

PROPOSED PROCESS FOR A FACILITATED DIALOGUE BETWEEN THE GAC AND THE GNSO ON PROTECTIONS FOR INTERGOVERNMENTAL ORGANIZATION (IGO) ACRONYMS AND CERTAIN IDENTIFIERS OF THE RED CROSS MOVEMENT AND ITS NATIONAL SOCIETIES

General Notes:

- The issues of protections for Red Cross identifiers and IGO acronyms are to be treated separately, i.e. as separate discussions.
- The facilitated discussions are not intended to be decision making processes but rather as a good faith, mediated dialogue from which the outcomes will be taken back to the GAC and the GNSO, to be resolved by each in accordance with its own processes. Neither the GAC nor GNSO leadership have the authority to bind their respective communities to the outcomes of the discussions.
- The purpose of the discussions is to develop solutions for the two topics that can be acceptable to both the GAC and the GNSO, where the final policy proposals take into account GAC advice in that context.
- It is possible that the discussion concerning the Red Cross may occur prior to the ICANN58 meeting in Copenhagen, though it was agreed that on both issues the groups will try to work inter-sessionally.
- Any briefing materials to be used as the basis for the discussions should be distributed to the GAC and the GNSO at least three weeks prior to the discussion in question, and not later than two weeks before the discussion.
- The GNSO Council leadership will revert to the group that were on the 20 December 2016 coordinating call after the next GNSO Council call (on 19 January 2017), with the GNSO Council's feedback on the proposed process to be followed.
- A mailing list will be created for those GAC and GNSO representatives, Board members/representatives, and ICANN support staff that are to be involved in the discussions (to include all that were on the coordinating call of 20 December 2016).

Proposed Process (applicable to both issues):

- There is to be a facilitated discussion between the GAC and the GNSO on each of the two issues.
- The following documents will serve as the initial basis for the discussions:
 - A briefing document for each issue, which will include:

1. A problem statement for each topic;
 2. The specific international law that applies to the topic¹ – such as an international treaty and a note on how it was created;
 3. The relevant treaty text;
 4. Relevant national laws
 5. The relevant ICANN Bylaws (e.g. the scope of ICANN’s mission, and the requirement to duly take into account the public policy advice of governments and public authorities) pursuant to which protections can be provided;
 6. A list of the existing mechanisms currently available and that can be used;
 7. the current ICANN policy on the topic, if any;
 8. The GNSO policy recommendations on the topic;
 9. The GAC public policy advice on the topic; and
 10. The inconsistencies between the GNSO policy recommendations and GAC advice
- A factual document that outlines how the current situation was reached, e.g. a timeline of key events, GAC advice and GNSO policy development work
- In addition to any inter-sessional work, facilitated discussions can take place at the ICANN58 meeting in Copenhagen on each topic.
 - All discussions will be open, i.e. at minimum, recorded and transcribed; and where held at an ICANN meeting, open to the community to attend.
 - The GAC and the GNSO will each designate appropriate representatives to participate in these discussions
 - For the GAC, these are currently envisaged to be the GAC Chair, those GAC representatives who have been active on the topics (viz., Ashley Heineman, Mark Carvell, Jorge Cancio, and representatives from the IGO coalition and the Red Cross)
 - For the GNSO, these are currently envisaged to be the GNSO Council leadership and possibly the chairs of the respective PDP Working Groups (viz., the original IGO-INGO PDP and the ongoing Curative Rights PDP)
 - The outcomes of each discussion must be sent back to the GAC and the GNSO for consideration, each in accordance with its own internal processes².

¹ It was noted on the 20 December 2016 coordinating call that, from the GAC perspective, the basis for protections for IGOs is not just the application of international law but stems from the nature of IGOs as having been created by governments.

² It was noted on the 20 December 2016 coordinating call that, for the GNSO, the prescribed process mandates a public comment period on any proposed changes to policy recommendations that have already been adopted by the GNSO Council.

Attendees at the 20 December 2016 coordinating call:

- For the Board: Becky Burr, Markus Kummer, Bruce Tonkin (current facilitator and former Board member)
- For the GAC: Thomas Scheider (GAC chair), Jorge Cancio, Mark Carvell, Ashley Heineman
- For the GNSO: James Bladel (GNSO Chair), Donna Austin (GNSO Council Vice-Chair), Heather Forrest (GNSO Council Vice-Chair)
- From ICANN Staff: Goran Marby (CEO), Olof Nordling (GAC policy support), Mary Wong (GNSO policy support), Tom Dale (GAC Secretariat)