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KOBE – GAC: New gTLDs Policy (3 of 3)  
Tuesday, March 12, 2019 – 10:30 to 12:15 JST  
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MANAL ISMAIL, GAC CHAIR: Just to let you know, we will be starting in five minutes. I can see the queue for coffee is very long, so just to allow people to come in. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you everyone. Apologize for the late start. We will start our discussion on the new gTLD policies, and we will be starting by the Subsequent Procedures. We already had the session on Subsequent Procedures on Sunday. I hope it helped to bring everyone up to speed and we look forward to a fruitful discussion during this session. Again, thanks Luisa for volunteering to lead us on this important topic and many, many thanks to Jeff for joining us in this session too. With this, shall I hand over to you? Thank you, Luisa.

LUISA PAEZ: Good morning, everyone. It is Luisa Paez with the Canadian government. This topic is important not only for the GAC but for the whole community. As Manal mentioned, last Sunday we had our first session, the idea was to try to bring all of the GAC

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members a bit more up to speed in terms of timing, process of the PDP, as well as a refresher in terms of previous GAC comments and then next steps. So, I just wanted to do a quick recap as maybe some of you were not able to attend. In the first slide here, we have as well the difference sessions where the Subsequent Procedures are relevant. The first session we already had. I wanted to highlight we also discussed it in the preparation for the meeting with the board and I will get to that later on. In terms of specific question, we would like to ask the board in terms of the new details PDP and previous GAC advice. We have then today's session. We will also be having the CCT review session after this one, I believe, after lunch, if I am not mistaken but that is very important and relevant to this discussion. Finally, we will have the GAC meeting with the ICANN Board where we will be asking the Board a question. Just wanted to give you a sense of all the different sessions where this topic is being discussed or relevant. Manal?

MANAL ISMAIL, GAC CHAIR: The CCT session is immediately after this one so it is before lunch.

LUISA PAEZ, GAC VICE CHAIR: Perfect. Thank you, Manal. If we can go to the next slide, please. Last session Jeff one of the PDP co chairs kindly presented a wonderful slide giving us an update of the timing of the PDP, of

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where there could be a potential input again for the GAC. That was, I think, very, very helpful. We also highlighted in the previous session the importance of the GAC Helsinki communicate which was issued in 2016 which we will get into that in a little bit. We also gave an overview of previous GAC input into the PDP process. We didn't get to item four which we will be discussing in this session which is how do we best organize ourselves internally within the GAC to be able to provide meaningful and timely input in the PDP and in particular to avoid any future instances where perhaps GAC comments were not fully taken into consideration. So that will be the fourth agenda item. Next slide please.

So as mentioned in the previous session, this is the very important previous GAC advice that was delivered in Helsinki in June of 2016. As we had already reviewed it, but it is there if you need it, as well it is identified in the brief. If you can go to the next slide, please. Basically, this GAC advice really asks that the board that a meaningful review are taken into account, that the necessary safeguards are put in place before initiating any type of new round of new details. If you can go to the next slide, please. Oh, that. Perfect.

And so in regards to the GAC meeting with the Board, we had a preparation session yesterday and we mainly agreed that it could be useful for GAC members to receive an interim overall, or high level assessment from the ICANN Board on where they stand, or

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whether they see to what extent the Helsinki advice has been addressed at this moment. I think that that would be useful in terms of taking into account the ICANN reviews and analyses that are ongoing before launching the next round of new duality. We wanted to bring this to your attention and I will stop here to see if there are any questions but I know this was discussed in the preparation for the meeting with the GAC board, but again, as it is relevant to this topic we were just highlighting it here, but happy to take perhaps any questions now. So, I will stop here.

Perfect. Next slide. Again, just reviewing quickly, so on agenda item three, we had highlighted, and this is within the brief that was shared with all GAC members, our wonderful ICANN GAC support staff have created a very comprehensive table of previous GAC input into the PDP, into this PDP. We urge all GAC members to review this. We won't be going into detail into the table, but we wanted to show again the list. It has about nine pages, I believe. It is very well organized. This is the table of contents. It is the annex of the brief and perhaps I will give the opportunity to Jeff, one of the co chairs that is here today, to continue. We were having a very good conversation last session with the topics highlighted, to get a general sense if there are any divergences or agreements within the PDP regarding previous GAC input. That was very useful in order to inform GAC members, especially in our inter sessional upcoming work. I will perhaps

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leave it to Jeff to see if we could continue that conversation. I know we had discussed, I believe, the applicant support program. I think we discussed the timing and prerequisites but perhaps, Jeff, you could take us again, or add any further comments. We really want to take this in person opportunity with you to better inform our deliberations in this PDP. Thank you.

JEFF NAUMAN:

Thank you, again, for inviting me to attend this meeting and to collaborate with the GAC. Again, I truly value this opportunity and I am so glad to have done this for the past number of meetings. Again, I offer apologies from Cheryl Langdon Orr who is very involved in a lot of different activities, and you know, is often a lot of conflicting meetings, but she sends her regards and wishes she could be here.

One thing actually I did want to cover that I had forgotten to mention in the last session, which I think is important especially because I see a lot of newer faces out there and this work has actually been going on for 2016, I think, can when we started this. At the very beginning of our process, we sent a note to all the constituents and advisory committees and supporting organizations to send us any materials that they had submitted since 2012 that may relate to any kind of new gTLD issues. We did that to catalog all of those to make sure we were considering all

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of the letters and advice that was given since 2012. I see Tom Dale in the audience. Tom did work with us to collect all of the GAC advice since 2012. Well, actually, since before that as well to make sure as we were going through all of the different 40 plus items which extended into 60, actually, that we were considering those. So, the good news there is that we have been working on this and trying to incorporate GAC advice since our group started. I am not saying that everything that we have come out with has been in line with that but just to give some kind of comfort that we have been considering the GAC advice as we have been going along.

Just wanted to start with that just to give some comfort. I think a good area to start with may be communities because, I think, that was really towards the end and I think I just rattled off a bunch of information and then it was time to go. So, I do think that this is an important subject to talk about and what I had said the last time was that there were a number of areas of agreement between the GAC advice as well as the initial report and a lot of the comments that came in which were still the community feels like there should be well, there is support for giving communities priorities in cases where there is contention. That still seems to be where the group will head. And again, just a disclaimer that I am up here as the Chair of the group but not speaking on behalf of where the group will ultimately end up but just trying to give my impressions of where I think the group is now. General

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agreement for giving communities priority. I think all the comments supported the notion of making the process more clear and by the process I mean the community priority evaluation process, the information as to how the panelists are selected, information about potential conflicts of interest, and then also more information and more guidance on how decisions are made. We certainly saw in the 2012 round some inconsistencies and the board commissioned study on that and we are taking that into consideration as well, but the community certainly supports making things more consistent and decisions more consistent.

There is support for allowing some process to have back and forth between the evaluators and the applicants for any questions that they have. In the existing process, it was all applicants could send in information to the evaluators, but the evaluators really didn't have a process for asking questions or for clarifying any kind of issues that may have come up. That seems to be something that the community supports.

Where there is a lot of different comments, different perspectives I should say, is on how to define the community. There were a number of comments we received that said, including the GAC comments which were we should take a broader look at what is a community, that we were too restrictive in the last round, that the scoring system which for those of you who were not a part of it

required you to get 14 out of 16 points and that was subdivided and it was easy to lose points in different areas and there were many in the community that felt that that was not the best way to look how to evaluate whether something is a community. But on the other hand, there were also comments from a number of stakeholder groups and individuals that felt that we should keep that very narrow definition because the view that they have is that top level domains are I don't want to say free speech although there were comments on that but certainly that they felt top level domains should be for the use of everyone and not necessarily only for communities. So, there was a wide diversity in the comments that we got.

What does that mean? It means the group now needs to discuss all of these and see if there is a way to harmonize those comments, or for compromise and give and take so we can establish the goal which is if there truly is community support for an application that that should have priority over any other application in a contention set. Also, related to the notion of community, we certainly had discussions as to whether let's say whether a community has to be non for profit or a community can be in a commercial setting as well, so like, a community of trade associations, whether that could be a community. And again, certainly there is a wide diversity of opinions on that. I know that doesn't help that much to tell you where the group is heading but



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I do want to say we have received a lot of different comments on that. I don't know if there is any questions.

LUISA PAEZ:

Thank you, Jeff. I think that was really good for the GAC to take into consideration for the next steps. Looking at the floor to see if anyone has any questions at this particular moment. Iran, please.

IRAN:

I think when I participated in your group, I raised the question about the definition of community and I also raised the question about we should not give priority to the community unqualified. There should be some justifiable issue. Just being a community saying that I am community giving you all priority may not be fair. In addition to that, I wish you all take note that how you are going to reconcile within all these different views that there should be no difference in community and the other requests and how the community should be qualifications with justifications and justifiable to have the priority. This is an important issue we need to have. I don't know 2019 or 2020, we have to have a way. This community is very important for many people and on the other hand, other people say there should be equality of rights. What you mentioned about non for profit still has good justifications with respect to the commercial. Being a commercial and having the priority of the community is questionable. These are the

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things I think we need to have discussions from you and your colleagues and that will help you with further continuation of the topic. Thank you.

LUISA PAEZ:

Thank you, Iran. We will definitely put into deliberations of the group in terms of Subsequent Procedures that we would need to have more meaningful discussion and seek more clarity and agreement within the GAC hopefully inter sessionally or in the next in person meetings to provide more clarity to the PDP as well. Just looking at the floor to see if there is any other questions. [Indiscernible], please.

SWITZERLAND:

Thank you, Luisa. [Indiscernible] for the record. We are very much looking forward to see what the initial thinking of the Working Group is on this issue of community base applications. From Switzerland, we together with the UK, and with others, we very much supported the council of Europe study. I think that well, you are very much aware of that study and its recommendations. I think there are many useful findings and recommendations in that study, so I am looking forward on how that is being taken on board. There are a lot of procedural shortcomings which were identified in 2012 which really questioned whether due process had been followed in that process of processing the community

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based applications. That's one part. And I think that there the constitutions in the PDP have made quite some progress because there were some really evident problems in how they were managed. On gaming, both ways, the fake communities and what the rules are because priority, of course, creates an incentive for gaming, and what the definition of community has to be. That is a very delicate balance that I think we will also like to look into in the coming weeks or in the coming months. If I recall correctly, one of the findings of the Counselor of Europe study was also that to the extent that the community based applications are non for profit that would create a correcting incentive so the intention to game the system, to obtain priority would be diminished because you would be bound by a non for profit status or at least for following very clear public interest goals for that application. And finally, I think that, and you mentioned it before, we should not lose sight of the principle goal of this and that is that the diversity of the TLD landscape should be nurtured and should be expanded and community based applications are, of course, something very important to that, SR for instance, public service broadcasting stations, radio stations, so that not everything is commercial freedom of speech. There is also a place for public interest and community freedom of speech and using the TLD as a means of association, of gathering, of exchange for communities. So, I leave it by that. Thank you very much.

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LUISA PAEZ: Thank you, Switzerland. All very good points. Jeff, perhaps if you have any quick reactions or further comments on those points?  
Thank you.

JEFF NAUMAN: Sure. And I agree. Those are all great points. I think especially we did go into this with the hope there would be innovation and different diversity within top level domains, not just in the types of the top level domains but also in the way the domains operate which takes us nice and neatly to one of next issues which is on the topic of closed generics but I don't want to go there yet because I don't want to ignore the other comments made. Yes, the Council of Europe had some great findings in there and certainly the group has been focusing on a lot of the procedural issues, because in a way that is much easier to tackle than the substantive ones because everyone can agree things need to be less transparent and less conflict of interest. These are procedures that were not very controversial but when you get more into the substance and talk about things like priority and Jorge mentioned gaming is one of the concerns on both sides and I think that fear of gaming drove a lot of the very restrictive nature of the criteria so I definitely do agree that is much more difficult. That relates all to I made a comment yesterday at the

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microphone at the public forum and that is trying to figure out a way where all the stakeholders that come together can have an incentive to compromise and have an incentive to come off of the initial position which a lot of groups and individuals may be stuck in because they are advocating for a very specific position but it is important to make sure that there is some give and take in the process and make sure as a multi stakeholder organization everyone feels like it is a win win situation. I say everyone is equally happy or equally unhappy at the way that we come out preferably equally happy. So, then going into the issue of closed generics, this was an area that the GAC provided advice on. This was advice that was given after the 2012 rounds had opened and after the applications were revealed and also there were a number of early warnings that were issued, and I think that those early warnings then gave rise to additional GAC discussions and then ultimately advice.

The advice on that I don't know if yes. What it said was the GAC was not against the notion of having closed generics. You know, it didn't say you should completely restrict them, but what the GAC advice said it should serve a public interest goal if you are going to allow them. The ICANN Board adopted a resolution for the 2012 round that basically said you know what, this issue is very difficult to deal with so for the 2012 round we are just not going to allow any closed generics at all but we are going to put

this out for we will refer this to the policy group, us, to discuss whether there should be a policy on this. And to remind everyone what a closed generic is it is when an organization applies for a term, in any language, that does not necessarily relate to their brand name but could relate to a category of goods or services. So, let's say there was an application for by a food store or a grocery store for .food and they want to use that instead of making registration available for third parties. IT group, Subsequent Procedures, our PDP Working Group got together and said we need to address this issue because it is something the board did refer to us. As you can imagine, again, there are groups on both sides. There are groups that say no, we should never allow an organization to control a generic term for itself. That if it has a generic term, it must make second level domains available to the general public. Then there is the other side where there is a number of comments that say wait a minute, if we are looking out were the public interest or public benefit, who is to say an organization using a top level domain can't use that in a manner that actually promotes the public interest more than just making it available to or making second level registrations available to the general public. An example that came up is .disaster. The international red cross wanted to have a top level domain in multiple languages, let's say, essentially that was .disaster so they could make sure when there is an event around the world for which they are collecting donations, if they used this .disaster to

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do that and there was a disaster and I don't know wish this on anyone but a natural disaster in let's say the United States and let's say it was in New York City so if the international Red Cross wanted to use New York.disaster to collect funds to donate to that relief effort it could.

Now, some would argue that serves the public interest more than a registry operator that applies for .disasters that just makes registration available to anyone who wants it without any kind of verification or any kind of restrictions. That could, you know, in those commenters made the case that that would serve the public interest more.

It is a difficult issue. It certainly is one that there is passion around both sides because it also does delve into the motion of free speech and whether the ownership of a domain name is equal to the freedom of speech and I am not here to say one way or the other. I think there is great arguments on both sides, but it is difficult to work through those issues and find agreement. We do have GAC advice about when you try to come up with criteria of what does it really mean to serve a public interest goal and is there a way that we can put some criteria around that so when an evaluator looks at an application like that it says yes, we think that that is likely to serve a public interest. Or is it on the back end? Do you allow the top level domain to go through and afterwards you and you impose on them, sorry, some public

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interest commitments, then afterwards is that a compliance issue to make sure they are living up to what they say they are going to do? I know that is complicated, very much into the weeds, but these are the things we are discussing within the group.

LUISA PAEZ:

Thank you, Jeff. I think that is exactly the type of substantive comments we want to hear from to inform our discussions within the GAC and within the inter sessional. Looking at the floor to see comments. I see Iran, please.

IRAN:

The issue of public disturbance was a serious issue. There was no internationally agreed definition of public interest and that would be something that people would accost themselves whenever they don't want to something or do want to do something. That is something that we should be very careful with the use of that. It should be in an appropriate manner. We don't know. Many things should be done under the public interest which may not be public interest and public interest depends which public you are talking about whether it is in a country, another country based on the culture and geographical location. Public interest are different in country A or B and whether we have global interest which portray a member of the ICG. Those are complex issues that have yet to be answered. Thank you.



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LUISA PAEZ: I see Jeff. Want to provide comments? Thank you.

JEFF NAUMAN: I completely agree I think this is something we have been trying to define well, I started in this community in 1996, so I think since then I know we have been working on it. However, we have GAC advice that says it needs to serve a public interest goal. So we understand it is very complex and hard to define so that is kind of where, you know, to be honest we are stuck a little bit because the GAC, your advice says that it needs to serve a public interest goal, and if we agree with that advice, which I think a number of which I think a lot of people do, now the question is moving it down a level. OK. How do we do that? If there is any one with thoughts on how we evaluate that. Is it even necessary to come up with a definition? Or can we have some other criteria that the GAC or others would be happy with if we apply that criteria? One of our missions, which got support from the entire community, including the GAC was that we should provide for to the best of our ability predictability. How do we do that? I am looking for guidance. I see that.

LUISA PAEZ: Perfect, Jeff.

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LANCE HINES: Jeff, I just want a thought from you or ideas and this pertains from the community based applications. You may have small businesses, IT businesses, who may be interested in applying for gTLD at some stage. They are private sector by definition. You have your community based applications which seems to focus on a non profit slant and so I can't help but feel that there is this group that gets left out who would like to participate in the internet space but can't do that just because of the way it is currently structured. I don't know if there is any way to address that. That is the first one. The second one is there seems to be I have been hearing about companies out there who seem to want to offer financial support for those who can't afford to apply for gTLD themselves. If that is the case, I wonder what is the Working Group's comfort zone with that and if you think that is something that will continue to emerge. Thank you, chair.

LUISA PAEZ: Thank you. Perhaps, Jeff, do you prefer taking questions first? Or want to react?

JEFF NAUMAN: I think because of my short term memory it is probably easier to react.

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LUISA PAEZ: Perfect. Go ahead, thank you.

JEFF NAUMAN: Thank you. Those were excellent comments. To respond to the first point about small businesses and others that may not be able to afford the expensive fees it cost to apply, that deals with the applicant support program, I think, more closely and certainly that is an area where you know, there is that there is work ongoing on how to improve that program both in terms of doing more outreach and making the world aware of this program, but I think it is also more than financial support. Financial support helps you with the fees you need to pay for the application, it helps you with your annual fees you pay to ICANN, so there is also work ongoing which is how do we support applicants from a technical, operational, legal, basis? And I think there are some recommendations within the group that do provide for at least at a high level for that other type of support. For example, in the 2012 round, although this was not as widely publicized as I had hoped, there were a number of organizations that did volunteer to provide some of those technical services. So, there was a web page on the new gTLD site that had a list of providers, whether it was a what we call registry back end provider, the entity that provides the technical registry functions, there was a list of

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registries that were willing to provide support to applicants. There was a list of consultants as well on that web page who made themselves available for supporting doing applications or setting up a business, all sorts of things, but it wasn't really widely known. It was almost kind of a check the box. It was done but if nobody could find it it wasn't effective. There are recommendations on how to enhance that type of program but also make it more well-known so that small businesses in underserved regions or small businesses anywhere in the world could get that kind of support.

As we said on Saturday? Sunday? When did we have our session? Sunday. You know, I really this will go into our later discussion but any kind of help we can get from the GAC Working Group on underserved regions would certainly be appreciated in this area.

LUISA PAEZ:

Thank you, Jeff. Doing a better with outreach and communication will be critical. We have about 7 minutes left before the next session on CCT so I will probably take one more question. Switzerland do you want to provide another comment? We want to at least five minutes to discuss how we can organize the GAC inter sessionally for the next steps and to continue this important conversations. Thank you.

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SWITZERLAND:

I will try to be brief. I think the counsel from Europe gives good examples on how to define public interest. In the end, it is related to values connected to fundamental human rights and vulnerable groups and minorities, diversity, inclusion and protection of consumers, internet users. This is all many times related to market failures. If that can help, perhaps it is inspiring. If you look at the bylaws, we have a procedural approach to what is the global public interest and it is what the community comes up in a bottom up fashion. Thank you.

LUISA PAEZ:

Thank you, Jorge. If you have any comments, Jeff? Wonderful. Thank you. Just being mindful of time, perhaps if we could go to, I believe the final slide or agenda item which is how we can best organize ourselves inter sessionally. We do have at least from a GAC leadership perspective a proposal for the GAC on how best to organize ourselves and what are the expected next steps. I know we will get there soon on the next slides. The idea in terms of next steps would be that the PDP Working Group finalizes the analysis of all the public comments and then we will have our fabulous Ghislain de Salins and others extract that analysis and cater that to previous GAC comments so that we can see compare whether there is a need to provide furthermore tangible comments in certain areas where there is agreement and where there is divergence. That would be the next step in terms of

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process. In Barcelona, there was some discussions of potentially creating a Working Group.

Then we had some inter sessional discussions with some GAC members as well as within the GAC leadership team and perhaps at least from a GAC leadership team perspective, I want to see what the GAC members think, would be in terms of next steps would be to assimilate the same small group as the EPDP has established, so create an informal focal group creating a mailing list and this mailing list will act as a sounding board to the GAC leadership, as well as support the GAC's analysis just to ensure they're aligned with the previous comments. In terms of a membership, it is open to all GAC members, but the idea would be to have active participants. Obviously, we understand that most GAC members are all very busy in our day to day jobs so we will have the support of the GAC staff so that is an important highlight. That is one proposal to perhaps be able to react because there could be unexpected public comment period probably in June and perhaps, Jeff, you can correct me on that, but just to create this small group assimilated as the EPDP small group has been working very efficiently, obviously and as a sounding board to the GAC leadership and with the support of the GAC staff, but of course, this deliberations will always be shared with the wider GAC membership and we can always have GAC wide call as well. I will leave it there and see if there are any

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reactions and perhaps, we can take just a few more minutes before the next session to see whether this could be a good way of organizing ourselves. We can always reassess in the Marrakech meeting or the meeting in Montreal, but this could be a next step in organizing ourselves, but we can always reassess later if it is working or not.

I guess you are all digesting the idea. Perfect. Switzerland, please, thank you. Switzerland: I think what is really key is to take into account how the PDP is progressing. If I understood our conversations correctly with Jeff these last days probably by June/July, they will be crystalizing what will be there final report. Then, perhaps, there will be this additional public comment period but on very specific issues. I think that as our comments so far touch on the issues, they are already digesting and might be finalizing by end of June. It is of vital importance that this mapping between GAC input so far and thinking of the PDP Working Group as soon as it takes some form is made and that probably will need to be done in May or start of June. Otherwise we will come in too late to make this if there is a big point of divergence highlighted by this mapping exercise, we need to intervene there because otherwise we enter into later phases where everything gets more difficult.

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I would hope that this happening exercise done by our able staff support with help of this sounding group or Working Group and the GAC leadership is done, you know, as soon as the PDP Working Group crystalizes a bit and that we have a kind of traffic light system so that the rest of the GAC can see, OK, here we have no problems here, we may have some in here, there is definitely some issue, so we are able to really make a meaningful input in May or June.

LUISA PAEZ:

Perfect. Thank you. At least I am hearing support from Switzerland in terms of creating this informal group in particular to be able to provide timely and meaningful input, if needed, on certain specific topics once we receive this analysis from our support staff. Thank you. I am looking at the floor. Iran please.

IRAN:

Yes, the idea is good. You need to have nominations or self nominations of volunteers to read and to be identified at this meeting. You don't call them small group. Take the adjective out. The group of 5 6 or however but this should be formed. It is simple. To study and take any follow up action with respect to the continuation of the subsequent PDP. We need volunteers ready to work on that. That is important. If you leave it open, we would have a group but no action.



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We should have people be committed like the small group I mentioned this morning. Six hours per day but this is 16 hours a week. If you do at this meeting, maybe by the end of the May.

LUISA PAEZ:

Thank you, Iran. I know Manal is poking me in terms of the time left we have. At least from what I hear from you is that there is, from your perspective, a need for a formal Working Group to be formed in this meeting. Perhaps I will just take one more further comment and perhaps we can continue. We will see if we can in terms of the site and what type of format of the group we would want to make. There are some pros and cons in terms of creating a formal work group. We would need a chair to form this Working Group and identify terms of references or we would just like to stick to the informal group. We don't have to call it small group. We will assess. I will take one more comment. Please, Manal.

MANAL ISMAIL, GAC CHAIR: As you rightly mentioned, the former Working Groups have some formalities embedded in which we might not have the luxury of time and I see Iran nodding. Maybe we can form a quick focus group because also as we heard from Switzerland, we need to target May as a deadline for our work. It is, again, a little bit tight timeframe and we need to get started quickly. I would advise that we go for a focus group that would have a concrete mandate from

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the GAC as Luisa described earlier. Please, we are calling upon volunteers to share their interest with Luisa, or maybe on the GAC mailing list to encourage others. At least we have Switzerland expressing immediate interest. So, thank you, Jorge. No, no, go ahead.

LUISA PAEZ:

Thank you, Manal. I will wrap it up to say that at least I know Switzerland, I am seeing some other hands up perhaps, Australia, and I think Yemen. We will be sending a formal email within the list. Pardon? Cook Islands. And Bosnia and Slovenia. We will wrap up the session but sending out an official email request for volunteers and again this informal group will always be sharing its celebrations with the wider GAC. Thank you. One last word from Jeff.

JEFF NAUMAN:

Sorry. Thanks, really quick. I know you will hear from the CCT review team and I think that is great. There were a number of items referred to the Subsequent Procedures Working Group and those have been referred since the initial report. We have been working on those. So, I just wanted to give you comfort that was going on. That was it. Thank you. Thank you, again, for having us here.

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MANAL ISMAIL, GAC CHAIR: Thank you, Jeff and many, many thanks Luisa and please, Laureen, if you can join us up here for the CCT review discussion. As we mentioned earlier, we will be discussing the CCT review. You heard this morning very quickly during the PSWG Working Group on the 35 recommendations that were an outcome of the CCT review and, again, for those who are complaining about the aggregations, I am sorry. It is the the acronyms it is the Competition, Consumer Trust and Consumer Choice Review Team and I believe we have the slides on the screen. Laureen, apologies for the late start but if you are ready, I can hand over to you immediately. So, while you get settled, just to confirm that the board has discussed the CCT recommendations and as we heard earlier, they had, like, three baskets of recommendations. Around six were accepted. A few others were passed through the relative parts of the community because they were out of the realm of the board. A few others were pending certain actions and they are pending different activities. I think there was a very helpful mapping of the board decisions and the GAC previous input on this. I will stop here and pass over to you, Laureen.

LAUREEN KAPIN:

Thank you, Manal. I will try and make up for loss time by not getting too bogged down in the weeds. Just by way of background, the GAC has been involved in the competition. This sheet has it wrong. The sheet has been involved in the review team. You had two GAC reps. Myself focusing on consumer trust issues and Megan Richards who focused on competition issues. In addition, the GAC commented on the preliminary draft of there CCT review team support and also just to take a step back, the GAC has consistently been involved since before the Beijing communicate on the issue of what necessary to protect the public particularly in respect to the new gTLD program. This review team is the first review team post Diana transition to come out with a report if I am not mistaken really focused on those issues, in particular what was the impact on competition and consumer trust and consumer choice in light of the new gTLD program. So, it is quite an important endeavor on a very important subject that the GAC has weighed in on.

Again, by way of background, this is a required review under the bylaws. The general mandate is set forth in the bylaws and the review team was informed by a lot of work that had gone on before in terms of studies, in terms of surveys, in terms of community input on what are the really important topics for the

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review team to cover, and also on the definition of abuse which we talked about in the earlier session.

The CCT review team was a collegial small group. About 17 of us and almost all of our recommendations were consensus recommendations. We issued a lengthy report over 200 pages which I commend to you for your reading pleasure but if you don't want to go through all 200 pages there are good summary materials as well. It board recently, very recently, took action and issued a very lengthy resolution which the entire review team has not yet had a chance to digest, but several of us have at least reviewed it and this session is to offer high level takeaways that I want you to know, again, this was issued very near the very recently and near the meeting and as we know we are all engaged if a flurry of activities right before meetings so it wasn't the best time for us to be able to look at this in the detail that it deserves and we will be doing so.

That is all by way of background. What I wanted to highlight are a few key takeaways. Can we move to the next slide? I want to highlight for you that of the many times the GAC issued advice related to the work of the CCT review team, one piece of advice in particular was quite important and that was the Helsinki communicate advice. This falls under the topic of sequences and what has to happen in the right order. Essentially the GAC advised the ICANN Board to make sure it considers the results of the

review team before it goes on to considering the next round of gTLD. If you are having a dinner on what the impact of the first round of new gTLDs are and you care about the results of that review, then you are going to make sure you take that into consideration before you launch into the second round. That was the gist of the Helsinki communication advice

In this board we have the board considering the 35 recommendations and accepting 6 of the recommendations and putting the rest into buckets, certain buckets, pane buckets, which are essentially in a pending category many or a further work by the community category. In terms of sequencing them, you have a problem because all these recommendations are not necessarily going to be resolved before the next round of gTLD. What issues need to be grappled with before the next round occurs is important. I offer that as a point of consideration and further thought by the GAC as we continue our work in assessing the result of the board's decision. Again, this is a sequence issue. The GAC has issued advice setting forth a recommendation that you should take the work of the review team into account before you launch the next round and an action by the board which essentially is putting on hold a lot of the recommendations by the review team.

OK. With that said, I want to move on to highlighting just a few key points of the board's actions. Put on my reading glasses now.

First of all, the board did accept some key recommendations and I would be remiss if I didn't highlight and acknowledge those. First of all, one of the big recommendations by the review team was to formalize and promote ongoing data collection. This was essentially a big category for the review team which basically recognized that many of the issues we needed to grapple with would be best informed by data which had not yet been collected. As a starting point, the review team made a very broad recommendation about the need for systemic data collection efforts and that was accepted which is a good development. I am trying to find my correct charts here.

Another recommendation that was accepted, which was very important for the review team and really goes into the visibility of what are the key areas of complaints regarding new gTLDs, focused on the need for more detailed information on the subject matter of complaints. ICANN compliance as you know deals with complaints about contract violations and they actually have a very robust part of the ICANN website that talks about the complaints that are received. At the time the review team was actually looking at those complaints there wasn't a lot of detailed information about the subject matter of the complaints were. One of the recommendations the review team made is there should be more information provided and indeed this is a recommendation that ICANN compliance began to work on even

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before the board accepted the recommendations. So, this falls, again, into the good news category. I want to make sure I am balanced in my comments and I don't deprive you of the good news as well as my concerns.

Another good news category is recommendation 22 which deals with engaging stakeholders to determine the best practices that are being implemented into the community to offer reasonable and appropriate security measures particularly those dealing with health and financial information. That was another recommendation that was accepted, and this goes to the main point of trying to gather information on best practices and publicize that. We are very happy that was accepted.

Now I am going to move on to high level concerns. Here I am going to commend you to the very useful table that Fabien created to try and put a very lengthily and complicated board resolution into a much more digestible format and I want to acknowledge he did this in a short amount of time, but it did not take a short amount of time. It was actually quite an effort. So, I commend this to you because it is actually a great resource. Here I want to highlight some of the recommendations that were not accepted that we likely will want to have further consideration and communications about.



First of all, under the data category, recommendation 11 recommended conducting future consumer surveys about behavioral measures of consumer trust. One of the big issues the committee considered is the extent that the new gTLD promoted consumer trust. When we looked at the studies that were done, there were very few parts of the surveys that really went to what are the objective measures of consumer trust. What does that mean? How do you measure consumer trust? How do you ask questions that focus on objective behavioral measures? IE would you go to a new gTLD to conduct a transaction? Would you provide them with your credit card number? Would you provide sensitive health information? How do we know whether a particular gTLD, whether it is a new gTLD or a legacy gTLD, is in fact trusted by the public? What we found was there was a dearth of information there. That is a recommendation that was not accepted and the rationale was well, we already had some information there, so we need to conduct an analysis about whether that is really needed. This, at least initially, strikes me as a bit circular. The whole thing driving this recommendation was that the existing data was insufficient. So, we see this as a problematic decision by the board. I think a lot of this is really going to come down to a need for subsequent communications between the review team and the board perhaps to explain ourselves more clearly about why we made these

recommendations. Sometimes you think you are being clear, and your message is not being received.

Recommendation 23. This actually deals with highly regulated sectors. The risks inherent in gTLD and highly regulated sectors such as financial sectors, health sectors like pharmacies, financial sectors like banks, gambling gTLDs, these are highly regulated sectors that carry particular risk for the public because they are more likely to carry some sort of message of trust, i.e., I am a bank you can give me your financial information. I am a pharmacy you can give me your sensitive health information. Because of these risks do is the public, the GAC was very active from the start, starting in the Beijing communicate, about the need for safeguards in these areas. We issued advice starting with Beijing and then subsequently in many communicates after that about the importance of safeguards. In recommendation 23 there was a particular focus on gathering more information to determine what steps registries are actually taking regarding these safeguards and in particular I want to highlight a part of the recommendation that suggested an audit to assessing whether restrictions regarding these gTLDs possessing the necessary credentials are actually being enforced. Just to put that into a real-world context, if a gTLD is indicating that a credential is needed to buy that gTLD, the suggestion here was well, you should audit that? Can someone without that credential buy that

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gTLD? Can someone who is not an accountant by the. accountant gTLD. This is something that was not approved by their board and one of the reasons is they want to assess the nature of complaints regarding gTLD in this area. The problem with that is you won't necessarily get complaints regarding this issue because you don't know what you don't know. Who exactly would discover that a person who is not supposed to be buying a gTLD has bought that gTLD? This is a situation where complaints may be one data point, but the absence of complaints doesn't mean there is not a problem. So, this is another issue that I would highlight for concern, particularly because the GAC has been so consistent in its advice about the importance of the safeguard and if the safeguard isn't actually being enforced that is a problem. If the recommendation which seeks to provide transparency on whether it is being enforced, i.e. an audit, which is a power ICANN compliance has, if that suggestion is rejected that is an issue as well.

I am looking at the time because I am trying to be mindful of keeping my promise. We talked about in the first session several buckets of recommendations dealing with DNS abuse. Particularly recommendations 14 and 15. I am not going to get into the specifics of the recommendations but at a high level they deal with measures to try and mitigate DNS abuse and we feel that there seems to be a miscommunication because the board

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essentially said we need to figure out what the definition of abuse is but the review team was very detailed in sighting what it took as its definition and that was already based on community input. To say there needs to be all these processes gathering community input on that doesn't quite make sense to us.

Let me skip to one last one to close because it is specific to the GAC. That is recommendation 33. This was a recommendation that was accepted and the reason I wanted to highlight it is because we are the target audience. I would be remiss in my presentation if I didn't highlight the fact that this is a recommendation from the review team that was in fact highlighted. That is that GAC consensus should be announced and accompanied by a rationale and that will help the board determine how to apply that advice and an applicant guidebook should clarify the process and timelines for which advice is expected for individual gTLDs. I am happy to note that I have seen GAC advice really evolve from recent communiques where we are very mindful of trying to be as clear and explicit and actionable as possible in providing a rationale, so it does strike me this is an area where even before the board accepted it we have been mindful of trying to do that. We may have one or two minutes for questions? When do we end? At noon? Yeah. 1 2 minutes for questions if people have questions and my invitation as usual to ask me questions outside the formal process is –

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MANAL ISMAIL, GAC CHAIR: I am sorry. It is 12:15.

LAUREEN KAPIN: I went so fast it is like we have a bonus. We may end early. I know it is a lot. It is very dense. U.S. Ashley.

ASHLEY: I have a question not specific to the presentation but noted yesterday by Jonathan Zuck that there is going to be a session in Marrakesh. Could you explain a little bit more about that and what the intention was? Sorry if you were not there.

LAUREEN KAPIN: I wasn't there. I haven't had a chance to have a conversation with him.

ASHLEY: The gist is there was concern on how the ICANN Board handled this. Not following this as closely as you it wasn't obvious what the concerns were and what the meeting would seek to achieve but it sounded like it would be definite interest to the GAC. I am just flagging it now.

LAUREEN KAPIN:

Thanks, Ashley. I would encourage people to attend that meeting. I think at a higher level these are required accountability reviews and in terms of optics an outcome where the vast majority of recommendations I shouldn't say vast majority but a significant number of recommendations are on pause and only a small number are expected could be seen as something that isn't as supportive of the review process and accountability as one would like. I think that is Jonathan's main concern. Other questions? Yes, China.

CHINA:

Thank you. [Indiscernible] with China for the record. Thank you very much for illustrating these recommendations/this report. Take us into the depth of some of the recommendations in depth and we know some details about some highlighted recommendations. My question is you have touched upon some of the recommendations. In terms of the further discussions within GAC and among GAC members on this report, this related recommendations, how do you prioritize the recommendations in terms of in a way that we should spend further effort for the time to discuss those issues? That is my question. Thank you.

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LAUREEN KAPIN: And that is a fair question. I want to give it further thought before I answer. So, I will get back with a written sense of priorities. It is a very fair question. We have Portugal.

PORTUGAL: [Indiscernible] from Portugal. Tomorrow there will be a GAC ALAC joint session and we are going to discuss the interconnection between the PDP, new gTLDs, and CCT review process. ALAC confirmed the participation of Jonathan.

LAUREEN KAPIN: That would be another session to get more visibility into concerns. So, thank you for highlighting that. Other questions? Jorge?

SWITZERLAND: It is more a question. I was looking for this useful table you have been showing. It has been sent OK. I will have to look it up. Anyway, it would be I am looking forward to that proposal for action because at least the general assessment you give causes some concern. Thank you.

LAUREEN KAPIN: Yes, this was sent out last night. The message is from me if you are trying to find it. And again, in an ideal world we would have

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received this decision weeks ago and had a chance to digest it and then send you a very detailed assessment and action plan but we don't live in an ideal world so we have trying to do the best we can. Other questions? Or comments? So, I can I can grant back to you 10 extra minutes to grab food and other things unless Manal has other business to attend to for us.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Laureen. Thank you for the very informative session. We started late and finished early so. If there are no other requests for the floor on this issue, I have Australia, please go ahead.

AUSTRALIA: Thank you, chair. This is just a reminder that we are holding the Commonwealth GAC members meeting at 12:15. Yesterday was Commonwealth Day and the theme for 2019 was a connected Commonwealth. All GAC members from Commonwealth countries are welcome to join us in the emerald room downstairs. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Australia. Any other requests for the floor? If not, then enjoy your lunch and, please, be back at 1:30 so that we can reconvene our meetings.



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