BEIJING – ICANN Staff Briefing to the GAC - New gTLD Program Implementation Update
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ICANN – Beijing, People's Republic of China

CHAIR DRYDEN: Good morning, everyone. If you can take your seats, we will begin.

Okay. So just a few points before we begin with our briefing from ICANN staff, to give us an overview of the gTLD program.

In terms of remote participation and interpretation, that is all available and set up, so we're monitoring remote participation. So those of you that have joined remotely, we can hear you if you want to speak, and you can also ask to speak. You can ask Jeannie, she's going to be monitoring the remote side of things.

And I think this will work quite smoothly considering that not everybody is able to join us at the meetings, but there are issues that we wish to discuss that are really of broad concern, I think.

So that's all in place.

We'll postpone a tour de table to make sure we make good use of having our ICANN colleagues here to talk to us about the gTLD program.

So to my right, Akram Atallah, who is the COO at ICANN. And then to his right, Tarek Kamel, who is the advisor to the CEO at ICANN on government matters.

So with that, I see we have some slides that Akram will present. And on our agenda, we have set aside about an hour just to give us a bit of context before we move ahead further with our discussions, and there's a long list of issues there. But what I think we're really looking for are key developments and a general sense of what are the results that have been posted and any key things still yet to come so that we can plan our work in the GAC and anticipate some of those next key developments.

So with that, I'll hand over to you, Akram.

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AKRAM ATALLAH: Thank you, Heather, and thank you for attending the presentation. And thank you for inviting me to present.

As the slide says, I'm not Christine Willett. Christine apologizes for not being able to make it today to present. We had a member of staff that had a death in the family so she had to stay behind for a couple of days and she'll be joining us later in the week.

Jeannie, please, can we....

So the agenda is to, you know, talk a little bit about the accomplishments since Toronto, show the timeline, spend some time on the initial evaluation status, talk about the agreements and the contracts, predelegation testing, trademark clearinghouse, objections and dispute resolution processes.

And I'm going to try to go quickly over that, over the slides because you can all see them and read them. More importantly, I want to give an opportunity to answer questions if you have any.

So I'll try to move quickly, and please stop me if you have a question or if you want -- if you prefer to wait until the end, that will also -- we can do it that way as well.

Okay. Next slide, please.

So as you can see, there was a large list of accomplishments since Toronto, not the least of which is that we started actually publishing the IE results. We did the prioritization draw so we prioritized all of the applications. The Board decided to put the IDNs first, so the IDNs are 1 to 108, I think. And after that comes the rest of the applications by priority, and we will publish the IE results based on those priorities.

The key thing to remember is the priority will be the way we will move forward at each step. So when we get to contracting, we will use the priorities to order the contracting process. When we get to predelegation testing, we use the priorities to order them as we get to

the predelegation testing. So the priorities will be used every step of the way until delegation.

The TMCH has opened, and I'll talk about that later.

So we've actually made a lot of progress across the board. We've hit all of our timelines, and, you know, things are looking very good for us to delegate -- or not delegate, actually, but to sign our first contract or our goal to sign the first contract is on April 23rd today.

Now, we all know that there are a lot of issues that are on the table that we're discussing, and this is not a date fixed in stone. If we have to move the date to actually accommodate some issues we will, but our goal is to actually sign the first contract on April 23rd.

So as you can see, the program is well on track. It's going to take us a few months to actually do all of the IE results. It will take longer to get all of the contracts signed and all the predelegation testing, and we are sticking to 20 applications per week on the predelegation testing, and also going to IANA for delegation as well, it will be no more than 20 per week.

So we're controlling the rate of getting into the root based on 20-per-week applications.

Next.

So the initial evaluation were released on 22nd of March, the first set of results, the first 30 applications. And then we did another 30 a week later, and tomorrow we will do the rest of the applications in the IDN.

So by tomorrow we will be done with all of the IDNs, 108 applications. And the outcome so far is in three categories. There is a pass, there is an eligible for extended evaluation, and then there is ineligible for extended evaluation. So these are the three categories that the applications will fall through.

Some of the applications actually have not been -- the results have not been posted yet because there is some delay on a response for a

clarifying question or there is some missing information that the applicant is providing us, so there are a few that will be updated within the next couple of weeks, and that's also noted on the Web site as well.

Thank you, Jeannie.

So this is a picture of the initial application report. We have basically two reports, one that is public, that's available on the Web site, and it has pretty much all the information that's available for the applicant except the applicant has some confidential information that's not showing on the public report.

Next.

So as you can see, these are the results. The majority of the panels have done a lot of progress. The bigger jobs, which are basically on the financial and technical and the registry services, are the ones that we are doing as we go.

The majority of the rest have been all done, and we're posting the results on all of those, except for background screening, which we're not actually posting results on that.

But most of the work has been done.

And as the slide mentions, there were 35 applications withdrawn, and we are allowing applicants to withdraw their applications and getting their 130K -- or getting $130,000 back from their fee up to the initial evaluation. And that will be rolling, so if you are applicant priority 1,000, you can stay in there until your application turn comes in, and if you withdraw right before that, you'll still get your 130K back.

So on the registry agreement, we are -- we believe we're very close. We have been working with the registries and a lot of the ICANN community on the agreements, and we think that we've made a lot of progress to include -- to include them -- to ask them to work only with registrars that would have signed the 2013 RAA.

And the reason for this is that we believe the 2013 RAA has a lot of features that will enhance the entire space for the registrants. It has all the law enforcement requirements, it has a -- what we call a registrants' rights and responsibilities, almost like a bill of rights for registrants.

So there is a lot of enhancements in the 2013 RAA that we believe will make the domain industry much better and much more -- better behaved, let's say.

So we believe that's a good thing to have all of the registrars sign the new agreement and have the registries work with the registrars that have the new agreement to sign -- to be able to register in the new gTLD program.

We've also included a -- the PIC spec, as you all know. There were 508 PIC specs received and posted from applicants. I believe that was a very good outcome that met all the requirements of the GAC as well as kept ICANN in -- out of having to control -- or having to deal with content, which was our biggest fear.

So the PIC spec, allowing applicants to make commitments yet not having ICANN play the compliance role on the PIC spec but have the community or the public be able to protect -- protest if they are not compliant with the PIC spec. And then ICANN will step up to enforce the outcome of that disputed resolution.

So I think this was a very good outcome for the GAC as well as ICANN, and the registrants as a public at large as well.

The public comment period closed the 17th of March. We continued to discuss the agreement with the registries, and we are -- we just posted the latest version, and not for public comment but for transparency to make sure that everybody is aware of what progress has been made on the agreement so far.

So the applicants will be eligible to move into the contracting phase after Beijing and once they have passed their IE results. And as I said,

we are targeting April 23rd to be the day when we sign the first agreement.

There are a few issues that we're still working on, but we believe that everything is in place given the timeline that it will take for an applicant to move through the process and to get to delegating their first registration.

So on the predelegation testing pilot, we've actually asked applicants to submit for a pilot testing, and we've had a lot of applicants. So we decided to pick the one of each of the back-end providers to broaden as many as possible -- as much as possible the number of back-end providers that will go through the testing and be ready for that.

So we picked 12 of the back-end providers, and, therefore, if there were many applicants for one back-end provider, we just picked the first one in the priority order, and, therefore, we maximized the coverage. And this way, most of the of the back-end providers will be ready when the time comes to connect to and do the predelegation testing.

So the resources are in place. They're doing -- they started -- they sent out the spec and I think that right now we're starting the predelegation -- the pilot testing already. We should be up and running and ready to operate even before the April 23rd.

On the trademark clearinghouse, I don't know when we updated you last but what we actually separated the functions of the trademark clearinghouse into two functions. One functions that we contracted Deloitte to do, not exclusively, and that function is to actually provide the -- accept the trademarks into the trademark clearinghouse and do the validation of the marks.

That contract is not exclusive. Therefore, it allows us to actually add more validators on the front end if we need to have more validators both for bandwidth and competition reasons.

On the other side of the TMCH, there is actually the trademark clearinghouse itself, the database where all the marks will be put. And

then the provider that will actually do the sunrise and claims, where all the registries will sign up with. And they will perform the sunrise period with and get their notifications or the claims period as well.

That contract we just signed with IBM, and I think we have more details on that. But the TMCH from the marks' perspective has opened, and I recall that on the 26th of March, within one day, there were over 150 applicants that were verified and enabled and over, I want to say, 10 or 12 trademarks that were already verified and put in the database.

So the trademark clearinghouse is operational from the trademark holders' perspective, and it needs to be open for 90 days before the first sunrise can start. So that gives you an idea when the next -- the first sunrise will happen.

The IBM, on the other hand, we signed the contract with them and they're starting to develop their systems to be able to support the sunrise and claims. And they actually will have a spec I think before Beijing, published before next week, for all of the registries that want to start connecting to the IBM trademark clearinghouse for the sunrises.

And that contract as well is not exclusive, but I believe it will be very difficult to have another database, because we would have to deal with two databases if we did want to do another contract.

But I think that the split of the two contracts makes operations a lot more competitive and more affordable, both for the trademark holders as well as for the registries and registrars.

On the objections and dispute resolutions, we actually had -- I can't read there -- 274 objection filings, and they're broken down by the objection provider.

We've had, also, our independent objector also file a lot of objections, as you can see up there which I cannot see. And all of the objections will have to go through before any application that has an objection can move forward even if they pass their initial evaluation. So they could do

-- pass initial evaluation but before contract they have to finish all of their objections.

So these are the -- slide on the independent objector objections. And they're all available on the Web site as well.

So last, the sessions that we're having in Beijing are all listed here. Most of them are happening on the first day, on Monday. There's a couple of sessions also on Thursday, I think, and the Wednesday. But most of them will happen in the big room on Monday. And we invite you to attend these sessions as well.

Okay? So now I'd like to open it for any questions and clarifications that anybody might have.

CHAIR DRYDEN: Thank you for that presentation, Akram.

Are there any questions at this point?

Italy, please.

ITALY: Yes, thank you.

I would like to make a question on the importance of a date, because by saying that we plan to have the first agreement -- "agreement" means contract -- with an applicant by 23rd of April is a very important point for differing reasons. And this might make to ask some questions.

It is important because, also, in the governments, we are discussing in this period about the insertion of new gTLDs, and this will be a demonstration that things are really happening, and it is really important to establish a start of the implementation.

And my question about this is of course you are convinced that a small number or the first one, let's say, they are already ready to be approved and then put into the IANA database. And so a question is, the progress

of the analysis of a number of these applications do not encounter -- or you verify that do not encounter, of course, GAC advice in the past, but not only that. Also, all the commentary that came from the community.

I mean, the several thousand of problems that were in this consultation period.

And the final point is are you sure that when you approve something that falls into category of, let's say, geographic names or competition or whatever, that the one that you will approve in the first slide, in the first part, let's say, do not create a precedent into the discussion concerning category of problems, like geographic names or whatever?

So -- And then when you will go ahead with the other groups, then something that was already been approved is -- has a consequence that you should go in the same line or perhaps correct. This is the point.

Thank you.

AKRAM ATALLAH: Thank you, Stefano.

So I just want to be clear on the process. When we sign the contract for an applicant, that means basically they passed all of the requirements from the guidebook. It doesn't mean that they actually can go to the IANA for contracting, because there is still one step called the predelegation testing, and the predelegation testing will have to happen right before they go apply to IANA.

So somebody could have a contract, but they could choose to delay when they go to predelegation testing, or they could go through predelegation testing and then delay to go apply for IANA.

So these are not something that we have control over. The applicant has to be ready to do these things.

And that's the normal process today, even for a ccNSO, for example. They do -- they do their testing before they go to IANA. So -- and part of the process there.

On the GAC advice, the reason we are pushing back and we're not -- as you saw, we had already, I think, short of the first sets of 30 and 30 initial evaluation results published, but we did not actually start talking about contracts because we are waiting for the GAC advice to come out first. And of course when we -- when we get the GAC advice, we will have to -- the Board will have to consider it and then will have to decide what's next step.

But regarding the date, there is no project or any process that can be developed if you don't set targets. So we have to set target dates, and we have to try to achieve them; otherwise, we will be here in, you know, 2100 talking about the new gTLD program and when it's going to take place.

So the April 23rd is our target date for signing the first contract. We're hoping everything comes together at the right time to move forward. There are things that will prevent us from moving forward. We will have to deal with them and decide how we go again, but this is how, you know, this program has been designed and operates that way, so -- but there's no -- there's no intention for us to ignore anything material or -- or that concerns Internet just for the sake of hitting a date.

Let's be clear on that.

From the precedent issue, we do have concerns about that, and we are trying as much as possible for ICANN to stick to the guidebook, and if we to the guidebook everybody will be -- I think the results will be the most accurate and -- how should I say? Straightforward, and we would not have to worry about precedence.

Once we move away from the guidebook, then there will be issues of, you know, why did we do that and then we can get into trouble.

So that's our guidance, is we're trying to stick to the guidebook. We know that there are some issues that have come up that are requiring clarity and we're working with the Board and the community on all of them, but we -- our intention is to stick to the guidebook as much as we can.

CHAIR DRYDEN: Thank you for that reply, Akram.   Are there any other questions?
                        Australia, please.

AUSTRALIA: Thank you very much. It's a very useful update on all the work that's
                        been going own. Obviously a lot of work going on. Just have a couple of
                        questions about the public interest commitment component of that
                        work. And a couple of particular questions. I apologize if it should
                        already be clear and that I've missed it somewhere. But two things that
                        have occurred to me. One is the standing for making -- I'm not sure
                        what the right word is in an objection or an intervention, if -- if a third
                        party thinks that a public interest commitment is not being followed. I
                        think I saw some initial wording around that someone had -- it had to
                        materially impact them or something along those lines.   And I'm
                        interested in whether governments would be able to raise those sorts of
                        concerns on behalf of their constituents.   So it may not be that a
                        government is particularly impacted directly but they may want to raise
                        concern if it's a particularly sensitive sector.

                        And my second question relates to the ability to amend PICs. So if an
                        applicant does submit a public interest commitment and it is accepted
                        and so on, are they able to later amend it and if so, is there a process for
                        that, is it the normal change process, for example. Obviously I think --
                        or certainly from our perspective, from the government's point of view,
                        we'd be looking for clarity here. We initially had things which were in
                        the applications which weren't commitments. Now we're looking at
                        binding contractual commitments and governments will be looking very
                        carefully at those. But interested in the ability then to simply change
                        them down the track.

AKRAM ATALLAH: Thank you for the question. So for the binding -- for the PIC to begin
                        with, if somebody wants to change (audio problem).

-- off the table after they pass or they get their contract. So that will be a step that we will make sure happens. But -- and also we will make sure it goes into public comment and for a 30 -- at least a 30-day period for everybody to see it and make sure that we didn't miss anything either, so.

I'm sorry, I forgot the first one.

AUSTRALIA: Sorry for two at once. The first one was standing for objections, whether governments will be able to raise issues that they -- they see on behalf of constituents.

AKRAM ATALLAH: Yes, absolutely our intention is that governments would be able to do that, given their public interest status that, you know, that they actually act in the public interest of the public that they protect. So yes.

CHAIR DRYDEN: Thank you. I have a small follow-up question to Peter's and that was concerning the PIC spec. So he was asking whether an applicant can make an amendment to one of the commitments that they have made already. I have heard some express an interest in filing public interest commitment specifications where they didn't at all. So you'll be aware that some applicants didn't file commitments. So I was wondering whether you had any comments on that. Thank you.

AKRAM ATALLAH: So, you know, although we're all about process, the process should not trump the cause, right? So we're -- we're trying to be -- to do the right thing for everybody and so we -- if somebody wants to come late in the game and say okay, I need to put -- add to my PIC spec certain commitments, we're going to actually work with the applicant and make sure that they have the ability to do that. It might delay them a little bit, but we'll -- we will try not to make that a deciding factor for them

not to do it because it's -- if it's a good thing to do, we don't want them to back off of that because of the operational or delay issues. So we will work with them to make sure that they can do it without major delays.

CHAIR DRYDEN: Thank you. Netherlands, please.

NETHERLANDS: Thank you, Heather. Yes, thank you for your very interesting presentation. In the sense it's good to hear that there's progress made in the operational implementation.

I would like to come back to the question of Italy because I think it's quite relevant and let's say to focus downwards what I think is a concern and a question maybe you cannot answer it, maybe the Board should. Is the fact that we -- we will give our, let's say final, which in brackets, advice on gTLDs which is also let's say the expectation from everybody knew this so the Board is expecting this. What are the possibilities that if safeguards which the GAC would like to have extra safeguards on certain applications, if this needs contractual change, for example if we advise that these safeguards should be -- let's say the only way would be -- because there are other ways, of course, to have safeguards implemented, but if one of the ways is to have it in the contracts, what is the possibility of putting this in the contracts? It's a difficult question but okay.

AKRAM ATALLAH: I think that the Board would have to make a decision based on the GAC advice that comes to them and if -- if the Board decides that they need to -- some more time to make a decision, then we would have to wait for that to happen. So we will not enter into a contract before all of these things are actually addressed. But our aim is that if the GAC advice comes after Beijing or during Beijing, that we will have two to three weeks to finalize whatever we need to do for the advice and at

least decide whether the schedule changes or we can stick to the schedule the way that it is.

CHAIR DRYDEN: Thank you. I have U.K. next, please.

UNITED KINGDOM: Yes, thank you, Chair. Good morning, everybody, and thank you, Akram, for a very comprehensive account of all the work that's been going on. It's very helpful. I just want to come back to the issue of public interest commitments, and I think my worry is that, first of all, those commitments that have been made are going to sort of be hidden away, are not going to be easy to track or even to find out. So my first question is, what is ICANN's intentions with regard to maximizing awareness by registry operators of their commitments? Will ICANN provide some facility through its -- its Web site where this is very high -- highly visible, firstly? Secondly, will there be requirements on the operators to maximize the visibility of these commitments so that stakeholders, including governments, can quickly determine what commitments were made when they start to hear about issues about how the -- how the business is being conducted. As I say, I think the important issue here is being able to determine quickly what are the -- what are the commitments. And secondly, what is the process for submitting a complaint or a concern that those commitments are not being adhered to or being disregarded or amended without anybody being fully aware of it.

So as I say, it is a general concern it was a very welcome initiative as you say in response to GAC concerns, but, you know, we must ensure that there's maximum visibility here so that we can -- any stakeholder can quickly check, this is what this operator of this domain undertook to do and adhere to, certain principles and safeguards and so on. So that's great.

And then, secondly, you know, how can we follow-up a situation where an operator has not made any commitments. So that's, I think, an issue

for us. But I think also for ICANN. I think a lot of us on the government side were expecting ICANN to be actively sort of taking charge here and monitoring and taking to task operators who were not fulfilling their obligations under these voluntary commitments. I note the process now, which is one of submitting to a dispute resolution process, but from what I understand you have said and from looking at the papers it seems that ICANN is sort of stepping back and leaving it really to the community to take advantage of these -- of these commitments. And so ICANN is not actively monitoring or not intervening, only reacting when there is a dispute tabled. So I guess my point is tabled by disappointment that ICANN has kind of detached itself in that way. But also my concern is that there may be operators who should be making commitments that aren't. What is the process for amending that situation? Given that it's not going to be easy for stakeholders, including us in governments, you know, to be constantly, you know, checking things and seeing how so many of these hundreds of new domains are actually being rolled out in practice. It's -- you know, it's a very resource intensive function we're talking about here, and as I say, I think there was certain expectation from my side that ICANN would have a much more involved role here in terms of public interest commitments. So I have kind of expanded my questions quite a bit in that intervention but I -- as I say, it's a question about visibility and ensuring that this whole area of commitments is going to be functioning in a way that's going to serve the interest of the entire community of users, stakeholders, everybody. Thanks very much.

AKRAM ATALLAH: Thank you, Mark. On the PIC spec visibility, we have posted those already on the Web site so if you go to any applicant, you could actually get to their PIC specs and you could look at them. We are moving to a better CRM, Customer Relationship Management, tool that will be up and running by the end of the year hopefully that will actually be easier to navigate and you'll have a lot more information about every TLD that we will have and registrar as well. So there will be more opportunities to make these PICs more visible and easier to understand and to track. So I think we can take that and make it better than it is today.

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The issue of ICANN not monitoring, the original problem -- or the original issue when it came up, and I'm going to be very frank with that, is that it's such a big issue that ICANN is not suited to actually be the monitor of, you know, all sorts of things, content, which registrant has certain rules, you know, are they -- are they following them. I mean, they could be rules as simple as, you know, only people who are 18 years old that live in -- or older who live in certain area that, you know, can register on this TLD. For ICANN to be able to monitor that and say that we can guarantee that, you know, there's good compliance with these rules is a task that is, I believe, beyond, you know, even an organization ten times the size of ICANN. So the idea of the PIC spec came about in that we would hold the applicant responsible to their commitments, we would have the public monitor how the TLD is behaving and if there is an issue with the TLD then the people who are affected can come up and do a -- raise an objection or a dispute with the TLD. Once the dispute resolution process comes out with a finding on the issue, then ICANN steps in and makes sure that the TLD is behaving accordingly and some -- making sure that the -- the ruling is in place.

I think that's a great improvement. I think that ICANN by itself couldn't do the job that is needed, but I think that the community now has a mechanism to be able to implement these things.

Regarding the applicants that have not applied for PIC spec -- for the PIC spec, the PIC spec came about as an idea that allowed -- it tied the early warning -- it provided the applicants a way to react to early warnings before GAC advice comes out. So what it did, it allowed applicants which were worried that they were going to get advice because maybe their application is not clear or their commitments are not clear that they could clarify these commitments to mitigate that risk. If an applicant has not applied for -- and put in their commitments they can always do so, as we just talked earlier, and I think that the GAC, if they feel like this is needed, they can still provide that advice. And so from that perspective, I think the PIC spec is doing what it was meant to do for -- without being unimplementable. So I think it's hit all of the needed requirements that were put on the -- on the applications.

CHAIR DRYDEN: Thank you, Akram. I'm going to go to the speaking order and then if we have time we'll take additional. Okay. So next I have Switzerland, please.

SWITZERLAND: Thank you very much, Chair. My name is Thomas Snyder. I work for the Swiss government. First of all, I would like to thank you for this interesting presentation and my remark and/or question follows on what has been raised as concern by the U.K. and Australia and other colleagues and it's about this public interest commitment procedure. Apart from the, let's say, resource factor which is problematic for us as well and I'm slightly amazed to hear that ICANN has -- doesn't have the resources in monitoring certain aspects, and I'm not talking about monitoring content because that was never the idea that ICANN should go into monitoring content but if you look at a government, we are not able to multiply our tax revenues, our incomes, whatever you call it, as ICANN has been able to with this new gTLD process. We have to live with less and less resources as governments, and it's not only for us as a small administration, it's becoming a severe problem to follow this very complex process. And I'm afraid we are not probably the only ones who are not in a position to follow hundreds of new commitments, changing commitments and so on and so forth. So I would appeal to ICANN to take into account the fact that also governments' resources are limited and probably more and more limited, depending upon how the economic situation in some regions of the world progress.

But apart from the logistical resource problems, we have another problem with this whole concept that first, we thought that we had the impression and we thought it was confirmed throughout the development and the work in the Applicant Guidebook that basically an application, once it's filed cannot be changed. That was the way we understood the rules in the guidebook. In order to avoid gaming, in order to have a fair process to competitors who apply for the same string or for similar things. And the only remedies, in a way, and we

discussed this with regard to reactions to GAC advice, that would be allowed, at least that was the way that we perceived it were, for instance, sending letters of support or things like that after a GAC advice, but we had the understanding that there would be no substantive change of an application that would be allowed once it's been filed and now with these public interest commitments we got the feeling that basically you can add and change and amend whatever you want. And it's very difficult to say what -- where is the line between, as you say, clarifying commitments and adding new commitments or changing, amending commitments. And it's not only for us, we realize that also for applicants themselves, or competitors, this concept seems to be very difficult but we have similar difficulties that we don't really know what the value of this is or how we should take this into account, to what extent, because we are not clear with the effect, with the legal effects but also the effects on competitors and so on and so forth that these public interest commitments have. So we have a real problem with the concept of this. We see the good intentions behind it, but we are not yet convinced that this will actually make our lives easier instead of making it more complicated.

So -- and there's also another problem of we have been contacted by a number of applicants that have maybe spent more time and resources before they filed their application in thinking of public interest commitments and they are afraid that their commitments are just now just copy pasted by competitors and they care about whether the others that now maybe copy paste their commitments are actually able to implement these commitments and how ICANN will make sure that these commitments are implemented. There are a number of questions that are not clear to competitors but also to us who are supposed to give advice on things that we don't really fully understand. And in the end what counts for us is that we have some clarity on the procedure, on the status of these commitments and we have the tendency to say we can only take into account in whatever we give advice on those aspects or those things we know will be enforced by ICANN where we have some insurance that they will actually hold against abuses and just pretending to do things or not to do things. So this is what counts for

us, what ICANN is telling us that they are able to implement and enforce and make sure that words are actually meant and also taken into action. Thank you.

CHAIR DRYDEN: Thank you, Switzerland. Did you have comments? That's okay. We can continue. Okay. So I have Norway next, please.

NORWAY: Yes, thank you. Good morning to everyone. We also have comments, some in line with some of the others. As also U.K. was mentioning about who is going to go through all the applicants and make assessment of what applicants should have posted public interest commitments or not and that is something that also should be done -- performed by someone.

The other thing with the public interest commitment is that as we have understood they are a volunteer and then maybe they should have been made mandatory for certain types of applicants maybe. Because also the -- the main point also that Switzerland made is about the commitments, are they then enforceable, and also, especially also when you're talking about later changes to the public commitment, other commitments, are they then going into any contract compliance things? So of course there is a link between these public interest commitments and the contract terms and that also is linked then to how to enforce, if they had committed to something. So that makes a lot of questions really, how to deal with these.

Also, we also must say that we are very much in line with the comments of Switzerland that governments will not be able to monitor changes or any breaches of these, and I think there must be put in place a system for monitoring. I think that obligation should be on ICANN to be able to monitor that all the applicants comply with the requirements. So I think that's something that must be sorted out. So thank you.

CHAIR DRYDEN: Thank you, Norway. Okay. I have three more requests. I have Denmark, Germany, and then Brazil and then we'll try to conclude this briefing. Okay, please.

DENMARK: Thank you, Chair. And thank you for the presentation. I'll try to be brief. I have a couple of questions about the PICs as well. Australia was kind enough to already put forward one of the questions about how governments can demonstrate measurable harm and I think I understood you correctly to say we will be able to even though it might be indirectly. So I can put that on the record. Thank you.

And the next question is, how will ICANN decide whether to follow the sanctions recommended by the PICDRP. I think it is described or formulated as you can follow the recommendations. So my question is, will there be a clear and transparent criteria as to when you actually decide to follow the recommendation? It's not -- doesn't say that you will follow the recommendation no matter what. It says you can follow the recommendation so.

The next question is, based on other dispute resolution procedures, what is the expected fee level? I think we have to remember that this is taxpayers' money, if it is a government that needs to put forward a case.

And finally, a question about you make registrations about that you cannot go back and change registrations that have already been in place, so it will be future registrations that will be changed after a PICDRP process. So my question is, if there is actually serious damage that has been a result of the past registration policy, why then is there no measures to remediate that harm? Thank you.

CHAIR DRYDEN: Yes, please, Akram.

AKRAM ATALLAH: I don't think that I -- I don't think I understood the last point. There are no registrations done yet so if you put your PIC specs and you actually -- so could you explain?

DENMARK: Yeah. The question is when you -- when a government, for example, wants to put forward a case of there's been a breach about a PIC and then when the -- the case has been finalized in the panel, I think the paper you put forwards says something like you cannot go back and remediate the registrations that have been done prior to the PICDRP process. You can only handle future registrations. So my question is, if there has been a serious damage before the PICDRP will there be no measures to remediate that harm? Thank you.

AKRAM ATALLAH: Thank you. Thank you for clarifying.

CHAIR DRYDEN: Okay. All right. So we have Germany and Brazil next, please.

GERMANY: Yes, thank you, Madam Chair, and also thank you for the presentation. I think it was quite informative for us. Yes, also my remarks go in line with many remarks of colleagues. One question is a question of resources. That is something you have to share and we fully are in the position to share the position of Switzerland in this case. And I just want to recall that we are talking about more than 1,000 documents that were published not so long ago, I think three weeks ago, and it's impossible for a government even to have a -- a glance on this document, knowing what we're talking about. And I think this question of public interest commitment is one of the core works the GAC is committed to follow and in so far it may prove to be problematic for the GAC. Because we are the GAC, we are the Advisory Committee for public policy issues and it is difficult in -- in such a late stage of the application, we now receive relevant documents in so far I think you

also need to be aware that it's complicated for the GAC to follow details and also monitoring, it is not possible from our side to go in this fashion. And what I also agree with colleagues from Denmark and others, what we probably need to -- additional clarifications is dispute resolution procedure. We now have established and how it works, and although this is something we maybe internally will exchange in the GAC meeting here and try to find a position, how we -- we can evaluate this issue because it's also brand new for us. When I recall when we met in Toronto, the situation was totally different in this respect. And I also want to share Thomas' position in respect of copy and pasting intellectual property of some of the applicants who had very strict and strong consideration of how they would use and would like to use the application and then we are now going to allow everybody to -- and competitors to use this intellectual property in another sense. And so we are -- we have some -- we see some positive effect in this approach but nevertheless it needs to be further discussed and considered what are the consequences. Thank you.

CHAIR DRYDEN: Thank you, Germany. So I have Brazil and -- United States? Okay. You'll be brief? All right.

So Brazil, please.

BRAZIL: Thank you, Heather. Good morning, everybody.

I should say good night because in my country it's 11:15 p.m., and my biological clock is still in that time frame.

But anyway, my name is Franklin Netto. I am the representative of Brazil in GAC.

I would like to thank very much Akram for the very clear presentation, and I think one of the greatest values of this kind of meeting is just for all the different parts of ICANN to know what (indiscernible) is doing at that very moment.

And then I would like to return to the question that was made from my colleague from Italy, and also Netherlands has mentioned it. And I would appreciate if you could elaborate a little bit more on this topic, because it did not get very clear to me what would be the position of ICANN regarding. Should the possible -- Like it was framed by the Italian colleague, the possible precedence -- precedent that these agreements that would possibly be signed on the 23rd of April would set in terms of the other gTLDs and categories that fall in the same -- the same field.

We are discussing this week in GAC, and this is one of the reason why the meeting is extended, we are discussing not only specific gTLDs but we will also be discussing categories. And it's very -- There is a great possibility that some of these IDN gTLDs, which possibly could have the first agreement signed on the 23rd of this month, would fall into one of these categories that GAC will be discussing and that would be a GAC advice.

Then I would appreciate if you could elaborate how we would work if that -- if there could happen some -- the time frames would be different between the GAC advice and what you are intending to do in terms of contract signing, in terms of agreement with these IDN gTLDs, should there be an advice that for some reason cannot reach, considering that these advices are in category level, with each one of these IDN gTLDs.

Thank you.

AKRAM ATALLAH: So as I mentioned earlier, I think the reason the date was chosen to be April 23rd is because we wanted to hear from the GAC on the GAC advice and see what the Board comes back with on that before we can move forward.

So as I mentioned earlier, we will wait for the GAC advice, wait for the Board reasoning on that, and how they will handle the GAC advice before we sign any contract.

So we will not -- we will not put ourselves in a position to sign a contract and then have a contract changed later. That's not going to be something that we -- that's good for ICANN or for the community. So we will not behave that way. We will make sure that there's clarity on the Board reply to the GAC, and from there we can decide if we can move forward or if we need to finish -- change the contract before we move forward or what actions we have to do.

So I hope that's clear.

CHAIR DRYDEN: Thank you.

Okay. United States, please.

UNITED STATES OF AMERICA: Sorry about that.

Good morning, everybody. Thank you very, very much, Akram, for the presentation. Extremely helpful.

It's unfortunate to come at the tail end of interventions by all of my colleagues, because they've said it all, quite well. And hopefully we have left with you a strong sense of the intention to be a good partner to ICANN as you proceed apace with these public interest commitments.

We strongly support the concept, and I think as a result of our exchanges over the next few days, hopefully we will be delivering you advice that will shed more light as to some of the safeguards. I believe it was the Netherlands that was very clear as to what our game plan is, and it is to determine terminology, language that we would like very much to see in the contracts.

And so it does have a bearing on the nature of the PIC specs, voluntary, mandatory.

So hopefully you are now, having sat with us this morning, you have a sense of what you might be -- what you should probably expect by the end of the meeting. And so I'm very grateful for that, and we are hopeful that we are going to be as clear as we can possibly be.

So I just wanted to concur with a lot of the comments that have been made. And I sense that you will be coming back to us. And I think that's very, very useful; that we can kind of move ahead jointly. Because we will want to see sort of the results of our deliberations actually reflected in the contracts.

And then I just would like to close with a question.

So we are aware of the strings that have been the targets or the subjects of the different objections, if you will. However, the actual substance of the objections, could you please confirm they are not presently available, to my knowledge? And when might they be? Because it's very hard to talk about them when we don't know the substance of the actual objections.

I just want to confirm that I haven't missed something somewhere, and that you will, in fact, be making those available.

Thank you.

AKRAM ATALLAH: So I apologize for not knowing the answer to your question, but we will get back to you with the answer.

Thank you.

CHAIR DRYDEN: Okay. So with that, I would like to thank Akram and Tarek for coming to brief us today. Not only was it, I think, informative for colleagues in the GAC but I think it also, as colleagues have pointed out, been useful for you to get a sense of what really are the issues that are front of mind for governments here. And we can expect to continue that exchange and

develop our thinking further on this given that we do have some key deadlines or planning deadlines anticipated by ICANN for the program.

And for the GAC, as we come up with additional questions, I am confident that staff will remain available to us if there are specific things that we would like to ask them as we continue our meetings through the week. So let's make a point of making that work.

Akram, yes. Please.

AKRAM ATALLAH: So I just want to thank the GAC for the enormous amount of work that you've put into this program. I really want you to know that it's appreciated. It's not dismissed. And we are partners in this, and we are all working for the same end goal at the end. And I took a lot of notes from what I've heard, and there are a lot of things that we can do operationally that might not be contractual or anything else that we could actually work on for more transparency, more visibility, facilitating some of -- maybe not monitoring but guiding complaints, maybe, and goal toward the PICs.

So there are a lot of things we can do operationally to facilitate the implementation of the PICs after they are in place.

But I want to urge you to remember that the PICs are not in ICANN's remit. The way it was designed is it is an outside process, and we would make sure that any outcome of dispute resolutions will be enforced by ICANN. So that is the overall thinking behind the PIC spec and I think it's actually a very good tool that will enable us in the future.

So thank you very much for the time and for the effort.

Thank you.

CHAIR DRYDEN: Thank you again.

Okay. So for the GAC, we have a coffee break. There should be coffee available outside the room. And if we could take 30 minutes and no more, please, because we do want to start, I think, getting into our own discussions within the committee.

So 30 minutes.

Thank you.

(Coffee break)