
ICANN72 | Virtual Annual General Meeting - GAC Meeting with the GNSO
Monday, October 25, 2021 – 16:30 to 17:30 PDT

GULTEN TEPE:

Start the recording, please. We will not be doing a roll call today for the sake of time. Welcome to the ICANN 72 GAC meeting with the GNSO on Monday 25th of October at 11:30 PM UTC. GAC members' attendance will be available in the annex of the GAC communique and minutes. may I remind GAC representatives in the attendance to indicate their presence by updating their participant name to reflect their full name and affiliation?

If you would like to ask a question or make a comment, please type it by starting and ending your sentence with <question> or <comment> to allow all participants to see your request. Interpretation for GAC sessions includes all six UN languages and Portuguese. Participants can select the language they wish to speak or listen to by clicking on the interpretation icon located on the Zoom toolbar.

Your microphone will be muted for the duration of this session unless you get into the queue to speak. If you wish to speak, please raise your hand in the Zoom room. When speaking, please state your name for the record and the language you will speak if speaking a language other than English. Please speak clearly and at a reasonable pace to allow for accurate interpretation and also make sure to mute all your other devices.

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.

Finally, this session, like all other ICANN activities, is governed by the ICANN expected standards of behavior. You will find the link in the chat for your reference.

With that, I would like to leave the floor to GAC chair, Manal Ismail. Over to you, Manal.

MANAL ISMAIL:

Thank you very much, Gulden, and good morning, good afternoon, and good evening, everyone, and welcome to the GNSO-GAC bilateral. The meeting is scheduled for an hour, and I would like to start by welcoming Philippe, Tatiana, Pam, and all GNSO Council members and colleagues and to also thank Jorge and Jeff for their regular coordination, facilitation, and intersessional work which resulted in the agreed agenda as displayed on the screen. They hold monthly calls and organize a leadership pre-ICANN meeting where we discuss an exhaustive list of policy matters of interest to both constituencies, out of which we agreed on topics that warrant a mutual discussion during our bilateral today. But before we get started, allow me to ask Philippe if you have any introductory remarks.

PHILIPPE FOUQUART:

Thank you, Manal. Thanks for your kind words. Hello to all GAC colleagues. Not much to add, really, just to say that we would have wished that our meeting would have happened differently, as everyone, but we will make do with this, and happy to take questions that we agreed upon. Back to you, Manal.

And just want to thank our liaisons for putting this together and helping with our work. Thank you

MANAL ISMAIL:

Thank you very much, Philippe. So the agenda as displayed on the screen, we have agreed on four topics that warrant discussion during our meeting. First EPDP Phase 2a, and here the GNSO Council is expected to update the GAC on the status and scope of GNSO vote on EPDP Phase 2a recommendations. Then on accuracy, again, we're expecting an update on the recently formed registration data accuracy scoping team.

On DNS abuse, we intend to follow up on any potential updates on the GAC's question about a possible need for policy development or similar approach from the GNSO Council. And on EPDP IGO curative protections, the GAC per your request will be updating the GNSO Council on GAC positions relative to IGO protection matters, especially in relation to the GAC response to the ICANN Board clarifying questions on ICANN70 GAC communique.

I have to confess that during our discussion since the leadership meeting, two things came up that we are proposing under any other business if time allows and if you wish so. First, there was a suggestion from a GAC colleague to discuss SubPro. I know the GNSO indicated that they have nothing to add at this stage as the whole matter is currently in front of the Board, but we just thought to mention it if time allows and give a chance to any interested GAC member who may wish to intervene

The second thing is related to the Board's question regarding the relationship with the governments which was posed to the community, to everyone in the community, and we intend certainly to listen to the recording of the relevant sessions to hear what has been discussed. But if time allows and if you wish to share any views, it would be most welcome. But again, as I said, it's an option and in all cases, we will be listening to the recordings.

With this, let's go to the following slide and start our discussion on EPDP phase 2a. And regarding phase 2a, the GAC wishes to note the many minority statements filed and the fact that at least four expressed public policy concerns that the recommendations do not strike the right balance of protecting personal information and protecting Internet users' safety and security.

The GAC considers that this outcome merits a deeper reflection on the current policy development process with a view to ensuring that it is better able to reflect the views of different ICANN constituencies and the public interest. So what is the GNSO Council's views on such a reflection exercise?

PHILIPPE FOUQUART:

Thanks, Manal, and on this, let me just start and see whether my colleagues may want to add something. So in the question there is a focus on the minority statements and the number of them in the phase 2A final report. We will just recall that the Council is in receipt of that final report, and that would include—and that was something that the chair stressed in his statement, that the minority statements are actually part of the final report and should be considered together,

given that they reflect also nuances relative to the content of the minority statement.

So it seems to be understood or implied in the question. That is not a dysfunction of the policy development process or sort of a bad sign associated with the report, but just a normal byproduct of a PDP as they're used to reflect variations, nuances, as much as potentially opposition to the content of the recommendation, the conclusions. But they're not a sign of dysfunction of the PDP.

With that being said, I also recall that in this spirit, the chair, Keith Drazek, noted—and I'll just repeat his words because I had been wrong when we prepared this call, and I think he said that that's the maximum compromise that could be achieved. And he was talking about the report.

And in that spirit, I think it doesn't mean that the policy development process is somehow broken. So that is an integral part of what we will be considering at our next Council call, which is scheduled for the day after tomorrow, on Wednesday—night, for me at least.

And in this context, Council recognizes that there are some concerns with the recommendations in the report and we will take them into our discussion for the vote but also a proposal for Council to have an action to monitor the future developments in terms of legislative proposals that might emerge in the future for Council to determine whether any follow-up policy work might be necessary.

So as a starting point, these are the elements that I can offer and that we discussed with the councilors earlier today. I'm sorry if I'm stumbling with my words, but just like you, Manal, it's early morning here. So with this, I will turn to my fellow councilors to see if there is anything that people would like to add. So feel free to raise your hands if you would like to add something, or even if GAC colleagues would like to follow up from that.

MANAL ISMAIL:

Thank you very much, Philippe, for sharing what you have discussed earlier today with the GNSO Council. I see Velimira's hand up, European Commission. Please go ahead.

VELIMIRA NEMIGUENTCHEVA: Yes. Hi, everybody. Good evening from Brussels, also probably even early morning, as Philippe said. Thank you, first, very much, Philippe, for the overview and for sharing your views on this question. Actually, I would have a follow-up question that relates to the initial GAC question, and basically this would be related to the public interest in the PDP. I would like, if possible, to hear more or ask the GNSO Council to consider and share with us their view on how the PDP could further consider public interests and account for its importance.

As GAC, we would think that the public interest concerns would merit greater consideration throughout the policymaking process in ICANN, and when it comes to EPDP phase 2A, we do definitely value the step

that was achieved with the work so far, with the caveats of course explained in our minority statement.

However, I think it would be also fair to say that it has proven quite difficult for the GAC topic leads in many of the discussions and in the outcome of the discussions to properly weigh, I would say the benefits for the public interest behind the GAC's objective in EPDP phase 2A.

I will of course not come back to this public interest, it's in our minority statement so I do not want to take a lot of our time, but we believe that this question of public interest definitely merits further attention, and GAC would be available to engage on this issue. Thank you for your attention and for taking the follow-up question.

PHILIPPE FOUQUART:

Sorry, Manal, I was waiting for you to take over. But I guess that is what I was trying to get at, because the question seems to be alluding to things that could actually be improved either in the PDP or in the way we approach the policy work within the GNSO. Although that question wasn't quite specific. So thanks for this, Velimira.

And maybe taking that forward, obviously if it's a matter of updating our working procedures or the PDP, that is something that would be up to the SGs and Cs to develop, but that is certainly something that is expected from GAC colleagues to channel to your working group, such as what phase 2A was. We appreciate that some of these elements might not have been taken into account, hence the minority statement.

But that is exactly, I suppose, the kind of dialogue we would like to have, since there seems to be some impression that that should be taken into account directly via the PDP, and I have to say that I should probably be corrected as to whether that is already the case. But Pam, I see you have your hand up, so maybe you could help me with this

PAM LITTLE:

Thank you, Philippe. Hello everyone, my name is Pam Little. Great to see you all, Manal and the GAC colleagues. I was just wondering, we really as a Council and as a GNSO community, when we charter a PDP effort, how this notion or concept of public interest should inform the decision making within the PDP process or at the GNSO Council level.

We don't really have a very clear idea on that. We know that ICANN Board has started this conversation with the community and piloted the global public interest framework and how that applies to different things or different decision-making processes.

In terms of EPDP, the output from the EPDP team that comes to the full Council to consider and make a decision on, that is only that step. In the PDP process, stakeholder group or constituency or SO/AC represent different interests, if you like, so they're there for that purpose. Then at the Council, again, the Council, as you know, consists of representatives or Councilors from different GNSO stakeholder group and constituency. They also represent different perspectives and interests. So we are struggling how to inject this notion of public interest in our decision making.

Even if the EPDP 2a final report is adopted by the Council, it's in the ICANN bylaws that the Board is the one charged with this notion of evaluating the policy recommendations in light of whether it is consistent with public interest or the interests of the community or ICANN. So if the ICANN Board determines that the policy recommendation is inconsistent with the interest of the ICANN community or ICANN Org, that would form a basis for the ICANN Board to reject the policy recommendation from GNSO Council. So that would happen at a later stage.

So I guess what I am trying to say is not all is lost on this notion of public interest, and we do respect our GAC colleagues when you are participating in the ICANN or in the GNSO process, you have that mandate. But in terms of other parts of the GNSO community, that is something fairly new to us, and we still haven't really determined how to apply that in the PDP process or in the Council deliberation and consideration of EPDP or any PDP outputs. Thank you.

MANAL ISMAIL:

Thank you very much, Velimira, for the question and Philippe and Pam for the answers. I see Velimira's hand up and also a question from Jeff in the chat, which I will read afterwards. Velimira, please go ahead.

VELIMIRA NEMIGUENTCHEVA: Yes, thank you, Manal. Many thanks to Philippe and Pam. I just want to thank them for having so thoroughly taken the question. I appreciate this is not an easy subject and therefore I said that we would be

welcoming any reflection going in that direction, and I very much appreciate the discussion that we had.

And also in response at least to some of the comments of some GAC colleagues that I see in the chat and to make it clear for us as EC, this is undeniably a step forward, what was achieved under EPDP phase 2A. Of course, as Philippe said, we would have loved to go a little bit further, but this is how things stand. So I just wanted to thank you for taking the question and for giving it further consideration. Thank you, Manal.

MANAL ISMAIL:

Thank you very much, Velimira. I am now reading Jeff Neuman's question in the chat. "Even though it filed the minority report to the final report, does the GAC have a view as to whether it would recommend that the GNSO Council approve or not approve the final report?" Any responses from topic leads? If not, allow me to give it a try or share my understanding.

I believe it doesn't provide everything the GAC asked for, but still, as mentioned in the chat, it's a small step forward. And now I see Laureen's hand up, so I will close my mouth and give the floor to Laureen as our topic lead. Go ahead, Laureen.

LAUREEN KAPIN:

And I know Velimira's hand was up as well. I think we're actually all in agreement here that the policy recommendations contain some useful steps forward, particularly the data element provides some useful infrastructure. We think the guidance is very helpful, notwithstanding

the fact that we would prefer it was a requirement. Our minority report reflects our concerns but it also acknowledges the positive elements set forth in the recommendations, and we would certainly not advocate its rejection. We just continue to express our concerns that in our view it should have gotten further.

MANAL ISMAIL:

Thank you very much, Laureen. I think we're good to move on. Next, we have the accuracy, and as stated, the accuracy continues to be a priority topic to the GAC and the GAC looks forward to the topic being handled by the GNSO accuracy scoping team under the new chairmanship of Michael Palage. And the GAC has already confirmed its representation by two of its members, European Commission and the US. And we believe that all four tasks assigned by the GNSO Council are equally important in that respect and would appreciate any updates at this stage. I know the timeline thing is already a bit old as the scoping team has already started with the first meeting early October. So now the timeline is clear. This was something that we tried to fix but did not get to the slides. But anyway, any updates on accuracy scoping team efforts would be appreciated. Thank you.

PHILIPPE FOUQUART:

Thanks, Manal. Yes, we were somewhat overtaken by events, but Pam will give us an update on where we are.

PAM LITTLE:

Thank you, Philippe and Manal. Happy to give our GAC colleagues a brief update. Actually, you probably know as much as we do. Yes, indeed the accuracy scoping team has started earlier this month, and they have been holding weekly meetings since then. The Council doesn't usually set a timeline in terms of deliverable or delivery date for the scoping team, so the scoping team's first assignment will be to develop a detailed work plan and associated timeline which will be their focus of their meeting during the ICANN72.

And Manal, as you mentioned, we're really happy that our GAC colleagues have joined this effort, and I believe it is almost fully subscribed with community repetitive in the scoping team, maybe except one group. So I guess the Council, as our GAC colleagues may be aware, really spent some time to try to come up with a set of very clear instructions or assignments, if you like, for the accuracy scoping team, and they are sort of four big assignments or tasks, if you like, and they're sequenced in a specific way.

The first one is really to look at what data accuracy requirements are under current contract and how they are enforced and come up a definition of data accuracy to see if it's possible for the scoping team's deliberations. And if not possible, maybe agree on some working definitions of data accuracy.

The other important task is for the accuracy scoping team to look at how to measure level of accuracy and to look at whether the now paused accuracy reporting system should be revamped make it fit for purpose in the post GDPR environment or look at other ways t of

measuring accuracy level, and also to actually get some data from whatever mechanism the scoping team determined in order to inform further tasks, including to evaluate whether the current contractual requirements on accuracy are adequate, effective and a cost/benefit analysis, etc. And if not, what recommendations or improvement should be made and how they should be tackled.

So this is a scoping team, it's not a PDP or other effort, so this is kind of a precursor so even an initial report so the task is quite limited. So how fast and efficient the accuracy scoping team can progress their work is really in the hands of the members of this scoping team.

The other thing I would like to mention is the scoping team has a liaison from ICANN Org and the Council also invited the ICANN Board to maybe consider appointing a liaison to the scoping team, but so far we have one liaison from ICANN Org.

And the Council is also looking at whether the Council should appoint a liaison to the scoping team to make sure there is someone there to provide guidance or clarification in terms of the scope the Council has set for the scoping team or some of the intent if there is anything unclear.

So as a plug, I would just add, mention that that the scoping team will meet on Tuesday, 26 October at 19:30 UTC. For some of you, that might be today or for some of us, it's tomorrow. So please join that session if you are interested. There will be an open mic segment. So if you are interested to provide input to the scoping team at this early stage, that

is an opportunity to do so. With that, I will pause and see if there are any further questions or comments. Thanks.

MANAL ISMAIL:

Thank you very much, Pam, for the thorough reply. If there are any follow-up from GAC colleagues. And meanwhile, I see Michael Palage in the chat as chair of the accuracy scoping team, and I will read what he has written in the chat. “We have completed an initial review of all the initial assignments, and tomorrow we will begin discussing a detailed work plan tomorrow as properly noted by Pam. We are fully subscribed by all stakeholder groups except ISPs. A list of current activities and reference documents are available on the wiki,” and he helpfully shared the URL in the chat.

So seeing no hands up, are we good to move on? I see Velimira. Please. European Commission, go ahead.

VELIMIRA NEMIGUENTCHEVA: Yes, thank you, Manal. I will be very brief, and I'm stepping in for the topic lead [inaudible] Melina who unfortunately could not attend this evening. I just wanted to share a very briefly our initial impressions of this exercise. Just wanted to say that the four assignments that Pam just presented seem to us to be designed in a valuable way, which means they provide from our perspective some space for reflection on a number of essential questions that were discussed over the last months on accuracy-related issues when we have been exchanging on the purpose and scope of the scoping exercise. So indeed, we are very

much looking forward to the work ahead of us. But I just wanted to share this impression from our side. Thank you.

MANAL ISMAIL:

Thank you very much, Velimira. Any other comments on accuracy? If not, maybe we can move on to DNS abuse, which is a longstanding topic of interest to the GAC. The GAC has been closely following all relevant updates and developments within and outside ICANN. And as you may know, we are interested in advancing community discussions, driving progress and converging views, particularly prior to the launch of a new gTLDs. So we look forward on agreeing on how to handle the communitywide discussion and whether this should take place within a PDP, a cross community working group, or some other mechanism.

I know you have so many things on your plate, but as a topic of interest to the GAC, we thought to follow-up if there are any thoughts on potential steps from the GNSO side. Thank you.

PHILIPPE FOUQUART:

Thank you, Manal. I think Tatiana Tropina, our vice chair, will help us go through the status of our work on this topic.

TATIANA TROPINA:

Thank you very much, Philippe. Hello Manal. Good morning, good afternoon and good evening, everyone. Greetings from The Hague, at night. So Manal, I want to just follow up on what you said at the end of your introduction of the topic of the DNS abuse.

Indeed, the Council has a very substantial workload, and we do consider carefully any new efforts. It is important for us. However, we also do understand that DNS abuse an important topic for GAC and for other parts of the community.

So now, you know that we have the work portfolio and followed up on our previous community discussions and GAC discussion, we have created and maintained an unassigned item in this work portfolio for several months because we are currently exploring the appropriate next steps.

So the question is of course, we do recognize how important this topic is for GAC and for some of the other stakeholder groups and constituencies even within the GNSO. However, this stage, we're still in this exploratory stage even though we took some steps to explore. We decide on the appropriate next step, because there is no common understanding.

We said it and I want to reiterate, there is no common understanding of what DNS abuse means. I'm not even talking about wider community here. I'm talking about GNSO as well, within the GNSO. What specific gaps need to be filled? Again, within GNSO, because we have our own remit on the gTLD-related policymaking.

So we're still trying to see what kind of mechanisms might be needed to mitigate DNS abuse, but within our remit. So bringing these two together, what has been done?

So we did invite the Contracted Parties House DNS abuse group, and the Security and Stability Advisory Committee to brief Council on the topic as a part of our wider information gathering effort. We also would like to refer to the recent ICANN Board DNS abuse workshop which took place a few days ago on the 22nd of October. And we gathered from that workshop that the community is still—not only us, the community is still lacking an agreed definition of what DNS abuse is, what it entails and how best to address it.

And also, one of the points which was raised during the session hinted quite clearly that the problem space is vast and that the parties who are in a position to mitigate DNS abuse, to take this effort, belong not only to contracted parties within the GNSO but basically extends way beyond.

So to bring our remit of gTLD policymaking together with the wider problem of DNS abuse, we want to be sure the efforts that we can take belong to a policymaking remit. And of course, as I said at the beginning, this also comes together with the necessity to fit it into substantive workload which we have, like we've heard about accuracy and other things that we are doing.

But we are hopefully making steps towards finding the way to address it within the remit. Thank you.

MANAL ISMAIL: Thank you very much, and I see a question in the chat from Jorge Cancio, Switzerland. “When may we expect a timeline from GNSO on the efforts needed within our remit? The next round is approaching.”

TATIANA TROPINA: Philippe, if I may. Thank you for this question, Jorge. I must admit that as an outgoing Council leadership, I'm not sure about the timeline. So Philippe, if I can ask you to give some estimates if we have any. I don't think we do.

PHILIPPE FOUQUART: Thank you, Tatiana. And I think there are two questions in Jorge's question. And there is an assumption that this is somehow associated—I'm looking for the word, but you put a reference to the next round. I think it's fair to say that our reasoning on this is—I'm not overstepping what we discussed already, but it's reasonably independent from the next round. We're taking that issue somehow independently from the next round. That is at least what I have heard so far.

As to the timeline, early days, I think is the answer. I haven't gotten any timeline to offer. We haven't talked about this, nor do we have, I think, a clear agenda on what might be expected in terms of policy work on this. There is the constant reference to the need for policy work, which we understand. However, the remit of that work is still to be defined.

I appreciate that it's quite a vague answer to a precise question, but that is pretty much all we can offer at this point. I also appreciate that it's been awhile that we're reviewing the question. We can't say there's

not work going on, and we're perfectly aware of the dialogue that you are having with the DNS abuse framework, for example, people.

So that being said, regarding the timeline, I don't think we have anything to offer at this point. Thank you, Manal.

MANAL ISMAIL:

Thank you very much, Tatiana and Philippe. And we really hope within the time between now and the launch of the new gTLDs, as a community we would progress on this topic. I see Kurt's hand. Please go ahead.

KURT PRITZ:

Hi Manal. Thanks very much. It's very good to see you even though we're far away. And thanks to the GAC members, everyone, for joining us. I just want to put a point on what Philippe said and say some things that we've talked about, including, Philippe, were left unsaid.

Just because the attention to DNS abuse is decoupled from the next round of gTLDs doesn't mean it does not have a very high sense of urgency, and I think as somebody's put in the chat, with the ODP it's very likely that substantial work on DNS abuse will be done before the next round.

But one of the Council's roles, I think, is to monitor what is going on, all the activities with DNS abuse, and decide how it can best support existing activities or initiate new ones. As you know, in meetings between the PSWG and DNS working group on abuse, there has been

substantial work that's taken place with improving the DAAR report, creating a framework for informants and analyzing and preventing homoglyph attacks and other areas. Some don't come to mind, and I know registrars are working on others. But it's not just a contracted party effort, it's a joint community effort.

And one of the important things for us to consider by those of us who really think this is an important issue—and I think that's everybody—is, what is the fastest way to make really effective progress? And we should look at the work that's being done by the community outside the policy process and support that if we think we can really make some better headway there.

And you will not be surprised to know that I think that is the case. And I think the role of the Council is to decide how to augment that work or replace that work or support that work. So from my standpoint as a single councilor, I think that is what the role of the Council is on this. So we're not saying we don't place a high value or high sense of urgency on this by decoupling it from the next round. In fact, we would rather focus on existing actors than potential new actors. Thanks, I've talked enough.

MANAL ISMAIL:

Thank you very much, Kurt. All well noted. Thank you. I have one last question from Nigel, and I think we need to move on afterwards. “Nigel Hickson from the UK. Good evening. On the issue, wondered if GNSO had a view on the SSR2 recommendations and in particular on the possibility of amending contracts to enhance compliance.”

TATIANA TROPINA: If I may cover this, Philippe. I think actually Jeff eloquently answered in the chat already that the GNSO Council, we perhaps have various views on the GNSO among constituencies and stakeholder groups on these issues. And I believe when it comes to the CCTRT review, at least to my knowledge, these views might be very divergent. So it is hard for us to speak on behalf of GNSO about this, especially on this particular issue of contract amendments. If Pam and Philippe have anything to add here, but to my knowledge—my knowledge can suffer at 2:00 AM of course, but to my knowledge, I cannot recall that we have any agreed position on this as a Council.

MANAL ISMAIL: Thank you very much, Tatiana, and thanks, Maxim, also for answering in the chat. I think we need to move on, and I don't see any hand up. Just confirming. So if we go to the following slide, IGO protections. The GAC has been following this longstanding—IGOs in specific have been involved in this longstanding process.

The EPDP on specific curative rights protection for IGOs published its initial report for public comments focusing on recommendation number five which the Council did not approve. They reached agreement on a few points, but the EPDP team has not agreed on a couple of points, namely whether the option to arbitrate will remain available to a registrant following the outcome of the court proceeding where the court declines to hear the merits of the case and how to

determine the applicable choice of law for any arbitration that the parties may agree to.

The GAC submitted a comment, and the GAC comment focused on the two points on which the working group has not been able to reach consensus. Noting that appeals should be through arbitration only, if registrants are permitted to appeal at court, they should not also be able to commence arbitration if unsuccessful. And if arbitration is not the exclusive means of resolving appeals, then arbitration should at least be the default option with the registrant permitted to opt out within a limited time period.

You have also asked about Board's clarifying questions, and I think we received three questions. The first one was asking about GAC advice to maintain the current moratorium pending the conclusion of the IGO curative rights work track. And they were asking whether the GAC advising the Board to maintain the moratorium until the working group submits its final recommendations or some other point in time.

And thank you, Benedetta, for sharing the link in the chat. And we responded noting that notification system is separate from and serves a limited purpose without a curative rights protection mechanism, and therefore we consider that the moratorium should remain in place until the relevant curative recommendations are fully implemented following the GNSO Council vote, of course.

The second question was on how does the GAC plan to carry out updates on the list of protected IGOs over time and whether the GAC intends to create a regular timetable for reviewing the list in the future.

And we shared our intention to regularly review the list every three years and also carry out occasional reviews prior to delegation of any new gTLD.

And the GAC received a presentation from Brian Beckham this previous session, presenting broad lines of a mechanism to update the IGO list as proposed by the GAC staff and under discussion by IGOs and the GAC leadership. And this will ultimately be shared with the GAC membership for review and input as soon as it's ready.

The third and last question was on whether the GAC can confirm that the list of protected IGOs does not conflict with any existing national legislation protecting intellectual property rights and whether the GAC can provide an update about its consideration of possible public policy implications should ICANN's policies provide more expansive protections to IGOs than what is provided for by international treaties and national legislation.

And to this question, we reiterated that the GAC has for over ten years provided consistent public policy-based advice concerning the protection of IGO/INGO identifiers in the DNS. Such advice is based on national legislation and international agreements on intellectual property which, as noted in the case of the Paris Convention, significantly precedes the advent of the DNS.

And we also noted that requested levels of IGO identifier protection would not provide more expansive protections to IGOs than what is provided for by international treaties and national legislations.

Sorry for a long update, but I thought to brief you on everything. I believe we also have Brian and maybe other IGOs in the room, so if there are any additions or any clarifications, please feel free to chime in. And of course if there are any follow-ups from the GNSO side.

PHILIPPE FOUQUART: Thanks, Manal, for the comprehensive review of the GAC's input to the initial report. As this probably has just closed or just about to, obviously it's going to be difficult for us to comment on those particular inputs. Those, as a rule, will be taken on board by the chair and staff to review the report and proceed accordingly.

What I can say is that we've had reports from the chair in two of our meetings and the procedural question that was addressed to—well, it was more than this but let's just oversimplify, this it's 2:00 here. So to turn the work track into an EPDP and make sure they can publish an initial report. And we had a more substantial discussion on this.

On the inputs to the working group, as a rule, we will defer to them as the right way to proceed. With this, I will hand it over to Tatiana if there is anything you would like to add to this or whether you have any feedback to those elements.

TATIANA TROPINA: Thank you, Philippe. It's of course to have a feedback, speaking on behalf of the GNSO Council, because we just had it right now. Thank you, Manal, for this update. I just wanted to say that as you rightly

pointed here on this slide, on this agenda, in this summary, that indeed, the public comment period closed on the 24th of October.

Before that, as Philippe said, we did everything to enable this group to accelerate its work and produce a report as soon as possible. We converted it into the EPDP, so it is hard to comment on the substance of the comments including the GAC comments, because the period was closed only yesterday.

So as you said, it might be appropriate to revisit this topic at a later occasion. But I really want to say that while first of all, we do appreciate very much GAC interest in this topic and also GAC participation on this topic, because bear in mind that this process has been dragging so many years, we as much as you want to find an optimal solution to this issue. This is the first point.

The second point, well, as the policy manager, we want to reassure that the GAC comment will be taken into account, like any public comments received during the periods of public comments.

And with this, yes, as I said, I will be leaving the leadership because I'm term limited. But I'm looking forward to following this discussion at the next GAC and GNSO meeting.

MANAL ISMAIL:

Thank you very much, Tatiana. And I see Jeff's hand up. Jeff, go ahead.

JEFFREY NEUMAN:

Thank you. I just wanted to point out because I think it was very useful that you pointed out that this issue has been ten years in the making or probably more. It's been going on a long time. I do want to point out with respect to moratorium that the GNSO community and of course the GNSO Council approved a consensus policy back in 2013 or 2014 that required the lifting of the reservation of the IGO acronyms in the new gTLDs. And I think a lot of what the Board is doing at this point is trying to balance the GAC advice with that former consensus policy. So I just wanted to make sure that GAC members were aware of that, especially because it was so long ago and that there is a lot of history. And I think with respect to the working group now, Philippe and Tatiana and others raised the points very well. Thanks.

MANAL ISMAIL:

Thank you very much, Jeff. Any other comments? Okay. Unfortunately, I don't see we have enough time for any other business. So again, continued interest in SubPro, and apologies to GAC colleagues who had any points to flag today. And interest in community responses to the Board question on a relationship with governments, and we will follow up on this listening to the recording and maybe discussing it at a later time. Philippe, any concluding remarks before we close?

PHILIPPE FOUQUART:

Just two things. On those two AOB-related questions, I know that we'll have other opportunities to discuss them. And I just want to thank you and your GAC colleagues for taking part, and a special thank you to those outgoing Councilors for whom this is the last of such meetings

over the years. So again, Tatiana, you are one of them but there are a couple of others who will not be taking part in the next meeting with you. So I just want to thank you all for this. Thanks, Manal, and back to you.

MANAL ISMAIL:

Thank you very much, Philippe, Pam, Tatiana. And Tatiana, we will miss you. But I'm sure we will continue to see you in another capacity. And thanks to all GNSO Council members and thanks again to Jeff, Jorge and all GAC colleagues. This concludes our meeting today.

And to GAC colleagues, we will start tomorrow at 9:00 Seattle time, 16:00 UTC by our bilateral with the ALAC. And before that, those who have missed any of today's sessions are welcome to join the GAC leadership daily update at 14:30 UTC for 30 minutes. And until then, please stay safe and have a good rest of your day or night.

PHILIPPE FOUQUART:

Bye all.

PAM LITTLE:

Bye everyone.

[END OF TRANSCRIPTION]