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ICANN67 | Virtual Community Forum – GAC: Communique Drafting  
Wednesday, March 11, 2020 – 13:15 to 17:00 CUN

MANAL ISMAIL:

Welcome back, everyone. We will now start again our second communique drafting session. It was supposed to be scheduled for an hour but now probably 45 minutes. But, again, I think we're flexible with our breaks.

I would like to start by thanking everyone for the extensive and fruitful exchanges over e-mail. I think it was very productive, and I believe we already have some text to review. Maybe we can start with parts that we're not read before, and then we can go to the .org discussion.

Would this be okay, or would you like us to start with .org? Any preferences?

So maybe we can start with a quick review of the communique's other parts—yes, I think the subsequent procedures—that we haven't discussed. On subsequent procedures, the text reads: "The GAC prioritized subsequent procedures for new gTLDs during ICANN67, notably by the voting [of] several GAC sessions on this topic, by not scheduling concurrent sessions with meetings of the GNSO new gTLD Subsequent Procedures PDP Working Group, and by actively participating in such PDP working group meeting. GAC leadership, in cooperation with the Underserved Regions Working Group, conducted in intercessional work in order to prepare discussions on key topics of

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high interest to the GAC: closed generics, public interest commitments, [inaudible] GAC early warnings and GAC advice, the applicant support program, and community applications.

The main aims of GAC preparations, discussions, and engagement in this regard were to increase GAC awareness and knowledge of policy development in the New gTLDs Subsequent Procedures PDP Working Group, enable GAC members' participation in ICANN67 PDP Subsequent Procedures Working Group sessions, review and aim to update previous GAC positions, identify positions and concerns for potential input to the PDP Working Group, and update public comment periods of reports expected July 2020.

The PDP Working Group Co-Chairs noted that the text in the current GNSO Working Group document reflects draft final recommendations based on work conducted by the PDP. Current and further discussions are important to finalize recommendations which are not final and are all being submitted for public comment. The GAC expects, as anticipated the PDP Working Group Co-Chairs, that all recommendations being considered by the working group, in consideration of past, current, and future discussion, will all be submitted for public comments, and any such comment considered fully.”

Then there are highlight from discussions in the GNSO Subsequent Procedures Working Group and GAC plenary sessions on subsequent procedures. So we have the closed generics. In the Beijing communique, the GAC advised that closed generics could be allowed if

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serving a public-interest goal. The criteria for determining that a closed generic TLD serves such a public interest goal are still subject to discussion in the PDP Working Group. After initial exchanges on the basis of the Beijing communique, GAC members agreed that further intercessional work should be conducted by them, with a view to identifying criteria, examples, and use cases that may serve for assessing the public interest within the context of closed generics.

On PICs, discussions on public interest commitments, both mandatory and voluntary—mandatory PICs were not included in the 2007 GNSO policy recommendations—go in the direction of confirming the existing practice as policy for the future.

One important area of focus for GAC members was DNS abuse, as the PICs were used to implement GAC advice on DNS abuse, specifically the referral from the relevant CCT-RT recommendations, which were passed by the Board to the GNSO and from its council to the PDP Working Group on Subsequent Procedures. The PDP Working Group Co-Chairs indicated that the current recommendation text would refer DNS abuse to a separate policy development process which would address the issue holistically – i.e., not only for the next round. GAC members expressed concern on this approach, highlighting the importance of the CCT-RT recommendations and the need to implement them in light of the GAC Montreal advice on this topic.

Just a quick question. We were advised that they changed the name of the voluntary PICs, right? Do we want to refer to the new name, even between brackets?

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Anyway, on GAC early warning and GAC advice, the GAC notes that the current Subsequent Procedures PDP Working Group recommendations contrast to some extent with GAC input on the initial report [inaudible] since it is considering removing [it] in future editions of the Applicant Guidebook. The GAC consensus advice on applications “will create a strong presumption for the ICANN Board that the application should not be approved.”

Additionally, GAC members noted the requirement for further discussion on whether the rationale of GAC advice should be based on national/international law or whether it may be also based on other public policy reasons and to express their views on whether GAC advice issued after the application period has begun must apply to individual strings only based on the merits and details of the application for the last for that string, not on groups or classes of applications.

The PDP Working Group Co-Chairs provided background on the thinking of the PDP Working Group for proposing these recommendations. This requires further discussion within the GAC. I see, between square brackets, “pending discussions in the PDP Working Group on the topic and GAC inputs/discussions.”

On applicant support, the GAC has expressed in prior inputs to the PDP Working Group its support to expanding and improving outreach to underserved regions, noting that such outreach in the global south requires a more comprehensive approach and better targeting. Current PDP Working Group deliberations seem to align with GAC

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advice. The GAC previously noted that ICANN Org should identify which regions are considered as underserved and underrepresented and in what context that they are defined as such. The GAC also previously recommended that, once identified, ICANN Org should provide regional targeted capacity-building efforts to all ICANN community stakeholders on the applicants of [inaudible] program for new gTLD application in preparation for subsequent rounds. [inaudible] discussions on PDP [inaudible] Steering Group on this topic and GAC [inaudible] subsequent rounds of New gTLD Subsequent Procedures PDP Working Group on procedures for dealing with community-based applications as being consistent.

I'm sorry. I'm being advised that—can you hear me?

GULTEN TEPE:

Manal, we can hear you now, but you were breaking. So your connection is not stable.

MANAL ISMAIL:

Okay. I'm sorry for this. Can someone else finish reading this part if I'm not heard? Or shall I continue? You can hear me better now?

GULTEN TEPE:

It's better now, but I'm not sure for the future, Manal.

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MANAL ISMAIL:

Okay. Just alert me in the chat whenever I start breaking again. So, on community applications, the GAC supported the proposals in the draft initial report for Subsequent Rounds of New gTLDs PDP Working Group on procedures for dealing with community-based applications as being consistent with previous GAC advice.

Additionally, the GAC notes that current text in the draft final recommendations from the PDP Working Group supports the GAC's opinion that evaluators should have additional resources at their disposal to gather information about a CPE application and any opposition to that application. The GAC notes that the working group recommendations include measures for improved transparency and predictability aligned with concerns expressed by the GAC that greater consistency is needed in the community priority evaluation process and the establishment of an appeals mechanisms for the New gTLD Program.

This is also pending and unconfirmed even by the PDP Working Group's Co-Chairs.

Finally, on next steps, GAC leadership [in] its current [inaudible] on subsequent rounds of new gTLDs will lead intercessional work on the high-interest topics identified in the GAC's [inaudible]. The aim is to coordinate potential GAC consensus input to the GNSO Subsequent Procedures PDP Working Group, prepare for the upcoming ICANN68 meeting, and ultimately coordinate GAC views for the GNSO Subsequent Procedures PDP Working Group final report. [Public comments pr[o]ceding] envisaged for July 2020. Interested GAC

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members are encouraged to approach GAC topic leads in order to co-lead and/or actively contribute on any of the subsequent procedures key issues.

So I think this ends the subsequent procedures part. Any comments? Shall we go up paragraph by paragraph? Is it okay? It's not advice text. Any comments? Any requests for the floor?

I just have two comments, one mentioning the registry voluntary commitments, which is the new name of the voluntary PICs.

I'm sorry. I'm just reading a comment in the chat from Jeff. "Just one clarification. The PDP Working Group Co-Chairs indicated that the current recommendation text would refer DNS abuse to a separate policy process, not necessarily a PDP. It could, for example, to be a cross-community working group or other effort."

Thank you, Jeff, for the clarification. So if we can fix this as well.

If there are no further comment, we can move on. Maybe we can find some place to thank the Co-Chairs of the PDP Subsequent Procedures Working Group—maybe at the beginning.

Can we go to the following topic? Can we—

[BENEDETTA ROSSI]:

Sorry, Manal. This is [Benedetta] speaking. What topic would you like me to scroll to?

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MANAL ISMAIL: I'm sorry. I mean, if we're done with subsequent procedures, we can go to the following topic. I'm not sure what is it exactly. Is it the WHOIS and—yes. The domain name registration directory service and data protection.

The text reads, “The GAC welcomes [inaudible] expedited [inaudible] are proposed, including the layout for a model for a Standardized System for Access and Disclosure (SSAD). The GAC ...

GULTEN TEPE: Manal, we cannot hear you anymore.

FABIEN BETREMIEUX: Gulden, this is Fabien speaking. It sounds like Manal has been disconnected and will be reconnected.

GULTEN TEPE: Correct, Fabien. Apologies, everyone, for the technical issues. We are dialing out to Manal currently. Thank you very much for your patience.

MANAL ISMAIL: I'm back. I'm very sorry. I got disconnected. Can you hear me now?

GULTEN TEPE: Yes, Manal.



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MANAL ISMAIL: Okay. Thank you. Very sorry for this. Just trying to see where I stopped. I'm being dialed. Just a second.

GULTEN TEPE: Correct, Manal. Our operator just called you.

MANAL ISMAIL: Oops. They hung up. Anyway, the GAC will examine thoroughly those recommendations and will provide its input accordingly. Furthermore, the GAC notes the interaction between the Belgian data protection authority and ICANN Org in respect to the possibility of developing a centralized model that is GDPR-compliant and the encouragement to continue efforts to develop a comprehensive system for access.

The GAC also notes that, according to the Belgian DPA, the GDPR would not prohibit the automation of various functions in an access model. In its Montreal communique, the GAC advised, among other things, that ICANN should make available a standard request form for access to non-public information. In response, the ICANN Board note that it could not obligate the contracted parties to use a standard form but that it could collaborate with registries and registrars to develop and make available such a form. During its meeting with the GAC, the Board acknowledged that such collaboration has not taken place. We highlight that the EPDP Phase 2 recommendations already contain consensus agreement on the criteria and content of requests for access to non-public registration data. There is a reference to Preliminary Recommendation 3.

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We also note the recent work of the Registrar Stakeholder Group to develop a document that represents the minimum requirements for registrars to respond to data disclosure requests for registration data. Reasonable access—I'm sorry. I see Kavouss' hand up. I'm sorry, Kavouss, if I kept you waiting. Kavouss, please.

KAVOUSS ARASTEH:

Yes, Manal. I didn't matter. I think, on this second paragraph, I made a comment in the e-mail that, yes, I understood ... Chris [Disspain] mentioned that they could not obligate the registry and [registrar] for the form. But I think a little bit more stronger that not only collaboration and so on and so forth ... That ICANN—I don't know whether they said ... I don't know exactly what Chris mentioned. If what he mentioned is in quotations/verbatim, then put it in [inaudible]. If it something that we interpreted what he said, then we should be quite careful that we want a little bit stronger, not only collaborations as something more stronger but [inaudible] every possible effort until they develop this form in collaboration with so and so forth.

Also, I mentioned that perhaps they should say "in consultation with GAC," because also we have some view on the form. We don't want the registries [and registrars] provide something that may not be 100% serve us .So we should put "in consultation with GAC." I put it in the mail sent to Fabien. I hope that could be captured properly. So I would like to put more stronger language in Paragraph 2 in respect to the preparation to the form, although ICANN could not obligate but could

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put more stronger language of making every possible effort in order that this form be developed as soon as possible in consultation with the GAC and so on. [inaudible] understood what I said in the e-mail. Thank you.

MANAL ISMAIL: Thank you very much, Kavouss. First, let's see if this is a quotation from what Chris replied. I think we probably got it from the transcripts, right?

KAVOUSS ARASTEH: If it's from the transcript, still we could have something somewhere at the end of Paragraph 2. "In this connection, the GAC emphasized the need that ICANN make every possible effort that this form be developed as soon as possible in consultation with GAC," if everybody agrees. So, if it is verbatim, at least we are adding something to that, expressing our views. Thank you.

MANAL ISMAIL: Was this already what you have shared over e-mail with Fabien? Fabien, do you already have this text?

KAVOUSS ARASTEH: It's exactly the same thing as I said now because I didn't know whether the text is verbatim or if the text is paraphrased by Fabien. But, if this is text is what Chris mentioned—in fact, I have asked for a written answer from the Board [inaudible] At the end, we should ask how

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[inaudible] or [inaudible] in GAC emphasize that. I'm proposing now that GAC emphasize that every possible effort should be made by the ICANN Board that this form be developed as soon as possible, and perhaps in that process the GAC may also need to be consulted. Along the lines of that. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. Support staff are trying to type this on the screen. It reads, "The GAC emphasizes the need that ICANN make every possible effort that this form be developed as soon as possible and in consultation with the GAC." Does this reflect what—

KAVOUSS ARASTEH:

I said, after that, they put [inaudible] where possible," and then add something like, "In this process, consultation with GAC is also recommended as soon as possible [inaudible]. Then, here in the second line [inaudible] and say, "In this process, consultation with GAC is recommended." That means for the developer of the form it is recommended. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. I see Chris' hand up, so Chris, please.

CHRIS LEWIS-EVANS:

Thank you, Manal. Kavouss, I think we tried to cover your exact point there in the third paragraph. So I'm just wondering if you thought that

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third paragraph covers what you were trying to say there or whether you don't think it goes far enough.

MANAL ISMAIL: Chris, you're referring to the third paragraph?

CHRIS LEWIS-EVANS: Yes, the one immediately below the blue text.

MANAL ISMAIL: So let's read it first. We haven't read it, frankly. I saw Kavouss' hand up before we reached this paragraph, so maybe we can read it and then we reassess.

The paragraph reads, "Reasonable access to non-public registration data remains a high priority for the GAC, especially in this interim period before a final system is developed and implemented— period which may take several years to complete. Reasonable access to this information is important because public authorities use this information to investigate crime, promote cybersecurity, and protect the public. We emphasize that there already appears to be widespread consensus on what information requesters should provide. Consequently, we strongly encourage the Board to direct ICANN Org to take an active role to shepherd the adoption of a standard form based on the EPDP Phase 2 Recommendation 3 and the work of the Registrar Stakeholder Group for us by those requesting access to non-public domain name registration data."

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Kavouss, does this cover your point? Do we still need to the text—

KAVOUSS ARASTEH:

I have read the third paragraph. First of all, I have no problem with that, except, in the third line of the bottom, I would like to replace the word “to shepherd” to something else because “shepherd” is just colloquial language. [inaudible] in French. No. I would change that.

But there are almost two different things. One is access and the other is form. So I would like to separate the form in the second paragraph because, in the second paragraph, we mention that the form should be prepared, and the ICANN Board says they cannot obligate. So we add that: “Okay, you cannot obligate but make every possible effort that this form be prepared.”

So I think the most appropriate place for that issue of the form is the second paragraph. If you want to emphasize that in the third paragraph, I have no problem. But I suggest to Chris and to others that perhaps the second paragraph would be the best place because we are referring directly [inaudible], especially particularly the form, rather than to the access and the form. So we are talking about the form. So let’s access and form from the form itself. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. Chris, any reactions?

CHRIS LEWIS-EVANS:

Yeah. I’ll maybe have a think about that.

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MANAL ISMAIL: Sure. I don't want to—

CHRIS LEWIS-EVANS: With other people that helped write that.

MANAL ISMAIL: Fair enough. So let's keep it for now, and we will revisit the text again.  
Olivier, please go ahead.

OLIVIER CUBAHIRO: Thank you, Manal. Just a small comment. In the third paragraph, we refer to reasonable access for public authorities, but I think it's also important to have reasonable access for public and private entities [inaudible] public policy goals, like, for example, entities involved in the protection of rights. So it's not exactly something you can write like that, but I think there is not only the access for public authorities. There is also access for [IPR holders], for example. So maybe we could add a reference to that.

MANAL ISMAIL: Okay. So there's a placeholder here with a suggestion from Fabien for other relevant private entities, if this serves the purpose. If not, again, let's think it over and provide more concrete text.

I see Paul's hand up.

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PAUL BLAKER: Thank you. Thank you to those who drafted this text. It looks good to us. I just wanted to make perhaps an editorial comment. Perhaps we shouldn't be using the word "we." So it's not "We emphasize," or, "We note." It should be the GAC—"The GAC emphasized," "The GAC noted"—because [inaudible] the GAC meetings. So, if we could change "we" to "The GAC" and perhaps use the past tense in some places, that would be better. Thank you.

MANAL ISMAIL: Thank you very much, Paul. Yes, I agree. It's an enhancement. Kavouss, please.

KAVOUSS ARASTEH: In the text that I sent to Fabien, also, when the pronouns or adjective refer to "we," I said the same thing as Paul that we should avoid doing that because we don't know who is "we." Even the ICANN Board should not say, "We do this," and so and so forth. If GAC says it, it's "GAC says." So we should avoid this source of the personal pronouns in any text. I suggest that we take this "we" out. I think Chris Disspain has mentioned that "we" means [inaudible]. So I don't know whether which "we" we are talking about. We are talking about "we" as the GAC or "we" as the ICANN Board? Because he said that "we" means ICANN. "We can collaborate or we can [inaudible]." So we have to we are [inaudible] what "we" is. Thank you.



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MANAL ISMAIL: Thank you, Kavouss. Noted. Whenever “we” is referring to the GAC, we would replace it with “The GAC,” as you and Paul suggested. Thank you.

Do we have anything else to quickly make a quick read of? Do we have any text on Work Stream 2? Are we keeping this part.

FABIEN BETREMIEUX: We’re not aware of text available at this moment [inaudible].

MANAL ISMAIL: [inaudible] some point in time agreed that we already have the topic under our exchange with the Board, but maybe we can clarify whether she’s okay with whatever we already will put under the joint meeting with the Board or she would like to submit certain text. But, for now, my understanding is that she was okay removing this. But I’ll check.

And she’s typing in the chat that, yes, she agrees to deleting this part. Thank you, [Swada] for your flexibility and your understanding.

Can we go back to the .org?

FABIEN BETREMIEUX: Manal, the topic I want to mention that we included at the end of this Google Document [is] the text of the letter that has been discussed on the mailing list among a number of drafters. O we’re just using this Google Doc to help with the drafting of that letter. So maybe Benedetta wouldn’t mind scrolling down to the very end of the

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document. I just want to make sure that it is clear that we're just doing this to help with the drafting and it's not meant to be [communicated.] So I just want to make sure that this is seen. I'll let you decide, Manal, whether you want to start here or go back to the text that was initially discussed as proposed by France in Section 5.

MANAL ISMAIL: No, no. We can definitely start here. Thank you for all the efforts that were taking place during the break. So we'll start from here.

FABIEN BETREMIEUX: Manal, if you'll allow me, I tried to reflect the status of the discussion. [inaudible] [e-mail], but since there were a few different branches to the discussion, I may not have captured everything. So please let us know if that's the case if some edits that were agreed among some of the drafters are not reflected here. Thank you.

MANAL ISMAIL: Thank you, Fabien. Kavouss, is this is a new hand?

KAVOUSS ARASTEH: Yes, it's a new hand. I think that Paragraph 3 that was amended by Olivier [inaudible] and other relevant private entities. Does he insist to mention private? Because, when they say "other relevant entities," it covers. So I'm not opposing, but is there really absolutely a need to say "other relevant private"? That means there might be other

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privates that are not relevant. So do we need to retain the word “private.” Then you come back to [inaudible]. Thank you.

MANAL ISMAIL: Fair point, Kavouss. Olivier, please go ahead.

OLIVIER CUBAHIRO: I think we need to rework a bit the rewording. I think we had in previous GAC communique reference to not only public authorities having access but also other entities—for example, entities protecting intellectual property. So this is not my wording. We can maybe work on that later on.

MANAL ISMAIL: Sure. So it was just a placeholder for now. We agreed that we will go back to this text in a second iteration.

On the .org letter, it reads, “Dear Maarten, as a follow-up to our exchanges so far on the .org matter, both in writing and in our ICANN67 Board-GAC meeting, let me share the following considerations with you.

First bullet: We welcome the fact that the ICANN Board is carefully reviewing the transaction and considering it in light of the global public interest, including the interests of the .org community.

Second bullet: We commend you and encourage you to keep engaging with the ICANN community in a meaningful manner and to ensure that

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the views of the community and the .org community are properly taken into account.

Third bullet: We welcome the recent transparency steps, both by ICANN and PIR to earn the trust of the broader Internet community through public dialogues and other measures. In this regard, we express our hope that clear and enforceable safeguards are put in place to protect the public interest and the interest of the .org community. I see text between brackets: in the spirit of the 2002 requirements on the .org operator. In this regard, many members of the GAC expressed the view that the independence and power of the proposed stewardship council requires special attention.

The fourth and last bullet reads: Finally, we welcome the reassurance you gave in our meeting that all options remain open and that the Board will consider the public interest in its decision-making.

Let me ask if there are any comments on the first bullet.

Kavouss, please?

KAVOUSS ARASTEH:

Thank you very much. Thanks very much [inaudible]. I think that the first bullet—do we need to say, first of all ... We take out “we” and so on and so forth because you signed a letter on behalf of the GAC and [inaudible] the GAC. But I don’t think we should welcome the fact that the ICANN Board is carefully reviewing. I don’t know whether they’re careful or not. We just say that we appreciate the ICANN Board in reviewing the transaction but not saying they’re careful or not careful.

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So the GAC appreciates or highly appreciates the ICANN Board in reviewing the transaction. So we take out “we” and put “The GAC” and also [inaudible] first paragraph to say, “The GAC appreciates (or highly appreciates) the ICANN Board for reviewing (or in reviewing) the transaction.” Thank you.

MANAL ISMAIL:

Thank you, Kavouss. I see your point, but maybe we can come up with some other formulation. But, again, let’s think about it. But I understand what you’re saying. We shouldn’t qualify the reviewing as being careful or not since we’re not part of the review, unless they already said this. We can quote them then. So let us think about it.

Any comments on the second bullet? Again, after we remove “we” and replace it with “The GAC.”

Lina, please go ahead. Lithuania.

LINA RAINIENE:

Thank you, Manal. I just wrote in the chat. Sorry, I forget to mention that. It’s a comment. Basically it’s a proposal to put in the language actually dropped out when we were [inaudible] the text. So, in the second bullet, just ensure the possibility for the extension. Insert, after the phrase “meaningful manner,” “using all time needed.] I put this extract in the chat. So it would read, “The GAC commends you and encourages to keep engaging with the ICANN community in a meaningful manner using all time needed.” Then the text goes as it is. That would be all.

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MANAL ISMAIL: Thank you, Lina. I see Kavouss’ hand up. Kavouss, please go ahead.

KAVOUSS ARASTEH: I wonder whether, in the second paragraph, we say, “The GAC commends you [inaudible] Maarten or GAC commend the ICANN Board. So perhaps I think we should make it a little bit more [inaudible] not only referring to commanding the Chair of the Board but the entire Board. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Noted. Olivier, please, go ahead.

OLIVIER CUBAHIRO: Thank you, Manal. I was wondering if we could not reinforce the idea that the Board should engage in particular with the GAC. So, after “to keep engaging with the community,” we could add “in particular with the GAC.”

MANAL ISMAIL: Frankly, I would like to have it maybe at the end of the sentence or as a standalone bullet because I think putting it here may sound as if we’re excluding the rest of the community—not excluding but giving some priority to the GAC over the rest of the community. So I see your point. I agree to asking the Board to engage with the GAC. I’m just trying to figure out where it would be better to put.

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OLIVIER CUBAHIRO: May I reply?

MANAL ISMAIL: Yes, please.

OLIVIER CUBAHIRO: So that’s fine with me. It could be put in another place. It’s just important that we are the GAC and we send a letter that makes clear that we want that the Board engages with us and—

MANAL ISMAIL: Can we say maybe—I’m sorry to interrupt you.

OLIVIER CUBAHIRO: No problem.

MANAL ISMAIL: Can we maybe say, “The GAC commends and encourages the ICANN Board to keep engaging with the GAC and the rest of the community”? Does this give the same meaning?

I see Kavouss. Is this a new hand?

KAVOUSS ARASTEH: I tend to agree with your formulation, but I don’t want to say, “in particular the GAC.” We don’t want to separate ourselves from the

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community, and we don't want to associate more important [inaudible]. Many other communities may have the same concerns. So I have no problem with the "community, including the GAC." So we'd put a little bit more emphasis on the GAC in an indirect manner, but nothing in particular with the GAC. So that is the language that I proposed, along the line that you proposed the same thing, whether here or at the end: we do not say "in particular." Thank you.

MANAL ISMAIL:

Thank you, Kavouss. This also addresses my concern. So, if we want to put it this way, I'm happy with going back to the original language and replacing "in particular" with "including." But let me here Vernita first and then Olivier. Vernita, please?

Vernita, I'm sorry. We cannot hear you.

VERNITA HARRIS:

Hello?

MANAL ISMAIL:

Now we can hear you.

VERNITA HARRIS:

Okay. Thank you. I'm not sure where we are because we've made some changes. Two things I'm concerned with is that, looking at the text, we've included, "encourage the ICANN Board to keep engaging with the GAC." I feel like that is providing ... It's strange here because



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this letter is going to the ICANN Board, and I’m not sure what we’re trying to say.

Then, “using all the time needed” sounds to me like we’re asking for an extension without asking for an extension. So I want to be mindful that we should probably not use this text. Thank you.

MANAL ISMAIL: Thank you, Vernita. So your proposal is to delete “using all the time needed”? Or be more explicit about the extension?

VERNITA HARRIS: Hi. No, mine is to delete the text. I actually thought this sentence was clear the way it was written before. Now it’s muddy and I’m not sure what it says. So I will wait until we get rid of the [track] changes, but my concern is “encourage the ICANN Board,” as well as “all the time needed.” I don’t think that these additions make it clear. I think it just muddies the sentence. Thanks.

MANAL ISMAIL: So let’s put “using all the time needed” between square brackets for now until we decide, and let’s clean up the text to reflect what Olivier and Kavouss said. So, “The GAC commends and encourages ICANN to keep engaging with the community”? I’m sorry: “with the ICANN community in a meaningful manner”? I’m sorry: “including the GAC,” yeah. Let’s delete “in particular” in the square brackets. So, “keep engaging with the ICANN community, including the GAC, in a

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meaningful manner.” And let’s put “using all the time needed” between square brackets for now.

Vernita, I invite you to have another look at the clean text. I’m sorry, Olivier. I saw your hand but now it’s done. Do you still request the floor?

OLIVIER CUBAHIRO: No, Manal. For me, I think it’s fine—the formulation.

MANAL ISMAIL: Okay. Thank you.

VERNITA HARRIS: Hi, Manal. Are we [really saying], “engaging with the ICANN community”? Isn’t the GAC part of the ICANN community?

MANAL ISMAIL: It is, but the proposal was to emphasize their engagement with the GAC being the GAC.

VERNITA HARRIS: Okay. I will consider—

MANAL ISMAIL: Let’s think about it. Take your time.

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VERNITA HARRIS: Okay. Thank you.

MANAL ISMAIL: Take your time. We'll continue with the hands, and we can revisit the text. Kavouss, please?

KAVOUSS ARASTEH: I think, with this paragraph—scroll back [inaudible], although I mentioned at the outset the extension to the paragraph at the end of the letter that considers a necessary extension in order to enable all [inaudible] assessment to be made. So I think that should be at the end.

I also have not a lot of support to say, “in a meaningful manner.” So I think what they do is they will be engaged [inaudible] community as they should be engaged. They never engage with the community in a non-meaningful manner. So do we need this “in a meaningful manner” or not. Thank you.

MANAL ISMAIL: I'm sorry. I was muted. Thank you, Kavouss. So there is a proposal to delete “in a meaningful manner.” It's implicit.

I see Fabien's hand up, so Fabien, please.

FABIEN BETREMIEUX: I just wanted to understand. I understand that Jorge may see the text differently than the way we reflected it based on communications over

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e-mail, so I'd be happy to make any corrections if what is displayed is not what should be displayed. So that's just what I wanted to flag: to make sure that the discussion is happening on the text that's agreed on by all the drafters.

MANAL ISMAIL: Thank you, Fabien, for flagging this. So, Jorge, is this the right text that we should be discussing?

JORGE CANCIO: Hello. Can you hear me okay?

MANAL ISMAIL: Yes, we can hear you now.

JORGE CANCIO: Thank you very much for giving me the floor. Actually, there are some smaller differences to the text I submitted to the GAC list, which is only one e-mail for a larger GAC list. But, unfortunately, another text was taken, and here the differences are not so bit. So I would suggest that we don't complicate things further and that we continue working on this text we have on screen. But I would advise support staff to, in the future, take the text that is submitted to the GAC list and not any other preliminary text from internal discussions. Thank you.

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MANAL ISMAIL: Jorge, we’re already eligible for a 15-minute break. We can take this break to update the text or take the final text and then we continue our discussion. Would this be okay?

I hope this is okay with everyone. Jorge is saying, “No strong feelings.” So I’m not sure how different the other text is from this one and whether we should continue with this text or if we need to bring the other version. I just don’t want to be discussing text that’s not—

FABIEN BETREMIEUX: Manal, if I may?

MANAL ISMAIL: Yes, please, Fabien.

FABIEN BETREMIEUX: My understanding from the e-mail that was sent to the GAC is that most of the difference would be in the parts of the text that weren’t discussed yet. So it feels to me that we could proceed with replacing the rest of the text and resume the reading from there if Jorge agrees. But that’s just my understanding.

MANAL ISMAIL: Is this okay, Jorge?

“Good idea.” Thank you, Fabien. Can we bring the final text of the later bullets?

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FABIEN BETREMIEUX: [It is,] Manal. I just kept the previous text. I tried just to make sure there is an understanding [of] visibility of what I’ve done. My understanding is that Jorge’s request is that we consider the text that is visible/readable and not [struck out]. We just get the text [that is struck out] again for everybody’s understanding of what I did with that.

MANAL ISMAIL: Thank you, Fabien. I hope this is the right text, Jorge. The text starting in this regard—is it a new bullet or the same bullet?

FABIEN BETREMIEUX: It is the same bullet. This is exactly how I’m merging the text proposed by Jorge with what we have on the screen.

MANAL ISMAIL: Okay. Let me try to read this again. “In this regard, we welcome the recent transparency steps, both by ICANN and PIR, to earn the trust of the broader ICANN community through public dialogues and other measures.”

Then we have the third bullet. “Further, we express our hope that the clear and enforceable safeguards in the contractually binding public interest commitments are put in place to protect the public interest, including the interests of the .org community.”

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The last bullet: “Finally, we welcome the reassurance you gave in our meeting at ICANN67, that all options remain open and that the Board will consider the public interest in its decision-making.”

I’m not sure those are new hands, so let me know. If your hand is not a new hand, take it down. Then we can start discussing now the text again. [inaudible].

Any comments on the last two bullets?

KAVOUSS ARASTEH: Manal?

MANAL ISMAIL: Yes, Kavouss. Please go ahead.

KAVOUSS ARASTEH: If you allow me, on the third bullet, we don’t need to turn around the words, saying, “Further, we express our hopes.” I think it’s more than hopes. We could say, “Further, the GAC expects that.” So it’s more than hope. It’s expectation. “The GAC expects that the clear and enforceable safeguards in the contractually binding public interest communique are duly put in place to [protect] [inaudible].” “The GAC expects [inaudible] expects that.”

Then, in the second line, after PICS, in round brackets, are duly put in place. Or “timely” or “duly” put in place. The second line of the third

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bullet—yes: “are duly put in place,” and so and so forth, “including the interests of the .org community.” Thank you.

MANAL ISMAIL:

Thank you, Kavouss. France, please go ahead. I’m being told my connection is unstable, so, if I get disconnected, I will connect immediately. I’m sorry. France, please?

VINCENT GOUILLART:

Thank you very much, Manal. First I would like to thank everyone for the very fruitful e-mail discussion we have had and all the continued discussion we are having.

Regarding Bullet Point #3, I’m very sorry, but I would like to propose the re-inclusion ... I guess I asked a phrase that was deleted during the course of our e-mail discussion. It was at the end. There was a bit of confusion. So it’s the phrase, “in the spirit of the 2002 requirements of the .org operator,” which is still in yellow. It is crossed with yellow—yes, I see Fabien has selected it. I might propose that it be included again in the text. I reacted too late, so that was not included in the text that was sent by Jorge. But we think in France that it’s important. We can live without the other sentence right after, the one that starts by, “In this regard,” etc., but the phrase “in the spirit of the 2002 requirements of the .org operator” is important for us.

In the last few weeks, the Board and its legal advisors have referred to these 2002 conditions, the ones that led to PIR selection as a .org registry at the time. The main idea of this conditions is being that the



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key objective was differentiating the .org from the TLDs intended for commercial purposes. So we think that either we keep the present formulation as it is or either we make it explicit by saying that, indeed, the .org must be managed in a different way from TLDs intended for commercial purposes. But this idea has recently been used by the ICANN Board and its legal counsel, so we think it's nothing revolutionary. By doing this—by keeping this phrase—we would only be encouraging the Board to continue in its current attitude. Thank you.

MANAL ISMAIL:

Thank you, Vincent. So maybe we should start reading this one more time before we take a break. The first bullet now reads, “The GAC highly appreciates the ICANN Board reviewing the [inaudible] action and considering it in light of the global public interest, including the interests of the .org community.”

Is this okay?

I see no requests for the floor. The second bullet: “The GAC commends and encourages the ICANN Board to keep engaging with the ICANN community, including the GAC, to ensure that the views of the community and the .org community are properly taken into account. In this regard, we welcome the recent transparency steps, both by ICANN and PIR, to earn the trust of the broader Internet community through public dialogues and other measures.” So there is a proposal to delete “in a meaningful manner” and “using all the time needed.”

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I see Paul’s hand up, so, Paul, please go ahead.

PAUL BLAKER: Thank you, Manal. Could I also suggest that, instead of the word “earn,” we use the word “build”? I think “earn” sounds very, very negative in this context. “Build” would be better. Thank you.

MANAL ISMAIL: Thank you, Paul. I see Jorge also in the chat, correcting the GAC “comment” with an S and “encourage” with an S.

On the third bullet, “Further”—I see Australia also: “+1, Paul. “Build trust” is more positive.” And Switzerland is also supporting. So, “Further, the GAC expects that the clear and enforceable safeguards in the contractually binding public interest commitments [inaudible] duly [inaudible] to protect the public interest [inaudible] the interests of .org [inaudible]. Any comments?”

Olivier, please. The European Commission.

OLIVIEIR CUBAHIRO: A small point, but I’m wondering if we could not remove the word “the.” So, “Further, the GAC expects that clear and enforceable safeguards in the contractually binding PICs are duly put in place,” because otherwise—maybe it’s my English—it reads like we support the current PIC whilst we ask for, in general, clear and enforceable safeguards to protect the public interests. Thank you.

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MANAL ISMAIL: Thank you, Olivier. Vernita, please?

VERNITA HARRIS: Hi, Manal. I am now confused. Are we including “in the spirit of the 2002 requirements”? Is that included in the text?

MANAL ISMAIL: It’s a proposal. It’s between square brackets. It’s been proposed to have it in the text, yes.

VERNITA HARRIS: Okay. Including this text is confusing because [inaudible] four different modifications of the registry agreement for that work in 2006, 2008, 2013, and 2018. So 2002 was not a requirement. It was not part of the contract. So I’m confused as to why we’re going back to that text. I’m happy to keep it in square brackets and keep discussing, but adding that is confusing to us. Thank you.

MANAL ISMAIL: Thank you, Vernita. Any reactions to this?

VERNITA HARRIS: Manal? I’m sorry. One more thing.

MANAL ISMAIL: Yes.

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VERNITA HARRIS: This is a letter from you to the Board, correct? Also, as we stated previously, anything that sounds like advice we're concerned with. So perhaps we can still continue to discuss the "expects" (the [blue] text that was just added). So we will keep looking and keep working with colleagues to try to find a solution. But "expects" to us sounds like we're providing some advice to the Board, and we've got that concern. Thank you.

MANAL ISMAIL: Just to clarify one point, the text is not considered advice unless we say so. So unless we mention that "The GAC advises to the Board to," and then we start listing, they don't consider this as advice, meaning that it doesn't trigger the bylaws. They don't to get back to the GAC to find the mutually acceptable solution. So, if this is what you mean, I can assure you that this text will not count as advice because we didn't mention this explicitly. So I hope this answers your question, Vernita.

I have Vincent.

VINCENT GOUILLART: Thank you, Manal. I would like to react to the need to have an intervention regarding the 2002 requirement. Thank you very much, Vernita. I may not have been clear enough a few minutes ago when I proposed that we resuscitate somehow the text. I was saying that, in the last few weeks, the Board and its legal advisors have referred to

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these 2002 conditions several times in the communications. The main idea of these conditions being, as I said ... A key objective was differentiating .org from TLDs intended for commercial purposes.

So I think that, by keeping this formulation inside the letter, we do nothing that would be revolutionary. We would just encourage the Board to continue in its current attitude and the ideas that it is currently defending. To us, in France, it seems that the Board is ready to use these 2002 requirements as relevant criteria in its decision. I know that there have been several modifications to the registry agreement, but according to what we can read and what we can hear from the Board itself, it seems that these 2002 requirements—the conditions that were set at the time—are still considered to be relevant to the Board’s assessment of the transactions. So that’s why we think it’s nothing revolutionary. It’s just consistent with what the Board is already thinking. Thank you.

MANAL ISMAIL:

Thank you, Vincent. I’m being told that there are complaints on the latency of my connection, so they need to dial out from me. So I’ll take Kavouss and then we can take a 15-minute break, and then we reconvene at the hour. Kavouss, please?

KAVOUSS ARASTEH:

Thank you, Manal. I don’t understand the word “expect” seems to worry some people in being appropriate. That means that we are talking about that we are the view/we are of the opinion/we are of the

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belief that they're enforceable and so on and so forth [inaudible]. What is wrong with that? If you want to make this better, really watered-down to zero, I have no problem. Don't say anything. Don't take any action on this issue. Leave it is and so on and so forth. So I don't understand from the very beginning somebody opposing to everything –opposing to the GAC advice, opposing this, and not opposing the term “expectation.” We can't expect? What is wrong with expectation? “We expect that.” Okay, replace “expect” with “The GAC is of the opinion that it should enforceable.” So what is wrong with that? I don't understand people using their authority to object to anything, to everything. That doesn't seem to be [inaudible].

So, Manal, decide: either say nothing or say something ... I know, Manal, you are a very cautious person. But please, kindly I request you to be firm. I don't understand that. I have the same right as the others. So I do not agree that they delete “expect.” This is the minimum. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. I think the main concern that this would be interpreted as GAC advice. I tried to explain that using the word “expect” doesn't necessarily mean that we are providing advice, and this doesn't count as advice unless we say so implicitly. So I hope this clarifies the point.

Unfortunately, I need to be dialed out for you all to hear me better. I know we've been discussing for long now. So, if I may ask for a break

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for everyone to refresh and recharge. We can reconvene at the hour, please. Thank you.

MANAL ISMAIL: Hello?

Hello?

[DEREK]: Hello. We're here.

GULTEN TEPE: Hello. This is Gulden speaking.

MANAL ISMAIL: Can you hear me?

GULTEN TEPE: Yes, we can hear you. Manal, is this you?

MANAL ISMAIL: [inaudible]

GULTEN TEPE: Hello, everyone. This is Gulden speaking. We will resume shortly. Manal, are you on the line?

MANAL ISMAIL: Yes, Gulden. Can you hear me?

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GULTEN TEPE: Yes, I can hear you. May I ask the tech team to start the recording?

MANAL ISMAIL: Unfortunately, I'm talking to you from Zoom again because, with the audio, I can just hear noise. I don't hear you from the audio.

GULTEN TEPE: All right. Would you like to test it again?

MANAL ISMAIL: I already have. I can only hear you from Zoom. I cannot hear you from the mobile.

GULTEN TEPE: Okay.

MANAL ISMAIL: It's very strange. I was hardly hearing the operator, and now they transferred me to the call. Then I could hear nothing but noise.

GULTEN TEPE: All right, Manal. Thank you so much for—

MANAL ISMAIL: Let's test it again tomorrow. I'll—and it hung up. Okay. Let's get started.



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GULTEN TEPE: Okay. I'm sorry.

MANAL ISMAIL: No problem. May I ask for the recording, please?

[DEREK]: We're recording.

GULTEN TEPE: Thank you, [Derek]. Manal, over to you.

MANAL ISMAIL: Thank you very much, Gulden. Welcome back, everyone. We have a couple more hours to finish our communique discussions. We will try to have a break in the middle, one more time. But, for now, let's continue where we stopped.

Vernita, let me just check that we're now good in terms of the advice part. So whatever text we're writing is not an advice since we didn't explicitly say this. This was a point of confusion for the Board. Sometimes they didn't know what's advice and what's not, and we agreed afterwards that we will be saying it explicitly whenever it's an advice. So I hope this is reassuring.

I see hands up in the chatroom. I'm sorry. I see a couple of hands up. Are those hands or new hands?

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If they're new hands, I have Vernita and then Kavouss.

VERNITA HARRIS:

Thank you, Manal. On Bullet #3 where we have square brackets and “expect,” thank you for your explanation. That is helpful. We can take that off.

As far as square brackets on “in the spirit of 2002 requirements of the .org,” I may need more time on that one because, again, I manage contracts, and this to me is inconsistent with how contracts ... Contracts have a beginning and an end. I do understand that the 2002 was a consultation process. Basically it's similar to the process that we undertake in the U.S. So I just want to make sure. I don't think that we're using this phrase in the correct way. So that's a concern for us.

In Bullet #2, on “using all the time needed,” if you recall, [we] didn't support that at all. So we would like to see that stricken. Thank you.

MANAL ISMAIL:

Thank you very much, Vernita. I can see already Fabien or Benedetta—not sure—have already removed the square brackets from “expects.” Thank you for this. And we're deleting “using all the time needed.”

Any objection to this?

And you said you need more time on the 2002 requirements, so let's continue and get back to this at the very end.

Kavouss, please go ahead.

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Kavouss, are you speaking?

I'm sorry, Kavouss. We cannot hear you. Is it only me?

[GULTEN TEPE]: No, Manal. It's not actually you, actually. Kavouss, can you hear us?

MANAL ISMAIL: Meanwhile, as we try to get Kavouss again, do we have anything apart from the text between square brackets, which reads, "in the spirit of the 2002 requirements on the .org operator"? Do we have anything else that needs to be discussed?

Let me make one final reading of the .org. I think we can remove the square brackets around "highly." "The GAC highly appreciates the ICANN Board reviewing the transaction and considering it in light of the global public interest, including the interests of the .org community."

Vernita, is this a new hand?

VERNITA HARRIS: I want to make sure that I understand correctly that, in Bullet #3, the square brackets are still around "in the spirit of the 2002." Right?

MANAL ISMAIL: Yes. Right.

VERNITA HARRIS: Okay. Thank you.

MANAL ISMAIL:

Thank you. So any comments on Bullet #1?

Now moving to Bullet #2: “The GAC commends and encourages the ICANN Board to keep engaging with the ICANN community, including the GAC, to ensure that the view of the community and the .org community are properly taken into account. In this regard, we welcome the recent transparency steps, both by ICANN and PIR, to build the trust of the broader Internet community through public dialogues and other measures.” So we’re deleting “using all the time needed” and we’re deleting “in a meaningful manner.”

Any objections?

Fabien?

FABIEN BETREMIEUX:

Obviously, I have no objection. I just want a clarification on process. Once you’ve read those two bullets in there, there doesn’t seem to be any objection anymore. Should I [validate] the changes now?

MANAL ISMAIL:

I hope so. Any final comments? We’re cleaning the text of Bullets 1 and 2.

Okay. Then let’s clean it up and accept the changes so that it’s clear for everyone. Thank you, Fabien.

Sorry. Just waiting for the text of the first two bullets to be final.

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FABIEN BETREMIEUX:            There seemed to be a slight delay, but I think we're there.

MANAL ISMAIL:                 Okay.

FABIEN BETREMIEUX:            [inaudible]

MANAL ISMAIL:                 Excellent. So the third bullet: "Further, the GAC expects that clear and enforceable safeguards in the contractually binding public interest commitments (PICs) are duly put in place to protect the public interest, including the interests of the .org community." So I believe this is agreed-to text. We still have, between square brackets: in spirit of the 2002 requirements of the .org operator.

Kavouss? Fabien, I think this is an old hand, right? So Kavouss, please.

KAVOUSS ARASTEH:            Thank you, Manal. I have no difficulty for deletion, nor for retention, but perhaps to satisfy those who have difficulty, we may say, "[view] account of the 2002 requirements," or, "review [regard] of the spirit of the 2002 requirements." Thank you.

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MANAL ISMAIL: Thank you, Kavouss, for trying to help us out here. Does this maintain what you want to say, Vincent, and address your concern, Vernita?

Vernita, please?

VERNITA HARRIS: Hi, Manal. Actually, no. I thank everyone for trying to address our concerns. It doesn't address my concerns, actually. The issue we have is that, in 2002, there was a consultation process for the .org registry. From that consultation process, the commitments were put into the registry agreement. What I see here is that we're going back to that consultation process. Contracts have a beginning and an end. So it's hard for me ... I manage contracts. This text doesn't make sense. So I can't accept it. We're going back to the past to look at a consultation process, and then we're asking them to be part of a review process for a PIC. It doesn't make sense.

So this is consistent with what NTIA did back in 2012 when we put out for comments the IANA functions contract. We did two consultations, and out of that consultation, [inaudible] [commit] those comments into the new contract. So this is inconsistent, so that's why this is a challenge for us. So we would like to see it stricken. Thank you.

MANAL ISMAIL: Thank you, Vernita, for the further clarification. Meanwhile, as we wait to hear from others, maybe we can go now to Bullet 4. It reads:

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“Finally, the GAC welcomes the reassurance the ICANN Board gave in our meeting at ICANN67, that all options remain open and that the Board will consider the public interest in its decision-making.”

Any comment on this?

Vernita, is this a new hand?

VERNITA HARRIS: No. I just forgot. Sorry.

MANAL ISMAIL: No worries. I have Kavouss and then Paul, but I think, in the spirit of other changes, maybe we should change “our meeting” to “the GAC meeting with the Board,” or whatever.

KAVOUSS ARASTEH: The GAC-Board meeting.

MANAL ISMAIL: Okay. Kavouss, please go ahead.

KAVOUSS ARASTEH: Sorry, Manal, for this. I had the same idea that you have. Instead” “in our meeting in the Board-GAC,” or, “GAC-Board meeting.” Thank you.

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MANAL ISMAIL: Thank you, Kavouss, for helping. Any other comments or shall we go to Paul?

Paul, please? U.K.

PAUL BLAKER: Thank you, Manal. I think, on this occasion, it's right that we say "you" rather than "the ICANN Board" because it was actually Maarten gave these reassurances, not the whole Board. So I suggest we just delete "the ICANN Board" and keep "you." Thank you.

MANAL ISMAIL: Thank you, Paul. Any objections to this? So we're retaining "you."

Jorge, please go ahead.

JORGE CANCIO: Thank you so much, Manal. Hello, everyone. I was intending to return to Bullet 3, if that is possible.

MANAL ISMAIL: Sure. Can you just wait a second for if there are any further comment on Bullet 4? Can we accept the changes now? Any hands for Bullet 4?

If not, then—yes. Thank you, Fabien, for cleaning the text. Go ahead, Jorge.



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JORGE CANCIO: Thank you so much, Manal. Considering that this is apparently the last bit of the letter, I wonder if we could find the compromise both for France and for others and for the U.S.: if, instead of “in the spirit of the 2002 requirements,” which lead us to the issues and the problems mentioned by Vernita, we would say something more general, like, “in the spirit of longstanding requirements on the .org operator.” So we avoid making a specific reference to something which is quite a way in the past. But we make a reference that includes the 2002 requirements and subsequent requirements which in a way form an [ah-tee] or a contention of expectations for requirements on the .org operator.” So I offer this as a possible compromise. Thank you.

MANAL ISMAIL: Thank you very much, Jorge. I see you also typed it in the chat. Apologies for overlooking your comment in the chat.

Any reaction to this?

I see Kavouss. This is a new hand, I believe. Kavouss, please go ahead.

KAVOUSS ARASTEH: I have no objections with the “longstanding [inaudible] agree. So let’s wait to see whether everyone agrees with that. Then, if not, I’ll come back. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Noted. Paul, this is an old hand?

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PAUL BLAKER: Yes. I'm sorry.

MANAL ISMAIL: It's okay. Again, any reactions to Jorge's compromised text, Vernita? Vincent?

VERNITA HARRIS: Thank you, Manal. Again, I'm in your hands. I'm trying to understand what are those longstanding requirements. Is it the current RA agreement? What requirements are we talking about here? Thank you.

MANAL ISMAIL: Thank you, Vernita. Kavouss?

KAVOUSS ARASTEH: Let us get an answer from Vernita on whether she has difficulty with the term "longstanding" or if she has difficulty with the term "requirement." If she has difficulty with the term "longstanding" before "requirement," I suggest we delete "longstanding," because a requirement is a requirement. Even if we are not referring to a specific date as the requirement, it's still required. So let us ask her one which is the difficulty: the "longstanding" or the term "requirement." I think "requirement" is something which is more neutral [inaudible]. But if we delete "longstanding," we do not miss anything at all. Thank you.

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MANAL ISMAIL: Thank you, Kavouss. So there is a proposal to delete “longstanding,” if this maintains the meaning, Jorge, and addresses Vernita’s concerns (the U.S. concerns).

VERNITA HARRIS: Hi, Manal. Again, before, it was “in the spirit of the 2002 requirements from the .org operator,” and now we’re adding “longstanding requirements from the .org.” I would like to understand what those requirements are. No one has explained those to me. My understanding is that the RA (Registry Agreement) has the requirements for .org. So are we talking about something different? Are we putting an overlay on top of the RA agreement? If someone could help me better understand what we’re talking about here, that would be helpful. But, right now, I can’t agree to something that I don’t understand what we’re talking about. Sorry. Thank you.

MANAL ISMAIL: Thank you, Vernita. There is a proposal in the chat from Paul from the U.K.: “How about “in the longstanding spirit of the .org operator.” So a suggestion to delete the requirements and keep “in the longstanding spirit of the .org operator.” So this is another proposal.

I see Vincent and then Kavouss. Vincent, please?

I’m sorry. We cannot hear you, Vincent. You may be on mute.

VINCENT GOUILLART: Hello?

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MANA ISMAIL: Yes, we can hear you now.

VINCENT GOUILLART: Okay, great. Sorry about that. Vernita, I wanted to be perfectly clear. Sorry if I wasn't earlier. For us in France, if we are to truly express what we mean by these 2002 requirements on the .org operator—I think that is not only our vision of this thing—it means that .org needs to be managed in a way that differentiates from other TLDs and some TLDs intended for commercial purposes. We believe that this was the philosophy that presided over the handing over of the .org registry status to PIR in 2002. We believe [that this is] still very important criteria today. So that's what we mean by that.

To go back to the formulation inside [our] letter, somehow I like the phrase “in the spirit.” I think Paul's proposal may be interesting because, if we say “in the spirit,” it doesn't mean that we demand that the ICANN Board says “a transaction according to the 2002 requirements.” It means that it must keep this spirit, these general objectives, in mind. We are not demanding that the 2002 criteria still be applied as they were at the time. We believe that the Board has been saying exactly the same thing in the last few weeks—or its legal counsel—but reminding that the 2002 requirements still play a role but necessarily in themselves but in the spirit—that is, they don't use the word “spirit,” but I think this word expresses quite well what the Board has in mind.

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So I would be in favor of keeping the expression “in the spirit of.” Sorry, Kavouss. I prefer it to your proposal: “with due regard.” So I hope I’m being clear. I hope I’ve clarified what I meant by the 2002 requirements. I think that we [inaudible] our chance of reaching an agreement if we keep the words “in the spirit.” Thank you.

MANAL ISMAIL:

Thank you very much, Vincent. Can we have the U.K.-proposed text typed in the communique? Maybe we can delete for now “with due regard.” I’m just trying to clean up the text for better clarity for everyone.

There was a suggestion by Jorge to replace “operator” with “registry,” again, if okay with everyone.

I see Vernita’s hand and Kavouss’ hand. Vernita, please?

VERNITA HARRIS:

I’m still thinking. I’m sorry. I just [kept] my hand up. I will put it down. I’m still looking at the text. Thank you.

MANA ISMAIL:

Take your time. Kavouss, please.

KAVOUSS ARASTEH:

I’m trying to have some agreement with the people. I have no problem with either text, but perhaps something a little bit more stronger than “in the spirit,” a stronger word than “requirement”? Couldn’t we say

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that “with due regard to the current practice”? “Practice” is less than “requirement” and more than “spirit.” So couldn’t we say “practice”—either “longstanding practice,” or “current practice”? This is something that could work. Once again, I have no difficulty with either of the options but I want to right of this as soon as possible and go to the first introductory paragraph. But still we have to do something with deleting or taking the personal adjectives or many things in that two-line leading paragraph out. I leave it to you to do that. But could it be worth saying “current practice” or “longstanding practice”? Thank you.

MANAL ISMAIL:

We have now it on the screen, and our colleagues are thinking it over. Meanwhile, let’s go to the leading paragraph, if you have any comments, Kavouss. The paragraph reads, “As a follow-up to our—

KAVOUSS ARASTEH:

Yes. On the leading paragraph, we say, “As a follow-up to” instead of “our exchange so far.” It is a follow-up to the GAC and GAC-Board meet/exchange. Then, so far as on [inaudible] ICANN and so on and so forth. After [inaudible], “on behalf of GAC” because finally you sign that and it is not only using “on behalf of GAC.” “Let me share on behalf on GAC,” or, “Let me, on behalf of GAC, share this one.” This is just a small suggestion that I make. Thank you.

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MANAL ISMAIL: Thank you very much, Kavouss. Good enhancements. Anyone ready to weigh in on the text between brackets, or shall we visit other parts of the communique and then get back to this later?

I see Jorge in the chat: “Allow me to share” instead of “Let me.” Can we do this, please? Thank you, Fabien.

I see Olivier’s hand up, so, Olivier, please.

OLIVIER CUBAHIRO: Thank you, Manal. Can you hear me?

MANA ISMAIL: Yes, Olivier.

OLIVIER CUBAHIRO: Okay. I just wanted to shed some light on this idea of .org operator requirements. I have looked at the letter of the legal counsel of ICANN that Vincent was referring to—the letter that had been sent in February. It’s in the correspondence page of ICANN. It says indeed that—I read here—“The .org operator was expected to promote the registry’s operation in a manner that is responsive to the needs, concerns, and views of the non-commercial Internet user community.” Then it says, “The PIR application first committed to institute a mechanism for promoting the registry’s operation in a manner that is responsive to the needs, the concerns, and the views of the non-commercial Internet community.” So this is where it comes from.

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Speaking about contract management, which is also something that I do, normally the application, when you do a tender when someone applies, becomes part of the contract. So PIR in 2002 committed to institute a mechanism to—as I said, I won’t reread—in the end, protect the non-commercial Internet user community. I think that’s the starting point. So I don’t know if, today, it is still part of the contract, but normally an application [to] tenders a part of the contract.

So there is probably contractually such a commitment from PIR to protect the interests of the non-commercial community. This is, I think, what we tried to refer to here.

That said, I think the proposal of Paul is quite good—the idea to refer to the longstanding spirit, although I think it might be right to say “commitment”— of the .org registry. Thank you.

MANAL ISMAIL:

Thank you very much, Olivier. Vincent?

VINCENT GOUILLART:

Thank you, Manal. I would like to thank Olivier for the very useful intervention, especially on the contractual matters.

I would like to go back to the word “in the spirit” that we have been discussing because I think it’s a very important word and it’s a very important concept that we’re dealing with here. I think that what is at stake in the sale of PIR is precisely spirit that we need to safeguard. We have talked a lot about public interest and about the interest of the



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.org community, so it must be something that is also absolutely crucial. But we must not forget the spirit that the .org has acquired in all its existence.

We think in France there is a sudden kind of spirit with which the .org is managed and that it must not be lost after the transaction, after the sale, of PIR. We believe that the ICANN Board [has philosophically] understood this. That’s why we are in favor—we are strongly in favor—of keeping the words “in the spirit” and encouraging the transaction to be assessed according to such a spirit. Thank you very much.

MANAL ISMAIL:

Thank you very much, Vincent. Vernita, please go ahead.

VERNITA HARRIS:

Hi, Manal. I think that this has been a very healthy discussion. I do think that Paul made a suggestion a few minutes ago that we could accept: “in the longstanding spirit of the .org registry.” I do think that that captures what we believe is being discussed here. I’m hoping that it captures France’s articulation as well. So we could accept “in the longstanding spirit of the .org registry.” Thank you.

MANAL ISMAIL:

Thank you very much, Vernita, for your flexibility. Is this okay by everyone? France, Switzerland, Iran, the European Commission? Any requests for the floor?

Kavouss, is this a new hand?

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So I think we're good. We can accept the text. Now I see no objections. So it reads, "in the longstanding spirit of the .org registry." Thank you, everyone, for your flexibility and for those who were trying to help. So I think—yes, thank you for deleting the rest of the text as well. So we have the text here for the letter. Great. Thank you, everyone.

Can we clean the first paragraph as well? This is the text for the letter. Are we going to use the same in Section 4 of the communique?

I see some hands up. I'm not sure—Kavouss, is this a new hand?

If not, then, Vernita, is this a new hand?

If not, I'll go directly to Olivier.

OLIVIER CUBAHIRO:

Thank you, Manal. Just on the letter, I was wondering whether we should not have a final sentence to say that we look forward to cooperating—some kind of formula to continue the conversation. I don't know how to formulate that.

MANAL ISMAIL:

Thank you, Olivier. Noted. I think it makes sense. Yeah, we need some closing sentence.

Thank you, Fabien, for suggesting in real-time, "We look forward to continuing our dialogue on this matter."

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OLIVIER CUBAHIRO:                    Maybe—if I may?

MANAL ISMAIL:                        Please.

OLIVIER CUBAHIRO:                    Would it make sense to say, “We look forward to continuing our dialogue in this matter”?—something in way which is before the decision. Which is stating the obvious, but maybe it’s better to put it [in]. Thank you.

MANAL ISMAIL:                        Thank you very much, Olivier. So, “We look forward to continuing our dialogue in this manner prior to ICANN’s prior decision.” Thank you, Fabien, for the quick thinking and writing.

Anything else on the letter? If not, then we can, I think, go up to Section 4. We will be having the same text we used in the letter. We have it here in Section 4. That’s my understanding. Right?

I see no objections. Kavouss, is this a new hand?

So we’re having the same text. Vincent, please?

VINCENT GOUILLART:                    Thank you, Manal. Regarding this matter, I’m sorry for everyone because I’m going to ask that we take up some more work on the subject of the acquisition of PIR. Sorry. I think that we should have two

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different texts in the communique: Section 3 and then the letter to the Board. I do believe that we should keep them different and distinct because I think that, in Section 4, the spirit could be more to explain why we are tackling this matter and why it is legitimate and also to express the different views that coexist within the GAC. As we have seen, there are very different views, and that is all very well for the sake of debating. [That’s very healthy], but, while we could not—of course, there were reasons—work on consensus advice, I think that we should not shy away from using Section 4 in order to depict all these different views.

So what I would propose would be to keep the first two paragraphs of the rationale that I proposed today before our sessions. These two paragraphs could be shortened a bit. They may be too long. I think that these two paragraphs remind usefully why it is legitimate that the GAC tackle this issue. Then we could describe the different views that exist within the GAC in the issue, clearly indicating that they do not reflect the general GAC opinion but only that of certain members. Thank you.

MANAL ISMAIL:

Thank you very much, Vincent. I see already Fabien reverting to the other text and Vernita’s hand up. So, Vernita, please go ahead.

VERNITA HARRIS:

Thank you, Manal. At this late hour, we were under the impression that we had agreed that the text that was in the letter would go into

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Section 4, and now I see that we're changing. We've come a long way from not wanting any text on this issue—just a summary of discussions. I'm concerned that we're going backwards here. So we would not support that.

The other question I have for you is, in the letter, there seems to be a new sentence that was added at the very end but has “prior to final decisions.” I'm concerned with that text because, again, I think a [inaudible] to engage with the GAC is okay, but, with “prior to,” it seems like you have to talk to the GAC before you can make a decision. And I don't think that's what we meant. So I do think that we need to look at that again.

But I would say that, going back and putting text/keeping the rationale text, I would be very difficult. I would recommend to put it in square brackets and have a discussion tomorrow. Thank you.

MANAL ISMAIL:

Thank you very much, Vernita. I'm afraid we still have an hour and 15 minutes, which is far more than what we already have tomorrow. Tomorrow we have only 45 minutes. So, if we can try to keep the discussion going ... Surely we can continue tomorrow, but, if we can progress today, I think it would be very helpful to take the discussion, highlight the controversy, maybe, and consult until tomorrow. We can finalize tomorrow.

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Let me take Paul’s request for the floor. I see Jorge as well. Then just remind me to go back to the letter if we need to change anything. Paul, please go ahead.

PAUL BLAKER:

Thank you. Just quickly. I wanted to support what Vernita said about the new words at the end of the letter. I think adding “prior to ICANN’s final decision” changes it very significantly and sends a very different message. I think we should leave those words out. Thank you.

MANAL ISMAIL:

Okay. If we can go to the letter, Fabien, please. There is a proposal to delete “prior to reaching a final decision,” which I believe is already implicit if we look forward to continuing our dialogue. Probably it’s “prior to ICANN’s final decision.” Otherwise, the dialogue would be meaningless if the Board has already decided.

Any objections to removing this part? Jorge, I’m sorry to keep you waiting. You go first and then we conclude. Jorge?

JORGE CANCIO:

Thank you, Manal. On this question of the final sentence, I would be flexible.

On the other issue, I think that we have now a quarter of an hour for another break. Is that correct? Instead of jumping into the initial draft from France [in] the communique section, I would suggest and I would also plead with my French colleagues that they have a hard look at the

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text we have just finished for the letter and see what they absolutely need to add or to explain in the communique section and come back in 10 minutes or 15 minutes with an adapted version because, otherwise, I would expect that we won't finish today with that part.

On the other side, I think that the letter as we have agreed on it [and] the four bullets contains basically the core of what we can say as the GAC. Thank you.

MANAL ISMAIL: Thank you very much, Jorge. Let's take a 15-minute break and reconvene at five past. But, before this, let me just quickly ask if there are any objection to deleting "prior to ICANN's final decision."

If not, then let's—Olivier, please. I'm sorry.

OLIVIER CUBAHIRO: Thank you, Manal. You are quick.

MANAL ISMAIL: I'm sorry.

OLIVIER CUBAHIRO: No, this is fine. As you said, I think it is included in the first part of the sentence because there will be no point in discussing the acquisition after ICANN has made its decision. So I'm flexible there.

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On the text in the communique itself, we have another possible [hook]—we discussed it yesterday—which is the dialogue with the Board. If you look at the letter, many of the points mirror exactly the questions and the replies that the Board made. So that might be also a place where we want to report on the PIR transaction inside the communique. Thank you.

MANAL ISMAIL: Thank you very much, Olivier. So we have the text of the letter. We have the text of our exchange with the Board. I hope we can reach a compromise in the coming 15 minutes. We will reconvene at five past. I hope you can use the operative spirit you used at the first break and come back with some good news. Thank you, all.

AUTOMATED VOICE: The recording has stopped.

[GULTEN TEPE]: Welcome back, everyone. Manal, can we please start the recording if you are available?

AUTOMATED VOICE: This meeting is being recorded.

[GULTEN TEPE]: Manal, over to you.



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I received a response from Manal in the chat. But we still cannot hear you, Manal.

MANAL ISMAIL: Hello? Can you hear me?

[GULTEN TEPE]: Yes, we can hear you now.

MANAL ISMAIL: Thank you. So I'll repeat again. I was welcoming everyone back. Sorry this has been a very long day. I know we've been having GAC meetings throughout the day. Thank you for your patience. It's the last session and we'll be finishing in 50 minutes or so.

So we're back to the acquisition of PIR and .org text that we want to put in the communique and whether this should be along the lines of the letter or along the lines of the rationale or along the lines of what we have exchanged with the Board during the session.

FABIEN BETREMIEUX: Mana, if I may?

MANAL ISMAIL: Yes, Fabien, please.

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FABIEN BETREMIUEX: I apologize. I just received an e-mail from Vincent with some new text for France. So I just want to clarify, Vincent, if you're on the line, whether this is a replacement of the regional proposal of the two paragraphs that initially were in the rationale. So should I take the text you sent me by e-mail instead of the bracket text currently in Section 4.1? Could you please clarify?

VINCENT GOUILLART: Yes. Hello, Fabien. Can you hear me?

FABIEN BETREMIUEX: Yes, we can hear you loud and clear.

VINCENT GOUILLART: Okay, great. What I just sent to you would be fore replacement. It is a very much lighter version of some part of the rationale. So it would be a complete replacement.

FABIEN BETREMIUEX: Okay. Thank you for the clarification. So I'm proceeding with that replacement right away. I understand there is ... Let me just make sure on this. So there is a part of the text that you would like to add before the text of the letter. I'll indent the text of the letter to make that clear and then ... sorry. Just give me one second here. Then there's also part of the text that you'd like to add after the text of the letter, if I understand correctly. [inaudible]

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VINCENT GOUILLART: That’s it exactly.

FABIEN BETREMIEUX: Okay, Manal, this is now ready for your consideration. I’m just fixing some bulleting here. I’m done, Manal. I’ll give the floor back to you.

MANAL ISMAIL: Thank you, Fabien. Thank you, Vincent. Vernita, is this a new hand?

VERNITA HARRIS: No, it’s not.

MANAL ISMAIL: Okay.

VERNITA HARRIS: I will give the floor back to you. When you’re ready to give me the floor ... Thank you.

MANAL ISMAIL: Vernita, if you have any comments, please go ahead. [inaudible]

[VERNITA HARRIS]: I guess. [inaudible]

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MANAL ISMAIL: Yes, we can hear—

VERNITA HARRIS: Are you giving me the floor, Manal?

MANAL ISMAIL: Yes. Please go ahead.

VERNITA HARRI: No, I can wait.

MANAL ISMAIL: Okay. The text reads, “The GAC has devoted several sessions to discussing the change of control of PIR on the occasion of ICANN67, noting its particular importance for the ICANN community. Given the nature of the organizations that rely on .org domain names—between brackets: governmental bodies, international organizations, NGOs—many of which, like ICANN itself, serve the public interest, the GAC believes this issue to be within its remit. In the course of its discussions, the GAC has reached an understanding of sending this letter to the Chair of the ICANN Board.”

Then we have the text of the letter, if we can scroll down, please. After the text of the letter: “Some GAC members would like to draw the attention of the Board to the following issues which could not be the object of an agreement and do not reflect the position of the GAC as a whole. First, some members expressed concerns that the PIC

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proposed by Ethos on February 21<sup>st</sup> may not be sufficient to safeguard public interest and the interest of the Org community and that it needs to be strengthened. Second, some members hope PIR would accept the ICANN Board’s request to postpone its decision to April 20<sup>th</sup>,” which was only partially accepted to March 20<sup>th</sup>.

The floor is now open for any comments.

Fabien, is this a new hand?

FABIEN BETREMIEUX: My apologies. This is an old hand.

MANAL ISMAIL: Okay. So, Vernita, would you like to go now?

VERNITA HARRIS: Thank you, Manal. It’s been a very long day and I do think that we have made considerable progress and we have listened to our colleagues and we’ve reached a decision on the letter that I think is very, very well-written at this point and has, it looks like, all of our viewpoints.

At the beginning, we agreed to have a letter. That was totally away from the U.S. position of no GAC advice and just a summary of the discussion. After an hour-and-a-half discussion, we’re back and we’re discussing the same text again that we [can’t] accept. So I’m concerned that we’re going backwards. We can accept having text that points to the letter. We can’t have any other text that follows the letter

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that we just agreed to. I hope that our colleagues to agree with this. I'm happy to continue discussing. I'm just wondering if it would just lead to more frustration. Thank you.

MANAL ISMAIL: Thank you very much, Vernita. Let me know if it would help if we park this specific part for tomorrow. Just let me know.

Vincent?

Vincent, we cannot hear you if you're speaking.

VINCENT GOUILLART: Hello?

MANAL ISMAIL: Yes, we can hear you now.

VINCENT GOUILLART: Okay, great. Sorry about that. I would like to explain a bit more what we are trying to achieve with this text. But, first, I would like to express a bit of disagreement with Vernita because I believe that this is a matter that we had not decided upon in one way or another: should we just have the letter or have both the letter and text in Part 4? I think it would be a bit [expeditive] to say that we agreed beforehand to only having just a letter. To be honest, for France, having just a letter I doubt would be acceptable for us.

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What’s more, I was under the impression that some GAC colleagues expressed the same will [as us], having both a letter and text in Part 4. So I strongly support having text in Part 4 in the non-GAC advice section.

In order to explain a bit more the content of this new text, I have followed the suggestion of Jorge to identify only the very specific parts that, in our eyes, were not tackled in our letter but which are still important for France. I think it is much shorter now, and it will not take so much time to discuss these additions.

What’s more, I think it’s especially important to show that there were not unanimous opinions within the GAC on this matter. The last part right after the text of the letter is important to us to show that some GAC members, not [inaudible], not all GAC—far from it—expressed some specific opinions or concerns that I think must be expressed, especially the very last point, which was raised at some points but never survived very long: the fact that we could call for further postponement of the ICANN Board’s decision. I don’t think it’s a very good idea to try and ask formally for a new postponement, but at least I think it would be very helpful and perhaps welcome from other GAC colleagues that we express the hopes of some others that this new postponement be granted.

So that’s what I had to say for now. Thank you.

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MANAL ISMAIL: Thank you very much, Vincent. I see Jorge in the chat, thanking you and saying, “I feel we should give it a try. Maybe we can paraphrase the text in the last paragraph after some GAC members ... in a more neutral way.”

I have Kavouss next.

KAVOUSS ARASTEH: I’m sorry. I missed some part of the discussion perhaps. What are these two bullets? Where do they come from? Who has presented this?

MANAL ISMAIL: Kavouss, this is text submitted by France. Basically it’s the text we agreed on for the letter but with a paragraph, I think, at the beginning and a couple of bullets at the end indicating that this is the view of some GAC members.

KAVOUSS ARASTEH: I’m referring to the two bullets now, not referring to the letter—the bullet [inaudible] some GAC members. Where does this come from? Who has proposed that?

MANAL ISMAIL: France. Any further comments, Kavouss, or should I move to—



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KAVOUSS ARASTEH: No. I asked a question. The paragraph that is starting, “Some GAC members, including the two bullets—where does it come from? What is the origin of this text? Who has presented that?”

MANAL ISMAIL: France.

KAVOUSS ARASTEH: I said who.

MANAL ISMAIL: France. Vincent. It’s France.

KAVOUSS ARASTEH: Vincent, I think this weakens the situation. At the end of the letter, this weakens the situation. [inaudible] Manal, with [inaudible] divisions. It weakens the positions and so on and so forth. Perhaps we should find another formulation for that.

MANAL ISMAIL: Just to be clear, Kavouss, this is not proposed for the letter. This is proposed for—

KAVOUSS ARASTEH: I know. It’s just for Section 4.

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MANAL ISMAIL: Exactly. Okay. So you feel this is weakening—

KAVOUSS ARASTEH: Yeah. It's weakening the letter. When we say some people believe that and it's not the whole of GAC members, that means that some other GAC members are not supporting this part. When they are not supporting this part, that means that they do not have concerns about the PIC. That means they do not wish to accept the ICANN Board requesting the postponement. I thought that everybody agrees that at least ICANN could try to postpone that. So I'm asking you whether France could tolerate not putting in these two paragraphs. Thank you.

MANAL ISMAIL: I don't think everyone agrees to the bullets. That's why France suggested to put "some." I believe not everyone agrees even to the postponement. So it's not consensus, unfortunately.

I have Olivier next.

OLIVIER CUBAHIRO: Thank you, Manal. Just on the process, we started the discussion with some members proposing and supporting France to have a device in the communique. I think the agreement was that we would not have advice in the communique. We would put something equivalent, although more carefully worded, in a separate letter. But still there would be a point on then PIR transaction inside the text of the communique. I think several of us have said it. So I think we should

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stick to that. Now we can discuss what type of content we have to inside the communique and where to put it. Is it in Section 4? Is it a reporting of the discussion with the Board? I remember very well that several of us said that we wanted to have text on the PIR transaction inside the communique. Thank you.

MANAL ISMAIL:

Thank you very much, Olivier. Kavouss, I see your hand up again, and you have support from Jorge in the chat saying that you raised sensible points. So please go ahead.

KAVOUSS ARASTEH:

You know, Manal, as I mentioned, I am not against or in favor anything, just finding whether we could have sort of general agreement. Couldn't we say, after this last paragraph, finally that the other consideration ... And say, "During the discussions of the letter, the following were raised"? We express that and [inaudible] the PIC. We believe ... The first two-and-half paragraphs and start that: the PIC proposed by Ethos and so on and so forth. Then, in the last bullet, it says also something [like], "hope that PIR would accept." So avoiding "some" and putting "views were expressed." When we say "views expressed," it is more neutral. We wouldn't say "by some, and then some to others did not the share the view." [inaudible] "views were expressed." I have used this case elsewhere and it worked very well.

So, in summary, I suggest we delete the first and second line totally and we replace it by "During the discussion on the above subject, the

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following issues were raised,” and then go to Bullet 1, delete the first four words—“some members express concerns”—and start with, “that the PIC,” and so on and so forth. Then, for the second one, delete, “Some members,” and put, “It is hoped that PIR would accept,” or, “It was hoped that.” So just put it as a “views were expressed.” When we say views were expressed, it doesn’t mean people agree with these views or people disagree with reviews but just reflect the discussions. It’s more neutral than “some and some” which is a clear division of views. I tried to avoid that. That is something that could work. Thank you.

MANAL ISMAIL: Thank you very much, Kavouss. Jorge is suggesting, “Hope was expressed.” I have the same suggestion. I think it reads better.

I have Lina next. Lithuania. Please.

LINA RAINIENE: Can you hear me?

MANA ISMAIL: Yes, Lina.

LINA RAINIENE: Thank you, Manal. I definitely would support the position of Kavouss, Olivier, and Vincent. We definitely need to have the text. I don’t think

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we have a disagreement to have something in the communique or not to have, but this recent proposal seems very reasonable.

I also would like to propose to restore the original title of Section 4 because we already had discussions almost to have those provisions in the GAC advice. Now Section 4 title reads as “Other Issues.” Nevertheless, the original title used in the very last Montreal communique and public communique was “Issues of Importance to the GAC,” because we’re discussing really important issue in the section. So I would propose to stick to the original title which we were using recently in the last communique. Thank you.

MANAL ISMAIL:

Thank you very much, Lina. Noted. I see Fabien already reflected the change.

Paul, please go ahead.

PAUL BLAKER:

Thank you. I think, like Jorge, Kavouss made a very, very important point at the beginning of his remarks. We need to step back and think, what do we actually want to achieve with this? Do we want a commentary on the different advice advantages and disadvantages of this deal? Because, if want that, then we should also include some bullets about some of the potential advantages. I remember on Monday some members of the community were talking about the PICs as being an opportunity to improve the status quo, for example. Of do we want to make sure that the Board takes a very strong and robust

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account of the public interest in its decision? I'm worried that, if we get into a long commentary about the advantages and disadvantages, it would take the pressure away from the Board and it will undermine the very strong language that we have been able to agree on in our letter.

So I would just appeal to all our colleagues just to think, what do we want to achieve here? What outcome do we want? Because I'm worried that lots of new text on pros and cons may actually undermine what we want to achieve. I think it would be better just to focus on the text that we have been able to agree on. Thank you.

MANAL ISMAIL:

Thank you very much, Paul. Jorge is saying, "You're staying eloquent, even at such late hours." Thank you, Paul. The eloquence. So there is a proposal now to [lead] this part. Paul, do you mean the part at the beginning as well, or you're referring only to the part after the letter?

PAUL BLAKER:

I think that we will need some very short introductory text which just points to the letter. I would have concerns with the current text at the beginning, but clearly we will need something very short which focuses very clearly on the messages that we have agreed on in that letter. Thank you.

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MANAL ISMAIL: So something along the lines that Fabien has highlighted now? He has put the first two paragraphs between square brackets and just highlighted the sentence that says, “In the course of its discussions, the GAC has reached an understanding on sending this letter to the Chair of the ICANN Board.” I think this may reflect what you have said.

Let me take Vernita and Kavouss. I suggest we gather all the input and all the comments now for everyone to have a full understanding. If this would help, we can park finalization of this text until tomorrow. But maybe we can skim quickly through the rest of the communique, we have it agreed to, and then we finalize this part tomorrow. I know it’s been a long day, and I don’t want to push more on this. We can definitely finalize it tomorrow. It’s good to hear from everyone, so, when you sleep over it, you come tomorrow with the full understanding. Vernita, please?

VERNITA HARRIS: Thank you, Manal. I just wanted to comment that Paul has presented a very eloquent way forward, and we support that path. Thank you.

MANAL ISMAIL: Thank you very much, Vernita. Kavouss?

KAVOUSS ARASTEH: When I suggested that those texts starting with “some and some” be modified and put it in a softer manner, saying that views are expressed, that was to be the hope that we have the agreement. But, if

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for that, also there is no agreement, I suggest that we put the entire thing in square brackets as a candidate for deletion because that does not add anything. The ICANN Board would not be interested in hearing views of some which [increasedly] say that some others do not share that view. So that neutralized the essence of the first apart because they say “some.” That means some others did not share that view. So, I think, instead of helping, it would weaken and neutralize the situation. So perhaps, for [separation] of one “some” and the others, we would not need this paragraph starting with “some” up the end totally because we have said what we should say at this stage, which we have agreement on at least. The problem, Manal, is that we are not dealing with who is right and who is wrong. We are dealing with having an agreement, a consensus. [inaudible] “some” would not add any value but weaken even the content of the letter. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. You’re getting a +1 from U.K. from Australia, from Bosnia and Herzegovina, and also Switzerland: Agree with Kavouss.” That’s really an important point A common voice, as in the letter, is much forceful and the disagreement is minor.”

I have Vincent next, please.

VINCENT GOUILLART:

Thank you, Manal. Well, I would first like to congratulate Paul because, indeed, he has shown elegance and very convincing eloquence, and



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that is indeed a very strong argument. I see that he has gathered some strong support.

But still, on this issue of diverging opinions—because that’s what we are talking about right here—I’m not sure that it would indeed weaken our message and that the Board would not respect it as much as if it were only a common one-voice message. In France, we have heard quite the opposite from the GAC Engagement Team. We have been encouraged, in the opposite, to try and put both a majority and a minority opinions if we cannot reach consensus. I think that’s almost a philosophical issue, a philosophical divergence, like how, in different judicial systems, some encourage diverging issues and some don’t accept it. We can have [inaudible] on the matter, but I personally—and we have been encouraged in this way—that a majority opinion and some diverging opinions do not weaken the general message and that it may be even welcome from the Board.

So I think that we should all stop talking about this for the time being and sleep on it and resume the talking tomorrow. That was the point I wanted to make. Thank you.

MANAL ISMAIL:

Thank you very much, Vincent. I have one last hand up. Kavouss and then—I’m sorry. Vernita and Olivier, those are ...

KAVOUSS ARASTEH:

Can I talk?

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MANAL ISMAIL: Yes, please. I'm just confirming that all the hands before you are old hands.

KAVOUSS ARASTEH: Okay.

MANAL ISMAIL: Olivier, is this an old hand?  
Okay—

OLIVIER CUBAHIRO: No. It's a new hand.

MANAL ISMAIL: I'm sorry. It's the delay in my line. I'm sorry. Go ahead.

OLIVIER CUBAHIRO: So it's my turn?

MANAL ISMAIL: Yes, please.

OLIVIER CUBAHIRO: Okay. Just to say that, as I mentioned earlier today, I think the objective/the mandate of the GAC is indeed to try to arrive at a

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consensus position, and it makes our position stronger. So I will not change my mind. I remain on that line. Therefore, I could also accept the proposal of Paul, maybe with some tweaks in the introductory paragraph, especially to refer to the conversation with the Board. Then I have simply the copy of the letter. So I would be fine with this way of reporting on the discussion on the PIR transaction in the communique. Thank you.

MANAL ISMAIL: Thank you very much, Olivier. There is, just to note, +1 to Vincent from [Russia]. Kavouss, the floor is yours.

KAVOUSS ARASTEH: Thank you, Manal. Manal, I think, when we say “some,” “some” is an uncountable number of the people. It could be interpreted in several ways. We don’t say “several.” We don’t say “many.” We don’t say “majority.” However, instead of that, I suggest to Vincent and Olivier and others and proponents of this draft paragraph’s “some,” that, instead of this part of Section 4, we say, “During the discussions, several (or some) additional views were expressed which are reflected in the transcript and in the record.” I’m sure that the ICANN Board will listen to the record and will read the transcripts. So they get whatever people would like to say.

So I would suggest is that, at the end of that, we say, “During the discussions, views were expressed on the above-mentioned issue which are reflected (or contained) in the transcript and in the records,”

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without saying what is the views, whether it is some against or some not against. Again, it's more neutral. We draw the attention of the ICANN Board: "In addition to this, look at the transcript and listen to the record." So the concerns of France will be met. This is what we are suggesting. Once again, I'm neutral. I don't have any views on Side A nor Side B. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. Also a comment in the chat from Jorge: "I would understanding adding considerations if the divergence was wide, but, looking at the two bullets, I see no strong reasons for dwelling into such, in my opinion, minor disagreements."

I think we can stop here and park the text until tomorrow and finalize it tomorrow. We still have something like 20 minutes. I'm not sure how long is the communique. Can we do a quick reading of the rest of the text now, Fabien, or is it too long?

FABIEN BETREMIEUX:

No. That's doable.

MANAL ISMAIL:

Okay. So let's give it a try so that we have only this for tomorrow: the .org part.

The introduction reads, "The Governmental Advisory Committee of the Internet Corporation for Assigned Names and Numbers met via remote participation from 9:00 to 12:00 on March 2020 per the ICANN

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Board’s resolution on the 19<sup>th</sup> of February, 2020, in response to the public health emergency of international concern posed by the global outbreak of COVID-19. ICANN67 was transitioned from an in-person meeting in Cancun, Mexico to the first-ever remote-participation-only ICANN meeting.” We need a full stop. Thank you for reflecting this. Then we will put the number of GAC members and number of GAC observers who attended the meeting.

“The GAC meeting was conducted as part of ICANN67’s virtual community forum. All GAC plenary and working group sessions were conducted as open meeting.” The text highlighted in pink is [these four] links?

FABIEN BETREMIEUX: No. This was just to highlight how were reflecting ICANN67 not being in a specific [city] [inaudible]. This is where we referred to the ICANN number and the city in which the meeting was [to be] held.

MANAL ISMAIL: Okay. Kavouss, this is a new hand or an old one?

KAVOUSS ARASTEH: This is a new hand. I put the sentence or the suggestion in the chat. “During the discussion on the above issues, additional views were expressed which are reflected in the transcript and included in the report.” By that, we delete the two paragraphs and the introductory paragraph starting with “Some” and so on and so forth. That is what I

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suggest. Just food for thought or thought [for food]. Whatever you want, the GAC will vote tomorrow. So I think it is still more neutral than the “some and some.” Thank you.

MANAL ISMAIL: Thank you very much, Kavouss. Can we please capture the text and include it in our discussion tomorrow?

FABIEN BETREMIEUX: We have.

MANAL ISMAIL: Thank you, Fabien. Moving on to the inter-constituency activities and the community engagement, first is our meeting with the ICANN Board. “The GAC met with the ICANN Board and discussed GAC views on key priorities for action by ICANN in 2020 and other issues of current importance to the GAC, including the acquisition of PIR, .org, subsequent rounds of new gTLDs, Cross-Community Working Group Accountability Work Stream 2 implementation, access to non-public gTLD registration data, and RDS WHOIS to review recommendations.”

Then a meeting with the At-Large Advisory Committee. “The GAC met with the members of the ALAC and discussed the Expedited Policy Development Process (EPDP) on gTLD registration data and subsequent rounds of new gTLDs.”

Kavouss, is this a new hand?

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KAVOUSS ARASTEH: No. Sorry. This is an old hand. I’m sorry. Please delete that. Thank you.

MANAL ISMAIL: Okay. Cross-community discussions. “GAC members participated in relevant cross-community sessions scheduled as part of ICANN67, including public forum discussions of the proposed transfer of ownership of the public interest registry and meetings of the GNSO policy development process working groups on gTLD registration data, new gTLD subsequent procedures, and rights protection mechanisms.”

I see no hands up, so, moving on to internal matters: GAC membership. “There are currently 178 GAC member states and territories and 38 observer organizations. On GAC operational matters, GAC members were briefed by GAC support staff on developments regarding”—this discussion should take place tomorrow during the wrap-up session, and we will modify it according to what really happens and takes place tomorrow—“GAC website improvements, GAC membership recordkeeping, GAC consideration of ICANN Org’s budget and operational matters, role expectations, GAC Empowered Community guidelines, and development of GAC process for consideration of Board responses to GAC communique advice.”

On GAC working groups: “The GAC endorses the PSWG ’2020-2021 workplan. The GAC Public Safety Working Group updated the GAC on ongoing discussions on DNS abuse, prevention, and mitigation,

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including during virtual ICANN67 meetings held by various parts of the ICANN community. The PSWG also shared information from its meeting with ICANN Compliance. The PSWG provided an overview of its workplan for 2020 to '21 for endorsement by the full GAC.

The GAC Underserved Regions Working Group: “The GAC held its first GAC capacity-building workshop fully dedicated to subsequent rounds of new gTLDs with the support of GAC topics [leads] from Canada and Switzerland, GNSO Co-Chairs, ICANN Global Domains Division (GDD), and the government engagement teams. The well-attended session offered an overview of the subsequent procedures PDP process stats and the GAC positions of high interest to the GAC for continued discussions in plenary sessions on the matter.

Finally, on the GAC leadership: “The GAC thanks Mr. Cherif Diallo from Senegal and Mr. Par Brumark of Niue for their service as GAC Vice-Chairs and wishes them well for the future.”

So, issue of importance to the GAC. Any hands up?

I see no hands up. We have this .org part. I’m just reading the first two sentences. “Although it experienced a slightly reduced remote meeting agenda, the GAC had the opportunity for discussion of a number of topics of interest to GAC members.”

Then we go with the .org part, which we will finalize tomorrow. If we scroll down, please, we have the read the subsequent rounds of new gTLDs. I’m happy to read it once more, but I see Vernita’s hand up. Vernita, please?



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VERNITA HARRIS: Hi, Manal. Just a question on the .org section. Is that entire section in square brackets, or just the letter? So the text before the letter and the text after the letter is in square brackets.

MANAL ISMAIL: I think the text before the letter and after the letter. I think the text of the letter is agreed to. Right?

VERNITA HARRIS: Right. So it's clear. So the text before the introductory text is in square brackets, and the text after this—the letter—is in square brackets. Okay, that's clear. Thank you.

MANAL ISMAIL: Thank you, Vernita. On subsequent rounds of new gTLDs, the GAC prioritized subsequent procedures for new gTLDs during ICANN67, notably by devoting several GAC sessions to this topic by not scheduling concurrent sessions with meetings of the GNSO New gTLD Subsequent Procedures PDP Working Group, and by actively participating in such PDP working group meetings. GAC leadership, in cooperation with the Underserved Regions Working Group, conducted intercessional work in order to prepare discussions on key topics of high interest to the GAC, namely closed-generics[,] public interest commitments, role of GAC early warning and GAC advice, the

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Applicant Support Program, and community applications. The main aims for GAC preparations, discussions, and—

KAVOUSS ARASTEH: Excuse me, Manal?

MANAL ISMAIL: Yes? I'm sorry.

KAVOUSS ARASTEH: No problem, Manal. You have been working very, very hard during the entire day, so I suggest that you do not read the paragraph because there is no comments on that. Just refer to the first paragraph and then five or six bullets and then the second introductory paragraph bullets and ask comments, rather than reading them because you will be exhausted totally. Thank you.

MANAL ISMAIL: Okay. Thank you for the helpful suggestion, Kavouss. Any comments on the first paragraph? Vernita, is this is an old hand, right?

VERNITA HARRIS: Yes. Sorry.

MANAL ISMAIL: It's okay. Any comments on the bullets? Second paragraph?

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Okay. Now the paragraph starting with, “The PDP Working Group Co-Chairs.”

Okay. Moving on, there’s a sentence: “Highlights from discussions in the GNSO Subsequent Procedures Working Group and GAC plenary sessions on subsequent procedures.” Then we have the paragraph on closed generics.

If it’s okay, we can accept the tracked changes.

Okay, good. Then the public interest commitments. Any comments?

So we’re accepting the tracked changes. Anything pending here?

Okay. Then GAC early warnings and GAC advice.

I see Benedetta’s hand up. Benedetta, please?

BENEDETTA ROSSI:

Thank you, Manal. This is just to flag that there was just one item that was changed [inaudible] [reread] based on the suggestions that I believe came from Jeff Neuman. Initially it stated that the current recommendation text referred DNS abuse to a separate policy development process. He was saying that it wasn’t just a PDP. So I added “or other effort” to keep it open to either a PDP or potentially other effort.

So it was just to confirm if everyone agrees with this edit. Thank you.

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MANAL ISMAIL:

Thank you for the proposal, Benedetta, and thank you for flagging it. Any objections to this minor addition in light of Jeff’s comment?

Okay. I see Switzerland confirming in the chat. So let’s accept it and move on to GAC early warnings and GAC advice. Any comments on this?

Luisa is suggesting to just add an “s” to effort. So “any PDP or any efforts.” Thank you, Luisa.

Any comments on the applicant-support paragraph? Can we scroll down to have the full paragraph visible? Thank you.

Now moving on to community applications. Any comments on community applications?

I see none. Then next steps.

I see no request for the floor, so let’s move on to the domain name registration directory service and data protection.

Paul, please (U.K.) go ahead.

PAUL BLAKER:

Thank you, Manal. Sorry if I’ve missed something, but it says, in square brackets, “pending discussions.” What’s that there for? What does that refer to? Thank you.

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MANAL ISMAIL: Because there are more discussions to take place on this tomorrow at the PDP Working Group. So, if there is anything that needs finetuning, we can get back to this. We have tomorrow a session on [the communique after this one]. Please, support staff, correct me if I'm not accurate.

Paul, please go ahead.

PAUL BLAKER: Thank you. So that means that we are not finalizing this text now but that there may be additional text in the communique tomorrow? Is that correct? Thanks.

MANAL ISMAIL: If there is additional text, it's going to be flagged tomorrow during our session and finalized. Otherwise, we will simply delete the sentence and leave the text as is. Please, Fabien, confirm. And Benedetta.

FABIEN BETREMIEUX: Yeah, Manal, that's correct.

MANAL ISMAIL: Thank you. Now moving to the domain name registration directory service.

FABIEN BEMETRIEUX: Manal, if I may?

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MANAL ISMAIL: Yes.

FABIEN BETREMIEUX: On this section, I believe we've read through Paragraph 1 and 2. There was a suggestion to add a sentence at the end of Paragraph 2 which shows in brackets. The reason why it's brackets with the third paragraph, where the European Commission had also suggested some changes, is because there was an entire replacement of this bracketed text with new text underneath. So it seems to me that we've read through 1 and 2, but we would need to read through the third paragraph, which comes after the bracketed text. So I just wanted to clarify that.

MANAL ISMAIL: Thank you very much for the reminder. Any comments on Paragraph 1?

Okay. Comments on Paragraph 2?

Then let's crawl down the third paragraph. I think we can accept the tracked changes for Paragraph 1 and 2. We have the text between square brackets that reads, "The GAC emphasizes the need that ICANN Org makes every possible effort for this form to be developed as soon as possible. In this process, consultation with the GAC is recommended." This is the text between brackets. Then the third paragraph reads, "Reasonable access to non-public registration data

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remains a high priority for GAC, especially in this interim period before a final system is developed and implemented, a period which may several years to compete.” Then there is a highlighted part, which—

FABIEN BETREMIEUX: Manal, may I?

MANAL ISMAIL: I’m sorry?

FABIEN BETREMIEUX: I apologize for interrupting, Manal. This first version of the third paragraph is also bracketed. So, underneath this whole too-small paragraph bracketed (the first sentence plus this [inaudible] paragraph), there in the new version.

Benedetta, do you mind scrolling down a little bit more, keeping the bracket in sight but also showing the entire [inaudible]? So, when you see—scroll up a little bit more. Scroll back up just a bit. Thanks. So what you see is the bracketed test—first half of the page—and then it’s a new version of that entire bracketed text, which in fact is the whole third paragraph that’s proposed for that section. Apologies for [inaudible].

MANAL ISMAIL: So the last green part overrides the first part, right?

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FABIEN BETREMIEUX: Exactly: those two parts that are bracketed together.

MANAL ISMAIL: Let me take Kavouss and Vernita. Then, if this needs more thorough reading, maybe we can, again, sleep over it and read it tomorrow. I know we have a firm stop at the hour. Kavouss, please?

KAVOUSS ARASTEH: Let’s just wait to see what happens to the last paragraph on the screen saying that the GAC emphasizes. So, depending on what we agree on here, we come back to the previous paragraph starting with, “The GAC emphasizes.” So let us see what happens to this. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Understood. Vernita, please?

VERNITA HARRIS: Thank you, Manal. In reading this text—the bottom text is what we are agreeing to (the first point of this text we talked about: the ICANN Board has come back and responded to our GAC advice), since the communique is meant for the entire ICANN community, I think that the text here that starts with “Consequently” should be probably, “Consequently, we strongly encourage the contracted parties to adopt this standard form.” It should not be the ICANN Board here. It should be the contracted parties. We should be sending the signal to the contracted parties and not the ICANN Board. Thank you.



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MANAL ISMAIL: Can we reflect this—yes, please, Fabien.

FABIEN BETREMIEUX: I didn't raise my hand. I'm sorry about that, Manal. I'm just trying to get to where I need to make the change.

MANAL ISMAIL: "Consequently, the GAC strongly encourages the contracted parties."  
Georgios, please go ahead.  
Georgios, we cannot hear you. If you're speaking, we cannot hear you.

GEORGIOS TSELENTIS: Can you hear me now, please?

MANAL ISMAIL: Yes, we can hear you now.

GEORGIOS TSELENTIS: I would like to say something on this proposal made by the U.S. government. I think, if we direct a suggested recommendation towards the contracted parties instead of the Board, we lose the essence of having something which is standardized because then we leave it up to each one of the contracted parties to follow this. I think, if we do it through the Board, it will be much easier to follow a form that will manage to give the answer that we want.

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So I would not go down this path of a recommendation of direct GAC text towards the contracted parties. Thanks.

MANAL ISMAIL:

Thank you very much, Georgios, for flagging this. So we now have all the views expressed. I think we can sleep over it and try tomorrow to finalize this part, along with the .org.

Anything else remaining in the communique, Fabien? If we scroll down, are we missing any parts?

FABIEN BETREMIEUX:

On the very last section, which is Section 7—the next face-to-face meeting—we’re just changing a little bit of language. We would remove obviously the text that remains right now in Section 5 on the consensus advice [communicated] because I understand that there is no text proposed in this section [right now].

MANAL ISMAIL:

Okay. So we’re deleting the consensus-advice section, and the GAC is scheduled to meet next during ICANN68 in Kuala Lumpur, Malaysia, on the 22<sup>nd</sup> to 25<sup>th</sup> of June, 2020.

FABIEN BETREMIEUX:

[inaudible] the reason why we’re adjusting this language is to [obviously] circumstances that could affect this program. Obviously we have no information, but this is just to have that flexibility.

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MANAL ISMAIL: Okay. Lina is suggesting that we delete “face-to-face” in the heading.

Vernita, is this a new hand?

No? Kavouss—

VERNITA HARRIS: [No, it’s not]. Thank you.

KAVOUSS ARASTEH: I also suggested to delete “face-to-face.” When you say, “Next meeting,” it could be either way—face-to-face or virtual—depending on the prevailing circumstances. As far as today’s [papers in entire Europe], we are not sure about, in the next six months, what will happen. The situation is getting worse and worse now. Everything is tightened in almost every part of the European continent. Let’s delete “face-to-face next meeting.” Thank you.

MANAL ISMAIL: Okay. Thank you, Kavouss. Thank you, Lina. Let’s hope for the best.

This concludes our meeting today. Thank you very much for your patience and for your active participation and flexibility.

Tomorrow we will start in the same Zoom room here at 13:30 UTC or 8:30 Cancun time with an optional informational half-hour exchange, as usual. Then we proceed with our regular agenda, starting ... I’m just

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checking at what time exactly do we start tomorrow. It's at 13:00 Cancun time (18:00 UTC). But, before that, I encourage you all to attend the second public forum and the sessions run by the GNSO. They have the GNSO subsequent procedures and the GNSO EPDP Phase 2.

Thank you, everyone. Have a good rest of the day or a good night's sleep. Thanks. Bye.

GULTEN TEPE:

Thank you, everyone. This meeting is now adjourned.

**[END OF TRANSCRIPTION]**