
SAN JUAN – GAC Communiqué Drafting
Wednesday, March 14, 2018 – 13:30 to 20:00 AST
ICANN61 | San Juan, Puerto Rico

MANAL ISMAIL: So thanks to everyone who has been so punctual and has been on time. So we were just digging some information on the IGO part of the advice and we're working on the draft right now. So I hope -- I thank you for your understanding. We'll be starting a little bit late, around 2:00. So sorry for the inconvenience. But as soon as you receive the communique over email, then we'll be convening. Thank you.

[Break]

CHAIR ISMAIL: So thank you everyone for your patience. We'll be starting shortly. You should have received now a compiled version of the communique, if you'd like to make sure it's in your inboxes now. Thank you.

So, welcome everyone, to GAC Session 31, the communique drafting session scheduled at 1:30 on Wednesday, March 14th. And thank you for your patience and sincere apologies for the late start.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

So we have a couple of announcements at the beginning, and then we'll proceed directly to the communique, which as I mentioned you should have received it already over email.

So, Rob, would you like to start.

ROB HOGGARTH:

Yes, thank you. Good afternoon, everyone. I hope this is a productive afternoon for you. This is Rob Hoggarth for the record. Earlier today Goran shared a blog. And thanks to Lance Hinds for, perhaps, being the first one to see it this morning.

But what I wanted to share with you is we don't have the Adobe Connect room capability this afternoon. So we're using some alternate remote participation mechanisms to allow your colleagues who are not here in the room to be able to observe and participate.

Since we won't have the Adobe Connect room, we will still have live video and audio streaming via various links that are provided on the session pages for this afternoon. And those can be found not only on the ICANN meetings page but are also available -- Gulden has put them on the GAC session pages. So you should have access to all of that.

As I speak, I'm realizing the irony that if someone doesn't have this information already they're not even hearing me say this, but at least we have it for recordkeeping purposes.

The presentations for the various sessions, that includes primarily the sessions that will take place tomorrow, are all being put in ahead of time into the session pages. So for those who are participating remotely, they'll need to go to those and download them so they can follow along.

We investigated the possibility of an audio bridge, but no one was using that at all for purposes of this week. So the alternative will be again to utilize those session pages and use the email addresses that's there. And staff is going to be monitoring those email addresses to see if anyone has any written intersessions that they want to provide remotely.

And, finally, the good news is from an archival or historic perspective, we will still have all the transcripts, all the recordings of the sessions posted for archival purposes on the GAC Web page and on the meeting site as well.

As you can see here in the room, we've got the scribes doing their excellent work. And these materials will all be posted, particularly if you need to refer to them back when you return home.

I think I've touched on all the points, Manal. Thanks for the opportunity to make the announcement.

CHAIR ISMAIL: Thank you, Rob. So before going to the communique, we have another announcement. So, Tom, please.

TOM DALE: Just for the GAC's information, just some points concerning the independent secretariat function that were given by me yesterday to the GAC leadership group and to the major donors, three points.

Firstly, we, as you may know -- our company, ACIG, has contract to provide services to the GAC until the end of January 2019 or, indeed, the end of the Barcelona meeting, whenever the funding covers it. We are committed to meeting that contract and will provide those services at the level of 1.0 until the end of the contract. And that will be -- and the 1.0 resources will continue to be myself continuously.

Second point is that ACIG, as a company, has reviewed the possibility of any extension to the contract and if an extension were to be offered, we would not wish to take it up. Further work under the contract or any extension of it is not

commercially viable. And we, therefore, would not be responding to any request as a company.

And the third point is that at a personal level, I have indicated that I didn't wish to continue working in this capacity after the end of the contract. So I'll continue to provide work until, as I said, either the end of the Barcelona meeting or possibly into January to ensure that our obligations under the contract are fully met. But after that, I will not be doing further work relating to ICANN or GAC. I'll be pursuing other interests. And to make it -- this is not related to the availability of funding, which is a separate matter, which, of course, the GAC is pursuing. The ACIG decision as a company is final, and my personal decision is final. So this is to let you know.

And good luck with the communique drafting this afternoon. I'm not going just yet. Thank you.

CHAIR ISMAIL:

Thank you, Tom. Thank you for the heads-up. We are very sorry to hear that you will not be here for future meetings after the Barcelona one. But, yeah. Anyway...

So the communique drafting, we normally do this through iterations. The first part is usually the informational part, and then the second part is on GAC advice to the Board.

So I think what we'll do right now is we'll -- we will skim quickly through the structure of the communiqué. We will go through all the headlines just to make sure we haven't overlooked any title or section.

And then we will start by the substantial part which is the GAC advice to the Board because this might go through iterations. And then we will go back to the informational part regarding our bilaterals and reporting from the different working groups.

So, Tom, can you please take us through the structure of the communiqué.

TOM DALE:

Thank you, Manal. Certainly.

To be quite clear, the version we're looking at is the one that is labeled Version 2.0. This is the version that I circulated only about ten minutes ago. My apologies. And Manal has already said it's unfortunate that we are a little bit late in starting, but some of the issues are proving particularly complex for this meeting and there was still discussions going on.

So the introductory section of the communiqué is in accordance with the GAC's usual -- usual drafting. The section dealing with meetings, again, is essentially a record rather than anything else of who the GAC met with and what was discussed for the record.

So the meetings cover the meeting with the Board, the GNSO, the ccNSO, ALAC, the NCSG, ICANN MSSSI stuff, the universal acceptance steering group, and the cross-community sessions.

In accordance with the usual practices, there's a section dealing with internal matters. We mentioned the GAC elections for the vice chair -- the vacant vice chair position. There are a number of reports from the GAC working groups, which we'll come back to later. Each of the working groups has very kindly submitted reports.

There is a section dealing with the BGRI meeting, which is in a slightly different category of its own. There's a record of the auction proceeds CCWG discussion. A short note on the secretariat. A short note on accountability, particularly the cross-community working group on enhanced ICANN accountability.

And the section which you may recall the GAC has included for several communiques now headed "Follow-up on previous advice" currently contains some material related to .AMAZON. And I should remind you that the draft letter to the Board on this issue responding to the Board's request from the Abu Dhabi meeting is attached to the current draft. And we shouldn't forget to go through that and agree to it before we get too excited this afternoon.

The second issue mentioned in previous advice concerns two-character country and territory codes at the second level.

And, finally, there is a section on other issues dealing with new gTLD policies relating to geographic names, particularly the Work Track 5 work. And a section dealing with new gTLD policies more generally.

And, finally, a short section on the high-level governmental meeting to be held at the Barcelona meeting.

Those are the nonadvice parts, if you like, of the communiqué. The only other element, as I mentioned, is an attachment. So never forget attachments. Sometimes we do in going through the draft. There is an attachment. And, as I said, it is the draft reply to the Board on .AMAZON which I circulated to you seems like a hundred years ago. I think it was only four days ago. So that will be discussed later as well.

And then there is a section on GAC consensus advice to the Board dealing with GDPR and WHOIS and two separate aspects of IGO protections and names and acronyms which we can explain when we get to that.

So over -- Back to you, Manal.

CHAIR ISMAIL: Thank you, Tom.

So anything that needs to get into the communique and is not reflected on the screen? So, if not, then I just have one observation and sorry for not bringing this earlier.

I think maybe the section on "Follow-up on previous GAC advice," maybe we can move it later in the following version under GAC advice so that we have -- I mean, because currently it's follow-up to -- on previous GAC advice and then other miscellaneous issues and then GAC advice. So the board doesn't really get to read this part in connection with GAC advice to the Board.

So if -- I mean, if it makes sense and if there is no objection, I suggest moving it under the same title and we can have, I mean, like subtitles. This is "Follow-up on Previous GAC Advice" and this is new GAC advice.

I see nodding so maybe the second version.

So can we start now with --

UNKNOWN SPEAKER: (off microphone).

CHAIR ISMAIL: Yes, please. If you can read through the first GAC advice.

TOM DALE:

Thank you, Manal. The origin of the text which I'll read through first concerning GDPR and WHOIS is that there has been a very intensive round of discussions which has involved a number of interests across the GAC, including the PSWG and the leadership group and a number of GAC members as well. So this is the most recent version.

But time pressures have meant it may not have been fully discussed by everyone, but this is the version that we've now brought up for discussion in the interest of moving on. So I'll read through it and hand back to you, Manal.

GDPR and WHOIS. The GAC highlights the importance of complying with the European General Data Protection Regulation, GDPR, which protects the privacy of natural persons including registrants and allows for the processing of and access to data for legitimate purposes.

The GAC encourages ICANN to continue its efforts to involve the multistakeholder community and European data protection authorities in its efforts to maintain to the greatest extent possible the current structure of the WHOIS. In particular, the GAC is concerned that the choice of hiding the registrant email address may not be proportionate in view of the significant

negative impact on law enforcement and cybersecurity investigations as well as on private rights-holders.

The GAC also notes that ICANN is mandated by its bylaws to ensure the stability and security of the DNS and that the current WHOIS system helps achieve many such public policy interests. The GAC reiterates its previous advice including most recently in the Abu Dhabi communique to maintain to the extent possible the current structure of the WHOIS while ensuring full and timely compliance with the GDPR.

And if you are distracted by that footnote, I should explain, that has been a standard inclusion concerning the bylaws and what they say about GAC advice.

The GAC does not envision an operational role in designing and implementing the proposed accreditation programs and the corresponding codes of conduct but reiterates its willingness to advise the Board and engage with the community on these issues from a public policy perspective.

Regarding the proposed draft interim model, as articulated by ICANN through the release of the Calzone document on February 28th and of the cookbook on March 8th and consistent with the GAC's comments to ICANN followed on March 8, 2018, the GAC advises the ICANN Board, firstly, to ensure that the proposed interim model maintains current WHOIS requirements to the

fullest extent possible, specifically to provide for a rationale for not making publicly available the registrant email address and certain nonpersonal information.

Secondly, to distinguish between legal and natural persons allowing for public access to WHOIS data of legal entities which are not in the remit of the GDPR.

Thirdly, to do everything within its power to ensure continued access to the WHOIS, including nonpublic data for uses with a legitimate purpose until the time when the new WHOIS model is operational on a mandatory basis for all contracted parties.

And the two additional points: Further, we advise the ICANN Board to, firstly, complete the interim model, taking into account the advice above. Once finalized, the GAC would support efforts to reach out to the Article 29 working party inviting them to provide their views; and, secondly, consider the use of special amendments that ICANN's standards registry and registrar contracts to mandate implementation of an interim model and a temporary access mechanism.

Thank you.

CHAIR ISMAIL:

Thank you, Tom. And France, please. And can we start paragraph by paragraph or is it a general --

FRANCE: I just wanted to say what we have on the screen is a result of a drafting group we had this morning. So I would like to thank the dozen or between 10 and 15 GAC members who participated in this group -- drafting group for an hour and a half. And we managed to make good progress. So I just wanted to point that out. Thanks.

CHAIR ISMAIL: Thank you, Ghislain.

Okay.

U.K. please. I'm sorry.

UNITED KINGDOM: Thank you, chair. Good afternoon. Yes, as Ghislain said, I think yesterday we set up a drafting group to look at this. And GAC members were invited to join that group if they had an interest.

We have done quite a bit of work in the drafting group, which Ghislain chaired. And I think just over two hours ago the drafting group finished its work with a pretty much-agreed text. There was some polishing to do and there was some differences of emphasis, but we have done most of the work, I think.

However, what we see on the screen now is very, very different to what the drafting group agreed. And I'm not sure what's happened between the end of the drafting group and what's on the screen.

What's on the screen misses out quite a number of important points that the drafting group concluded on. So my question is why -- why is it different? And I would suggest we need maybe some more discussion in the drafting group to make sure that our advice captures all the points that we discussed and that all GAC members have a chance to look at that full for advice.

Thank you.

CHAIR ISMAIL:

Thank you, UK. And I believe this is the version we have received, so maybe we can give a chance for the drafting group to convene again and agree on?

So -- So if we go paragraph by paragraph, can we still make the comments? No? Okay.

So, Ghislain, you want to say something?

CATHRIN BAUER-BULST: Yes. Just to -- This is Cathrin for the record. Just to say that I think it would be a great idea to go back to the small team and just to clarify that the edits we made which now show up basically tried to re-integrate some of the changes we agreed on in the drafting team that were in the original text before it was cut. So I think the best approach, indeed, is as you suggested, Ghislain, we just go back to the drafting team using the text that we had, that you sent around, in fact, as a result of the drafting team.

Thank you.

CHAIR ISMAIL: Thank you, Cathrin.

U.S.

UNITED STATES: Thank you, yes. I just want to reiterate what Cathrin said in large part because there are quite a few advice points that are missing as well. And I think it would be best for the small group, I think it would save some time rather than going paragraph by paragraph here, for us to go and try and make some changes.

I appreciate the desire to make this shorter. That was actually some of my concern, but I think we've lost quite a bit of the substance here as a result.

Thank you.

CHAIR ISMAIL:

So if I understand the suggestion correctly, the drafting team will take this offline and provide us with another version; right? Or we putting on the screen the old version?

UK, please.

UNITED KINGDOM:

Thank you. Yeah. Perhaps the best approach is for the small team to have another look at it. I agree, it was rather long. But perhaps we could ask the small drafting group to shorten it, and then we'll bring that back to plenary.

Thanks.

CHAIR ISMAIL:

Okay. Thank you.

Then let's move on to the following GAC advice.

Tom, please.

TOM DALE:

Thank you.

There were two elements in this version concerning protections for IGOs. And the reason for that is the leadership team had prepared some draft advice concerning the list of protected IGOs following a request, you remember, from the African Union Commission to have the broader policy issue discussed in the GAC. And we had attempted to reflect what the views were in the GAC room a couple of days ago concerning more flexibility with that list.

The second -- and I'll read that out in a moment.

There is a second item concerning IGO protections where text was only provided very recently by WIPO regarding some other issues related but also slightly broader. So in the interest of time, we included both, but there may be room to provide some rationalization. But I'll read through both -- both sections as they do have some linkages. And I apologize that there just hasn't been time to work on a revised version.

The first piece of advice reads as follows: The GAC advises the Board that with regard to previous advice on interim protection of intergovernmental organization, IGO, acronyms at the second level, in particular the GAC Toronto communique and the IGO

list provided to the Board on 22 March 2013, a), an IGO should have a means to use its acronym at the second level if it so wishes; b), in doing so, the IGO should not lose the existing protection of its full name under existing policy; c), a requesting IGO should be fully informed of all implications of any release of its acronym.

The rationale -- and should remind you a rationale is required under the bylaws for GAC consensus advice. I just noted that the rationale somewhere for the GDPR advice disappeared in the excitement of redrafting, but I'm sure the drafters will rectify that.

In relation to this -- this matter, the rationale reads that the original advice was provided by the GAC and accepted by the ICANN Board as an interim protection measure, pending development of further arrangements. As such arrangements are still in progress, the GAC sees no public-policy reasons to prevent an IGO on the current IGO list requesting release of the corresponding acronym, provided that they are aware of all the implications of doing so under current ICANN procedures.

And I'll go on to read the next section which, as I say, was text provided by WIPO.

It reads as follows: Noting ongoing developments in the PDP on IGO access to curative rights protection mechanisms which the

GAC is monitoring closely, the GAC affirms its advice from previous communiques concerning preventative protection of IGO identifiers, recalls the importance of maintaining temporary protections until a permanent resolution on IGO identifiers is reached in order to prevent irreparable harm to IGOs, and advises the ICANN Board to ensure that a list of IGOs eligible for preventative protection is as accurate and complete as possible.

The rationale submitted for that is: Despite indications to the contrary, the GNSO has still not concluded its PDP on curative rights protection mechanisms. The GAC and IGOs remain fully engaged on this issue and emphasize that a removal of interim protections before a permanent decision on IGO acronym protection is taken could result in irreparable harm to IGOs. In the interim, ICANN has moved forward to implement GAC advice related to protection IGO full names at the second level. Those protections will be based on a list of IGOs that fulfill previously agreed-upon criteria. In order to ensure that this advice is effectively implemented and following significant work already undertaken by IGOs, which has resulted in significant progress on the compilation of this list, but which remains incomplete, a short-term but focused effort is needed to confirm that remaining IGOs eligible for such protections are included in the relevant list; that their names are presently accurately and that

they are protected in the language of those organizations' choice.

ICANN has been in contact with the OECD and WIPO on this initiative which the GAC supports.

Thank you.

CHAIR ISMAIL:

Thank you, Tom.

So, yeah, can we go back to the first part of the advice on release of the IGO acronyms?

And we've been discussing with ICANN org the exact implications of the release of such acronyms. So basically, so far three points that we need to be aware of. That once the acronym is released it's going to be released for good. I'm meaning that it's irreversible. It cannot go back again on the reserved list.

Second, it's going to be released under all gTLDs, not just the gTLD on the request. And third it's going to be available on a first come, first served basis, which means that it might not end up with the entity requesting the release.

So those are the three caveats for releasing the IGO names from the list.

The fourth point to be considered is that if it's a two-character code, then it also should apply by whatever process in place for the two-character code as well.

So with this in mind, I'm opening the floor for discussion, yeah.

Any comments?

Yes, Brazil, please.

BRAZIL:

Thank you, Chair.

This is rather a question. Was there any rationale provided to justify the possibility for two-characters code being released only for the requesting organization?

Thank you.

CHAIR ISMAIL:

Yeah, this is a good question. So any -- Laurent, you would like to respond?

LAURENT FERRALI:

Yeah. I would be able to provide the rationale on the GAC list, if you want. I can send you the rationale.

CHAIR ISMAIL: Is this in response to Brazil or?

UNKNOWN SPEAKER: Yes. In fact, we have this list of blocked names. It doesn't mean that it -- I mean, it's not a recognition of special right from some NGOs. The idea is that these names are blocked because we have an issue with these names -- acronyms, sorry. So we cannot move from -- we cannot switch from blocked names to a treatment of favor for IGO in the resolution of the acronyms.

CHAIR ISMAIL: Brazil, does this respond to your question?

BRAZIL: Thank you. Thank you, Chair. I suppose it does, but still -- so I understand that there might be difficulties on the technical side preventing ICANN from just releasing two-character code for the requesting organization and blocking for everyone else. This is ICANN's problem, I understand.

At the same time, there might not be any impediment for us to -- in our GAC advice, to recommend or advise the ICANN Board to only release the two-character code for the requesting organization. And then it will be upon the ICANN Board to either follow the advice or not follow it. And then if it doesn't follow

the advice, to provide the reasons why it's not following. And we would perhaps be getting the answer that Laurent provided. But we could get a different answer as well, if that makes sense.

Thank you.

CHAIR ISMAIL: Yeah, it sure does. So any comments or reactions to this point as well?

So Australia.

AUSTRALIA: Thank you, Chair. This is just a question, not a comment or reaction to the previous intervention.

We -- Is this just a first reading or are we actually suggesting amendments now? Because if so, I've got a minor amendment that I'd like to suggest.

CHAIR ISMAIL: It's a first reading. We can suggest amendments, and we will iterate. But this topic -- I mean, it was not intensively discussed, and we were just seeking information and seeking facts. So we were sharing this with everyone so that we can have this discussion now and try to agree on a way forward. So...

Any other comments?

So would you like we leave it to the second reading and then see how the discussions would go? Or do we have concrete suggestions now that we can put on the screen?

U.S., please.

UNITED STATES:

I think this is a rather easy one, but it's something that we were flagging, and it's just in that subbullet A., there might be some confusion with what the word means because it sounds like it could be something more technical or legal. So perhaps it would be changed to "an IGO should have the ability to."

CHAIR ISMAIL:

Yeah, this is an easy one. Thank you.

Yes, please. WIPO.

WIPO:

Thank you, Chair. Just building on that suggestion, I wonder if it would make sense to use the word "register" instead of "use." So the ability to register.

CHAIR ISMAIL:

Thank you, WIPO.

Any further comments on this part?

So, yeah, as I said, we will be revisiting the text again. So I know this may need some time, so let's leave it at this and go to the second part of the advice for IGO protections.

Any comments on the advice?

So just to make sure I understand, is this iteration of previous advice or does it have any new aspects to it.

WIPO, please, yeah.

WIPO:

Thank you. Yes, there is -- there is an element of reiteration, and then this is complemented by the hope, the suggestion that I could help bridge that gap of the organizations that we've been unable to identify contacts for to provide to provide the two names to ICANN.

CHAIR ISMAIL:

Okay. Then it fits here. It doesn't belong to follow-up on previous GAC advice. It's at the right place, right?

Okay. So any comments on the text of the advice?

Okay. If not, then maybe we can go quickly through the first part of the communique. And then have -- we'll go quickly

through the first part of the communique. We can then have a short break until the drafting teams provide us with the review text and then we can have a second version updated.

Thank you. Tom, please.

TOM DALE:

Just sort of checking emails on another platform here concerning the first part of the communique. It is a little difficult for me to respond in realtime to three different sources, but I think there may be some changes which we'll have to consider in the next version from Brazil concerning some of the sections. But I'll run through what is in the draft for the moment.

I'm not physically capable of amending them on the fly.

Going back to the beginning, introductory section, as I said, is standard. The meeting with the ICANN board lists the matters there and not anything of substance relating to those discussions is normally covered elsewhere in the communique. So it simply notes that the topics is the proposed ICANN model for compliance with GDPR and the role of the GAC, protections for IGO names and acronyms, the applications for .Amazon, two-character country and territory codes at the second level and GAC key goals for the short and longer terms.

I'll keep running through this, unless anybody raises suggestions. Yes.

MILAGROS CASTANON: In the top priority introduction, you say 56 GAC members and eight observers attended the meeting. I think it's always interesting to note the number of countries that attended vis-a-vis the number of members we have.

So it would be good if you said 56 GAC members out of -- how many are we? Okay. So 50 out of 176, that makes a big difference than just saying 50, 56. Because the number of non-participant countries is enormous. And if you compare that from one meeting to the other, it is growing so that means also that the decisions we're taking in this GAC -- in this council community are really not totally representative of the entire GAC. So I insist we should put the number of countries that belong to the GAC so it would read like 56 GAC members out of or 66 countries out of 173 members and eight observers attended the meeting. Thank you.

CHAIR ISMAIL: Thank you, Milagros. Yes, European Commission.

EUROPEAN COMMISSION: I would like on this point to understand a little bit, because by attending you mean physically attending the meeting, but I understand also the GAC participants can also follow this remotely and also submit to the secretariat also.

I mean, I understand the problems that some countries have to attend physically the meeting, but --

MILAGROS CASTANON: But let's ask the secretariat how many remote participants are.

EUROPEAN COMMISSION: Just to clarify.

MILAGROS CASTANON: Do we have a number for that?

How many countries are participating remotely?

ROBERT HOGGARTH: Hello. This is Rob Hoggarth from the back of the room. Just a couple of quick comments in terms of the numbers. We have some revised numbers based on the team doing the counts. We have 59 GAC members in attendance and we have zero remote participants.

CHAIR ISMAIL: Thank you, Milagros. And this also reminds me to let you know that Kavouss has sent some comments on the response to the GAC response -- the GAC response to the board on .Amazon. So I'm just bringing it to your attention. If this would indicate any changes or modifications in the letter, please let us know.

So CTU, please.

CTU: Thank you. Nigel Cassimire. Am I mistaken in recalling that there's another part of the GAC communique which leads internal matters which would often mention the number of -- the number of GAC members and observers, especially when mention is made of new GAC members.

I'm not getting why we would be -- well, I don't see the need to put internal matters in there.

MILAGROS CASTANON: May I talk?

CHAIR ISMAIL: Yes, you're right. We normally -- whenever we have new GAC members, we say -- we mention the new GAC members and then we mention how many we have reached now as GAC membership.

MILAGROS CASTANON: But the point here -- may I talk?

CHAIR ISMAIL: Just a second, Milagros. We have Peru and then Portugal. Yes, Milagros.

MILAGROS CASTANON: The point here is that by -- we agreed the same way we announce if we have got new members, we'll say it at some point in their communique. We also agreed that we would say the number of countries that have participated physically.

The reason why I am insisting on this, it's because I have been coming to these meetings for the past five years, and it's high time we start putting things in clear in the sense that they're ever less people participating.

So this is a message for us, this is a message as well as for the ICANN people who deals with the budget that have only approved 40 slots for us, but mostly it's a message for the rest of the communities and for us because the opinions we're achieving by supposedly consensus really reflect very little the whole community of the GAC, and I think it is very important to put it that way. Thank you.

CHAIR ISMAIL: Thank you, Peru. I have Portugal and then Belgium.

PORTUGAL: Thank you very much. Well, I think that the number of members that are here, it's something that is a factor. And for the communique, we want to express main messages from what has been discussed.

This question about the number of the GAC members that attended the meeting should be stressed in the minutes. And if we have a problem -- well, we are having a problem with ICANN's budget, it's something that we could, for instance, insert in the communique, but not saying that 59 out of because that is very bad message. It's a very bad political message and it's not a message for the communique. It's an internal thing that we have to handle with.

Thank you.

CHAIR ISMAIL: So I have Belgium, Trinidad and Tobago and I have the U.S. Just to -- just to also mention that I mean, the figures vary depending on the meeting depending on whether it's an A meeting, B meeting, how far is it from people. For example, in Abu Dhabi

we had 86 GAC members and 11 observers. So it varies from one place to the other.

So Belgium, please. Sorry to keep you waiting.

BELGIUM:

Thank you, Manal. I understand Milagros point of view and I agree with her conclusions, but it's a whole discussion and it's quite late in the week to have this discussion. I would propose to have this point maybe not in Panama but in Barcelona where we would have a discussion with the minister. So maybe it's important to have in Barcelona. Thank you.

CHAIR ISMAIL:

Thank you, Belgium. Yeah, I fully agree and we need to get in substance of the communique as well. Trinidad and Tobago.

TRINIDAD AND TOBAGO:

Thank you. Karel Douglas for Trinidad and Tobago. I similarly won't repeat all that was said, but from the structure of the document, these are what I understand to be the formal parts of the document. It may record who came, the location of the meeting and et cetera, et cetera.

Now, the point that you may wish to make as to the numbers and if that's an indication of some other factor, maybe different,

as somebody said, a different conversation, but from the mere fact you're advising on factual information, how many people came, where the meeting was held, the dates, et cetera, I understand. I would leave out the latter part of how many came and simply just indicate who came, et cetera, as it is currently worded.

CHAIR ISMAIL: Thank you, Trinidad and Tobago.

U.S., please.

UNITED STATES: Thank you. I agree with a number of comments made by the Chair. But I also wanted to indicate that I have some concerns with the conclusions with respect to why there's not as many participants.

As noted, there's distance involved. There's a difficulty of getting visas in certain countries, including mine. And I think we also need to be respectful to the sponsors and the host country. I don't think we should tread too closely to insinuating or slighting the host country by indicating that GAC participation was low. Thank you.

CHAIR ISMAIL: Thank you, U.S.

Switzerland.

SWITZERLAND: Thank you. Jorge Cancio, for the record.

I think that I agree with a lot of what has been said, especially by Severine from Belgium.

I think that tomorrow we have a good opportunity to go into substance on this issue as we are planning for the next meeting in Panama.

And as you said, Chair, in the high-level meeting in Barcelona, if -
- it was said by Severine, sorry.

If I recall it correctly, there is a plan to talk about the value added of government participation in ICANN. So that would be the right place. Thank you.

CHAIR ISMAIL: Thank you, Switzerland.

So I recommend we move on. I understand we already have three new GAC members, right? So we will be including those three new GAC members, and we will be mentioning the number

of the membership according to the structure that we do every meeting.

So can we move on, please, Tom.

TOM DALE:

Thank you. I think there were no comments on the meeting with the Board.

The meeting with the GNSO, I just want to read this out simply for the record. So perhaps you don't have to come back to it but because sometimes the titles or issues described, they're a little bit contentious.

But: The GAC met with members of the GNSO Council and discussed the status of current policy development processes, the reconvened PDP dealing with Red Cross/Red Crescent, recommendations of the GAC-GNSO consultation group; procedures for effective communication between the GNSO liaison to the GAC and GAC leadership; and the ICANN FY19 draft budget and operating plan.

I'll keep going unless, as I say, somebody wishes to suggest a point.

The meeting with the Country Code Name Supporting Organization, the ccNSO, the GAC met with the ccNSO and

discussed policy for geographic names at the top level. Next steps were the FAQs delegation, transfer, and revocation.

FAQs -- my apologies for fixing this as I go.

A new ccNSO GAC agenda committee; the ccNSO PDP on retirement of ccTLDs; consideration of the ICANN FY19 draft budget; and ccTLD registries; and the GDPR.

Meeting with the At-Large Advisory Committee, ALAC. The GAC met with ALAC and discussed policy for geographic names at the top level; the proposed ICANN model for GDPR compliance; cooperation in capacity-building in underserved regions; follow-up to the joint-GAC ALAC statement on enabling inclusive, informed, and meaningful participation in ICANN in the DNSSEC KSK rollover.

Meeting with the Noncommercial Stakeholder Group, the NCSG. The GAC met with representatives of the NCSG and discussed the work and values of the NCUC -- I'm sorry, that should be the NCSG. It's very similar but technically different -- privacy in the context of the proposed ICANN model for GDPR compliance and rights protection mechanisms and freedom of expression.

Meeting with the ICANN multistakeholder and strategic initiatives, MSSI team: The GAC met with ICANN MSSI staff and

discussed draft operating standards for specific reviews including GAC input to the recent public comment process.

Meeting with the Universal Acceptance Steering Group: The GAC was briefed by the UASG and agreed to help to progress issues at the national level including universal acceptance by government online forums and introducing universal acceptance concepts and the UASG to government Chief Information Officers at the national, provincial, and local levels and professional associations.

And the final part of this section is cross-community discussions. GAC members participated in relevant cross-community sessions scheduled as part of ICANN61, including the sessions on GDPR and WHOIS.

In relation to internal matters, firstly GAC elections. The GAC will hold an intersessional election for -- intersessional election for a vacant vice chair position created by the departure of Ms. Milagros Castanon from Peru. The GAC thanked her for her service and wishes her well for the future.

No comments?

The working group updates are as follows. The GAC notes and welcomes the appointment of Laureen Kapin, the United States Federal Trade Commission, as PSWG co-chair and endorses the

PSWG work plan. We have a number of hyperlinks in the communiqué. Let's hope they keep working long after the communiqué is issued.

The GAC Public Safety Working Group report reads as follows: Regarding WHOIS compliance with GDPR, PSWG, and GAC, discussed the public policy impacts of ICANN's proposed interim model. The PSWG engaged with relevant stakeholders to identify practical solutions that provide for uninterrupted access to full WHOIS data consistent with appropriate data privacy safeguards.

In relation to the ongoing Privacy and Proxy Services Accreditation Implementation Recommendation Review Team, the popular PPSAIR RT, the PSWG is concerned that the represented prospective service providers are reluctant to agree to respond to emergency requests by law enforcement within 24 hours.

The PSWG reiterates the importance of public reporting on DNS abuse through the Domain Abuse Activity Reporting, DAAR initiative. And welcomes the efforts of ICANN's Office of the CTO, OCTO, in spearheading this project.

Upon completion of the independent analysis of DAAR's methodology, the PSWG expects ICANN to regularly publish

specific data identifying parties most associated with DNS abuse.

The CTU, thank you.

CTU: If you just scroll back up a bit, I'm trying to understand why the heading for Public Safety Working Group comes after the paragraph that talks about endorsing the work plan and that sort of stuff.

TOM DALE: Because that's the statement -- that's proposed as a statement from the GAC, not from the Public Safety Working Group. It's the GAC notes. It's -- the Public Safety Working Group is not endorsing its own new co-chair. It's the GAC that's doing that. And then what follows is the report of what the PSWG did, if that makes sense.

The next section is from the GAC working group to examine the protection of geographic names and any future expansion of gTLDs. And I should explain these. All of these reports have been provided by the relevant leads or co-leads of the GAC working groups.

In this case, this one reads: The working group met and reviewed the work done in the new gTLD subsequent procedures PDP Work Track 5 on geographic names. Giving an update about content of the terms of reference of WT5 and the present analysis of the different categories of geographic names included in the AGB and 2007 PDP, the working group will continue following the work of the PDP process from the WT5 activities.

The GAC Working Group on Underserved Regions provided the following report: The working group completed two regional capacity development workshops for 2018, in Nepal in February and during ICANN61 in San Juan. Working group will continue to work with the Government Engagement, GE, the Global Stakeholders Engagement, and the Public Responsibility support teams and others to coordinate and facilitate the upcoming and final capacity development workshops which will be held in Senegal in May 2018 and during ICANN62 in Panama in June 2018.

Subsequently the working group will work with PRS to develop a comprehensive online learning platform, ICANN Learn, for GAC members as part of the ongoing efforts and potential strengthening of the on-boarding program for GAC members. As an outcome, the working group will work with Alice Munyua and the PRS team to evaluate the capacity development initiative.

The purpose of the evaluation will be to, one, examine the extent of the capacity development initiative and achieving its objectives; two, validate data collected through the post-workshop evaluations; and, three, develop relevant content for the proposed GAC online learning platform on ICANN Learn.

Finally, the working group welcomes joint efforts with ICANN communities to address specific issues that will be used to inform the GAC and members of those respective communities.

If you're counting, I think there's two working groups to go. Just saying...

The GAC working group on human rights and international law: The working group received an update from the cross-community working group on accountability leadership regarding the further process for adopting the framework of interpretation and considerations relating to the human rights core value in the ICANN bylaws.

An information exchange on implementation efforts of the FOI was held with a cross-community working party on ICANN's corporate and social responsibility to respect human rights, ALAC representatives, and other members of the community.

And the final report is from the GAC working group to examine GAC's participation in the NomCom: The working group met and

finalized the revision of the draft document GAC criteria for NomCom. The document has been circulated to the GAC working group members for comments and feedback. Once agreed, it will be circulated to the full GAC for comment and eventually endorsement of the document to be sent to the NomCom.

And that's the end of the section dealing with all GAC working group reports.

The section on the BGRI, as I said before, is on its own because it's a little bit different, in a good way. I hasten to it.

The BGRI working group met with the GAC and noted proposed improved time lines for the Board responding to a GAC communique; reviewed the operation of the new ICANN request register as it applies for GAC advice; and discussed possible arrangements for helping new GAC members to better understand ICANN and GAC issues and procedures.

In relation to auction proceeds: The GAC reviewed the current work of the CCWG on new gTLD auction proceeds and will continue to monitor and participate in its further work.

Independent GAC secretariat, the GAC reaffirmed the importance of an independent secretariat function to support its

work and will review options for longer-term sustainable arrangements to provide this function.

Request for comment on that.

The GAC has had a practice of having a separate section on enhancing ICANN accountability. It reads as follows: The GAC reviewed progress by the CCWG on enhancing ICANN accountability Work Stream 2. Several GAC members remain concerned that draft recommendations do not address all relevant aspects of ICANN jurisdiction. The GAC will continue to remain actively engaged with the work of the CCWG.

CHAIR ISMAIL:

Yes, Canada, please.

And let me ask before I give the floor to you, do we want to continue through the first reading before we get to a coffee break? Because I understand the coffee break will end at 15 past and it's already ten past. So if people would like to catch the coffee break, and then we can continue.

So, Canada, very briefly. And then...

CANADA:

Thank you, Manal. For the record, this is Luisa Paez with the Canadian government. Just wondering if we could add a line

consistent with previous communiques from Abu Dhabi and Johannesburg under the enhancing accountability with the cross-community working group.

I think it's important to highlight that there are some GAC members that have concerns. But as well, we would like to emphasize that there are other governments, including Canada, that fully support the draft recommendations and the report.

So I guess we can -- I can suggest we can go to the coffee break, and maybe I could draft something and then put it for consideration to the plenary. Thank you.

CHAIR ISMAIL: Thank you, Canada.

Trinidad and Tobago.

TRINIDAD AND TOBAGO: Okay. Thank you. Very briefly. Karel Douglas. Just with respect to the independent GAC secretariat, I was wondering whether since Tom gave us an update as to the most recent, if not more important, advice or notification that the services will not be offered in the future, whether we wanted to underline or underscore some words to that effect. I'm not too sure whether

that is really informal. But, nonetheless, I thought I would raise that as a point. Thanks.

CHAIR ISMAIL: Okay. Thank you for the suggestions.

So I suggest we go for a quick coffee break now for people who would like to get some coffee. And it's ten past. So let's maybe convene at 25 past, and then we will continue the first reading, and then we will have a break again to compile the second iteration.

[Break]

CHAIR ISMAIL: So I think we will be having the second reading at 4:00 p.m. So still 20 minutes to start, just to -- so you're free for 20 minutes, if you wish.

Thank you.

[Break]

CHAIR ISMAIL: So thank you all for your patience. Now the version on the screen has been sent to you over email. So if you can please take your seats, we'll be starting.

TOM DALE: Thank you, Manal.

Welcome back from the break. Manal has asked that we complete the non-advice section that we were halfway through before and then move on to some new text relating to GAC advice and also the previous wording concerning IGOs as well as new text on the GDPR and WHOIS issue.

So I'll go through the changes that were made because of a number of suggestions received in the last hour or so from GAC members and seek your views. And this should be, for this part, hopefully a final endorsement.

So the first change, which I'll put on the screen there is the addition of a section -- and it was omitted before for a very simple reason, I forgot -- concerning GAC membership. It data sets indicates that the GAC welcomed Bangladesh, Bosnia and Herzegovina, and Myanmar as new members. This brings the number of GAC members to 176. That is, I hope, a factual statement, so...

So before the break we were discussing enhancing ICANN accountability.

At the suggestion of one of the GAC members, and that is Canada, I think in consultation with some others, what we've done here is include some new wording which is precisely the same wording that was used in the Abu Dhabi communique concerning the range of views in the GAC on the jurisdiction draft recommendation. So it reads as follows.

The new text reads as follows: Several GAC members expressed major concerns regarding a draft report from the subgroup on jurisdiction. These members consider that it falls short of the objectives envisaged for workstream 2 and that its recommendations only partly mitigate the risks associated with ICANN's subjection to U.S. jurisdiction, which makes the adoption of the report unacceptable. Several other GAC members welcomed the recommendations on jurisdiction and stressed in particular the importance of industry having options, including a menu for choice of law and venue for contracts with ICANN.

And I should make an amendment there. I believe it's not a draft report anymore. It is a report.

So...

Yeah.

CHAIR ISMAIL: Yes, Canada, please.

CANADA: Thank you, Tom, and thank you, Manal. This is (saying name) for the record.

Just as you mentioned, we had some discussions with Denmark and Brazil. I actually just sent you, Manal, and Tom just some additional language. Sorry about the time lapse. And perhaps if you would want to read it or I can read it. And basically we used that exact language, but Brazil wanted to add -- wanted to add one last -- like two last lines if --

CHAIR ISMAIL: Can you please read it, Canada, please.

CANADA: Perfect. Thank you.

So after that -- after that last paragraph, we have: GAC members took note of the acknowledgment by the cross-community --

CHAIR ISMAIL: Please, Canada, can you please read it in a dictation speed so that Tom writing after you. Thank you.

CANADA: Very, of course. And I have also sent it by email, but I will definitely read it slowly.

GAC members took note of the acknowledgment by the Cross-Community Working Group, or CCWG, that -- then we use -- I forget the -- yes. Thank you. Further discussions on jurisdiction, related concerns to address unresolved -- pardon me. Sorry. Just one second. Just looking exactly at the -- at the final report that was approved in the subgroup.

One second, please.

Yeah. It might be a bit repetitive, but, "to address unresolved concerns, including in other fora."

And then we close the -- And then we see "are needed."

This is the exact language that Brazil pointed out that it was agreed in the Cross-Community Working Group plenary. I'm just noting that -- I'm just going to read one more time what's on the screen.

Pardon me. The -- It's escaping me. The -- not the parentheses, but they should be between -- only between "further discussions." This was my mistake. Apologies.

TOM DALE: Sorry; could you clarify that? I'm not quite sure.

CANADA: Yes.

CHAIR ISMAIL: The quotation marks?

CANADA: Yes, the quotation marks.

CHAIR ISMAIL: Should go?

CANADA: Only between "further discussions." And this is exactly as it appears in the...

CHAIR ISMAIL: So the quotation, "further discussions" is between quotation marks?

CANADA: Correct.

CHAIR ISMAIL: And the rest of the text is out of the quotation marks.

CANADA: Yes.

CHAIR ISMAIL: This is right as it stands on the screen?

So I have Brazil --

CANADA: Yes, thank you.

BRAZIL: Thank you, Madam Chair. Brazil speaking, for the record.

The expression "further discussions" as it appears in the jurisdiction report is within quotation marks, indeed, but the rest of the text that was originally cited as being within

quotation marks is also from the report. So perhaps what I would suggest is to add single quotation marks to single out "further discussions" and keep quotation marks starting immediately before "further" and ending after "in other fora."

Thank you.

UNKNOWN SPEAKER: Yes, Brazil.

BRAZIL: Yes, thank you. I just noticed that, indeed, it doesn't read quite well because the exact citation is not completely accurate. The citation would then be "Further discussions to address unresolved concerns, including other fora." End of quotation are needed.

But then I understand it would be necessary to expressly link this additional paragraph to the jurisdictional discussion, which is not clear without the reference that I just suggested deletion.

So perhaps we could add, "in relation to the jurisdiction discussion," or something like that, in the beginning of the paragraph or its end.

Thank you.

UNKNOWN SPEAKER: Yes, Nigel. Nigel, please.

CHAIR ISMAIL: We have CTU and then USA. Yes. Go ahead.

CTU: Thank you. I didn't actually have my hand up, but since I was called, I just think that maybe we need not use the quotation marks. That's all.

UNKNOWN SPEAKER: USA, please.

UNITED STATES: Thank you. That last paragraph, I realize this is quoted text from the report, but I'm just curious what the intention here is to have further discussions in other fora. Are we talking about outside of ICANN? I'm just trying to understand why we would have ICANN issues discussed outside of ICANN.

Thank you.

CHAIR ISMAIL: So any clarifications, Brazil?

-
- BRAZIL: Thank you, Madam Chair. Brazil speaking for the record.
- I'm not sure why I'm gaining the floor again since the question wasn't addressed to me, but I saw the Chair looking at me as if I would be the person to give the answer.
- CHAIR ISMAIL: I thought you were going to say something, so...
- BRAZIL: Yeah, I think there is a -- yeah. I think perhaps I should say something.
- So...
- CHAIR ISMAIL: But I have Canada also in the queue, so we can move on and then whenever you're ready --
- BRAZIL: Just, if I may reiterate what the U.S. himself -- itself acknowledged, which is that the language pasted on screen is from the actual report that was adopted in the plenary meeting but still, it is a legitimate concern. And there is one additional paragraph that we drafted together, Brazil and Canada, that I believe, if it is added in the very end of this session, it would

resolve the concern that U.S. has expressed. And I will defer to Canada to explain what that paragraph would be.

Thank you.

CHAIR ISMAIL: Yes, Canada, please.

CANADA: Thank you, Manal. And so the -- If I could just dictate to a final paragraph. Okay.

The GAC reiterates its support for the open, comma, multistakeholder process by which the recommendations were developed and will continue to remain actively engaged with the work of the CCWG. Point. Thank you.

CHAIR ISMAIL: Thank you, Canada.

So any comments on both paragraphs? I can see USA.

UNITED STATES: I'm just concerned without further context as what's intended to be meant by "in other fora" that we might be sending a signal that's not intended. So is it necessary to have that quote in there or at least that part of the quote? And if it is, I just

recommend that we go back and make sure that we have all of the context that goes along with that and the report also identified.

Thanks.

CHAIR ISMAIL: Thank you, USA.

And Brazil?

BRAZIL: Thank you, Madam Chair. Brazil speaking for the record. I take U.S. point, and I would suggest, therefore, for us to strike out the last four words within the quotation.

Thank you.

The last four words would be "include in other fora."

And with the latest addition, which praises the multistakeholder process by which the recommendations were achieved. I think we would be fine.

Thank you.

CHAIR ISMAIL: Thank you, Brazil. Is this okay, U.S.? I see nodding.

Any other comments?

So maybe we can move on?

TOM DALE: Thank you, Manal.

There are some suggested amendments here which were received from Brazil, and which I've included in track changes here. In relation to the section on -- which is headed "Follow-up on Previous Advice," you'll recall, and this whole section is going to be moved to be collocated with the GAC consensus advice.

Brazil has proposed additional wording there, which you see on the screen. It reads: The GAC considered -- sorry.

CHAIR ISMAIL: Just -- sorry. Just to make sure, have we read the first paragraph as well? Because I think we didn't reach this section before the break.

TOM DALE: That's a good question. I don't think we did.

CHAIR ISMAIL: Yeah. Thank you.

TOM DALE:

You're quite right.

To read through the whole section, that's the original drafting and in your earlier version plus some additional text there from Brazil. It reads as follows the whole section: The GAC received an update from several of its members regarding the proposal submitted by amazon.com at ICANN 60. The GAC understands that member governments of the Amazon Cooperation Treaty Organization, ACTO, have established a process for analyzing the proposal and that this analysis is progressing. The GAC was informed that amazon.com and board members have made themselves available to assist if requested.

The GAC considered Board resolutions 2017-10-29-02 and 2017-10-29-03. The GAC decided as a gesture of good will to reply to the Board's request for any additional information the GAC wishes to provide regarding the .AMAZON case. The GAC's letter to the board is attached to this communique.

And we have not yet discussed the draft letter which, as I mentioned before, is an attachment.

Thank you.

CHAIR ISMAIL: Any comments? Netherlands, please.

NETHERLANDS: Just for clarification. It says "as a gesture of good will" and to me this is kind of an implicit message that, okay, you asked for it and we would not really want to do it but, anyway, we do it for you.

I mean, this is a kind of implicit negative connotation which I would not like to put in a GAC communiqué.

So if it's another meaning, I would like a clarification.

Thank you.

CHAIR ISMAIL: Thank you, Netherlands.

Any comments? Switzerland.

SWITZERLAND: Thank you. Jorge Cancio, Switzerland, for the record. Perhaps as a friendly amendment we could replace that section as a gesture of good will with -- in the spirit of good cooperation.

CHAIR ISMAIL: Is this accepted by Netherlands and Brazil?

Thank you, Switzerland.

So, Brazil, is it okay?

BRAZIL:

Brazil speaking, for the record. Thank you Madam Chair, thank you, Switzerland, for your suggestion, which I believe captures what was our intention.

The difficulty for us would be to give the signal to the Board that we felt compelled to provide the reasons that they were asking and that the Board would have the authority to ask whenever they wanted the GAC to provide certain reasons that we believe shouldn't be providing them at their request only.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil, for your flexibility.

Netherlands, is this okay? Shall we move on?

Thank you.

So we're going to delete "as a gesture of goodwill" and we will live "in a spirit of good cooperation," as suggested very helpfully by Switzerland.

Yes, please. Can we move on?

TOM DALE: Thank you. The next section -- remember, we're in the section headed "Follow-up on Previous Advice." So the next item concerns two-character country and territory codes at the second level. I'll read it all through. The changes -- track changes there are proposals submitted by Brazil again.

It reads: The GAC notes that important concerns regarding the release of two-character country slash territory codes at the second level as expressed in previous GAC advice still remain. The GAC also notes that ICANN org has undertaken an initiative to mitigate governments' concerns with regard to the release of two-letter codes at the second level. The GAC intends to follow up on implementation of this at ICANN62, bearing in mind that previous GAC advice on the matter stands. Many GAC members consider that these initiatives are insufficient to resolve the issue.

CHAIR ISMAIL: U.S., please.

UNITED STATES: The last sentence, "many GAC members," could we perhaps indicate more precisely that it's the concerned GAC members? Because not all -- like the U.S, for example, we don't have

concerns with this at all. I would just like to make it more crisp, more clear. Thank you.

CHAIR ISMAIL: Thank you, U.S.

France, please.

FRANCE: Yeah, the tradition we don't really quantify a number. So we could say "some GAC members," for instance.

CHAIR ISMAIL: Can I just remind us, I don't think this is how we concluded during our discussions and during the session. I mean, I think this just preempts what's going to happen, and I think we -- we concluded that we are going to work on this between now and ICANN62. So -- But I stand to be corrected.

Yes, China, please.

CHINA: Thank you, Manal. China, for the record.

Perhaps we can say the -- that the -- these initiatives so far are insufficient to resolve the issue. We don't prejudge the future,

the future development of these initiatives and activities conducted by ICANN.

CHAIR ISMAIL: Thank you, China.

Egypt.

EGYPT: Thank you, Chair. Christine Arida for the record. Maybe we can change the language of the last sentence along the first part that says the GAC intends to follow up on the implementation of this at ICANN62, and then say something that it will re-evaluate if this is sufficient to resolve the issue.

CHAIR ISMAIL: Thank you, Egypt.

I have Netherlands.

NETHERLANDS: Thank you. Thomas from the Netherlands.

Coming back, I didn't quite understand what Ghislain was saying about many or some from France saying. But I think my assumption is that we, indeed, are not using terms of, let's say, a majority. Many, less. Meaning that we always use "some think

this, some others think that." Because if we are only, let's say, getting the interventions and the other's interventions, and countries who did not intervene and maybe consider this initiative is sufficient, then we got not a balanced view of the GAC, only based on some interventions. So I would urge to say -- to keep with this balanced approach of "some."

Thank you very much.

CHAIR ISMAIL: Thank you, Netherlands.

So, Brazil, sure.

BRAZIL: Thank you, Madam Chair.

This is rather a question to the GAC. Can't we take U.S. suggestion which is to reflect what was the actual problem within the GAC and say that the affected GAC members considered that these initiatives are insufficient? We wouldn't be making any judgment value of -- nor engaging into singling out one group as opposed to another group.

This is the first point. The second point would be to try to turn this sentence into something more positive and forward looking, and perhaps we could say, in that spirit, that those -- that the

GAC members affected or the affected GAC members considered that other initiatives will be necessary to resolve this issue.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil. And, yeah, I think this could be one way or -- I mean, if you'd like to leave the sentence as is, I would suggest moving it to the first paragraph, that concerned GAC members or affected GAC members considered that initiatives in place, like China suggested, are -- are insufficient, if you see what I mean.

But, I mean, if the current text is acceptable by everyone, I have Netherlands. Yes, please.

NETHERLANDS:

Yes, I think it's a good direction. Only -- let's say it's not clear what affected means. I mean, all GAC members are affected by the procedures which will be -- which were in place. Affected means that they have encountered some problems. I think maybe it should be better to say those GAC who had concerns or the concerns of GAC members. Thank you.

CHAIR ISMAIL:

So --

UNKNOWN SPEAKER: June, please.

UNKNOWN SPEAKER: Thank you, Par. Thank you, Manal. I would keep some GAC members because we are all potentially affected. Otherwise, it doesn't mean something. So some GAC members and things the way we work the GAC advice, there are GAC advice with some GAC members. Thank you.

CHAIR ISMAIL: So Brazil, please.

BRAZIL: Thank you, Madam Chair. To harmonize the draft communique, I would suggest using instead of the word "some," "several" which was the language that appears now in the previous part relating to jurisdiction, which was taken from our previous advice in our previous communique in Abu Dhabi. So "several" would more -- harmonize with the rest of the communique, and it would also give the right picture of what happened in those discussions on the two-character code subject. Thank you.

CHAIR ISMAIL: So let me try to see how the sentence currently reads and then I'll give the floor to the U.K.

Is it now several GAC members with concerns without affected, I think, considered that these initiatives are insufficient to resolve the issue?

I'm a bit confused here. So we have U.K. and then Brazil. U.K., please.

UNITED KINGDOM: Thank you, Chair. Paul Blaker for the U.K. We wanted to just question the use of the words "are insufficient" just to make sure that this does reflect the discussion that we had.

If I remember correctly I think ICANN talked about some of the arrangements that have been put in place, and I asked the question, how many complaints there had been. How many actual issues there had been and the answer was zero.

So to say they are insufficient at this stage seems to be very extreme to put it in those words.

So I was going to suggest "may be insufficient" would be a better reflection of the discussion that we had. Thanks.

CHAIR ISMAIL:

Thank you, U.K. So I have Brazil next again and then Argentina and let me also -- I mean, the place of the sentence here gives me the feeling that we are prejudging the coming initiatives rather than the initiatives in place.

So again, with this in mind, I do suggest moving the sentence to the first paragraph if okay with Brazil, that the GAC notes that important concerns regarding the release of two-character countries/territory codes at the second level as expressed in previous GAC advice still remains.

And whatever the sentence we're going to agree on that concerned GAC members or whatever the language is considers that initiatives, I mean, initiatives in place so that we are willing to test the new initiatives and see how it goes so that we're not preempting the outcome of the initiatives.

Brazil, please. Sorry to keep you waiting.

BRAZIL:

Brazil speaking. Madam Chair, there's no problem at all. Thank you. Brazil has no opposition to moving that paragraph to the -- to get it to the first paragraph. I take on board the case suggestion and would also perhaps for the sake of making this paragraph as complete as possible the following.

I'll read it out loud trying to or delete something that I think is not necessary.

"Several GAC members considered that the initiatives in place may be insufficient and that others might be necessary to resolve the issue."

Thank you.

CHAIR ISMAIL: Thank you, Brazil. I'm just waiting for the sentence to be complete and then seek further comments or agreements. U.S., please.

UNITED STATES: I think we're getting closer here, but I'm still concerned that this universe of GAC members looks a lot bigger than it actually is. It's several of the concerned GAC members. I mean, just indicating several GAC members sounds like it could be a lot larger than what it actually is. So if we could somehow insert "concerned," that I think makes it more clear as to the parties involved. Thank you.

CHAIR ISMAIL: Thank you, U.S. Argentina, I'm very sorry, I skipped the order.

ARGENTINA: No worries, Chair. I think there are two things that are mixed here. One is the concerns regarding the release of the two-character country/territory codes at the second level. As we have expressed in previous GAC advice. And that is insufficient. So the concerns are there and that hasn't been solved. But this is one part of the issue.

And the other one is the future changes or mitigations that will happen that, as you rightly mentioned a moment ago, we don't know yet if there will be enough or not. I don't see that reflected in this language.

I see that it's both -- both things are mixed. I would prefer the language suggested by Brazil, but I'm not sure if it's already in the text. I'm confused about the final version of the text.

CHAIR ISMAIL: So I'm sorry, just to seek clarification. Which part exactly is the part that we need to look at to change?

ARGENTINA: Until GAC advice still remains, I think that's clear. And several concerns, several members considered there is sufficient change. So there's no change. So it's not maybe or will be or would be, it's insufficient.

Then there is the proposed mediation, but that's another thing.

CHAIR ISMAIL: So the proposal is to have "Several concerned GAC members considered that the initiatives in place are insufficient"?

ARGENTINA: "Are insufficient." We'll see what happens in the future. We don't know what will happen. For me from the region it was not clear how it will be implemented and I ask about it.

CHAIR ISMAIL: So I have Trinidad and Tobago, CTU, Brazil and Denmark.

TRINIDAD AND TOBAGO: Thank you, Manal. Karel Douglas for Trinidad and Tobago. I'm just looking at the structure. I think when I first saw this paragraph, I got four take-away parts. One the first being, there are concerns. Then second -- that is the first sentence, "there are concerns."

Then initially, it went to say that I can recognize the concerns, that's the second point.

And the third one was that the GAC, which has now moved back up, is that the GAC is still not satisfied or these initiatives -- sorry, let me repeat.

So there are concerns ICANN has replied that there are initiatives to address the concerns.

And the third point being that we, the GAC, have said that these initiatives may not suffice.

And then the last point, which is the last sentence, that we will discuss this in the future at ICANN62.

Now, the reason I say that, we have four things there. The sentence to me is now -- the paragraph now seems to be reversed because the flow, there are concerns. These concerns are not sufficiently addressed and then you go to the initiative. The initiative was really in response to the concerns, if I make myself clear.

CHAIR ISMAIL: Yeah. And actually this is the right order.

TRINIDAD AND TOBAGO: This is the right order.

CHAIR ISMAIL: That's why we moved the sentence. Some GAC members are concerned about the initiatives in place and not what we have been promised that we have not tried yet.

TRINIDAD AND TOBAGO: Okay, thank you.

CHAIR ISMAIL: I have CTU and then Brazil and Denmark. I would like to remind us that we are reiterating the previous GAC advice. So it should be more straightforward. It's not new advice. So CTU, please.

CTU: Thank you. Thank you. Nigel Cassimire, CTU. I was going to say that moving the sentence up to the top took the comment about initiatives before the mention of the initiatives.

CHAIR ISMAIL: So we're saying initiatives in place which is the willingness to provide concerned GAC members with the lists of two-character codes that are registered already. There were some trials in place which were not satisfactory to concerned GAC members.

CTU: Okay. So the thing that ICANN org is doing in that second paragraph there is not included in --

CHAIR ISMAIL: No, no, no. It's new initiatives.

CTU: It's an additional thing.

CHAIR ISMAIL: Exactly. They're from comments from France that we have something like a landing page with all information, so this is new initiatives.

CTU: Okay.

CHAIR ISMAIL: This address. Thank you, Nigel. So Brazil, please.

BRAZIL: Thank you, Madam Chair. Brazil speaking for the record. The first amendment I would suggest would be to strike out the word "Several."

To my understanding, "All concerned GAC members were unhappy with initiatives that were in place."

So once we single out GAC members and limit them to those being -- having expressed their concerns, it would be the whole group of GAC members.

The second point was -- is to support what Argentina has proposed. And I would be coming back and forth in relation to my previous dialogue with Paul.

Paul suggested that we should use "maybe" instead of "are."

Upon reflection I realized we're talking about what GAC members consider and they're free to consider whatever they want, even if it's not a reflection of actual facts. But for those GAC concerned members, the initiatives that were in place, they were insufficient, whether or not they had proof of that.

And what we're doing here is inscription of what we consider. Thank you.

Also, I'm sorry, in the same spirit, I believe we can also substitute the word "might be" with "will be."

So it would read like that, "Concerned GAC members considered that the initiatives in place are insufficient and that others will be necessary to resolve the issue."

Thank you.

CHAIR ISMAIL: Thank you, Brazil. I have Denmark next.

DENMARK: Thank you. I was actually going to touch upon the same thing in order to support the proposal from the U.K. which reminded us that there have been no problems up to now. So if we are still having the word "are insufficient" then we think it would be appropriate to note that up to now there haven't been any problems with the system. Thank you.

CHAIR ISMAIL: Thank you, Denmark. I have Argentina.

ARGENTINA: Thank you, Madam Chair. I would like to reflect on the fact that, if the fact there were no problems, it doesn't mean that the process is okay. It may be that there were no registrations that could be harmful for the countries that are related with the two characters. But that doesn't mean that in the future problems may not arise.

CHAIR ISMAIL: Thank you, Argentina. So I propose that we -- I mean, we can delete "maybe" because, again, we are -- I mean, this sentence explains that concerned GAC members are not satisfied with the current measures in place. And actually the following paragraph says that ICANN org is undertaking initiatives to mitigate such concerns. So concerns of the concerned countries.

So if acceptable to everyone, and again, I remind us this is a reiteration of GAC advice. Australia, please.

AUSTRALIA: Thank you for giving me the floor, chair. I had my hand up to just suggest the same thing, that we delete this sentence. We're reiterating advice that the GAC representative has previously given on this same issue. We heard, in the BGRI meeting the other day, that our advice stands. You know, we don't have to keep giving it every time. And we go on in the next paragraph to say that we intend to follow up.

So, you know, saying that it's -- it's insufficient is presupposing the results of any examination of what -- what the -- you know, what the solution is.

So I support your suggestion to delete that sentence.

Thank you.

CHAIR ISMAIL: I have Brazil and then Belgium.

Thank you, Australia.

So Belgium. Yeah.

BELGIUM: Thank you, Manal. I agree with Australia, but not for the same reason. Just I would let the sentence fall because I think it's confusing. One of the -- one of the points is -- what we said is that the initiative in place doesn't answer the GAC advice because it changed the way of working without any a priori discussion with us.

So I think the two sentence, the first one and the last one, are comprehensive, but not the -- the sentence with concern, so I would let it go.

Thank you.

CHAIR ISMAIL: Thank you, Belgium.

So the suggestion now is to delete the marked sentence.

Brazil.

BRAZIL: Thank you, Madam Chair. It's actually a request for clarification to Australia. To my understanding, the sentence that is highlighted on the screen explains further in detail partly what are those concerns that are referred to in the first sentence. So I'm not quite sure I understand why it would be necessary to delete that sentence or why it would be adding language that is useless. Can you please help me understand? Thank you.

CHAIR ISMAIL: Yeah, so Australia and then I feel -- I sense some confusion, so I apologize. Let me first go through the sequence again, because I think we're mixing things up.

So the GAC notes that important concerns regarding the two-country -- the two-character country codes at the second level are expressed in previous GAC advice, and this still remains.

Concerned GAC members are not happy with initiatives in place.

And then ICANN org is undertaking, maybe, as Tom mentioned, rather than "has undertaken." So is undertaking an initiative to mitigate governments' concerns regarding the two-letter codes at the second level, and that the GAC intends to follow up on the implementation of this at ICANN62.

So if there are no strong concerns, I would seek your understanding that we can maybe move on, because, again, the sentence under discussion is describing previous measures in place and not prejudging the initiative that we agreed to try at this meeting. I mean, there were discussions at this meeting. We agreed on new measures that we are still going to try and implement by the time of ICANN62.

So is this acceptable to everyone? France?

FRANCE:

Yeah, thank you, Manal. I absolutely agree with you. My only suggestion would be to further avoid confusion, maybe to replace the word "initiative" with "measures" or "mechanisms," because if you keep the word "initiative" in the sentence, then people are going to think about the second paragraph.

So you keep "initiative" in the second paragraph but in the first paragraph you replace it with "mechanisms" or "measures." Then it's going to be easier --

CHAIR ISMAIL:

I believe so.

FRANCE:

-- to not confuse the two.

CHAIR ISMAIL: Is this okay for everyone?

UK.

UNITED KINGDOM: Thank you, Chair. Paul Blaker for the UK. We support the points made by Australia and Belgium. We think having these two sentences together is now very confusing, because in the first sentence we say the GAC notes important concerns. The second sentence begins, "Concerned GAC members." It sounds like all the GAC thinks these measures are insufficient. It could easily be understood in that way. And this is not the case.

So to address that issue, we either delete the second sentence or I think we need to move it, because it's very confusing there.

If we are not going to delete it, then we would suggest we need another sentence to recognize the views of other GAC members. I think Denmark made this point.

Perhaps a sentence that said, "Other GAC members noted that the initiatives had not yet been required," or something like that. So I leave it to others to consider it, but we would prefer to delete it. As you have said, there is previous advice here, but if

we are going to have it, then we think it needs to move and it needs to be balanced with the other views as well.

Thank you.

CHAIR ISMAIL:

So can I try to suggest that -- so to your point, UK, if we delete the first sentence and we say, "Concerned GAC members," does this refer to only concerned GAC members now? Because I think the first sentence, the intention is to say that previous GAC advice still remain. And I see it at the very last sentence, again, "bearing in mind that previous GAC advice on the matter stands." So it seems to me a bit redundant. So if it is causing confusion that it references full GAC membership, then maybe...

So Brazil.

BRAZIL:

Thank you, Madam Chair.

Well, if this is creating so much confusion, perhaps, indeed, we could delete the second sentence in the first paragraph. But let me recall that the suggested addition was originally thought to be placed immediately after the second paragraph.

So when we try to say that certain GAC members considered the initiatives to be insufficient, it was in response to the fact that

ICANN is adopting something that we did not senior as sufficient.

So you see, it was -- the point was not to give the impression that we would be -- that we are satisfied with what ICANN has been presented so far.

I don't know whether others could live with moving back that highlighted text to the very end of this section, and I believe it would be less confusing and would restore the original intent that we had when we suggested this addition.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil, for the clarification.

Norway.

NORWAY:

Could we say something like, "The GAC discussed the release of two-character country, territory names," and -- yeah. Instead of "notes"?

And then something that we also expressed at previous GAC advice still remains, and then we can go on to "concerned GAC members." It will differentiate the discussion and who is concerned.

CHAIR ISMAIL: So maybe -- I mean, if we're not able to conclude on the first paragraph, maybe we can extract the previous GAC advice and put it between quotations. I mean, we're reiterating.

So -- So, Brazil, you said as a way to compromise, you do not mind deleting the second sentence?

BRAZIL: Thank you, Madam Chair. Yes and no. The no is what about us moving that second sentence to the very end?

CHAIR ISMAIL: So the only concern here is moving it to the very end, I feel it's prejudging the suggested initiatives that we haven't tried yet. Please, Brazil.

BRAZIL: Thank you, Madam Chair. I might be mistaken, but I had the feeling that the concerned GAC members who considered whatever this communique is saying they considered, they were unhappy with what was presented by ICANN org and they were quite sure that more needs to be done, in particular in relation to process.

The concerns that we have been expressing are still there. The initiative tackles part of the problem. It doesn't tackle other problems. One of those problems is that ICANN has adopted a measure without consulting relevant governments, and the initiative that is in place is insufficient to make sure that the same will not reproduce again in the future, for example.

So again, it would be a paragraph saying what the concerned GAC members considered. If they are mistaken in their consideration, it's their problem.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil. And let me suggest that we now park this part and move on with the reading, and then we can discuss and try to come up with some common language maybe during the following break.

So can we leave it at this and move on, please?

Is this okay? So, Tom, please, over to you.

TOM DALE:

Thank you, Manal.

The next section deals with new gTLD policies, geographic names. It reads as follows: The GAC reviewed developments in

work track 5, geographic names at the top level, of the GNSO PDP on new gTLD subsequent procedures. This remains an area of policy priority for GAC members.

Now the following text in track changes was submitted by Brazil. It reads as follows: It was noted that discussions in work track 5 on the release of names with geographical significance should take into account the wealth of material that is available and still being produced outside the ICANN context.

Regarding the discussions in work track 5 held in San Juan, it is noted that the issue where the country names at the top level are generic names under the purview of the GNSO was a debated subject and that concerns were expressed regarding the envisaged timeline for the completion of work track 5, highlighting the need to allow GAC members to provide timely input.

Now, the following text I'll read briefly in square brackets. That was originally circulated earlier today in several versions. That was prepared by myself, and that reads: The GAC will work intersessionally on further analysis of the public-policy aspects of this work and seek a coordinated GAC input to the work track before finalization of any initial report. GAC members noted that the work track's current timeline may be challenging.

But the normal practice, of course, I would defer to text from members, so that's why I've included the suggested text from Brazil there in the track changes.

Thank you.

CHAIR ISMAIL:

Thank you, Tom.

So the text provided by Brazil is to replace the final paragraph that's now between brackets. Okay.

So any -- okay. So now we have the full text on the screen as Tom says.

So any comments?

Brazil.

BRAZIL:

Thank you, Madam Chair. Sorry to regain the floor. Just a clarification.

The highlighted text on the screen is not to replace the last paragraph. It is an addition. So we can keep the last paragraph as it is, and we are suggesting the added text.

Thank you.

TOM DALE: My apologies for that misunderstanding.

CHAIR ISMAIL: Argentina.

ARGENTINA: Thank you, Madam Chair. A comment for the last paragraph. There was agreement in the session this morning that there could be coordination in between the two secretariats, GAC secretariat and the secretariat of the work track 5, to incorporate the comments from the GAC into the working documents of work track 5. I think that we should maybe reflect that somehow. Or if it's somewhere, maybe I missed it.

CHAIR ISMAIL: So it would be very helpful if you can provide a sentence to that respect. Just one sentence, if possible.

So -- But any comments on the text as it stands? So can we go to the first paragraph?

So any comments on the first paragraph?

Second paragraph?

Yes, United States. I'm sorry.

UNITED STATES:

No problem.

Yes, we would like to propose some edits to this paragraph to I think more accurately define -- characterize what happened in work track 5. So instead of saying "it was noted," we would like to instead say, "Some of the GAC participants noted."

And then if you could please go to after that first reference to work track 5 and strike "on the release of names with geographic significance."

Okay. And then if we could also delete the reference to "wealth of," because it's not clear that there's actually a wealth of material.

Ask then if we could also replace "is" after "that." So replace "that is." There you go. Replace "that is" with "may be." I'm sorry. Keep "that." So it's "material that may be."

And then if you could then strike "and still being produced."

Okay. And then after "context," could you please add, "on names of geographic significance."

Thank you.

CHAIR ISMAIL: Thank you, U.S.

Argentina.

ARGENTINA: Thank you, Madam Chair. A point of order. Could we just keep the text as it was and add the other one in brackets or something like that? Because now we don't see the previous section, and I still don't know if I have to agree with this or not.

CHAIR ISMAIL: So...

Sorry; we're just bringing back the text.

So, U.S., could you -- could you read the new paragraph again?

UNITED STATES: "Some GAC members should take into account --" I'm sorry. I'm kind of lost at what's happening here. So basically, I'm just reiterating what I did before? Oh, great.

So strike "it was" and replace it with "some GAC members." Then after "work track 5," strike "on the release of names with geographical significance." Thank you. Replace "is" with "may be available." Then strike "and still being produced." And then

at the end where it says "ICANN context," please add "on names of geographic significance."

CHAIR ISMAIL: So now we have both paragraphs on the screen. Any comments?

Argentina, please.

ARGENTINA: We could accept the second one, but not with "may be" because there is material available.

So if that could be fixed, it could be somehow workable. If not, we will prefer the first paragraph.

Thank you.

CHAIR ISMAIL: Thank you, Argentina.

Brazil.

BRAZIL: Well, perhaps a compromise solution, Madam Chair, would be to draft the sentence as follows: Some GAC members noted that discussions in work track 5 should take into account --

CHAIR ISMAIL: So can we -- can we do it slowly? Because --

BRAZIL: Yes.

CHAIR ISMAIL: I suggest we have --

TOM DALE: Do you want a third version of it there? I need to ask as to avoid any confusion.

BRAZIL: Okay; I'm sorry. I thought we would be working on the U.S. version. So I read at pace because there were no changes until the point where I stopped.

CHAIR ISMAIL: So if they are minor edits, we can do it on the U.S. version.

BRAZIL: Yes.

CHAIR ISMAIL: If it's revamping of the whole thing, let's have a third paragraph.

BRAZIL: Let's have a third paragraph, then, to make sure everyone sees what the changes are and judge by themselves the gravity of the changes that I'm suggesting.

So it would read like this: Some -- Tom, you can copy and paste until "should take into account."

CHAIR ISMAIL: He did, yes. So this is a copy of the paragraph, yeah.

BRAZIL: Thank you.

Some GAC members noted that discussions in work track 5 should take into account any material available or being produced outside the ICANN context. Any material available or being produced outside the ICANN context relating, and then I would replace "on" with "relating to names with geographical significance."

CHAIR ISMAIL: Thank you.

BRAZIL: Brazil thank you.

CHAIR ISMAIL: I see the U.S. nodding.

Argentina? Perfect. Thank you, Brazil. Then we'll go with the third paragraph, and please delete the first two.

So the third paragraph, any comments?

Argentina.

ARGENTINA: Yes, we could add "coordination between GAC secretariat and work track 5 secretariat" when we --

CHAIR ISMAIL: At the end of the paragraph?

ARGENTINA: Wherever you think it's best. Just a reference, so it doesn't stay in the -- in the imagination but it stays in reality, written. "Coordination between the two secretariats will be done to" --

CHAIR ISMAIL: Tom has pointed out to me we have the coordination thing in the last paragraph, so we can add, "including."

ARGENTINA: But that's a coordinated GAC input. What I would like to stress is that it was mentioned that coordination between the two secretariats would be a good way to receive the input from GAC, which is different from the coordinated GAC input.

CHAIR ISMAIL: Yeah, exactly. We're just trying to identify the place, and we're adding "including at the secretariat level."

ARGENTINA: That's okay. Thank you.

CHAIR ISMAIL: Perfect.

Any comments?

U.S.

UNITED STATES: So in the paragraph regarding the discussions, if -- where it states "it is noted," in that first sentence, if we could just say, "some GAC members noted."

CHAIR ISMAIL: Is this okay?

Switzerland.

SWITZERLAND: Thank you. Jorge Cancio, Switzerland, for the record.

Having been in the discussions, I remember quite clearly that there were also some ccTLD representatives and other representatives of the community partaking in this opinion that it is a debated subject whether country names at the top level are gTLDs.

CHAIR ISMAIL: Thank you, Switzerland.

So Brazil?

Do you want --

BRAZIL: Thank you, Madam Chair. Can't we just strike out the part that starts with "Some GAC members noted that," and just state "The issue where the country names was a debated subject"?

Thank you.

CHAIR ISMAIL: Thank you, Brazil. Netherlands, were you asking for the floor?

Yeah.

NETHERLANDS: I was going to say the same. Thank you.

CHAIR ISMAIL: Thank you. I see U.S. nodding so is this acceptable to everyone?

Yeah. Then let's move on. Yeah, the last paragraph is, I mean, straightforward, I hope. So new gTLD policies. Tom.

TOM DALE: Thank you. Thank you. The section on new gTLD policies in general, that is out of more of Track 5 reads as follows.

The GAC met with one of the co-chairs of the GNSO Policy Development Process on new gTLD subsequent procedures. It was noted that while existing GAC advice has been considered, the Policy Development Process would benefit from more detailed GAC views and information on issues with public policy implications.

For example, support for developing countries and community-based applications. Thank you.

CHAIR ISMAIL: Any comments?

Switzerland?

SWITZERLAND: Thank you. Jorge Cancio, Switzerland, for the record. I don't have a wording proposal, but I feel it is being mentioned here with the sentence "It was noted that the PDP working group would benefit from more views from the GAC."

But I think that in the discussion there were also references to the fact that it would be easier for the GAC to make inputs if the questions by the -- being discussed by the PDP working group would be brought to the GAC also in a more proactive fashion in a way that the GAC is more easily able to understand which are the options, which are the policy implications and where there is potential divergence between the work being done by the PDP working group and what has been prior GAC advice.

So I don't know if Tom, in his wisdom, could capture that in an understandable English language.

CHAIR ISMAIL: He's trying. So Switzerland, does the sentence on the screen reflect what you wanted to say?

GAC members suggested that it would be helpful for the PDP to indicate to the GAC where specific developing issues may diverge from GAC advice and provide relevant supporting information.

Switzerland, please.

SWITZERLAND: Thank you very much, Tom. I think that perhaps if we add "Where specific developing issues have public policy implications and where they may diverge."

Something like that.

CHAIR ISMAIL: So any comments?

Okay. Then let's move on. Yes?

High-level governmental meeting, we're going to have this brief tomorrow. Again, this is a simple sentence because we're not meeting again on the communique drafting. So Tom, please.

TOM DALE: Yes. Thank you. This has been the practice in the last couple of GAC communiques to actually anticipate something that we know is going to happen and that should be recorded because it

is an important issue. So it's a little bit of an exercise in time travel, but it does not appear to have been controversial before.

It reads, "The GAC was briefed by the government of Spain on arrangements for the high-level governmental meeting to be held as part of ICANN63 in Barcelona."

CHAIR ISMAIL:

It's on the agenda tomorrow. So thank you, Tom. Let's move on.

TOM DALE:

Thank you, Manal. The section on GAC consensus advice to the board starts with new text that was provided by I was going to say the small drafting group, but it seemed to be quite robust in numbers, but the drafting group that worked on the issue during coffee break which seems a long time ago now.

I'll read through it and pass back to the chair. It reads as follows. "The GAC highlights the importance of complying with the European General Data Protection Regulation, GDPR, which protects the privacy of natural persons and allows for the processing of and access to data for legitimate purposes.

The GAC encourages ICANN to continue its efforts to ensure full and timely compliance with GDPR while involving the

multistakeholder community and European data protection authorities.

The GAC reiterates its previous advice, including the Abu Dhabi communique to maintain to the greatest extent possible the current structure of the WHOIS while ensuring full and timely compliance with GDPR.

The GAC does not envision an operational role in designing and implementing the proposed accreditation programs and the corresponding codes of conduct but reiterates its willingness to advise the board and engage with the community on these issues from a public policy perspective.

The GAC notes the opportunity for individual governments, if they wish to do so, to provide information to ICANN on governmental users to ensure continued access to WHOIS.

Regarding the proposed draft interim model consistent with the GAC's comments to ICANN filed on March 8 of 2018, the GAC advises the ICANN board to instruct the ICANN organization.

To ensure that the proposed interim model maintains current WHOIS requirements to the fullest extent possible.

To provide a detailed rationale for the choices made in the interim model, explaining the necessity and proportionality in relation to the legitimate purposes identified.

In particular to reconsider the proposal to hide the registrant email address as this may not be proportionate in view of the significant negative impact on law enforcement, cyber security and rights protection.

To distinguish between legal and natural persons allowing for public access to WHOIS data of legal entities which are not in the remit of the GDPR.

To ensure continued access to the WHOIS, including non-public data for users with a legitimate purpose until the time when the interim WHOIS model is fully operational on a mandatory basis for all contracted parties.

To ensure that limitations in terms of query volume envisaged under an accreditation program balance realistic investigatory cross-reference needs.

And to ensure confidentiality of WHOIS queries by law enforcement agencies.

Furthermore, we advise the ICANN board to instruct the organization to complete the interim model as swiftly as possible, taking into account the advice of both. Once the model is analyzed, the GAC will complement ICANN's outreach to the article 29 working party inviting them to provide their views.

Consider the use of temporary policies and/or special amendments to ICANN's standard registry and registrar contracts to mandate implementation of an interim model and temporary access mechanism.

And finally, assist in informing other national governments not represented in the GAC of the opportunity for individual governments, if they wish to do so, to provide information to ICANN on governmental users to ensure continued access to WHOIS.

I'll narrate the rationale because, just as a reminder, under the bylaws this was part of the advice.

The rationale reads as follows. The core mission of ICANN is to insure the stable and secure operation of the Internet's unique identified systems.

Accordingly, ICANN's bylaws include a commitment to preserve and enhance the operational stability, reliability, security, global interoperability, resistance and opening of the DNS and Internet.

ICANN's commitments and required reviews emphasize that it must adequately address issues related to consumer protection, security, stability, resiliency and malicious abuse.

The current WHOIS system helps achieve many such public policy interests including enhancing trust in the DNS, ensuring

consumer protection, protecting intellectual property, combating cyber crime, piracy and fraud to cite but a few of the elements highlighted already in the GAC's 2007 WHOIS principles.

The GDPR provides for mechanisms to balance the various legitimate public and private interests at stake, including privacy and accountability. We note that with legitimate interests reflected in ICANN's bylaws are consistent with the recitals to the GDPR which provide examples such as preventing fraud, ensuring network and information security including the ability to resist unlawful or malicious actions and reporting possible criminal acts or threats to public security to authorities.

Regarding registration data specifically, ICANN's bylaws recognize that WHOIS data is essential for the legitimate needs for law enforcement and for promoting consumer trust.

These rules reflect the nature of the Internet as a public resource whose governance not only serves the interests of the private parties operating the DNS, but also serves a number of important public policy interests.

ICANN's new interim proposal suggests significant changes to the WHOIS system, including masking several categories of previously public information.

The GAC is concerned that the interim model may not maintain the current WHOIS system to the fullest extent possible and that these changes are not supported by the necessary analysis and supporting rationale which poses the question whether the choices reflected in the current proposal are required by the law.

As it stands, the proposed system risks hindering the efforts of law enforcement, intellectual property and other actors in combating illicit activities and mitigating DNS abuse.

A rationale is required for the decision to hide certain WHOIS data element from the public database. Firstly, there is no need to hide non-personal information including information related to legal entities such as the name to the extent they are legal entities, for example, companies or organizations or the administrative or technical contacts, state, province and country.

Secondly, when it comes to personal data, the GDPR permits its processing, including publication, under certain circumstances. As clarified by the article 29 working party, publication of some personal data is not excluded as long as this is justified in light of legitimate purposes pursued with the WHOIS directory and is based on a legal ground such as performance of the contract or the legitimate interests pursued by the controller or by a third party.

In particular, publication of the registrant's email address should be considered in light of the important role of this data element in the pursuit of a number of legitimate purposes and the possibility for registrants to provide an email address that does not contain personal data.

Finally, legal entities are explicitly excluded from the remit of GDPR.

With that, Manal, I'll hand to you and have a drink of water. Thank you.

CHAIR ISMAIL:

Thank you, Tom. And yeah, frankly, I'm not speaking about the substance, but I think it's too long.

So unless you really need every word there, I would advise that we can shorten the text. If it's the agreement of the drafting team, then it's okay. Belgium.

BELGIUM:

Thank you. I would like to thank all those working on the text because I was not in the group because of my English, I think. It's a very long text but very important and we have many discussions with ICANN and they ask for information, guidelines from the GDPR but also from the GAC. So I think it's really

important each words stay in the text because that will give them a lot of information. I think it's a really, really good compromise. Thank you.

CHAIR ISMAIL: Thank you, Belgium. I have Netherlands, then Norway.

BELGIUM: Yes. Thank you, Manal. I would echo the words from Belgium. I think I cannot count the amount of sessions we have had about GDPR here. There has been quite some expectation by Goran Marby and others about delivering, let's say, the GAC to deliver with some guidance, information, et cetera.

Even threatening this doesn't happen, the web goes dark. I think this is not serious, but I think it does stress the importance of very detailed and good feedback from the GAC on these issues. Thank you.

CHAIR ISMAIL: Thank you, Netherlands. Norway?

NORWAY: I could just have repeated what the previous speaker had said. I think this is a real balanced text. It's been worked on a lot. I think it's a difficult text to pick out pieces and rephrase things.

Of course we should discuss it, but I think I would urge to keep it in the most possible way the way it stands now. I think it's really good. Last time I said this is the main subject that we've been discussing this whole week. Thank you.

CHAIR ISMAIL:

Thank you, Norway. I definitely didn't mean that we repeat the whole exercise again, not at all. Thank you for all GAC colleagues who contributed to this text. US, please.

UNITED STATES:

So I support the previous comments, but I also wanted to flag what I hope is one minor change to the draft. That would make U.S. exceedingly happy if we were to agree to it. It's with the paragraph under the advice portion that starts with "The GAC does not envision an operational role."

And I will go ahead and articulate the edits and I can give you an explanation afterwards.

So if we could after "Accreditation programs" strike "And the corresponding codes of conduct."

Or put it in brackets, that's fine. And then after "Engage with the community," if we could add here "On the development of codes of conduct."

And then delete "On these issues."

And the intent behind these edits is to just indicate that the GAC is, in fact, willing to work with the community in the development of codes of conduct, but it's still limited to the public policy perspective. I really do hope that this is acceptable but happy to discuss further. Thanks.

CHAIR ISMAIL:

Thank you, U.S. So the final sentence would read, "The GAC does not envision an operational role in designing and implementing the proposed accreditation programs but reiterates its willingness to advise the board and engage with the community on the development of codes of conduct from a public policy perspective."

U.K., please.

UNITED KINGDOM:

Thank you, Chair. Paul Blaker for the U.K. We just wanted to agree with other speakers. Many, many people now. We say it's a small group, but actually quite a lot of people have spent a great deal of time working on this text, and we just want to say thank you to everyone and thank you for Ghislain for chairing us. We're happy to support the small change suggested by the U.S. Thank you.

CHAIR ISMAIL: Thank you, U.K. Netherlands?

NETHERLANDS: Yes. Thank you. I'm a little bit puzzled. What's the role of ICANN?

Are we by ourselves then going to engage with the community?

I think somehow ICANN should be there. We're advising ICANN, as far as to the board. I'm wondering what it means that we engage with the community because then we've got also a responsibility and we have kind of, let's say, first move or action to engage with the community.

So I'm more looking for a clarification, whether this is not the case. Thank you.

CHAIR ISMAIL: Thank you, Netherlands. Switzerland?

SWITZERLAND: Perhaps a friendly amendment to this change proposed by Ashley and reflecting what Netherlands was implying I think would be to say "And engage with ICANN org and the community."

Because in the end, it will be a giant effort where ICANN org also plays a role.

CHAIR ISMAIL: Thank you, Switzerland. I see the U.S. nodding. I can see everyone nodding. So thank you for the friendly amendment, Switzerland. Very helpful.

So should we move on?

Yeah. Thank you, Tom, for the clean text. Do we want to go paragraph -- do we still need to go paragraph by paragraph?

I mean, almost everyone was on the drafting team.

(Laughter).

So thank you. So maybe we can move on now to the -- yes, please. Yes. Excited (laughing).

Back to you, Tom.

TOM DALE: Yes. Thank you. Before one of the breaks, I'm sorry, I've forgotten when exactly, the GAC had been discussing the proposed advice on the reserved acronym list, if you recall. And I think where we had got to was with regard to the text that you see on the screen had been discussed and there was a proposal,

if I recall, from Brazil to amend, although we hadn't gotten wording yet, to amend this section to require that release of a corresponding acronym at the second level by the relevant IGO should be able to be provided exclusively to that IGO in the first instance, if I recall, but the suggestion from Brazil but we hadn't gotten around to putting any new text on the screen. I believe that's where we got to sometime ago. Thank you.

CHAIR ISMAIL: So any comments?

Yes, New Zealand, please.

NEW ZEALAND: Thank you, Chair. Just for clarification and subpoint A, my understanding from the text below is that they're only going to have a chance to register the acronym at the same time as everyone else if it's released?

So do we need to make that clear in the language?

Thank you.

CHAIR ISMAIL: Yes. So we haven't specified all the implications, but we have noted in point C that the requesting IGO should be fully informed of all implications of any release of its acronyms

because, I mean, it's not only that it's going to be first come, first served but also open under other new gTLDs. So there are -- do we need to specify everything?

At the risk of overlooking something, so we can leave it at -- any comments?

Yes, Brazil, please.

BRAZIL:

Thank you, Madam Chair. This is a subject that I think requires our caution because whatever we decide here might have consequences that go well beyond the reason why we're adopting this advice in the first place.

I was wondering whether we could postpone an advice on this matter to be adopted not necessarily during an ICANN meeting for the mailing list, so GAC members who are not represented here could consider it. Not sure what the answer would be, but I just shared with you this thought.

In any case, trying to be as cautious as possible, I would suggest few amendments to letter C and that would be --

CHAIR ISMAIL:

I would say let's get to the first point first because, I mean, if we decide otherwise, then we don't need to go into wordsmithing.

BRAZIL: Okay. That's a good point. Thank you.

CHAIR ISMAIL: Thanks, Brazil. So the suggestion is that we don't rush into this advice, and we can still provide this advice through a letter to ICANN. I believe the list also was the advice regarding the current reserved list was done through a letter as well. It is an option.

So any objections to the suggestion?

Kenya, please.

KENYA: Thank you. Vincent Ngundi, Chair of (indiscernible), Kenya. I would like to suggest from the comments from Brazil and especially given all the chair said regarding we can actually think about it and if need be, we can actually write a letter communicating the thoughts that we have as the GAC. I agree that it's a weighty issue, but given these actions -- and I'm coming from the fact that the African Union has actually written a letter requesting to use the .AU second level with regard to Africa. Again, I agree with Brazil, these are weighty issues and if it's possible, given the fact that we can write a letter, then I

recommend that we put a hold on this for now so we can give it a little bit more thought. Thank you.

CHAIR ISMAIL: Thank you, Kenya. Any other comments?

So if not, then maybe -- yeah, we can continue our discussion on this and conclude intersessionally and if needed we can send our advice through a letter to the board.

Thank you. Moving on to IGO protections. Tom, please.

TOM DALE: Yes. I did read this out earlier on, and I would not propose to do so again. But if you'll recall, I informed you this text had been submitted just today by the representative of WIPO working with a number of other IGO assist I believe including the OECD not represented here in person. It goes to a slightly different issue than the specific acronym protection list, but, rather, to a continuing concern that the GAC has expressed in many communiques and communications to the board concerning the IGO protections policy development process. And it says what it says and the rationale is, again, as I read out earlier this afternoon, so that's all I have to say. Thank you.

CHAIR ISMAIL: Thank you, Tom. So any comments on this?

Okay. Then shall we move on?

Yeah, please.

TOM DALE: Thank you. I assume the fact that the next GAC meeting is in Panama City is not in contention.

CHAIR ISMAIL: Sorry, Tom. Can I just --

TOM DALE: But we have two -- I'm sorry.

CHAIR ISMAIL: Just a quick note on the previous section because I remember there was a long, long sentence in the rationale, yeah. So I mean, if okay, we can try to -- so this is one sentence so I think -- I mean, irrespective of the substance. But I think maybe we can try to work on having it in rather shorter sentences.

So if okay, we can try to do this offline and then you will see it in the new version.

So I see nodding, so let's try do this, yeah, offline.

Thank you.

TOM DALE:

Thank you, Manal. I don't know if you're familiar with the works in English of the author Henry James but he was famous for long sentences in some of his works, and it has a certain literary cachet to it, but, yes, I'm sure we can do that in consultation also with WIPO, if necessary. Thank you, Manal.

The two remaining sections are -- which I'll go to, assuming, as I say, the next meeting is not in contention, the two remaining issues for finalization by the GAC are the attachment which is the draft letter to the Board concerning the .AMAZON applications and, as I'm sure the GAC as not forgotten, we do need to return to the issue of agreed text on two-character country and territory codes which has taken some time. And I just recalled I think I've used that phrase in about the last six GAC communique drafting sessions in relation to two-character codes. I think that's where we're up to, so I'll go to the draft letter if that's sensible. This is an attachment to the communique. It reads as follows. To the Chair of ICANN: Request for additional information. And you recall this was circulated to you by me on -- I'm sorry. I can't remember. Sunday, perhaps.

I'm writing in response to Steve Crocker's letter of 29 October 2017 which convey the terms of a 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 receive or, 2), any other new or additional information to provide to the Board regarding the GAC's advice that the Amazon applications should not proceed.

The GAC has received an update at the ICANN61 meeting from several of its members regarding the proposal submitted by Amazon.com at ICANN60. We understand that member governments of the Amazon Cooperation Treaty Organization, ACTO, have established a process for analyzing the proposal and that this analysis is progressing. The GAC has been informed that amazon.com and board members have made themselves available to assist if requested. At this time, the GAC does not have any additional information to provide to the Board on this matter beyond referring to the GAC Abu Dhabi communique; in particular, to the advice to the Board contained therein. That is to continue facilitating negotiations between the Amazon Cooperation Treaty Organizations, member states, and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .AMAZON as a top-level domain name. The expressed need to find a mutually

acceptable solution in the case of the .AMAZON gTLD applications for the countries affected and for the Amazon corporation, as well as to the call drawing the attention of all parties to the final transcript of the relevant sessions where these issues were discussed. These will be available at that link.

And that is -- that material is (indiscernible) from the Abu Dhabi communique.

Thank you.

CHAIR ISMAIL:

Thank you, Tom.

Any comments?

Brazil, please.

BRAZIL:

Thank you, Madam Chair. I was wondering whether we shouldn't consider Kavouss's suggest that he sent to the list a while ago.

Thank you.

CHAIR ISMAIL:

So can -- Do you have it in front of you? Can someone read it, please?

So let's just give it -- give us a minute to find it. Thank you.

TOM DALE: My apologies. I'm reading from an iPhone message here, email version, but it can be done. Let me read out.

Now, this -- this letter from Mr. Arasteh, who is the GAC representative for Iran to be clear, was circulated to the GAC in response to my draft some days ago, and you recall we reminded you about it and I recirculated it to you earlier today. And it reads --

CHAIR ISMAIL: Tom, if you are going to read it, this is the one; right?

TOM DALE: Yes, that's is the one. It's probably just as easy -- Thank you, Manal. That's very helpful. Now I've got three -- five screens in front of me. This is great.

Please add -- And he says as following: Please add the following. GAC wishes to reiterate its previous position that this issue should in no way be referred back to the GAC due to the fact that GAC does not wish that this issue be reconsidered and re-opened in GAC. Otherwise, it leaves the impression that any of the decisions taken by GAC in the last could be reconsidered by

GAC which is technically, procedurally and practically counter-productive and unmanageable.

Thank you. And as I said, if you want to check the text, you all received a forwarded copy of me as well. Iran did send that to the whole GAC list, so you've got several versions of the email and that text.

Thank you.

CHAIR ISMAIL:

Thank you, Tom.

So any comments? Brazil, please.

BRAZIL:

Thank you, Madam Chair. Brazil thinks it would be useful to have something along those lines, and it would justify as well our reference in the communique to the fact that we are answering the Board's request in the spirit of cooperation.

If I may suggest some language to be added as a final paragraph, and then we might consider it. It would be short, shorter than Kavouss's version but I think it would be capture his idea.

Finally, the GAC reiterates that public-policy reasons justify previous GAC advice are not open for revision unless through new GAC advice.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil.

Any comments on this paragraph or the previous paragraphs?

Can we try to bring the whole text?

Netherlands, please.

NETHERLANDS:

Yes, thank you. I wonder if this is something which all -- let's say all GAC members are -- will -- at least from Netherlands, we have our doubts that this is a kind of closed shop, so once something we have said five years, ten years, twenty years ago will stay there forever.

I think my government would not directly support such a broad statement with -- without knowing the consequences, because this -- this is a generic statement, which in this case is set for this specific case, but it is a kind of generic implications for all the advices we have given. So I'm very hesitant, and at this moment I think I cannot -- from Netherlands' point of view, we cannot support it. Thank you.

CHAIR ISMAIL: Thank you, Netherlands. Brazil.

BRAZIL: Thank you, Madam Chair. Would it be acceptable to the Netherlands if the very end of that sentence were to read, "unless by the GAC itself" or something like that? That we disassociate the revision process from GAC advice, but the idea to be conveyed here would be that only the GAC could reconsider those reasons.

You see the problem and the message that I am trying to convey here is that the Board shouldn't be the one revising, judging the public-policy reasons that the GAC identifies.

Thank you.

CHAIR ISMAIL: Yeah. I have Belgium, but before that, I don't think -- I don't think the Board request was asking us to re-open our advice. I mean, they were asking us, given what happened, do you further updates to support the discussion or to advise them through their discussion.

So I don't have the exact text in front of me, but I don't think the request was for us to re-open the advice again or reconsider our advice. So I'll try to get the text, but, Belgium, please.

BELGIUM: Thank you, Manal.

CHAIR ISMAIL: Sorry, Belgium. The text is -- Tom highlighted the text on the screen. So I'm sorry to interrupt. Belgium, please.

BELGIUM: Well, now I'm lost. I was quite confused because it is a little out of context, the last sentence. So I feel it's like aggressive sentence, actually. So is it applies to the two-character country - it's in general. Because I thought it was in the context of the two-character country codes. It's something else.

CHAIR ISMAIL: It's in the context of .AMAZON.

BELGIUM: Okay. Sorry.

CHAIR ISMAIL: That GAC could apply to the .AMAZON -- to the letter of the Board to the GAC.

BELGIUM: Then maybe we should put it in the advice and not in the letter, because as the last sentence, it's quite -- well, I have the impression that it's a little aggressive.

CHAIR ISMAIL: U.S., please.

UNITED STATES: I just wanted to agree with you, Chair. It's -- I'm not sure why we're offering up this information as the GAC was not asked to do so. And if we want to open up that discussion about whether or not the GAC should consider its past positions, we can go down that path, but I'm hesitant to do that since that's not what's taken place and what ICANN has asked us to do.

CHAIR ISMAIL: Thank you, U.S.

Brazil.

BRAZIL: Thank you, Madam Chair. My intent was to give some satisfaction to the suggestion by one of the GAC members. Since I see no up side for the addition, I would be happy to delete it as well. But just explain why I suggested it in support of Iran's request.

Our concern is what the Board will do, what the Board intended that it would be doing once receiving the information from the GAC. What was the point for the GAC -- for the Board to ask the GAC to provide additional information in relation to those applications. So we were concerned that the Board would engage in an exercise of reexamine previous GAC advice and pass a judgment over something that it had already decided in the past.

But again, I think we can live without the paragraph that I suggested.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil.

Any comments on previous paragraphs?

So if not, then I think we will -- we are going to have a break now. We will work on the two-character code, yeah, and shortening the long sentence. And I think nothing else; right? Okay. And we will be circulating.

So -- So for -- for 15 minutes break is okay?

So regarding the two-character code, so who will be trying to put some text? So UK has volunteered. Anyone who would like to join, please go to the UK.

Thank you.

So we are reconvening at 6:15. Thank you.

[Break]

CHAIR ISMAIL:

So we're back. Can you please take your seats.

So thanks to everyone who has contributed to the text. We now have the final text on the screen. So, Tom, please, yeah.

TOM DALE:

Thank you, Manal. This text was provided by the not small, not large, the medium sized drafting group that met to look at this issue. And it reads as follows: The GAC notes -- sorry, we're talking about two-character country and territory codes at the second level in case you were -- you lost the plot.

The GAC notes that important concerns regarding the release of two-character country/territory codes at the second level as expressed in previous GAC advice still remain. The GAC also notes that ICANN org is undertaking an initiative to mitigate governments' concerns with regard to the release of two-letter codes at the second level. Some GAC members noted that the initiative had not been used. Some GAC members consider that the initiative would be insufficient and others would be necessary to resolve the issue.

The GAC intends to follow up on implementation of the initiative at ICANN62, bearing in mind that all previous GAC advice on the matter stands.

CHAIR ISMAIL: Any comments?

Yes, please, New Zealand.

NEW ZEALAND: Thank you. Harry Chapman, New Zealand. Sorry to complicate matters, but the second paragraph is sort of in the future tense. ICANN org is undertaking an initiative. And then the next paragraph is "noted that the initiative," which kind of sounds like the past tense. Maybe just a clarification is needed. Sorry.

CHAIR ISMAIL: Yes. France, please.

FRANCE: Thank you, Manal. I think -- I think New Zealand is right, and maybe a quick correction would be to say, "Some GAC members noted that the initiative has not been used yet."

CHAIR ISMAIL: Brazil, please.

BRAZIL: Thank you, Madam Chair.

I don't think it would be necessary to add yet a third paragraph but I see the problem that New Zealand recognized, and the problem would be solved if we reverted to the original formula in the second paragraph relating to the -- in relation to the verb - - to the verbal time. I don't know how to say that in English.

So instead of saying "is undertaking an initiative," "has undertaken the initiative," which was the original text the secretariat had suggested.

CHAIR ISMAIL: So, yeah, Brazil.

BRAZIL: Thank you. And together with that, we would suggest deleting the "yet" in the third paragraph.

CHAIR ISMAIL: U.S.?

UNITED STATES: I'm sorry, but at the very first paragraph, could we please -- it sounds like the GAC, as all of the GAC, notes important concerns. Could we state here that "some GAC members note"? Just so it's clear that not all GAC members have concerns or note concerns.

Thank you.

CHAIR ISMAIL: Any further comments?

Last call.

France.

FRANCE: Thank you, Manal. Maybe a suggestion for the last paragraph, because when you read it, "Some GAC members consider that the initiative will be insufficient and others would be necessary."

The "others" refer to other initiative. But when it reads like this, you might also think other GAC members.

So I think if you put "that" before "others," it would make it clearer that we are talking about other initiatives and not about other GAC members.

CHAIR ISMAIL: Is this okay?

Okay. Yeah. France.

FRANCE: I'm sorry to complicate things, but I just want everything to be -- everyone to be on the same page here. When we talk about the initiative, we're talking about what was presented during this meeting, which is the two services that ICANN org now offers to governments which is to monitor the use of the two-letter codes in the new gTLDs and then the possibility to ask the organization for compliance if the registry hasn't answered in case of a risk of confusion.

We're not talking about the mitigation measures that are offered by the registries; right?

CHAIR ISMAIL: Right, yeah.

Are we all on the same page?

Yes, please, Nigeria.

NIGERIA: Thank you. Why are we using "some GAC members" twice? I think we should change that sentence. "Some GAC members noted that the initiative has not been used and considered that the initiative would be insufficient to resolve the issue."

Thank you.

CHAIR ISMAIL: Thank you for the suggestion. Any -- Yeah, Australia.

AUSTRALIA: Thank you, Chair. I think if we do that, that changes the meaning of the sentence. And perhaps if we want to clarify further, we could say, "Some GAC members noted the initiative had not been used. Some other GAC members considered that the initiative would be insufficient," et cetera.

CHAIR ISMAIL: Yes, I was just going to say that the first "some" is different from the second "some."

So we're just using the same word for the sake of fairness, but -- Brazil, please.

BRAZIL: Thank you, Madam Chair. It was actually Brazil who suggested the language using the word "some" twice because within the first group of some GAC members, there might be some people who would also be in the second group, some GAC members. They're not necessarily opposed to each other.

What I mean is that some GAC members who considered that the initiative would be inefficient also noted that the initiative had -- has not been used. So that's the reason behind the use of

"some" and "some," because there might be an overlapping between those two groups and it wouldn't be completely accurate to say "others" considered something, as opposing them to the first group.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil, for the clarification.

So they are not two distinct groups or two different groups but there is intersection.

So any -- CTU, please.

CTU:

Yeah, in the -- in the third paragraph, you know, trying to resolve this "some" and "some" type of issue, maybe we could just say, "It was noted that the initiative has not been used, and some GAC members considered."

CHAIR ISMAIL:

Is this okay with everyone?

I see nodding. France?

FRANCE:

Yeah, I think it's getting to a level of abstraction that is bit confusing, maybe. But the issue is, my understanding -- and, Manal, you might correct me on this because we're on this -- we had a meeting with ICANN organization to design or to redesign or to design further the initiative. So it's being built.

So it's -- I don't -- I don't think it's logical to say it hasn't been used because it's not there yet, actually.

Why are we talking about this, then? Because the initiative would be to have a website -- a web page on ICANN's site that would allow GAC members to monitor the use of their two-letter character codes at the second level of new g- -- of TLDs, but it's not there yet; right? Or is it something different?

CHAIR ISMAIL:

Yeah, I think at some point in time we decided to refer to things in place as measures in place, and then this new implementation thing as the initiative. Now I can only see initiative. I'm not sure whether we are referring to measures in place or the new suggestion to have something implemented online as a tool for GAC members to monitor two-character code registrations.

So...

There is a friendly suggestion here from Thomas. Please, Tom.

TOM DALE: I suggest in relation to the first sentence of the third paragraph, you might want to consider the existing -- existing measures have not yet been used. It was noted or some GAC members noted that existing measures have not yet been used. A suggestion.

CHAIR ISMAIL: So -- Sorry, but let's take it. They are very small paragraphs. Let's take it quickly paragraph by paragraph so that we are all on the same page.

So some GAC members note that important concerns regarding the release of two-character country slash territory codes at the second level as expressed in previous GAC advice still remain.

So any comments here?

The GAC also notes that ICANN org has undertaken an initiative to mitigate governments' concerns with regard to the release of two-letter codes at the second level.

So my understanding here is that this is the ICANN initiative where they decided to provide concerned GAC members with two-character codes that are registered with the registration of their two-character codes. So this is measures in place, if I may.

But, I mean -- So, anyway, has undertaken an initiative to mitigate governments' concerns.

The third paragraph, "Some GAC members noted that the initiative has not been used," and we're referring here to ICANN manual initiative, the papers they handed to concerned GAC members. And then "Some GAC members considered that the initiative would not be sufficient."

So is this sentence referring to the manual initiative in place or the future one that we were promised online as an implementation?

I mean, yeah, it's going to be very difficult for those who did not attend here to understand.

So Brazil and then New Zealand.

BRAZIL:

Thank you, Madam Chair. The way I see it, the problem is with the sentence that says that the initiative has not been used. But I understand that some GAC members wanted to be there, for whatever reason they might have. I acknowledge in line with what Paul was saying during the break, that it perhaps would make more sense to follow the second paragraph which tells us that ICANN has been undertaking an initiative to follow that paragraph with the reference to the opinion of GAC members

that the initiative would have been sufficient. Perhaps you could do that.

So to be more precise and clear, perhaps we could move the second paragraph displayed on the screen, the very beginning of that paragraph.

CHAIR ISMAIL:

So, Brazil, if I may, before we start moving the text, are we talking about two initiatives or one initiative?

Because I think this is the problem that's mixing up everyone with the text. Some people are drafting the text for one initiative; others are drafting the text as if it's two initiatives. So probably we need to clear this first.

So yes, please.

BRAZIL:

Thank you, Madam Chair. This is very important indeed to bring clarity to this discussion. As I was saying, that paragraph there that affirms that the initiative has not been used was not Brazil's suggestion. So perhaps those that suggested the addition of that paragraph could explain to which initiative they were referring. Thank you.

CHAIR ISMAIL: So U.K.?

UNITED KINGDOM: Thank you, Chair. I'm sorry I wasn't in the room when you first presented this. Paul Blaker from the U.K. for the record.

We spent some time in the drafting group discussing these two sentences, and I thought that we had agreement to them in the drafting group. Again, I apologize that I didn't do my work properly.

In fact, it was, I think, Brazil originally who suggested the sentence "Some members considered the initiative would be insufficient," so I would really look to Brazil to explain what they meant first when they suggested that.

But I'm starting to wonder now whether we need this third paragraph at all. It's causing more confusion. I'm not sure it really adds anything. When we are saying there is existing advice, we're going to follow up implementation. I think it was Australia who first suggested that perhaps we can just delete this paragraph given the problems it's causing, I wonder if that might not be the best solution. Thank you.

CHAIR ISMAIL: So let me try this first to differentiate between the two initiatives if we agree that they are two.

So the GAC notes that ICANN org has undertaken certain measures to mitigate governments concerns with regard to the release of two-letter codes at the second level.

Some GAC members noted that those measures have not been used, does it make sense?

It does. Okay. New Zealand, I'm sorry. Okay. So some GAC members noted that the current measures have not been used. Then we have -- so again, I need to know the following sentence that it intends to refer to the said measures or the future initiative?

The sentence that reads "Some GAC members considered that the initiative would be insufficient and that others would be necessary to resolve the issue."

Are we referring here to the current manual measures or the online promised initiative?

Yeah, Brazil.

BRAZIL: Thank you, Madam Chair. Yes indeed, the current; otherwise it wouldn't make sense to have that paragraph as France rightly pointed out.

Perhaps also, since we in the first part of the second paragraph are referring to current measures that have not been used, perhaps the second part of that paragraph in which we express that members considered initiatives to be insufficient, you could say that the announced -- the initiatives that were announced to be insufficient and others would be necessary.

Because I think the real problem for GAC members that is expressed in that paragraph is they considered that the new initiative that was announced here to tackle their concerns would, in any case, would be used -- that initiative would have been sufficient. Thank you.

CHAIR ISMAIL: Now I'm confused. (laughing)

So again, I mean, the insufficient is describing the new promised initiative or the current measures in place?

UNKNOWN SPEAKER: Thank you, Madam Chair. The current measures are already considered to have been insufficient by those members and

that's why they require the ICANN organization to come up with new measures. So I think it is fair and I hope to answer your question I think it's fair to say that some GAC members considered that current measures and the initiative, new initiative that was announced would be insufficient. I don't know if that would be okay. Thank you.

CHAIR ISMAIL:

So some GAC members noted that the current measures have not been used?

Some GAC members considered these measures to be insufficient?

Because, I mean, we haven't talked about the initiative yet. Where did the initiative come from?

I mean, we've been saying "Current measures in place."

So here is my proposal, but I don't think it addresses your point fully because, again, and I think this is the point of confusion, you're describing as insufficient the current measures and the proposed model as well, right?

So let me try to propose this and then we take it for discussion. Some GAC members noted that the occurrence measures have

not been used. Some GAC members considered that these measures are not sufficient, are insufficient.

I would say full stop because this implicitly means that others are necessary. And then we can say that the GAC intends to follow up on implementation of the proposed initiative or the promised initiative or -- this is something futuristic that we are still willing to explore I mean.

But this does not address the point that this new initiative is also insufficient, right?

And I think this is the point of confusion, so now that we know where is the confusion, are we able to resolve it?

Frankly, I would be reluctant to say that the GAC intends to follow up on implementation of the proposed initiative at the ICANN62 but does not expect it to be sufficient. I mean, it's preempting the whole thing.

So I was just trying to break things down. If you need a minute or two to think it over and then we can try to find the right text.

Egypt, I'm sorry.

EGYPT:

Thank you, Chair. This is Christine Arida for the record. I'm a bit confused with the very first paragraph. So if we say here in that

paragraph has undertaken certain measures, are we now referring to --

CHAIR ISMAIL: So the first paragraph on the screen?

EGYPT: Yeah, I mean on the screen, yes. So would that go back then to be the proposed initiative?

Or are we here talking about the current measures?

CHAIR ISMAIL: The current measures.

EGYPT: Okay. Thank you.

CHAIR ISMAIL: So I believe the first three paragraphs are talking about past tense, about the current measures. And the very final paragraph is talking about the proposed initiative that was suggested during the session here.

France.

For example, the very last sentence which refers to the proposed initiative somewhere lost its meaning since we now in the previous sentence there's no explanation of any new initiative.

So yeah, I think it would be wiser if we broke into a small group.

CHAIR ISMAIL:

So 15 minutes is okay or do we need longer?

Let's start by 15 minutes break and then we can try to wrap.

Thank you.

[Break]

CHAIR ISMAIL: So we're back. We have the final, final text on the screen, if you can have a quick look.

Any comments? Shall I take silence as consent?

Great.

Tom, are we done? I mean, anything else on the communique?

Yay. I can see people still reading. No?

So thank you all. This concludes our communique but not conclude our GAC meetings for the week. We are still meeting tomorrow at 8:30. We have meetings until lunchtime, but GAC discussions are not reflected on the communique, so this is -- this concludes the communique, and see you all tomorrow 8:30 here in the same room. And enjoy your evening.

Thank you.

[Applause]

[END OF TRANSCRIPTION]