
JOHANNESBURG – GAC Preparation for Meeting with the ICANN Board

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CHAIR SCHNEIDER: Okay. First of all, thank you, everybody, and thanks to the Regions Working Groups Working group and everybody who is participating in this work, and let me just say that it is of course important that all the members of the working group join efforts to participate in this work and help producing and delivering the support that some members of the GAC from underserved regions may benefit from. So it is important that this burden is shared and everybody is cooperating and supporting also the secretariat and the co-chairs of the group, that they actually know what the needs are and what the most important priorities are of things to deliver for those GAC members from the underserved regions.

We will now move to the next item on the agenda which is, according to my document, the preparation for the meeting with the Board.

Okay. We have prepared already some time ago some items that have been sent to the Board as a preliminary list. Tom and I have had a quick look on this this morning, and we have slightly

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modified the list. And if we could ask this new list to be put on the screen.

We need to note that we only have 45 minutes this time for the meeting with the Board, so we will not have that much time. So we really have to think about what are the elements that we would just like to communicate. Maybe an information in a minute or two, what are the things that we will need to -- want to have a discussion with the Board.

So these are the issues that we propose for you to have a look at and then see what -- which ones of them we actually want to spend time on and how much time with the Board.

So, yeah, maybe, Tom, please go through the list. Thank you.

TOM DALE:

Thank you, Thomas. Just very quickly to explain to people how this latest revision has come about. In fact, in the last five or ten minutes, that's what we're doing at the moment.

Originally, about a week -- just over a week ago I circulated a number of possible issues to raise with the Board to the GAC list to start a discussion; that there was no feedback to that, but over the last couple of days, there have been a number of suggestions coming in from other areas.

So the list, in a potential order of priority but it's entirely to you at the moment, reads as follows, and you see the document on the screen. The first one is two-character country codes at the second level, next steps. And the background to that, of course, is the -- most recently, the discussion that you had in the GAC yesterday.

The next two points are not yet confirmed by the Public Safety Working Group, but they are considering those two issues as matters that the GAC, with the PSWG, could raise the Board. The first is the abuse mitigation dialogue with the CEO, which you received a briefing on yesterday from the PSWG. And the second one is the potential discussion of challenges to ensure timely compliance of registration directory services, that's WHOIS in the old language, with data protection rules. So they're yet to be confirmed by the PSWG.

Next suggested is the need for a system of consistent ICANN document tracking to enable identification of important data, such as the author, version control, et cetera. This is a particular concern of the GAC chair, and he'll talk in a moment about some examples of bad documents within the ICANN system.

The next suggestion was the new Board process for considering and processing GAC advice, simply because the Board said to the GAC in Copenhagen it will be worked on, and I'm not aware

of any further information coming. So that's why that was included in the suggested.

New gTLDs timing. Just to seek an ICANN perspective as opposed to a PDP perspective.

The issue of time taken to respond to GAC communiques. And the -- a number of GAC members had raised the issue of the annual Global Domains Division, GDD, Summit, and the fact that it's becoming a forum for some policy discussions and that's not really on the radar of the GAC and a number of other groups within ICANN.

That was the initial list, Thomas.

Thank you.

CHAIR SCHNEIDER:

Thank you, Tom.

So this is -- this is a fairly long list. I guess, I'm sure GAC members would want to raise number 1. We should -- we could, of course, spend the whole 45 minutes of number 1, we know that, so I would plea you to not repeat the messages that we've already sent, but again, basically try to find out what the Board is planning going ahead.

Yeah, so your comments are welcome. So I see Switzerland, Argentina, and Brazil. Switzerland, you were first. Thank you.

SWITZERLAND:

Okay. Thank you. I was waiting. I will be very brief. Thank you for giving me the floor, first of all, and good morning to everyone.

I think that perhaps as an introduction to the conversation with the Board it would make sense that the GAC chair makes reference to some of the outstanding issues that are on the scorecard of the Board of 12th of June. And with outstanding issues, I refer, at least in my opinion, to the following aspects. We had made an advice on IGO protections in Copenhagen where we urged -- where we advised the Board to urge the working group on PDP, IGO, INGO, curative protections, to take into account the GAC comments, and the Board has answered that they note that the GNSO PDP Working Group is looking into the comments. I don't think that response to what we were advising the Board, which was to urge the PDP Working Group, because as we have been informed, it seems that we may be going into a collision mode, and it would be good to avoid that before that happens.

The other aspect, and this is related to point 1 of the list, is that I think that in the scorecard of the Board, and there is not really a

clarification of the decision-making process and of the rationale for the November 2016 resolution on two-letter codes as second-level domains. So perhaps, also a reaction to the scorecard, this could be mentioned by you.

And lastly, I also agree that at least one reference to the GDD Summit and the importance that all stakeholders are involved in such discussions should be made.

Thank you.

CHAIR SCHNEIDER: Thank you, Switzerland.

Argentina.

ARGENTINA: Good morning, everyone. Thank you, Chair. About point number 1, two-character country codes at the second level, I would suggest that we don't talk a lot about that because we have been discussing it. Maybe take the 45 minutes but perhaps define with the board which are the next steps as they already did the two calls which I think were very useful. How are we going to move forward with that? And I also would agree with my colleague from Switzerland about the GDD Summit, why the

governments are not involved in it and how can we add value from the governmental perspective to it. Thank you.

CHAIR SCHNEIDER: Thank you, Argentina. And I think that's actually a good way to frame it, how can governments add value to the discussions, in particular the policy discussions that are -- have emerged as part of this forum. Brazil.

BRAZIL: Thank you, Thomas, and I'd like to express convergence also with Jorge and Olga. I think we should ensure very good time management for the meeting. I see on screen all the issues that are there. I think we should not maybe have more than three or four issues for active discussion. I think other issues may be added, maybe for very quick information, for very quick exchange, but we must make sure that in that case those issues are very clearly identified as such because otherwise we may not make efficient use of our time.

We also concur that in regard to the discussion on two-character country codes, we need to have a very clear indication on the part of the board what are the next steps. There was a proposal to establish that kind of task force or any other kind of

engagement process. I think it's important to have their reactions. It's not clear what is the reaction at this point.

I also subscribe to the points that were raised by Jorge and Olga in regard to the GDD Summit and also to the issue around how we can make sure GAC participates in a more actively engagement in the development of PDPs. I would recall that in the calls we had with the board in regard to the two-letter code issue that particular aspect was highlighted, that we need to work together with the board to make sure that in the -- that we are, of course -- I think the way we organize ourselves in ICANN, we have the different SOs and ACs working together but we need, at some point, to make sure that we have an efficient way of addressing the issues at the policy level. I think it's very important to avoid the situation which the GAC will just step in at a very late stage in processes, and I think that gives the impression that the GAC is opposed to the community, as the community sometimes is described. I think the GAC is part of the community, but sometimes it seems that we are in opposed sides. I think maybe we should -- we can spend some time discussing with the board how we can improve the way the whole system operates in that regard. So those are my comments. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. France, do you want to add something?

FRANCE: Yeah. Thank you, Thomas. And thank you, Tom, for the document. I'll be very brief. I just wanted to say that I support what Olga said regarding the first point. I think we should really focus on the next steps and the very practical manner and not talk about the history of the issue or even the substance and then we just talk about only that for the 45 minutes we have with the board. And I will also like to support what Brazil said. We have only 45 minutes. It's impossible to talk about eight different items. So we should really try to focus on three or four, maybe five issues maximum. So, for instance, I think a good start for that -- for reducing the number of items would be, for instance, to -- we could merge, I think, item 5 and item 7, for instance. So that would be only one item about the process for the board to consider GAC advice and respond to it. Thank you.

CHAIR SCHNEIDER: Thank you. Well, the thing is, many of these are actually -- yeah, many of them are actually pure information items or at least what we consider a very simple question that -- why an answer will take one or two minutes. What I will propose is that we cluster them in a way that we take the short ones like the information items, or the ones we think are a simple question

and we'll get a simple answer will go first. That we would take like four or five of these in ten minutes and then we have the rest of the 35 minutes for a little bit of longer discussion on it. So for instance, the number 5, to take that one. This is a simple question where we'd ask them, we know that you are working on a -- on a new process for considering and processes advice, including GAC advice. Where are you with this? And then the answer will be one minute or so by the board. Same goes for 7. But these are, I think, important messages. If we tell them that they take too long time to respond to GAC communiques and it's difficult for us to work when the response of the communique comes very shortly before the next meeting, we ask them to speed up the processes, that's also very short message that they can note. I think the GDD Summit is something that we -- we may just place the message. They may not have an initial answer. We'll ask them to maybe come back with an answer at a later stage. With regard to 2 and 3, I don't know what the people from the Public Safety Working Group, is this just an information? The first one, 2 is probably just an information. That will take one minute, right? And 3, how long do you think would we need to discuss this, Cathrin?

CATHRIN BAUER-BULST: Yes, thank you, Thomas. This is Cathrin, for the record. I don't think this would be a big discussion. This is just to confirm. I

think we've seen now at several meetings, including the RDS PDP public meeting yesterday, that the board also has significant concerns about the ongoing work and especially the speed at which it is going, in view of the impending deadline of the general data protection regulations going into force in May next year, and this is really just to signal our support for any efforts that the Board may wish to undertake to help implement -- or to help modify the systems in such a way as to be able to correspond with the GDPRs requirements. So I'm not sure this would launch a big discussion or anything, but it's a bit difficult to say. I would think it's a short item.

CHAIR SCHNEIDER:

Okay, thank you. So we actually have -- I will come to the number 4 in a minute, giving the staff time to put -- put the -- a document on the screen. So we actually have most of them that are just short items, and what we propose you will change the order and maybe put an indicative time that we think -- also for information to the board that we think we will spend on each of the items on it and then I think in the end we can nevertheless pass a few very clear messages and have some time to discuss, for instance, the GDD issue, and then even have a little bit longer time to discuss the next steps on the two-character codes.

So what you will see now is something that is personally upsetting me and getting me upset more and more because I think it's really something that should not happen. This is a -- an example. You can actually show the whole page. That was okay. It's not about the content. It's about how these documents look like.

ICANN is -- make it so the whole page is visible on the screen, if you can. Like it was in the beginning. If ICANN is really serious about being open and inclusive in its processes, it is not really helpful if you receive documents like this. That is just one recent example. It doesn't say who wrote it, it doesn't say what process it belongs to, it doesn't even say ICANN on it, it doesn't say which version or what date it has, and so that means if you're not an insider to the process, it takes you some time to just understand, okay, where does this document come from, where does it belong to, is this actually the latest document or is this a document from three years ago or so on and so forth. If you go to the next slide, this is a CCWG document that was sent out, Work Stream 2, whoever knows what WS2 is. This is a Public Safety Working Group document, so also on our side. I'm not blaming the particular ones. I'm just taking the ones that I found. This is a Public Safety Working Group document. It doesn't really say ICANN. It doesn't say who the author is. It doesn't say where -- so it's the same. And if you go a few pages

down, this is five pages long. The next one is a document, this one is the straw man proposal that we received a few days ago by the subgroup, the subsequent procedures. Also, how clashes between trademarks and terms of geographical significance can be avoided. Fine. If I'm not really closely part of this process, how should I understand what this is about? So I'm -- if you go back just 12 months you can probably find hundreds of documents like this. So if ICANN is serious about being inclusive, it needs to lower the threshold of access to non-insiders, of people who don't have the capacities to follow every process in detail and know things by heart. One -- a low-hanging fruit is to introduce some minimal requirements on how to name documents. This is not -- this is something that you can develop in one hour or in one day, and then you have it. So this is something that I -- I proposed, and I already sent you an email sometime ago when I was working at night and came across one of these things. This is something that I think we would proposal the GAC to raise with the board and say we will ask you to introduce a minimal standards requirement for all the documents that are produced in the ICANN system, at least the formal ones, so that people know where does this come from, where does this go to, what is the process that this belongs to, and what date or what version of the document am I looking at. So that -- that is just something that I think is a very low-hanging fruit, if we want to help ICANN to be more inclusive, which I think

is a goal that we all share. I will not go on on this harangue any longer, but unless you oppose, I will try and make that point at the meeting with the board.

Okay. We are two minutes past our official 15 minutes of the coffee break. So if it's okay for you, we'll rearrange the issues and, yeah, put the ones that are just for information first and the ones where we have a simple question where we expect a simple answer, and then the two ones that are -- or three that are a little bit longer and we'll stop with the -- with the two-character codes discussion so that we can use the rest of the time, whatever that will be, for the two-character codes, if that's okay for you. Okay. France.

FRANCE: Yeah. Thank you, Thomas. I think your idea is very -- is very relevant but so for the item that is for information only then we wouldn't be able to discuss it in the plenary.

THOMAS SCHNEIDER: Sorry?

FRANCE: For the items for information only, for the meeting with the board, so there would be no discussion in the plenary with the

GAC members. So nobody can comment on it. It would just be information from the board, right.

CHAIR SCHNEIDER: Well, I mean, we can discuss anything in the plenary. But I would -- well, maybe we shouldn't say just for information but it's a message that we're trying to pass to the board that has a -- a history to it probably in these cases. Okay? China?

CHINA: Thank you, Thomas. Just a very quick point. If we are not able to cover all those issues, we may ask -- can ask for written answers from the board to answer some of the questions proposed by us.

CHAIR SCHNEIDER: Yeah, I think that -- yeah, there will be some we'll ask them the question and then tell them that they can take some time and we'll be happy to see a written answer, yes, that's -- that's the plan, at least for some of these. Okay. So this is the coffee break. Thank you.

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