views thank you?

CHERYL LANGDON-ORR: Go ahead, Jeff, if you want to.

JEFF NEUMANN: Thanks. Okay. This is Jeff Neumann. Thank you again for having us inviting us in. On this issue, I think on applicant support we are very

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much in line with a number of the GAC views and recommendations, for the applicant support program, we also believe as the working group that the outreach needs to be expanded, to target the entire global community, although many many of your, many of the GAC's advice and communiques refer to the global south, we also view not just the global south but also anywhere in the world where there's an applicant that is in need are assistance both financial as well as assistance as you all indicate additional support which includes technical support, consulting report. Legal support, all sorts of resources that are needed to apply for and operate a new gTLD. And so, while we were asked by the CCT review team to come up with some sort of definition for the global south, which is a term that's really difficult to define, we've taken a tact of defining more financial and support needs as opposed to just a particular geography or area of the world, so while we absolutely believe that outreach should cover the global south, our recommendations are more global than that, and also apply to what we have termed the middle applicant as well. So I think, as I said we're also in line with defining clear measurable goals and to make sure that there are performance indicators that are -- that we can measure, and that we live up to in this this next round, and for ICANN to co-ordinate all forms of assistance. So I hope that addresses most of it, but we will be discussing this issue much more in the coming days within the subsequent procedures working group to try to get some more detail around a number of these recommendations.

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CHERYL LANGDON-ORR: Cheryl here just to follow up briefly. I think the other thing that is worthwhile noting is that the current thinking in the working group is very much in support and in line with the type of requirement that the GAC has suggested that there's a much more proactive plan and better executed outreach and engagement program that goes along with this African support program, and, in fact, we've even began so for an as to suggest some minimum days and number of days before you know the next item can progress or to occur, that you know so we're doing a bit of project planning suggestions as well on the recommendation so all in all I think the government advisory committee and the rest of the advisory committees should be heartened by what I believe we will see at the end of our deliberations. Thank you.

LUISA PAEZ, GAC VICE-CHAIR: Thank you, Cheryl and Jeff, and thank you for those comments and clarifications. We're just waiting a little bit to see if there are any questions from GAC members. And if not, if we can perhaps, and I am conscious of the time. We have 15 minutes, perhaps we can go over and provide a bit of a read-out regarding the first PDP working group session on subsequent procedures that took place today so perhaps we can go to the closed generic slides. Again these are -- because we have to work sort of like on a very quick turn around, so we weren't able to create slides that particularly pertaining to the read-out of the PDP working group session, but this is just regarding what a previous -- the view that GAC advice on closed generics. I just wanted to be clear on that. And in regarding perhaps I could start very briefly and then I will pass the, I will pass to the to Jeff or Cheryl to

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continue the quick update of the PDP working group session so it was, it was mainly focussed on closed generics as well as -- I mean it mentioned I PDP will be discussing closed generic PICs. GAC early warning GAC advice African support and communicate applications and regarding closed generics from my understanding it's been a highly -- a contentious and complex topic that has been discussed for a while now in the PDP working group, and we need to try to come up with some consensus, but we are consideration that it's not easy but regarding the, the -- it's important to note that the advice the GAC advice on closed generic took place in the Beijing communique and it states for strings representing generic terms exclusive registry access should serve the public interest goal. So that's the previous GAC advice we have under this proposal and in -- as a reminder in 2012 round no closed generic were delegated as the ICANN Board had a resolution, and so from my understanding there is more or less 4 options that are being considered currently in the PDP working group. There's the option one to formalize in the GNSO policy and make it consistent with existing base registry agreement that closed generics should not be allowed so it seems to be on one end of the spectrum. Then we have more of the middle ground. We have option 2 to allow closed generics but allow applicants to demonstrate that closed generic serve a public interest goal... potential objection process could be similar to the community based populations. We have a third option will to allow closed generics but require the applicant to commit a code of conduct that addresses the concerns expressed by those not in favor of closed generics. And then objection process foreclosed generic could be model he had and community objections

finally on the other spectrum is option 4 to allow closed generic with no additional conditions. And perhaps establish a process modelled again on community objections but I'll stop there and let Jeff and Cheryl obviously elaborate more and, of course, correct me in the reading of today's very interesting but of course continues to be a challenge elaborate more on today's session thank you.

JEFF NEUMANN:

Why don't you start and Cheryl you can jump in. This is this is Jeff Neumann for the record. As you all pointed out this seems to be a very difficult issue to work through because there are many people, organizations and groups that have such opposite views. There are many that believe you should never allow closed generics under any circumstance and can't ever see a reason where it would be in the public interest and then we have the opposite extreme where some believe that you know and then we should allow innovation and different model else to come forward. Trying to get people and groups towards some middle ground is often difficult to do. But today's discussion tried to focus on how we could evaluate whether a public interest goal could be achieved and what that would look like but it's very difficult. We don't know exactly what the GAC had in mind in 2012. There were no examples provided of something that could serve a public interest goal, and because there's really no additional advice, everybody seems to have their own idea of what the public interest means, and therefore it's very difficult to get to an agreement on what that would look like. Nevertheless we're going to keep -- not in this meeting because I think we're done with that topic. We need to make

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some progress on other areas, but certainly to the extent that we can try to get some common thread of proposals that could evaluate the public interest, that is something we would love to get but at this point we're not yet having agreement within the group. I see that there's comments --

[Voices speaking simultaneously].

LUISA PAEZ, GAC VICE-CHAIR: We have noted that and hopefully we will be able to have some discussions within the GAC next -- tomorrow. I just wanted to acknowledge I see a few hands raised. If Kavouss you can please take the floor thank you.

IRAN: Yes, as I have mentioned in the capacity building, in 2013 to the best of knowledge of GAC people in Beijing, I was there myself -- that this is what we put, but what we put we have to first of all to see what is the consequence of that. In this advice, GAC has not prohibited other -- has not prohibited the use of the closed generic terms. However, he put two things, should serve of a public interest, there are 3 words there. First of all it should, should as far as I know is not a mandatory. Maybe it's morally mandatory but not legally mandatory. Second and third is the public interest. As Jeff mentioned these public interest terms has been used in the commitment much the clarification of commitment in the... functions and up to now we have not been able universally to agree what is public interest. But we could describe

that. We could not define that but we could describe that. The second thing is that serve of. That means you have to have criteria. If you define what is at the in public interest then you have to see whether this request for application of the closed generic could serve that with that idea. First you have to apply. We have to establish a criteria then see if it's been applied properly or not. I think that with the experience I have outside the ICANN I this this black and white option may not work because the community is not ready to either side. We are not waiting that which one is more support or less objection. You have to see at least try to see, is it attempt to see whether it could have some agreement. So what I said at the capacity building, we have to have a main criteria we mentioned here serve the public interest. Then woo woo say what are those categorizations of public interest, and how we could have this public interest be served and what are the criteria that they serve if they are not served. What we can do. So I am suggesting that effort should be made to find a solution without saying that this side or that side. I think it is properly mentioned by Jeff meaning the further explanations of options 2 and 3, but not option 1 and 4. And put some explanation. Perhaps should work on that so I have listened to all the discussions. And I found that for some people there are very difficult to say absolutely no, but some other people they are saying absolutely yes, without any, any limitations or restrictions or descriptions so this is what I'm suggesting so let us at least to see whether we in the GAC could agree that option one or 4 may not be workable but we have to work within option 2 and 3 and how to apply these two options. Much this is for the time being and perhaps I come



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back to further explain that on but for the time being I leave it myself to be. Thank you.

LUISA PAEZ, GAC VICE-CHAIR: Thank you Kavouss. I think this is very important. And for the next session tomorrow we will make sure to bring on a slide the 4 options so we can discuss them more within the GAC, and then there perhaps we would have -- benefit from your expertise in elaborate ago bit more so we can all work together a bit more on that closed generic topics. So I will stop there. Er I know I'm looking at the time. Just wanted to mention in the chat, I will give you the floor Julia. I just want today mention in the chat that the PDP subsequent procedures working group tomorrow will be discussing 2 topics much the public interest commitment PICs as well as the role of GAC early warnings and GAC advice. So we could encourage GAC members to attend these PDP working groups. We do acknowledge it's challenging with the time zones, but there are very very fruitful, and it really helps enhance our understanding considerations complexity and what other community members are thinking as well. I will -- just before closing, hand it over to Julia, and thank you Jeff and Cheryl for joining us as well as for other community members as well, and of course Gulden if there are any housekeeping you let us know or Manal. Thank you. Go ahead, Julia.

JULIA CHARVOLEN: Thank you, Luisa. There are 2 comments from Enrique Aguilar. The first is good afternoon could you please put me in touch with someone

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from ICANN for guidance on how to register an STLD. And the second one, we would like to get in touch with someone from ICANN to explain us the process to register an STLD for the South American region. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Julia. Manal speaking here, and thank you very much Luisa and Enrique your questions are noted and we will surely put you in contact with someone. Luisa, we have reached the time so anything before we close this session?

LUISA PAEZ, GAC VICE-CHAIR: No, Manal, thank you. It's Luisa. We have finished the session for now, and we will resume tomorrow thank you.

MANAL ISMAIL, GAC CHAIR: Perfect thank you. So thank you very much, and special thanks to Cheryl and Jeff for for joining not only this session but also the earlier one. The capacity building workshop as well and thank you all for the interesting discussions, we now have a short break, please be back in this room at half past we will be starting our discussions on .org so please come back at half past. Thank you everyone.

**[END OF TRANSCRIPTION]**