
SAN JUAN – GAC Discussion: .amazon
Saturday, March 10, 2018 – 14:00 to 15:00 AST
ICANN61 | San Juan, Puerto Rico

CHAIR ISMAIL: Thank you for your attention. We are about to start agenda item 2 on the schedule. The GAC discussion on Amazon sessions at 1400 Saturday 10 March, for 60 minutes. Please remember that when you are called upon state your name and affiliation for transcript purposes. So I promised to get more acquainted with the script so it doesn't sound so robotic, but so, Tom would you like to take us through the topic before we open the floor for discussion and updates. Thank you.

TOM DALE: Thank you Manal. At the Abu Dhabi meeting the last face to face meeting of the GAC there was extensive discussion about possible actions following a decision by the independent review process on the application by Amazon for certain domain names including .amazon and the equivalent in some other scripts. At that meeting two things happened. The Amazon submitted a number of proposals concerning handling of the application.

Held among those GAC members concerned about the issue. The second thing that happened was that the board. The ICANN board requested the GAC at the Abu Dhabi meeting to do two

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things. The GAC would ask the GAC firstly if it has any information to provide to the board as regards the independent merits based... regarding the GAC's advice the Amazon application should not proceed and secondly the board is asking the GAC if it has any new or other additional information to provide to the board regarding the GAC's advice the Amazon application should not proceed and it says if the GAC has any such information to provide it to the board by the end of the ICANN61 meeting. In relation to that request you may recall that at the request of the leadership group I circulated an effectively an interim draft reply to a couple of weeks ago. GAC members indicated that they would prefer to wait until this meeting to have any discussion about how to respond to the board's request, so that's the second part of the issue.

The first part as the briefing says make indicates that there is an opportunity for an update from those countries most actively involved, and I believe Brazil may be able to do that. Brazil and Peru and a number of other GAC members have been involved outside the GAC process, and secondly the issue of the response to the board is still on the table so that's where we are up to. Thank you Manal.

CHAIR ISMAIL:

So thank you Tom, yes, Brazil please go ahead.

BRAZIL:

Thank you Manal and again good afternoon to everyone. Is Benedicto speaking for the Brazil government, on behalf of the Brazilian government. I will address the first part of what was reported by Tom regarding the proposal that was made by Amazon during the Abu Dhabi meeting. Following meeting and in line with the commitment we undertook at that meeting, myself and the other members of the Amazon corporation organization that were present at that meeting. We undertook the commitment to take the proposal made to Amazon to consideration of the wider active membership and that was done immediately following the meeting at the first meeting monthly meeting that takes place ordinarily at BRAZILA at ACTO the issue was submitted. We reported to that to that meeting and on the basis of the report we made the issue was part of the agenda of the 12, 13 meeting of ministers of foreign affairs of ACTO which took place first December, 2017 in TENA Ecuador. So during that meeting the ministers reviewed the issue, and they made the following resolve, I will read the relevant paragraph from the ministerial declaration. Paragraph 18. And I quote "the minister resolved to consider the full validity of paragraph 31 of the declaration of ELCOCA of the 12th meeting of foreign affairs of OCTO on May 13, 2013 in Ecuador onto instruct bodies of the member countries to carry out a

comprehensive and urgent review of the proposal presented in the 60th meeting of ICANN in and Abu Dhabi to reach a common proposal.

So in line with the decision made by the ministers this technical working group was established, and I'm glad to report it has been working on a terminal basis. As perfect the request of the ministers that there should be a sense of urgency in reviewing the proposal that was made by Amazon, and besides that the working group has already held three plenary meetings."

I must also report that after the Abu Dhabi meeting Amazon forwarded to ACTO revised proposal on the basis of the proposal of the elements that were proposed at Abu Dhabi. Amazon further detailed and expanded the proposal, which was received on 7 February, 2018, and immediately the working group started consideration of these revised proposal that was on the 8th of February, that was the first plenary meeting in which we started to consider the revised proposal, and then we had another meeting on 22 February to continue to re visit the proposal.

On that occasion we agreed on a set of questions that should be addressed to the company in order to allow us to have more details on elements that were, that were contained in the proposal, the reason for that was that we want to make sure that upon reviewing the proposal, upon preparing the report for

the political authorities of ACTO that we have the best information and the full understanding of all the elements of Amazon's proposal.

So this, this was done. I must say that working in the context of a number of countries, there are 8 countries that are members of ACTO we need sometime to agree on even on the texts that are being proposed by the group as a whole, so unfortunately, took us some time to agree on the final wording of the letter so that was sent on 1st March. We've a set of questions, and on 5th day of March received the response from Amazon. We met immediately the day before. That was already scheduled. We met on the 6th of March. That was Tuesday of last week. Unfortunately, there was no time to consider in depth the responses that were provided by Amazon. We had an initial discussion and we also agreed on in principle on the structure of the report and we set a time line for completion of our work. We shall meet again after this meeting. There is already a scheduled meeting for 27th March. And a few we anticipate we need, besides that meeting on 27th March, yet another meeting at least to complete the report, but we hope this will be done maximum by mid April.

So we can conclude our report and as I have explained, this will then be sent to our political authorities for consideration and for a final to allow for a final response on the proposal. So this is

what I would like to report that this line with what was agreed in Abu Dhabi we have been working diligently towards preparing the report as perfect the instructions of our ministers and there will be considered.

I must also comment that in between Abu Dhabi and now we have been holding have been approached by Amazon, the legal representatives of Amazon, but also from the ICANN board members who have been made made themselves available to play a facilitative role as it was asked on the part of the ICANN Board. So this has been done. And I would also like to comment that those contacts with the legal representatives, we have have allowed us to have a better understanding, and further refine the to give us elements to further refine the reports so I would like to thank both Amazon representatives and the ICANN Board for their and just before handing back to you madam chair, since we have in the room representatives of other member states, namely Venezuela, Guyana and Peru, I would like just through you madam chair, just to request those representatives if they would like to add something to this report.

Again, I am trying my best to report on behalf of the whole group, but of course we have not an agreed text for that so I would like to make sure if I could also rely on colleagues if they

wish. If they think it's necessary to add anything to what I have reported.

CHAIR ISMAIL:

Thank you very much for this update. We truly appreciate the efforts being put on this co operative and good will and co operative spirit and we also appreciate the level that this discussion is being conducted at. I mean the level of the foreign affair ministers, so thank you for this, and definitely the floor is open for others countries who may want to weigh in on this, whether Guyana, Venezuela. Peru. I have Guyana, please go ahead.

VENEZUELA:

Venezuela speaking. We confirm what Benedicto has just explained. My colleague has gone through the details of the activities carried out by the countries between the Abu Dhabi meeting and this meeting in Puerto Rico. All the countries have been working through video conference calls, on specifically defined agenda but all the 8 countries. Unfortunately, not all the members of these organizations are part of the GAC membership, Bolivia and Ecuador are not currently GAC members and there are other countries that are GAC members but are not participating here like SURINAM. Columbia. They haven't been able to attend this meeting but all of these

countries have been working hard to be well prepared for this report.

As Benedicto has just said we are going to have a report ready by the end of the month and it will be sent to our authorities with the aim of achieving some potential solution and defining the next steps. Thank you madam chair.

CHAIR ISMAIL:

Thank you very much Venezuela. Any further requests for the floor?

So in case none, then thank you very much for the update. And I think normally we have such updates reflected in our communique, so this will be done. I think it's going to be a straightforward language, and then we come to the second part of our discussion, which is how to respond to the pending Board request that was communicated to the GAC asking for updates by ICANN61.

So Tom, can you please remind us of the exact language? I'm sorry. It's okay. I mean, meanwhile we can so any suggestions on how to respond to the GAC to the Board request, I'm sorry? So please Tom go ahead.

TOM DALE:

Thank you Manal. The draft that was circulated to the GAC in February, the draft reply to the Board was quite short. It reads as follows it's addressed to Chalaby the chair of the ICANN Board. I am writing in response to the letter of 28 October, 2017. Which conveyed the terms after Board resolution asking the GAC if it has 1 any information to provide to the Board as it relates to the merits based public policy reasons regarding the GAC's advice that the Amazon applications should not proceed, or 2, any other additional information to provide to the Board regarding the GAC's advice that the Amazon application will proceed. The GAC understands that discussions are continuing manage relevant governments regarding the proposals submitted by Amazon.com at ICANN60 and that ICANN ORG has been helpful in a facilitative role.

At this time the GAC does not have any additional information to provide to the Board on this matter. The GAC will be discussing relevant developments at its meeting at ICANN61, and will consider whether any further communication to the Board is necessary or desirable. That's the end of the letter. Thank you.

CHAIR ISMAIL:

So this is to trigger the discussion and to give us a starting point for response to the Board, so any comments on this short brief

response? So do we take this as an agreement that we can communicate this with the Board? U.S. please.

UNITED STATES: Thank you very much. In light of the very thorough report that Brazil just provided perhaps it would be useful if we take this opportunity to highlight some of the activities that have taken place since Abu Dhabi to show that there has indeed been progress even though the GAC does not this any additional information to share at this point?

CHAIR ISMAIL: So, any reactions to this suggestion? Switzerland please.

SWITZERLAND: Thank you Manal. For the record. I just was looking up the our prior exchanges on this issue, and I think that in line with the proposal made by Ashley there had been also some exchange on the lists, and I had proposed on the list that we also made reference to the key elements of the Abu Dhabi communique, which was dated later, if I am correct to the letter of Steve Crocker. So I think that's in if we want to go down this path, we could add to the draft prepared by Tom, the elements from the Abu Dhabi communique there's some echo here.

And also add some (echo) and we could add also the summary of only once now without the echo please add also the summary of the information we got from Benedicto and Venezuela. So I think that would convey to the Board quite a lot of information which is valuable in their continued consideration of this case.

CHAIR ISMAIL:

Thanks U.S. and Switzerland for the suggestions. So any comments from I mean its a sensible suggestion, if we put more info into the letter, if this is okay with everyone, so and again, I mean this will be circulated again to everyone for comments of course before, before responding to the Board, so do we take silence as acceptance? So yeah.

UNIDENTIFIED SPEAKER:

Thank you and to to Brazil for the update. As we can see there's really hard work going on and good work and there's a good progress. We of course do not know what the result is. What we think is important is really that there is going to be an acceptable solution, and to be sure that the Board are not doing anything in the meantime, so from our point of view it will be important that we highlight that discussions are going on, and the GAC are looking forward to the result of the discussions. Thank you.

CHAIR ISMAIL: Thank you Denmark. Peru, please go ahead.

PERU: I would like to stress the fact that we are not negotiating right now. We are simply analyzing a proposal. I think the word progress should be interpreted in those within its limits, within the limit of the analysis we are making. The word progress by no means should be interpreted as favorable opinion towards the proposal, or a negative opinion. We are simply analyzing the proposal: There is progress because we are sitting 8 countries to analyze this proposal, and that itself is a great effort, but I would like to stress the fact again, we are not negotiating. We are analyzing. That's all. Thank you.

CHAIR ISMAIL: Thanks. And just for the transcription the past intervention was by Peru and not Europe so just to correct the transcript. Any further comments or reactions? If not then we reflect the comments and put some more info into the response, and then circulate with GAC colleagues. Tom please.

TOM DALE: Thank you Manal. Yes certainly. I will revise the draft reply taking into account the suggestions from members here that that will be I will be able to do that either today or first thing tomorrow. Probably tonight, in fact. Given the GAC is actually meeting with the Board on Tuesday afternoon, do you think they would be the aim of finalizing the letter, and actually sending it to the Board before the meeting with the Board? I can certainly circulate it by tonight but I'm just wondering if there might and process issue to think about.

CHAIR ISMAIL: So, I have the easy task here, so if you are willing to do this, and GAC colleagues are willing to have a quick look, and feedback to this it would be definitely good to send this letter before our meeting with the Board, so okay. I think its worth a trial. Thank you.

So any more comments or suggestions? So we are half an hour early. So this is amazing. So anything on, on this topic before we we still have 30 minutes, and then we have 15 minutes coffee break, and then we reconvene. So if nothing on this topic we can simply adjourn the session, and reconvene, but I have to do the robotic thing first. So any, any requests for the floor before okay. Then the agenda item 2 GAC discussion and Amazon Saturday 10 March is now adjourned. We will proceed

with the next agenda item after 45 minutes, afternoon break, and thank you all. Thanks for the co operation and for the fruitful discussion. Thank you.

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