
HYDERABAD – GAC meeting with the ccNSO
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CHAIR SCHNEIDER: Okay. Thank you. So for those who don't me, my name is Thomas. I am the chair of the GAC currently. We have Gema from Spain and Wanawit from Thailand, two of the vice chairs. We have more vice chairs here.

Please do present yourself as not everybody in the GAC -- in particular, those who are new -- may know you, and then we'll start right away.

Thank you.

BART BOSWINKEL: Quickly. Thank you. I just want to give you a brief update on a very compressed --

Sorry. Bart Boswinkel. I was trying -- Staff support.

ANNEBETH LANGE: Annebeth Lange, ccNSO, .NO.

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KATRINA SATAKI: Katrina Sataki, .LV, the chair of the ccNSO.

GIOVANNI SEPPIA: Giovanni Seppia, ccNSO, .EU.

CHAIR SCHNEIDER: Okay. So we have a very limited time this time. We only have 30 minutes, of which actually ten would already be gone, but we can, if that's okay for you, run a little bit into the lunch break because otherwise there won't be much interaction.

Before -- Sorry. We have on our agenda, there are three issues. And in order to have a little bit of time for discussion, I urge you to -- whatever presentations you have, reduce them to really one or two, three minutes to the core. If you have to skip slides, please do it, but we want to have a little bit of discussion -- I guess, in particular, on the point -- on the EPSRP working group for instance -- so we have a few minutes to exchange.

Thank you very much.

I know this is challenging for us all. So, please, go ahead, Bart.

BART BOSWINKEL: Thank you. Just for -- Can you go to the next slide? I did the introduction already.

I don't see it.

Next slide, please.

Next slide.

Just a couple of things -- thank you. This is fine. You can read it at your leisure. What is important, the review mechanism. There are already some considerations around review mechanisms. One is in RFC 5091, one is in the Framework of Interpretation, and another one is in the ICANN bylaws. Based on these contracts, there are some issues.

Next slide, please.

Around review mechanisms. The first set of issues is around the scope of such a review mechanism. The second one is around who has standing and what are the grounds.

Next slide, please.

Can you -- Yeah.

So -- And this is probably very important for GAC members, who will have standing at a review panel, review mechanism, and what are the grounds and rules and structure of such a review mechanism?

So this is about the first leg of an yum coming PDP on -- ccNSO PDP on the review mechanism.

Next slide, please.

The next one is -- the second leg is on the retirement of ccTLDs.

Next slide.

Again, going back in time, there was a delegation/redelegation working group report in 2011, and it identified there is no policy in place currently with respect to retirements, but at the same time, it's just a limited number of cases.

Next slide.

These are the cases that have been -- that we have been using at the ccNSO side.

Next slide, please.

The high-level issues that have been identified to date, and this is very tentative: consistency of terminology, what triggers a retirement, who triggers a retirement and the conditionality is now involved and put on a delegation of a subsequent ccTLD. The best example is .AN. That was retired and followed up by .CV -- sorry; that was a Dungleish thing. .CW for Curacao.

Next slide, please. PDP. Next slide.

What one of the discussions say in Helsinki was how will the ccNSO structure the PDP? It will be one PDP, most likely, with two working groups, one working group to develop the

recommendations around the retirement and another on the review mechanisms.

Next slide, please.

And this is where we are at this morning. The issue manager, so that's me, will ask the council to, at its meeting, to set up a drafting team for the charters of the working groups. They will be included in the issue report, and it will most likely be open.

The reason for doing this, it is to refine and define the scope of issues that I just ran through, and they will be included in the charters of the working group that will then again fold into the issue report, because then you have -- first of all, you start with people who are supposed to resolve the issues, and they will be involved in the process early on. And, secondly, the community itself will drive the issues and will drive the direction of travel.

That's it. And the initiation. And this will happen between now and Copenhagen.

That's my presentation.

CHAIR SCHNEIDER: Thank you, Bart.

Just a question for clarification. So there is one PDP with two working groups. One is on retirement mechanisms, retirement of ccTLDs, and the other is on review.

What exactly is the substance of the review? Just this particular issue? Or is it a broader --

BART BOSWINKEL:

No. It is broader. Sorry; I was too quick this time. It is review mechanisms, so decisions on the delegation, revocation, transfer, and retirement around ccTLDs. And that's why they are under one PDP because nothing in place yet for retirement. So that needs to be completed at the same time.

CHAIR SCHNEIDER:

Okay. Thank you. And I realize it, but you did a great job.

So there are two elements of this. One is the development of a policy that is not there yet, basically, and the other is review of all policies regarding delegation, redelegation and retirement of ccTLD.

So thank you very much.

Do we want to run through all the three issues and then take questions or do we want to give opportunity to take questions now?

Okay. Questions now. And comments.

Please be short, but of course you're invited to make comments.

European Union. Thank you.

EUROPEAN UNION:

Yes, thank you.

I have a point to raise but not specifically related to the reviews.

So shall I raise it now or later? Later?

CHAIR SCHNEIDER:

If it is about the EPS- blah, blah, blah? Yes, that will come later.

Thank you.

Netherlands.

NETHERLANDS:

Thank you. Thomas de Haan, Netherlands.

Just one question. The retirement is something which (indiscernible) The Netherlands were involved during -- with the retirement of .AN and to three others, potentially, but one got active.

My question is, let's say, the real problems which the new ccTLD now faces. For example, basically has to do with universal

acceptance. Is this also part of it? Because that's, let's say, the most pressing issue, what I would say, from retirement, and then having new ccTLDs.

Thank you.

BART BOSWINKEL:

Thank you, Thomas, for the question. I think the universal -- The question is -- to answer your question very briefly, no, it has nothing to do with it.

To allude it a little bit, the issue of universal acceptance is not just limited. It is a new ccTLD. It happens with, say -- it happened with Southern Sudan, it happens with IDN ccTLDs, and it happens with new gTLDs. They all will face similar kinds of issues, and depending whether it's an IDN or an ASCII, there is a -- a stack of issues.

So the easiest one is effectively with ccTLDs, I would say. But they all face universal acceptance. It's not included. It's a separate track, and it's more an operational, and it's not -- I would almost say it's not in ICANN's remit, but....

CHAIR SCHNEIDER:

We can take one more comment, I think, or question on this issue. If there is.

BART BOSWINKEL: Maybe just one more thing?

CHAIR SCHNEIDER: Yeah.

BART BOSWINKEL: If you are more interested, because this is really, really quick, I had this -- or we had the same issue this morning with the ccNSO. Hopefully this afternoon we'll have a more extensive discussion, in particular around the issues. If you are interested, you are more than welcome to participate in that discussion, and we will inform you if and when that takes place, or through staff.

CHAIR SCHNEIDER: Yes. And of course the issue of retirement of ccTLDs is relevant to those countries that had, for instance, like changes in their names or structure, and for the others is of less importance. But nevertheless, it is important because there are fundamental principles that should be developed and applied because you never know what happens to your country, and you may be in a situation that you don't think so, and so on and so forth.

So I think even those who think this is not in their immediate interest, yeah, it's -- it's not so -- so it's important for us all.

And of course the review process --

BART BOSWINKEL: Yeah.

CHAIR SCHNEIDER: -- is something that's important to everybody. And I guess one of the elements is also do talk to your ccTLD managers and others who know. And of course they're all available here, the people on the table, to look into this.

If there's no more question on this one, then I would like to proceed to the second item on the agenda, which is the -- yeah, it reads here "Uncertain future of CCWG-UCTN."

KATRINA SATAKI: So it's use of country and territory names.

CHAIR SCHNEIDER: Yes, I know what it means. It's just is this --

KATRINA SATAKI: Please, Annebeth, our co-chair on this Cross-Community Working Group.

ANNEBETH LANGE: Hello. It's Annebeth Lange again. I will try to make it short as well.

We have a Cross-Community Working Group trying to find out what to do with the country and territory names originating from ISO 3166, first level, new gTLDs or new TLDs, whatever it will be.

We have been working since 2013. We have arrived at an interim conclusion for what to do with two-letter codes. Those two-letter combinations outside ISO, those who are not delegated and not on the ISO chart. And then so far we agree on everybody, all through the different stakeholder groups agree on leaving those to potential new countries in the world. So two-letter codes remains for ccTLDs.

When we started to discuss three-letter codes, then it got much more difficult, because as we know today, the traditional change or the different situation for CCs and Gs originally was two-letter code CCs, all the rest Gs.

But as it has developed, the years since we started with this new gTLD round, we see clearly that it's not as simple is that because

we have brands, we have geographical names, and we have those more generic, in the generic sense. What we used to think of as generic, like .SHOP, .MUSIC, those names.

And it is of a lot of interest from all geographical groups in the geographical names.

And you know that. You have those all those not included in the IPB 2012.

So we have addressed the three-letter codes extensively in the working group through the face-to-face meetings and a lot of teleconferences, but we have not arrived at what the mandate was to try to find a common framework, how to treat them in the future.

No agreement. And the interest thing is that the agreement not - or it's not necessarily along the stakeholder groups completely. It's also within the different stakeholder groups; that in the CC it's different views. And I think also in the GAC it's different views, what to do. And even in the GNSO. But in the GNSO, it's a more consistent view that all TLDs that's not a two-letter code should be treated through the subsequent rounds, the working group they have today.

What we now do is to finish our work out the year. We are going to send out an interim report and have to -- to acknowledge that

we have not been managing to come to a common framework. So then it will be up to the different chartering organizations for the Cross-Community Working Group to find out what to do next. From our point of view as a CC, we want to do this in a cross-community environment. We think it's interesting for us, for ALAC, for the governments to find a solution that we can live with so we don't have a situation where it's a new Applicant Guidebook coming, solving the question from the GNSO side, and then we all disagree in the end.

That's how it stands now. So if you have any questions, please let me know.

CHAIR SCHNEIDER:

Thank you very much for this, again, very clear and concise overview.

I see Switzerland and Iran and The Netherlands and Norway and Thailand.

Okay. I start noting.

Please be short. One-minute each.

Ha, ha, ha.

SWITZERLAND: Thank you, Chair. I'll try to be very brief. Jorge Cancio for the record.

I think that I want to piggyback on something that Annebeth said, that we are dealing with names that go beyond what are the original generic TLDs. And there's an in-built tension to that development where the gTLD space is no longer populated by really generic top-level domains but by very specific top-level domains, including top-level domains that could be, in this case, country names which have a very specific treatment and also have -- give rise to very special sensitivities.

So I think that also gives rise to the need to have more cross-community debate, as Annebeth said. And surely this question should only be developed under such a cross-community environment.

Thank you.

CHAIR SCHNEIDER: Thank you.

Thailand.

THAILAND: Okay. Wanawit from Thailand.

Are there any plan from ccNSO, that because of the interim report or the progress report that contain such a good principles that we all need to looking at any plan that you summarize, the principles derived from that report? And coming back to the GAC for us to -- to recognize or adopt it as a sort of common principles. That would be good for us to also understand, because, otherwise, if you read the whole full report, it would be too complex to digest. But if we can have the principle derived from that and coming out, then the GAC would adopt that, I think, and any plan for that.

Thank you.

ANNEBETH LANGE:

Well, two minutes. It's difficult to answer this but what we will do is after we have finished the ccNSO meeting, I suppose the council will take a decision of what to do for us next. And in the interim report, what I could do is to try to give a very short summary of what we have discussed and send to my GAC representative or secretariat after this meeting.

Yeah, and it also is an executive summary. And I'm here to talk with you. If you have further questions, I can talk to you in the hall and whatever.

CHAIR SCHNEIDER: Thank you. I think this was probably -- definitely very useful.
Portugal.

PORTUGAL: Thank you. I'm going to speak in Portuguese.

I'll be brief. I would like to say there is a comment on this topic, and my comment is the following. This universe of names is so vast that I am under the impression that the three letters or the two letters that represent a country are really sensitive. PRT, the three letters for Portugal, are widely used. I have them on my passport, for instance.

So if we start to use these letters as generic names, this raises many sensibilities and sensitivities. I do believe that there are so many names that the need to use the three letters related to a country may very well take a longer time. We may very well need to mature and evolve these before reaching any decision.

Thank you.

CHAIR SCHNEIDER: And thank you all for the brevity of your interventions. I have more names but there is somebody here who was very quick in holding -- there was Iran. Thank you. I thought so.

Kavouss, please go ahead.

IRAN: Thank you very much. I was after Switzerland, but it doesn't matter.

What I understand, not only there is lack of cooperation, collaborations and consistency between GAC and GNSO, I see that there is something between ccNSO and GNSO.

I think there is a need that the three group working together, very importantly, because I see that you have a different conclusion than GNSO, they have different conclusion than GAC, and we have problems.

This must be involved and must be included in the communique that we have observed from the meeting between GNSO and ccNSO this need of further collaboration and cooperation from the earlier stage, but not at the end.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Norway.

One second to Bart. Okay. Bart.

BART BOSWINKEL: Respond to that one. I think one of the reasons why the group concluded a harmonized framework is not feasible is divergence within groups as well. So it's not just between the ccNSO, GNSO, and ALAC. It's also between the ccNSO, ccTLDs. There is a wide range of views. Within the GNSO there is a wide range of views and within the GAC there is a wide range of views. And this is all documented in the interim report.

So be careful with concluding there is a rift in this sense between the ccNSO and GNSO. We're talking about potential ways forward. That's where the discussion is.

CHAIR SCHNEIDER: We note things are more complex than we thought, and that's -- it's even more complex than we think now. Okay. Thank you.

Next one is Norway.

NORWAY: Thank you, Chair. No, I don't know if we have problems. It's complicated. I think I'll be very brief and just point to the current GAC advice on this. And that is to keep the current protection in place with three-letter codes until we have a solution that we can all agree on. I think it's important that that is what we said in the Helsinki communique. And that is what we should stick to. Because we also then said very clearly that

the GAC requests that the community does not rush into the removal of the protection that is there now. So I just wanted to underline that. Thank you.

CHAIR SCHNEIDER: Thank you. This is, of course, useful. 30 seconds, 35.

ANNEBETH LANGE: Thank you. I agree. That is the result of a study y group that was before the working group. We got counsel advice to send a letter to the ICANN board to ask them to keep up the protection for the next rounds until we could find a solution that everybody was comfortable with. So we will take this back to the council as well. And through a combination of GAC advice and a letter to the ccNSO, at least we have shown what we feel about this.

CHAIR SCHNEIDER: Thank you very much. I have Spain and the Netherlands on my list. But, as the 10 minutes that we have for this issue Spain, Netherlands, do you have something that is adding unbelievably additional value or could you live with -- Netherlands.

NETHERLANDS: Yes, thank you. Just very shortly, I think protection of the three codes, it's wise to have the protection I say two or three years

ago. But we are progressing. I think we are also in a kind of liberalizing environment in which we have much more experience here. So what I would only would like to say also to the GAC members is in the moment we discussed the three-letter codes. I would very much stick to the subsidiary principle. That means that not ICANN, not GAC as a whole should be deciding, very short, how to use, for example, the dot NLD, which is Netherlands. But it's the local Internet community with the government who decides on this. So I would very much urge to have this as a discussion item.

CHAIR SCHNEIDER:

Thank you. That's a value added.

Spain, do you have anything else to contribute? You didn't take the floor. Thank you.

I think we have to stop here. Of course, we all have emails. We can continue the discussion online.

And with this I'd like to move to the next thing and spend a few more minutes of our lunch break on this one, which is the EPSRP working group's progress.

Thank you.

GIOVANNI SEPPIA:

Thank you, Thomas. Thank you, Katrina. I try to be a speeding light.

In 2013, ICANN introduced, following community input, a process of appeal for those IDN ccTLDs strings that had been rejected by the DNS security and stability panel not because they were threatening the security and stability of the Internet, but because they had been confusingly similar with certain ISO codes. So this appeal process was introduced in 2013 and was meant to provide the entire framework with more scientific and solid background for this kind of confusingly similar assessment. As a matter of fact, there was a linguist panel that was created in 2014. And upon request of the rejected strings, started to reassess the strings. So what happened in 2015 is that the panel concluded the reassessment of the strings. But for one case, the confusing similarity was having a sort of split output. Because the confusing similarity was against the upper case version of the ISO code but not against the lower case version of the ISO code. That said, the panel couldn't make a decision on that and requested the ICANN staff to provide them with guidelines.

The EPSRP, which is a very nice and beautiful acronym that stands for extended process -- extended procedure for the similarity review -- no, not even that. Extended.

UNKNOWN SPEAKER: Extended process similarity review panel.

GIOVANNI SEPPIA: I was right the first one. Okay. Good. So for this panel guidelines were produced by ICANN staff, and they were subject to community input a couple of years ago. So the panel requested for the ICANN staff to review the guidelines. There was a board decision in June 2015. And that Board decision was to instruct ICANN staff and the ccNSO to set up a working group, including ccNSO members, and with the support of GAC and SSAC to review those guidelines to address similar kind of outcome.

The working group produced a charter, started to work. And we recently, as I'm the chairman of the working group, we recently submitted to the ccNSO council the final outcome of the working group work.

The outcome is divided in two parts. The first is recommendation to review the guidelines. And, more specifically, it says that, in case of a split outcome, it should prevail the similarity the possible similarity against the lower case rather than the upper case. And still in this recommendation we also highlighted that, in case of mitigation policies, to prevent or sort out end user possible conclusion,

these kind of mitigation policies should be produced and enforced at the registry level.

The second part is a quite broad recommendation because the working group discussed quite extensively about that. And there was an acknowledgment that currently ICANN as a complete inconsistent policy regarding confusing similarity in the TLDs. Because we go from the new, for instance, ccTLDs where confusing similarity is not assessed at all, to the gTLD, especially the new gTLDs where confusing similarity is assessed in a very soft way. While for IDN ccTLDs confusing similarity is assessed in a very specific and strong way. So the recommendation was for ICANN to consider and to have a quite uniform and consistent approach to confusing similarity across the TLD environment.

And I was very happy yesterday in the public forum to hear Patrick Faltstrom of the SSAC saying that they are currently looking into this matter.

That said, as I said, this output of the working group was submitted to the ccNSO council. The output was supported by the ALAC and the GAC. Thank you so much for the support. And also by VeriSign who is supportive of the fact that there should be consistency in the IDN space for assessing the confusing similarity. That said, we also receive a stronger -- well, we didn't receive. That's the second time I make the same mistake.

Because SSAC produced negative advice against the output of the working group to the ICANN board. And negative advice that has been discussed recently yesterday during a meeting. And it's based on some sort of misunderstandings. And we have been currently -- we are currently trying to sort out those misunderstandings. I leave the floor to Katrina and Bart if they'd like to clarify the misunderstandings. Please.

KATRINA SATAKI:

Thank you, Giovanni. Yesterday we had a meeting with SSAC. And I'm going to try to address the issues that were not clear and looking forward to a fruitful collaboration where the SSAC -- currently, we're waiting for a response from them. And then the ccNSO council will decide on the next steps that should be taken.

Probably we will not go into much details of those discussions, because we do not have time.

CHAIR SCHNEIDER:

Bart doesn't want to add anything. But, just to understand, the SSAC was part of your working group and then they issued or how did this work? Thank you.

GIOVANNI SEPPIA: So the SSAC was invited by the ccNSO secretariat to participate in a working group. But they stated it's not their habit to participate in these kind of working groups because they used to comment on specific documents rather than participate in working groups. So contrary to the GAC where we had two extremely proactive representatives of the GAC in our working group. Thanks a lot to Manal of the Egyptian government and to Panagotis of the Greek government. The SSAC didn't take part in the working group.

CHAIR SCHNEIDER: That reminds me of another story at least where things are claimed it's about non-participation. But I'll shut up on this one. European Commission.

EU COMMISSION: Yes. Thank you very much. And thank you very much to Giovanni and others for making the presentation on this working group. You've already mentioned that the GAC has already supported the recommendations that have come out by the working group.

I just wanted to go back to yesterday where Minister Ravi Shankar Prasad reiterated the very important role of IDNs in the Internet and in the DNS. And I think this is something that is of

particular importance to the GAC. We have supported the introduction of IDNs. And, Giovanni, I'm going to refer to your comment yesterday in the DNS abuse case where you identified, specifically, the case where in dot EU we have Cyrillic dot Cyrillic or Latin dot Latin, which reduces confusability, makes the string more easy to identify, et cetera. And this would also be the case in the particular case that we're thinking of here which is .EU in Greek. It would be Greek dot Greek, which, again, follows the same principle and is in line with your recommendations. And I'm looking forward to seeing the results of the ccNSO council decision on the working group's recommendations. But I would just like to recall and suggest to you that you look again at the ICANN bylaws on the role of SSAC advice and its value and where it applies and to whom. I think it's useful to go back to first principles and look at what this advice means, its impact, et cetera.

And, in addition you've identified already Patrik Faltstrom has said yesterday in the public forum that there have perhaps been some aspects that haven't been taken into consideration sufficiently and perhaps should be reviewing exactly what that advice was.

So I wanted to thank you all very much. And also to Manal and Panagotis for their very active contributions in the working group. Thanks again.

CHAIR SCHNEIDER: Thank you. Any reactions or further comments? We have one minute left. If that's not the case, actually, we've gone 12 minutes over, but it's always a question of how to present this.

So yes. With that, I'd like to thank you all very much. It was very efficient given the little time that we had. We will do everything that we have again one hour as we usually have in the next meeting. See Katrina wants to say.

KATRINA SATAKI: Thank you very much for having us and the longer the meeting, the shorter time we have for -- for our cross-community sessions. So thank you very much and see you next time.

CHAIR SCHNEIDER: Thank you all. This is the lunch break.

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