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ICANN70 | Virtual Community Forum - GAC ICANN70 Communique Pre Drafting Review  
Tuesday, March 23, 2021 - 12:30 to 13:00 EST

GULTEN TEPE:

Hello everyone. Welcome back. We will start shortly, in about 4 minutes. Thank you very much for your patience welcome to ICANN 7 GAC communique pre drafting session followed by a meeting with the ICANN Board 23 March, we will not be doing a roll call today for the sake of time. but GAC members attendance will be available in the annex of the GAC communique and minutes. May I remind GAC representatives in the attendance to indicate their presence by updating their participant's name to pre, in effect, the full name and affiliation.

If you would like to ask a question or make a comment please type it by starting and ending your sentence with question, or comment. To allow all participants to see your request. Interpretation for GAC sessions include all 6 U.N. language and Portuguese. Participants can select a language they wish to speak or listen to by clicking on the interpretation icon located on the Zoom tool bar. Your microphone will be muted for the duration of the session unless you get into the queue to speak.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and welcome back everyone. So we now have 30 minutes to review our plan regarding the communique drafting, we need to check any communique drafts we have already received and agree on the pen holders as needed before we start our meeting with the Board at the hour. I can see we already have slides, I'm not sure if -- do we have specific slides for this session? Can someone help me?

GULTEN TEPE: We will be displaying the Google document Manal.

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MANAL ISMAIL, GAC CHAIR: Okay. So -- the last time I checked the Google document there were no inserted -- no uninserted language for the communique so I'm wondering where we stand right now, and there are any communique language -- but before this, and even its high time to flag if we -- if someone is of the view that we need communique advice language on a certain topic?

So if there -- if we are going to provide GAC advice to the Board on any of the topics we discussed during the meeting, I think it's time to flag this, and so that we can identify pen holders and know what to expect, and when. So, I see no hands, and no requests for the floor, so a quick, a quick reading of what we already have. This is the usual skeleton or framework of the communique, where we fill in if the different parts.

There are some parts filled in by support staff, which is the parts reporting on membership, and so on. But then there is a section called GAC advice to the Board, and other information and language regarding what we did during the meeting. But before going through this I see Kavouss's hand up so, Kavouss, please go ahead.

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IRAN: Thank you very much, Manal. I don't have any comment on the skeleton†--

MANAL ISMAIL, GAC CHAIR: Kavous†--

GULTEN TEPE: I'm so sorry to interrupt you. I need to interrupt your intervention as your line again is very choppy. Would you like to try†--

IRAN: Hello.

GULTEN TEPE: Yes, I think you sound much better now.

IRAN: Do you hear me now.

GULTEN TEPE: Yes, thank you, Kavous.

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IRAN: I'm sorry, I don't know what happened. I touched nothing. I said I'm sorry, I have to repeat. I have no difficulty no problem no suggestion for the standard skeleton. The only issue that I have that do we need to have a GAC consensus advice? Consensus advice are two categories.

Category one follows up action on previous advice. And category 2, new advice. For the follow-up action, as I already explained we should be very careful not taking previous advice and try adding some words because that may mislead the Board. so it is better if we have anything on the previous advice just saying that the GAC reiterate actions of the ICANN Board on advice provided in ICANN or GAC meeting number X, Y, Z but not starting to add something to previous advice because you have done that 2 or 3 times and we get some sort of difficulties. However, I wish to hear from colleagues that whether or not we have a new topic on which we could provide advice. If yes, which are these topics. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. I cannot agree more, so I think if we are to repeat a certain advice, it's good to reference that

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advice without repeating or modifying the language and then we run into some inconsistency.

That said and the important question now is whether there are any topics that warrant GAC advice and if so what are those topics and what are the key messages that we would like to provide an advice on? So, still no requests for the floor. I'm not sure whether I can interpret this as -- I see Jaisha, U.S. please go ahead.

United States.

JAISHA WRAY:

We look forward to working with our colleagues during this virtual meeting to develop advice where appropriate and we would like to signal that we are interested in developing advice around one item in particular which is whether a subsequent round of new gTLDs should even proceed absent an assessment of costs and benefits. We also see this as closely tied to DNS abuse advice and I'll also note that we are planning to contribute communique tests on DNS abuse and public interest commitments. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Jaisha. And I hope we are taking notes of the topics. I see Fabian in the Google doc so if we can capture all the topics Jaisha mentioned and then we can work on the pen holders, but Kavouss please I see your hand is up.

IRAN: Yes, Manal, I think this question was already in one of our previous advice, and it was discussed in the working group of subsequent, and they asked that -- what we mean by cost and benefit? How we could go ahead with that? Unless we say that the way on which this cost and benefit is performed it will be difficult to implement that if -- I don't know whether Jeff is with us or not, but that question also was, was raised by him.

I don't recall that in which GAC communique is that, but I am not sure that we raise it again. I am not opposing to any one. I just -- the topics please don't interpret it different way. I am not in favor of raising a question or giving an advice for which the Board say that what are the ways and means and criteria to see cost and benefit analysis? This is not an advice.

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It would be very difficult -- similar to the issue that we raised for the natural versus legal. They said that the ICANN need to go to the analysis of a cost and benefit and so on and so forth and at the end saying there is a very tedious and difficult. So I am not sure that benefit is there -- so we should be very careful and not put us in some sort of difficulty digging a hole for us that we could not get out of it. Unless the people says that what are the ways and means that these cost and benefit analysis would be done.

Otherwise the Board will come to say let us know that -- how you want we do that? What are the criteria to do that? So this is the repeated advice, and I don't support that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. I'm -- if support staff can help us to dig whether previous language on this -- I think I'm trying to check our list of questions.

This was on the list of questions to the Board I'm not sure if it remained or it was one of the questions that or was one of the questions that we deleted. Someone could remind me, but meanwhile I see Jorge has a hand up so please, Jorge.

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JORGE CANCIO:

Thank you. Thank you, Manal. And hello everyone. I'll try to remind you but I don't know I don't think my memory is better than yours Manal. Anyway I think that this cost-benefit analysis question was raised by Finn from Denmark and this relates in the end to our Helsinki advice if I'm not mistaken from 2016.

I think so, perhaps we can build on that, and we shifted it to the written questions, but maybe, as it is very quick question we can raise it notwithstanding that today when we meet with the Board. But I would like to also make a more general comment a bit -- in between of what Kavouss said.

I'm very mindful that we should avoid repeating past advice, or rewording past advice, it's important to be mindful of the value of GAC advice, and build on it, so it's good if all those who suggest some GAC advice take a look at preceding GAC advice, especially the Helsinki advice, and also the advice from Montreal. I think in the GAC briefing on subsequent procedures at least everything which has to do with subsequent procedures is listed, and build on that. And depending on what the language was, and so also a bit pursuant to Kavouss said, decide then whether we want new

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advice, follow up advice, or just communicate language. Hope this helps. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. I see a -- thing -- but let me just quickly read what we have in the Helsinki communique, and it reads the GAC advise the Board that an objective and independent analysis of costs and benefits should be conducted beforehand drawing on experience with, and outcomes from the recent round. And I think we already have this language in the background information on the questions we are posing today. I have Finn and then Kavouss. Finn, please go ahead Denmark.

DENMARK: Thank you, Manal. Despite what [indiscernible] mentioned that Denmark have raised this issue, and it was part of the questions to the Board it was agreed that this question was -- is going to be put in writing to them so we will have an answer on that.

For Denmark this is very important, and we share the view from from the U.S. that we shouldn't engage in a new round before we have this cost-benefit analysis. It was part of the Helsinki communique and as far as I remember the Board accepted the

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GAC advice, so we would expect that it will come during the during the last ICANN meeting during the public forum I asked the status of that and I got the reply that it was under way, and I would be very interesting to see and hear when we can expect to have that cost analysis being put in front of us.

I think it's important especially when we see that there's no progress on DNS abuse, and other things, that the first round have put certain costs to different part of society, so we will be very interesting to have it. Whether we should have a follow-up advice or not I think it will be important to see what the Board will reply and they will come up with a written answer and I hope that they will come up with a written answer during this meeting. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Finn, and just to be clear on the questions that we are not posing during the session today, my understanding is that we will revisit them in light of what we have already addressed today and the responses we received, and then we can make sure to follow up on them, and receive answers, but again this would be different from a GAC advice.

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And as Kavouss highlighted the GAC advice triggers the bylaws so we have to be solid on the advice we are providing so either reiterating that advice or making sure there is something into you to add I'm just also bringing to attention to -- to the attention of everyone what Fabian shared in the chat, and meanwhile Kavouss, please, you have the floor.

IRAN:

Thank you Manal. Thank you very much. Thank you Jorge and thank you, Finn. 3 things I have to inform my distinguished colleagues. One, after the new bylaw we are requested, or required that our GAC advice should one, have rationale, and two, be consistent with the bylaw.

This is what -- second, Finn mentioned that our GAC advice in Helsinki -- thanks to Jorge and thanks to Finn who reminded me -- we have to check what was the reply of the Board. Of Finn said that they have agreed. If it they have agreed they have agreed. We don't need to raise it again.

If they have not yet agreed or implemented or came to us for further discussion, that would be in the category of follow up action but not the new advice. Otherwise we will get it into the

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difficulty but what I said, it was discussion in the PDP group that even if the Board wants to do that, there is no criteria how this cost and benefit analysis is based. If we raise the question that before going to the actions of the new round go to the cost and benefit analysis and that takes a many many years, that means we putting our self in front of our stakeholder or community that we don't want that this issue will be proceeded. We put -- we blocking it so let's just be very very careful.

So in summary, if there is previous advice, we don't need to have a new advice. We have a follow-up. If has not been implemented. If implemented, we don't need any new advice. So please kindly maybe distinguished chair or Fabian and others check what was the reply from the ICANN Board with the -- in regard with that advice of 2016? I am sure that we had a table, and you have a table and we see what happened. Could that table be indicated or shown to see that what is the position of the Board with respect to that? I'm very sorry, follow up action I have no problem. New advice, we should be very careful I do not support that. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. And thank you Fabian for digging the information for us in the chat. So there is the scorecard of the Helsinki advice, Fabien has already shared the URL in the chat and the response of the Board was that the Board accepts the advice, noting that the Board is not in a position to manage the content and time-line of the ongoing community reviews.

Board recognizes that the CCT review team is concluding its work and understands that the review team is looking at the issue, noted in the GAC's advice and such a recommendations from the review team could be incorporated into the policy development work on subsequent rounds of the new gTLD program. So obviously this was the Board's response, and just checking the chat Denmark -- U.K. agreeing with Denmark. And there is also a link to the Kobe communique, just reading Laureen as well based on Board response to Helsinki advice looked like Board directed this issue to SubPro.

Doesn't seem like SubPro has conducted this cost benefit assessment so this issue is still in play. And Jeff different groups did different types of review. The CCT RT looked at the cost benefit from a consumer trust choice and competition impact.

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And also Fabian, the communique language of Kobe, which reads -- which it was a follow-up on previous GAC advice, and under subsequent rounds of new gTLDs, and it reads the GAC recalls its advice in the ICANN 56 Helsinki communique which states the development of policy on further releases of new gTLDs needs to fully consider all the results of the relevant reviews and analysis to determine which aspects and elements need adjustment the, the GAC advised the Board to address and consider these results and concerns before proceeding with new rounds.

And Jorge, the SSAC and others are calling for similar cost-benefit analysis so I -- just trying to skim quickly through, and apologies if I am keeping anyone from are speaking. Finn, Kavouss, are those old or new hands? I'm sorry.

IRAN: Mine is new hand, thank you.

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

IRAN:

Yes, as I put in the chat I have no difficulty to raise the question in the sort of the communique type but not GAC advice to the Board. Taking language from the previous GAC advice and putting it in a way that does the Board consider or foresee to take some actions in the terms of the cost and benefit analysis and so on and so forth. Before implementing an outcome of the subsequent procedures?

Take into account the previous Board reply to us, putting in some sort of language but not GAC consensus advice. Because we would have difficulty, and ICANN Board said that we have already told you that. We agree with you. But we cannot implement that. So what is the use? But maybe if we raise it differently.

Maybe if we raise it differently. It's always possible. Not everything to the Board should be in form of communique. Should be normal question. Normal statement, and you as the chair of the GAC either on our behalf or as any way that you wish you can raise any question with the Board in the communique. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much Kavouss,, and I agree with the approach, so -- and Fabian very helpful information in the chat. If we can maybe dig the URLs and share them over e-mail to help everyone to sleep over it today, and that's -- come back tomorrow fresh on what we need to do, I think Kavouss makes a lot of sense that we either reiterate previous GAC advice if we're sure it has not been already dealt with, or make sure we understand the exact status before providing a new GAC advice.

So, very helpful information in the chat. I'm just afraid that that we will lose it as soon as we leave the Zoom room so if it could be circulated over e-mail this would be very helpful, and US please if you can also refer to the previous exchanges with the Board, and everyone will do, and we can re-visit the issue tomorrow. And thank you Fabian for the confirmation.

Meanwhile, are there any other issues that in any one needs to flag as a potential GAC advice so that we can start early on discussing and agreeing before its time? Fabian please go ahead.

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FABIEN BETREMIEUX: Manal, just note that we captured in the previous section of the communique which is issues of importance to the GAC, we have the 2 topics that were proposed by the United States as they were referred to as communique text. So we took it as by default topics to be discussed in this section of the communique. And if that's not correct we welcome any correction. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you for flagging, and please -- so the U.S. if you can confirm that this accurately reflects what you intended or please provide any necessary corrections. So I'm not seeing any other hands.

I'll take this as this is the only top topic for a potential GAC advice, and we can go through the relevant material, and come back tomorrow solid on what we with like to propose but this the last minute I'll give the floor to Kavouss. Please, Kavouss, go ahead.

IRAN: Yes, I have no difficulty with DNS abuse but we have to little bit wait until we have discussions with the Board what will be the replies. Perhaps that would guide us in formulation of our communique,ing but not GAC advice, but with respect to second

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what I don't remember that it was in the questions that we raised to the Board. What they want to say about public interest commitment?

We have discussed that several times, so let us not to raise something that still we don't know what we have to ask them. So do wove any specific questions to raise with the public commitment? I remember in many many meetings Laureen and others raised several questions about these and even Cherine Chalally replied to several recommendations so I'm not sure about the second one.

First one yes, as a question yes in the communique but waiting until we have discussion tomorrow and based on the reply from the ICANN Board perhaps we could use some of the reply in a possible way to formulate the language, and I rely on some of those people who propose the first item. But second item, I'm not sure. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. And we are at the hour. So very helpful comments from Kavouss. But we are at the hour and we

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need to start our meeting with the Board. So please support staff  
let me know when you're ready to start.

**[ END OF TRANSCRIPT ]**