
ICANN69 | Virtual Annual General - GAC Communique Drafting 2
Wednesday, October 21, 2020 - 15:00 to 16:00 CEST

GULTEN TEPE:

Manal, may I leave the floor directly to you, without a roll call?

MANAL ISMAIL, GAC CHAIR:

Sure. Thank you very much Gulden, and welcome back everybody. I hope you enjoyed the break, and to our colleagues for holding a pen for certain parts of the text I hope you also managed to take a break. This is the second session for communique drafting, and it's now scheduled for 60 minutes as we have started 30 minutes late to allow pen holders to finish drafting some parts of the missing text. That said, then I can see we already have the communique on the screen. If we can scroll directly to the new text, or the updated text. I see we have something on -- I'm sorry, not PSWG yet, so -- do we have any changes in new DNS abuse? I thought we confirmed this last session, but let me read the last sentence to confirm the changes reflected on the screen, and the text reads "the GAC stands ready to work with the ICANN Board and the community to advance this

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shared goal, including through proposals to improve policies and or improve contract provisions and enforcement in relation to DNS abuse". I'm not sure whether we had a confirmation from the U.S. last session as this text was proposed by them, but I think it had had wide agreement, and I thought it was adopted, so let's please remove -- yeah the square brackets. And move to access to gTLD registration data and this part was the part we were discussing last session, and agreed to revisit during this session. Let me read the text from the beginning now as it stands on the screen it reads "in line with its previous advice, the GAC has emphasized the need to maintain WHOIS access to the fullest extent possible under the law. Specifically, the GAC reiterates its previous advice, including from the San Juan communique, that the data of legal and natural persons should be distinguished from one another, and that public access to WHOIS data of legal entities should be restored. Legal person data is not protected by the GDPR and its disclosure does not violate individual privacy. Therefore, legal person data should not be redacted from the SSAD or any service that provides access to gTLD registration data. In addition, the GAC reiterates that registration data should be accurate."

As the GAC noted in its minority statement to the Phase 2 PDP registration data recommendations "the accuracy of domain name registration data is fundamental to both the GDPR and the goal of maintaining secure and resilient DNS. The GDPR as well as other data protection regimes and ICANN's registrar accreditation agreement require data accuracy and such accuracy is critical to ICANN's plan of ensuring the security, stability, reliability and resilience of the DNS. Consistent with article 5 of the GDPR, it's essential that data accuracy and quality is ensured to the purposes of which data -- which refers here to the data, are processed" so this is quotation from the minority statement of the GAC, with -- I mean some clarification of the terms used inserted between square brackets. Finally the GAC reiterates its statement from the Abu Dhabi communique that any success for the WHOIS service must immediate the needs of "businesses, other organizations, and users in combating fraud complying with relevant laws and safeguarding the interests of the public therefore the GAC welcomes the further analysis of the financial sustainability of the proposed SSAD. Full stop I believe. Specifically the GAC notes that the costs related to the SSAD should be reasonable, and appropriate for all stakeholders, and should not discourage or limit use of the SSAD. I hope I

didn't skip any text. That is not a strike through. And I'll stop here to see if there are any comments to this updated version of the text? Any comments? Okay are we good to adopt the text? Shall I take silence as agreement? Okay, do we have the text on PSWG yet?"

FABIEN BETREMIEUX: Manal this is Fabian.

MANAL ISMAIL, GAC CHAIR: Yes please.

FABIEN BETREMIEUX: I don't believe we have it yet but it is -- it should be coming soon, as I understand so maybe we take a look at, while we clean up the document we might give... [inaudible] to confirm when the text will be ready?

MANAL ISMAIL, GAC CHAIR: Sure. Sure. So, let's work now on cleaning the document. I see no requests for the floor, and no comments, so I'll take it that everyone agrees to the text as it stands on the screen? ...

FABIEN BETREMIEUX: Manal, this is Fabien.

MANAL ISMAIL, GAC CHAIR: Yes, please go ahead.

FABIEN BETREMIEUX: We had cleaned up the various edit that were discussed in the sections important to the GAC gTLD DNS abuse registration data. We have removed the empty sections of the GAC consensus advice and the... advice since they were not... and I believe that we are now waiting for the PSWG text as the last input for consideration. And unless there's any other comments, suggestion or input that would be it.

MANAL ISMAIL, GAC CHAIR: Thank you Fabien. I think it looks good and everybody was following on the screen. I also see Lauren in the chat saying that she has sent a draft PSWG text to you Fabien, so thanks to you Lauren, I know it was tight to work on both texts also with the difficult time zones, so many thanks to you Lauren. Fication mailing are are.

FABIEN BETREMIEUX:

Manal this is. I believe I have incorporated the entirety of the text. I have separated some of the paragraphs to ease your reading efforts. And I will rely on the PSWG to confirm whether the separation of paragraph is appropriate, and if we need to re-group the text but I believe it will be easier for you to read it.

MANAL ISMAIL, GAC CHAIR:

Thank you very much Fabien. I'll go through the text in its entirety one time and then we can check paragraph by paragraph if there are any comments. So first there's the GAC notes, and welcomes the appointment of Christopher Lewis-Evans from the United Kingdom document as national crime agency as a co-chair of the PSWG. The GAC PSWG led 2 sessions to update the GAC on PSWG activities, and WHOIS registration data services and data protection. The PSWG's recent activities include continued advocacy on the need for the community to work together to prevent, deter and mitigate DNS abuse. This work focuses on roles that different stakeholder groups may play in this effort include a consumer/business education and proactive measures to prevent abuse. The PSWG noted its outreach to ICANN org and stakeholders to assess how

contract provisions may be improved to combat DNS abuse. The PSWG continued its active participation to... for the small group for the EPDP Phase 2 recommendations and the gTLD registration date. As the EPDP team published its final report in July and the PSWG helped draft a GAC minority statement that reflected the GAC's public policy concerns with certain outcomes. The PSWG highlighted the remaining work on the treatment of data from legal entities and data accuracy, and its intent to support the GAC in these policy efforts. Members of the PSWG also supported the GAC in the implementation review team for Phase 1 of the EPDP. During ICANN69 the PSWG participated in 2 cross-community sessions on DNS abuse and RDS changes, and its impact on end users and public safety. In the DNS abuse discussion the PSWG noted the increasing levels of harm to the public the PSWG recognized that certain parties in the ICANN community have taken positive steps to tackle DNS abuse but highlighted that bad actors enabling such abuse often fall outside the ICANN community thus tackling DNS abuse requires better collaboration across the entire ecosystem. The PSWG looks forward to the SSAC working paper on DNS abuse to help guide some concrete steps going forward. In the session discussing the impact of

changes to the availability of registration data PSWG representatives discussed the ways that the public 1, relies on available registration data to protect themselves from malicious behavior, and 2, noted the lack of available registration data in its consumer complaints. The PSWG highlighted the impact that lack of timely access to registrant data can have on low enforcement work. The downstream delays on investigative timelines and the resulting difficulty that law enforcement faces in alerting victim... finally the PSWG held discussions with ICANN's OCTO and SSR teams, the security and stability advisory committee. The at large advisory committee, registry and registrar stakeholder groups, and the intellectual property and business constituencies of the GNSO. So I'll stop here. Let's crawl back to the first text. Any comments? So, is the silence agreement, or needing more time to look at the text? So, let me start by asking, do we need the appointment of Chris to be outside the Public Safety Working Group section? I mean, the -- we don't have other working groups reporting under the title of GAC working groups right?

FABIEN BETREMIEUX:

Correct Manal this is Fabien speaking. That's right we don't have any other text for any other working groups. Usually when we note in the communique in this section of a nomination or the endorsement of a Work Plan the practice has been that we have inserted a sentence before discussing the activities of the working group so that's just -- I unfortunately, put it here for consistency with previous form and communique but we would be happy to change that if you believe it's needed.

MANAL ISMAIL, GAC CHAIR:

Thank you very much Fabian. No, I was trying to make sure we're consistent. So thanks for the confirmation and thanks to Laureen as well for noting that this is how it was reported in San Juan communique. So I'll read one more time paragraph by paragraph and then I'll consider this text adopted so the first paragraph reads the GAC PSWG led 2 sessions to update the GAC on PSWG activities and WHOIS registration data services, and data protection. The PSWG's recent activities include continue you had advocacy on the needs for the community to work together to prevent, deter and mitigate DNS abuse. This focuses on roles different groups may think including consumer/business

education and proactive measures to prevent abuse. The PSWG noted its outreach to ICANN org and stakeholders to assess how contract provisions may be improved to combat DNS abuse. Any comments on the first paragraph? Okay then moving to the following paragraph, the PSWG continued its active participation to support the GAC small group for the EPDP Phase 2 recommendations on gTLD registration data. The EPDP team published its final report in July and the PSWG helped draft a GAC minority statement that reflected the GAC's public policy concerns with certain outcomes much the PSWG highlighted the remaining work on the treatment of data from legal entities, and data accuracy. And its intent to support the GAC in these policy efforts. Members of the PSWG also supported the GAC in the implementation review team for Phase 1 of the EPDP. Any comments on be the second paragraph? Seeing none, then the PSWG continued its active participation to support the GAC's small group for the EPDP Phase 2 -- I'm sorry shall I'm reading the same paragraph again. Sorry. During ICANN69 the PSWG participated in cross-community sessions on DNS abuse and RDS changed and its impact on end users and public safety. In the DNS abuse discussion the PSWG noted the increasing levels of harm to the public. The PSWG

recognized that certain parties in the ICANN community have taken positive steps to tackle dues, but highlighted that bad actors enabling such abuse often fall outside the ICANN community. Thus tackling DNS abuse requires better collaboration across the entire ecosystem. The PSWG looks forward to the SSAC working paper on DNS abuse to help guide some concrete steps going forward. Any comments okay moving on, in the session discussing the impact of changes to the availability of registration data. PSWG representatives discussed the ways that the public first relies on available registration data to protect themselves from malicious behavior and second noted the lack of available registration data in its consumer complaints. The the PSWG also highlighted the impact that lack of timely access to registrant data can have on law enforcement work. The downstream delays and investigative timelines and the WULding difficulty that law enforcement faces in alerting victims to malicious conduct. Finally the PSWG held discussions with ICANN's OCTO and SSR teams, the security and stability advisory committee, the at large advise are I committee. Registry and registrar stakeholder your groups and the intellectual property and business constituencies of the GNSO. Any comments and thank you Vincent for confirming earlier that this all looks good. I'll take it as

such -- and we concluded the communique early. Do we have anything else related to the communique? Let me just remind everybody of the process. So we will be inserting the missing figures regarding GAC attendance, and also there was a link somewhere to be inserted. The communique will be circulated on the GAC mailing list, and for information and consideration until close of business of Saturday October 24th, and please Fabian, if I need to be corrected please chime in. Should no objections be filed during this time the communique will be considered adopted. And please objections should be -should have basis and rationale and good reasons because any controversy will affect the delay of the controversial text because we will not be in a position to negotiate further. So that's it for the communique. I think we still have half an hour for this session, let me know if you would like to -- thank you Rob. So Rob in the chat is reminding me that now the 48 hours from today should end Friday, not Saturday. So, noting the new deadline, again still providing the 48 hours but since we finished early, happy to be able to post this to the public early as well. And also it would be good that we can do this before the weekend so that everybody can take a well deserved weekend. So we are done with the communique. Again thanks to your active collaboration

and flexibility, and valuable input. We still have half an hour, and I'm wondering whether you would like to benefit from this half hour to start brainstorming on future meetings or you would like to end early? I think in all cases we will be cancelling the last session today, from 16:30 to 17:30. Hamburg time, 14:30 to 15:30UTC But for this session if you would like us to start discussing future meetings, the communique, the discussion we started earlier, happy to do so. If you feel tired weekend now, and start this discussion tomorrow during the wrap-up session. Please let me know if you have any preferences. So I see no -- Fabien please go ahead

FABIEN BETREMIEUX:

Sorry, Manal. it's Fabien Betremieux speaking and sorry for having to use the chat since I'm a host. I can technically raise my hand. I just wanted to flag since we are completing the communique drafting at this moment, you want to provide 48 hours we need to shift to the UTC -- UTC to 14 or 13 to be precise. I want to confirm this with you before we close the session.

MANAL ISMAIL, GAC CHAIR: Fair enough Fabien. I think it's okay, unless I hear otherwise from GAC colleagues. But please let's make sure we highlight the new date and time in the e-mail that will be circulated to all members.

FABIEN BETREMIEUX: Thank you Manal. We will update the text tier reflect 14UTC that will give us a bit more time before sending the e-mail, and we will indeed provide the confirmation of the date including the practice you referred to in terms of any, any concerns or suggestions regarding the text in that time-frame so we will prepare that in the half hour.

MANAL ISMAIL, GAC CHAIR: Sorry, I was on mute. Great, thank you very much Fabien. So let me just share with you quickly a few brainstorming questions so then we can close for today, and reconvene tomorrow with hopefully some feedback from your end. So first during the discussions and the exchange between the Board and the community, many good points were flagged, and frankly I was not sure how to represent the GAC views on this. I was not sure how the GAC thinks about for example the time zone of the meeting. And I'm asking because now this seems to be continuing with us

for some time, so it is important we make a conscious decision in regard to things that are related today to the GAC like the communique but also provide feedback to things that would generally affect the planning of the meeting so that we can influence the decision in a direction that aligns with what the GAC believes best. So time zones, one option is to rotate the time zone based on the potentially the host country, which we already did throughout this year, and this of course has the advantage of giving the host country an advantage and also sharing the pain so no one region is suffering all the time. The other option is -- could be trying to identify a certain block of hours, that's our reasonably convenient to almost heavy one. I know it's very difficult to find something that's perfect for everyone, but at least maybe we can suggest to identify a.m. block of hours, this is reasonably convenient and go with this slot, again with the caveat that if we do so then the meeting would run longer and this brings us to another question, whether the GAC would prefer a focused concentrated meeting week or a more relaxed work hours that could be attended beyond one week of course. Other questions include, or other point to think of-- the communique in terms of substance, as we flagged earlier today, regarding whether we would like to provide vice. In the

communicate we issue attend now thank you this is continuing the remote set up is continuing with us looks like it's going to continue for some time. Or its better to keep the communique as is. I mean without GAC advice to the Board, and concentrate the advice more during the intersessional period, which may allow more time to discuss the text, debate, negotiate and then reach consensus and do it through exchange of letters with the Board. So, on the process of the communique, I think this would be highly dependant on the substance, so we need to decide what we would like to do with the communique drafting and then finalize and agree on the process, and for the communique part, this is specifically GAC matters so this is a decision in our hands. Much we can definitely decide whatever we feel most appropriate. I don't have any other specific opponents now. Another point that was raised was regarding the number of meetings, whether it still makes sense to have 3 face-to-face meetings when we return back to face-to-face meetings. Of or some suggested that it may make more sense to of 2 face-to-face meetings and one virtual or even 2 virtual, and one face-to-face, or all options are there. And as you can see, there are no right or wrong answers. Much they are all brainstorming questions and we will have to compromise at the end

depending on the feedback that's coming from the whole community but it's important that we voice the GAC views appropriately so that we can, can be part of shaping the future of the planning of ICANN future meetings. I'll -- any immediate reactions to this? I'm just hinting everyone on what we will be discussing tomorrow, so that you can hopefully come, think it over, and come with some feedback but for now I see Jorge's hand up, so Jorge please go they'd.

JORGE CANCIO:

Now I am there. Thank you. Thank you so much Manal, and thank you so much also for introducing these topics. I think they are very important for next year, and in general for the future of meetings in ICANN so perhaps if its not already planned, it would be great if these questions could be circulated to the GAC list so that everybody is can use this afternoon or this evening or the rest of the day or the beginning of tomorrow to also see it in writing. At least on my side, on our part, we we have some concerns about participation, about level of active participation, specially also from GAC colleagues. And I see that they are very time intensive about there processes especially the EPDP and the subsequent

procedures one, which are a very inter-sessional in character. And but I see very much the same faces or the same people participating there. And I also think that we have to give some thought to newcomers, how to on Board them better in these virtual times because many things that we were able to do in an informal session during face-to-face meetings is much more difficult now, and considering the high rotation that we have in GAC membership and this also may I be influencing the levels of the participation. So these are some general thoughts, and I will be happy to engage tomorrow in the discussion during the wrap-up. Thank you so much Manal.

MANAL ISMAIL, GAC CHAIR:

Thank you so much Jorge, an excellent food for thought for tomorrow, regarding the written questions, frankly, Julia helpfully offered to compile them in writing and I asked her to chair with the GAC leadership first in case GAC leadership colleagues have input to the questions before circulating to the wider GAC membership but it was all planned for tomorrow, so bit of triggered this earlier than scheduled. But I thought to benefit of the time. Vincent, sorry to keep your waiting please go ahead.

VINCENT GOUILLART:

Thank you Manal. No problem. Jorge raised his hand first. On the substance I would like to like Jorge especially for participation, but we -- we see a drop in participation and a tendency that may be dangerous but we have to see if participation is better served about I virtual or physical meetings. Since virtual sessions may be -- maybe mail out more people to investigate than... we are witnessing some kind of virtual meeting fatigue all across the community. For the continuation of this conversation if we do it right now or tomorrow, both would suit me, but well, perhaps a better option would be to stop here for today and come back tomorrow with fresh mind. Or at least as fresh as possible at the end of an ICANN meeting. We have adopted the communique in a record time and now we should disconnect from ICANN for a few hours and disconnect in all senses of the word. . And I suppose that tomorrow's session that was planned at 9 Hamburg time. 9AM for communique drafting will also be canceled. You want to use it for this discussion or do you want to keep it inside the wrap-up session? So that was all my remarks in question. Thank you Manal.

MANAL ISMAIL, GAC CHAIR:

Thank you very much Vincent, and let me try to respond to everything that you and Jorge said and then we can decide together about the sessions. So regarding participation, I cannot agree more with you and Jorge that this despite the fact that the last meeting and the meeting before we had very good record of attendance but still, I'm witnessing decrease in active participation as you both noticed. In terms of fatigued and this was also another point, and I promise I will not be long Vincent, and you will all have a well-deserved break early on, but I'm just flagging the points that I would like people to sleep over it and come tomorrow fresh and ready to discuss. The work load I think it's decreasing during the meeting week, now that we are off-loading the meeting week from many of the suggestions. Preparation for the Board. All the bilateral meetings. All the working groups but I can also see the work load increasing inter-sessionally. So this is something that we also need to think about, how do we like to plan our work? I had other points in mind too that I cannot recall right away, which might be to the benefit of everybody on go for a break. So let's agree on the sessions. . Definitely the communique session scheduled later today is canceled. I'm in your hand. I'm trying to look at the time zones. I may need the help of a support staff in terms of

timing. Is it better to do the brainstorming during the first session, the 9 to 10 Hamburg time or the later one, 1230 to 14 noting that the later 1 is longer it's 90 minutes, I'm trying to catch up with the chat. I will not read it from the beginning since I seem to have missed so many messages. I see Luisa having preference to the later one. I also think the later one is longer, analyst disruptive to those already know the schedule, so unless I hear otherwise I think we will be cancelling the later session today, and the first session tomorrow, so we will be starting as GAC at 12:30 Hamburg time, 10:30UTC but I have to alert you that before this there is the public forum. The second public forum which of course everyone is encouraged to attend. I see US concurring with Luisa, can Canada, and Vincent saying this was a suggestion and both suits. Okay. And Jorge agreeing to give the Americans some sleep. Okay. So let's stick to the wrap-up session as it stands on the schedule. We will keep this, and cancel the 2 other communique sessions. I appreciate if the support staff could kindly reflect this update in a message to the GAC mailing list just in case we don't have everyone on this call. And again, to remind everyone that the GAC leadership will make themselves available later today, I hope its okay with GAC leadership and I'm not cornering any one, it's at 17:45 Hamburg

time, 15:45UTC for those who are challenged by the time zone and would like to catch up with the earlier sessions of today. With this, I thank you very very much, thank you for being so helpful in wrapping up the communique that early, and have a well-deserved break and see you all tomorrow. The meeting is adjourned.

[END OF TRANSCRIPT]